

103^D CONGRESS
1ST SESSION

S. 409

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1993

Referred to the Committee on the Judiciary

AN ACT

To extend the terms of various patents, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PATENT TERM EXTENSION FOR OLESTRA.**

2 (a) IN GENERAL.—The terms of United States pat-
3 ents numbered 4,005,195, 4,005,196, and 4,034,083 (and
4 any reissues of such patents) shall each be extended for
5 a period beginning on the date of its expiration through
6 December 31, 1997.

7 (b) POST-MARKET SURVEILLANCE.—The holders of
8 the patents extended under this section shall, following the
9 first permission for marketing olestra, undertake a post-
10 market program that shall provide data regarding the in-
11 fluence of olestra-containing products upon the overall die-
12 tary intake of fats. Such data shall be subject to the usual
13 standards of professional peer review. At the end of the
14 study period, such data shall be submitted to the Food
15 and Drug Administration for review. Such study data
16 shall be in a format which shall be made available to Con-
17 gress for public review. The requirements of this sub-
18 section shall not in any manner preempt the authority of
19 the Food and Drug Administration to request and to re-
20 ceive any other information it determines necessary in the
21 course of its ongoing regulatory activities.

22 **SEC. 2. PATENT TERM EXTENSIONS FOR AMERICAN LE-**
23 **GION.**

24 (a) BADGE OF AMERICAN LEGION.—The term of a
25 certain design patent numbered 54,296 (for the badge of
26 the American Legion) is renewed and extended for a pe-

1 riod of 14 years beginning on the date of enactment of
2 this Act, with all the rights and privileges pertaining to
3 such patent.

4 (b) BADGE OF AMERICAN LEGION WOMEN'S AUXIL-
5 IARY.—The term of a certain design patent numbered
6 55,398 (for the badge of the American Legion Women's
7 Auxiliary) is renewed and extended for a period of 14
8 years beginning on the date of enactment of this Act, with
9 all the rights and privileges pertaining to such patent.

10 (c) BADGE OF SONS OF THE AMERICAN LEGION.—
11 The term of a certain design patent numbered 92,187 (for
12 the badge of the Sons of the American Legion) is renewed
13 and extended for a period of 14 years beginning on the
14 date of enactment of this Act, with all the rights and privi-
15 leges pertaining to such patent.

16 **SEC. 3. INTERVENING RIGHTS.**

17 The renewals and extensions of the patents under
18 section 2 shall not result in infringement of any such pat-
19 ent on account of any use of the subject matter of the
20 patent, or substantial preparation for such use, which
21 began after the patent expired, but before the date of the
22 enactment of this Act.

