98TH CONGRESS
1ST SESSION

H. R. 4526

To amend title 35, United States Code, with respect to use of patented inventions outside the United States.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 1983

Mr. KASTENMEIER introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To amend title 35, United States Code, with respect to use of patented inventions outside the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 271 of title 35, United States Code, is amended by adding at the end thereof the following new subsections:

"(e) Whoever without authority imports into or sells or uses within the United States a product which is made in another country by a process patented in the United States shall be liable as an infringer, if the product is made during the term of such process patent.

"(f) Whoever without authority supplies or causes to be supplied in the United States the material components of a patented invention, where such components are uncombined in whole or in part, intending that such components will be combined outside of the United States, and knowing that if such components were combined within the United States the combination would be an infringement of the patent, shall be liable as an infringer.".

SEC. 2. Section 287 of title 35, United States Code, is amended by adding at the end thereof the following: "No damages may be recovered for an infringement under section 271(e) of this title unless the infringer was on notice that the product was made by a process patented in the United States.".

SEC. 3. The amendments made by this Act shall apply to any United States patent granted before the date of the enactment of this Act and to any United States patent granted on or after such date.

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