

107TH CONGRESS
1ST SESSION

H. R. 615

To make technical corrections in patent, copyright, and trademark laws.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2001

Mr. COBLE (for himself and Mr. BERMAN) introduced the following bill; which
was referred to the Committee on the Judiciary

A BILL

To make technical corrections in patent, copyright, and
trademark laws.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Intellectual Property
5 Technical Amendments Act of 2001”.

6 **SEC. 2. OFFICERS AND EMPLOYEES.**

7 (a) RENAMING OF OFFICERS.—(1) Title 35, United
8 States Code, is amended—

9 (A) by striking “Director” each place it appears
10 and inserting “Commissioner”; and

1 (B) by striking “Director’s” each place it ap-
2 pears and inserting “Commissioner’s”.

3 (2) The Act of July 5, 1946 (commonly referred to
4 as the “Trademark Act of 1946”; 15 U.S.C. 1051 et seq.)
5 is amended by striking “Director” each place it appears
6 and inserting “Commissioner”.

7 (3)(A) Title 35, United States Code, is amended by
8 striking “Commissioner for Patents” each place it appears
9 and inserting “Assistant Commissioner for Patents”.

10 (B) Section 3(b)(2) of title 35, United States Code,
11 is amended—

12 (i) in the paragraph heading, by striking “COM-
13 MISSIONERS” and inserting “ASSISTANT COMMIS-
14 SIONERS”;

15 (ii) in subparagraph (A), in the last sentence—

16 (I) by striking “a Commissioner” and in-
17 serting “an Assistant Commissioner”; and

18 (II) by striking “the Commissioner” and
19 inserting “the Assistant Commissioner”;

20 (iii) in subparagraph (B)—

21 (I) by striking “Commissioners” each place
22 it appears and inserting “Assistant Commis-
23 sioners”; and

1 (II) by striking “Commissioners’ ” each
2 place it appears and inserting “Assistant Com-
3 missioners’ ”; and

4 (iii) in subparagraph (C), by striking “Commis-
5 sioners” and inserting “Assistant Commissioners”.

6 (C) Section 3(f) of title 35, United States Code, is
7 amended in paragraphs (2) and (3), by striking “the Com-
8 missioner” each place it appears and inserting “the Assist-
9 ant Commissioner”.

10 (D) Section 13 of title 35, United States Code, is
11 amended—

12 (i) by striking “Commissioner of” each place it
13 appears and inserting “Assistant Commissioner for”;
14 and

15 (ii) by striking “Commissioners” and inserting
16 “Assistant Commissioners”.

17 (E) Chapter 17 of title 35, United States Code, is
18 amended by striking “Commissioner of Patents” each
19 place it appears and inserting “Assistant Commissioner
20 for Patents”.

21 (F) Section 297 of title 35, United States Code, is
22 amended by striking “Commissioner of Patents” each
23 place it appears and inserting “Commissioner”.

24 (4) Title 35, United States Code, is amended by
25 striking “Commissioner for Trademarks” each place it ap-

1 pears and inserting “Assistant Commissioner for Trade-
2 marks”.

3 (5) Section 5314 of title 5, United States Code, is
4 amended by striking

5 “Under Secretary of Commerce for Intellectual
6 Property and Director of the United States Patent
7 and Trademark Office.”

8 and inserting

9 “Under Secretary of Commerce for Intellectual
10 Property and Commissioner of the United States
11 Patent and Trademark Office.”.

12 (6)(A) Section 303 of title 35, United States Code,
13 is amended—

14 (i) in the section heading by striking “**Direc-**
15 **tor**” and inserting “**Commissioner**”; and

16 (ii) by striking “Director’s” and inserting
17 “Commissioner’s”.

18 (B) The item relating to section 303 in the table of
19 sections for chapter 30 of title 35, United States Code,
20 is amended by striking “Director” and inserting “Com-
21 missioner”.

22 (b) ADDITIONAL CLERICAL AMENDMENTS.—

23 (1) The following provisions of law are amended
24 by striking “Director” each place it appears and in-
25 serting “Commissioner”.

1 (A) Section 9(p)(1)(B) of the Small Busi-
2 ness Act (15 U.S.C. 638(p)(1)(B)).

3 (B) Section 19 of the Tennessee Valley
4 Authority Act of 1933 (16 U.S.C. 831r).

5 (C) Section 182(b)(2)(A) of the Trade Act
6 of 1974 (19 U.S.C. 2242(b)(2)(A)).

7 (D) Section 302(b)(2)(D) of the Trade Act
8 of 1974 (19 U.S.C. 2412(b)(2)(D)).

9 (E) Section 702(d) of the Federal Food,
10 Drug, and Cosmetic Act (21 U.S.C. 372(d)).

11 (F) Section 1295(a)(4)(B) of title 28,
12 United States Code.

13 (G) Section 1744 of title 28, United States
14 Code.

15 (H) Section 151 of the Atomic Energy Act
16 of 1954 (42 U.S.C. 2181).

17 (I) Section 152 of the Atomic Energy Act
18 of 1954 (42 U.S.C. 2182).

19 (J) Section 305 of the National Aero-
20 nautics and Space Act of 1958 (42 U.S.C.
21 2457).

22 (K) Section 12(a) of the Solar Heating
23 and Cooling Demonstration Act of 1974 (42
24 U.S.C. 5510(a)).

1 (L) Section 10(i) of the Trading with the
2 enemy Act (50 U.S.C. App. 10(i)).

3 (M) Section 4203 of the Intellectual Prop-
4 erty and Communications Omnibus Reform Act
5 of 1999, as enacted by section 1000(a)(9) of
6 Public Law 106–113.

7 (2) The item relating to section 1744 in the
8 table of sections for chapter 115 of title 28, United
9 States Code, is amended by striking “generally” and
10 inserting “, generally”.

11 (c) REFERENCES.—Any reference in any other Fed-
12 eral law, Executive order, rule, regulation, or delegation
13 of authority, or any document of or pertaining to the Pat-
14 ent and Trademark Office—

15 (1) to the Director of the United States Patent
16 and Trademark Office or to the Commissioner of
17 Patents and Trademarks is deemed to refer to the
18 Under Secretary of Commerce for Intellectual Prop-
19 erty and Commissioner of the United States Patent
20 and Trademark Office;

21 (2) to the Commissioner for Patents is deemed
22 to refer to the Assistant Commissioner for Patents;
23 and

1 (3) to the Commissioner for Trademarks is
2 deemed to refer to the Assistant Commissioner for
3 Trademarks.

4 **SEC. 3. CLARIFICATION OF REEXAMINATION PROCEDURE**
5 **ACT OF 1999; TECHNICAL AMENDMENTS.**

6 (a) **OPTIONAL INTER PARTES REEXAMINATION PRO-**
7 **CEDURES.**—Title 35, United States Code, is amended as
8 follows:

9 (1) Section 311 is amended—

10 (A) in subsection (a), by striking “person”
11 and inserting “third-party requester”; and

12 (B) in subsection (c), by striking “Unless
13 the requesting person is the owner of the pat-
14 ent, the” and inserting “The”.

15 (2) Section 312 is amended—

16 (A) in subsection (a), by striking the last
17 sentence; and

18 (B) by striking “, if any”.

19 (3) Section 314(b)(1) is amended—

20 (A) by striking “(1) This” and all that fol-
21 lows through “(2)” and inserting “(1)”;

22 (B) by striking “the third-party requester
23 shall receive a copy” and inserting “the Office
24 shall send to the third-party requester a copy”;
25 and

1 (C) by redesignating paragraph (3) as
2 paragraph (2).

3 (4) Section 315(c) is amended by striking
4 “United States Code,”.

5 (5) Section 317 is amended—

6 (A) in subsection (a), by striking “patent
7 owner nor the third-party requester, if any, nor
8 privies of either” and inserting “third-party re-
9 quester nor its privies”; and

10 (B) in subsection (b), by striking “United
11 States Code,”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) APPEAL TO THE BOARD OF PATENT AP-
14 PEALS AND INTERFERENCES.—Subsections (a), (b),
15 and (c) of section 134 of title 35, United States
16 Code, are each amended by striking “administrative
17 patent judge” each place it appears and inserting
18 “primary examiner”.

19 (2) PROCEEDING ON APPEAL.—Section 143 of
20 title 35, United States Code, is amended by amend-
21 ing the third sentence to read as follows: “In an ex
22 parte case or any reexamination case, the Commis-
23 sioner shall submit to the court in writing the
24 grounds for the decision of the Patent and Trade-
25 mark Office, addressing all the issues involved in the

1 appeal. The court shall, before hearing an appeal,
2 give notice of the time and place of the hearing to
3 the Commissioner and the parties in the appeal.”.

4 (c) CLERICAL AMENDMENTS.—

5 (1) Section 4604(a) of the Intellectual Property
6 and Communications Omnibus Reform Act of 1999,
7 as enacted by section 1009(a)(9) of Public Law
8 106–113, is amended by striking “Part 3” and in-
9 serting “Part III”.

10 (2) Section 4604(b) of that Act is amended by
11 striking “title 25” and inserting “title 35”.

12 (d) EFFECTIVE DATE.—The amendments made by
13 sections 4605(c) and 4605(e) of the Intellectual Property
14 and Communications Omnibus Reform Act, as enacted by
15 section 1000(a)(9) of Public Law 106–113, shall apply to
16 any reexamination filed in the United States Patent and
17 Trademark Office on or after the date of the enactment
18 of Public Law 106–113.

19 **SEC. 4. PATENT AND TRADEMARK EFFICIENCY ACT AMEND-**
20 **MENTS.**

21 (a) DEPUTY COMMISSIONER.—

22 (1) Section 17(b) of the Act of July 5, 1946
23 (commonly referred to as the “Trademark Act of
24 1946”) (15 U.S.C. 1067(b)), is amended by insert-

1 ing “the Deputy Commissioner,” after “Commis-
2 sioner,”.

3 (2) Section 6(a) of title 35, United States Code,
4 is amended by inserting “the Deputy Commis-
5 sioner,” after “Commissioner,”.

6 (b) PUBLIC ADVISORY COMMITTEES.—Section 5 of
7 title 35, United States Code, is amended—

8 (1) in subsection (i), by inserting “, privileged,”
9 after “personnel”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(j) INAPPLICABILITY OF PATENT PROHIBITION.—
13 Section 4 shall not apply to voting members of the Advi-
14 sory Committees.”.

15 (c) MISCELLANEOUS.—Section 153 of title 35,
16 United States Code, is amended by striking “and attested
17 by an officer of the Patent and Trademark Office des-
18 ignated by the Commissioner,”.

19 **SEC. 5. DOMESTIC PUBLICATION OF FOREIGN FILED PAT-**
20 **ENT APPLICATIONS ACT OF 1999 AMEND-**
21 **MENTS.**

22 Section 154(d)(4)(A) of title 35, United States Code,
23 as in effect on November 29, 2000, is amended—

1 (1) by striking “on which the Patent and
2 Trademark Office receives a copy of the” and insert-
3 ing “of”; and

4 (2) by striking “international application” the
5 last place it appears and inserting “publication”.

6 **SEC. 6. DOMESTIC PUBLICATION OF PATENT APPLICA-**
7 **TIONS PUBLISHED ABROAD.**

8 Subtitle E of title IV of the Intellectual Property and
9 Communications Omnibus Reform Act of 1999, as enacted
10 by section 1000(a)(9) of Public Law 106–113, is amended
11 as follows:

12 (1) Section 4505 is amended to read as follows:

13 **“SEC. 4505. PRIOR ART EFFECT OF PUBLISHED APPLICA-**
14 **TIONS.**

15 “Section 102(e) of title 35, United States Code, is
16 amended to read as follows:

17 “(e) the invention was described in (1) an applica-
18 tion for patent, published under section 122(b), by another
19 filed in the United States before the invention by the ap-
20 plicant for patent or (2) a patent granted on an applica-
21 tion for patent by another filed in the United States before
22 the invention by the applicant for patent, except that an
23 international application filed under the treaty defined in
24 section 351(a) shall have the effects for the purposes of
25 this subsection of an application filed in the United States

1 if and only if the international application designated the
2 United States and was published under Article 21(2) of
3 such treaty in the English language; or’”.

4 (2) Section 4507 is amended—

5 (A) in paragraph (1), by striking “Section
6 11” and inserting “Section 10”;

7 (B) in paragraph (2), by striking “Section
8 12” and inserting “Section 11”.

9 (C) in paragraph (3), by striking “Section
10 13” and inserting “Section 12”;

11 (D) in paragraph (4), by striking “12 and
12 13” and inserting “11 and 12”;

13 (E) in section 374 of title 35, United
14 States Code, as amended by paragraph (10), by
15 striking “confer the same rights and shall have
16 the same effect under this title as an applica-
17 tion for patent published” and inserting “be
18 deemed a publication”; and

19 (F) by adding at the end the following:

20 “(12) The item relating to section 374 in the
21 table of contents for chapter 37 of title 35, United
22 States Code, is amended to read as follows:

“374. Publication of international application.”.

23 (3) Section 4508 is amended to read as follows:

1 **“SEC. 4508. EFFECTIVE DATE.**

2 “Except as otherwise provided in this section, sec-
3 tions 4502 through 4507, and the amendments made by
4 such sections, shall be effective as of November 29, 2000,
5 and shall apply only to applications (including inter-
6 national applications designating the United States) filed
7 on or after that date. The amendments made by sections
8 4504 and 4505 shall additionally apply to any application
9 filed before November 29, 2000, and pending on that date,
10 if such pending application is published pursuant to a re-
11 quest of the applicant under such procedures as may be
12 established by the Commissioner. If an application is filed
13 on or after November 29, 2000, or is published pursuant
14 to a request from the applicant, and the application claims
15 the benefit of one or more prior-filed applications under
16 section 119(e), 120, or 365(c) of title 35, United States
17 Code, then the amendment made by section 4505 shall
18 apply to the prior-filed application in determining the fil-
19 ing date in the United States of the application.”.

20 **SEC. 7. MISCELLANEOUS CLERICAL AMENDMENTS.**

21 (a) AMENDMENTS TO TITLE 35.—The following pro-
22 visions of title 35, United States Code, are amended:

23 (1) Section 2(b) is amended in paragraphs

24 (2)(B) and (4)(B), by striking “, United States
25 Code”.

26 (2) Section 3 is amended—

1 (A) in subsection (a)(2)(B), by striking
2 “United States Code,”;

3 (B) in subsection (b)(2)—

4 (i) in the first sentence of subpara-
5 graph (A), by striking “, United States
6 Code”;

7 (ii) in the first sentence of subpara-
8 graph (B)—

9 (I) by striking “United States
10 Code,”; and

11 (II) by striking “, United States
12 Code”;

13 (iii) in the second sentence of sub-
14 paragraph (B)—

15 (I) by striking “United States
16 Code,”; and

17 (II) by striking “, United States
18 Code.” and inserting a period;

19 (iv) in the last sentence of subpara-
20 graph (B), by striking “, United States
21 Code”; and

22 (v) in subparagraph (C), by striking
23 “, United States Code”; and

24 (C) in subsection (c)—

1 (i) in the subsection caption, by strik-
2 ing “, UNITED STATES CODE”; and

3 (ii) by striking “United States Code,”.

4 (3) Section 5 is amended in subsections (e) and
5 (g), by striking “, United States Code” each place
6 it appears.

7 (4) The table of chapters for part I is amended
8 in the item relating to chapter 3, by striking “**be-**
9 **fore**” and inserting “**Before**”.

10 (5) The item relating to section 21 in the table
11 of contents for chapter 2 is amended to read as fol-
12 lows:

“21. Filing date and day for taking action.”.

13 (6) The item relating to chapter 12 in the table
14 of chapters for part II is amended to read as fol-
15 lows:

“12. Examination of Application 131”.

16 (7) The item relating to section 116 in the table
17 of contents for chapter 11 is amended to read as fol-
18 lows:

“116. Inventors.”.

19 (8) Section 154(b)(4) is amended by striking “,
20 United States Code,”.

21 (9) Section 156 is amended—

22 (A) in subsection (b)(3)(B), by striking
23 “paragraphs” and inserting “paragraph”;

1 (B) in subsection (d)(2)(B)(i), by striking
2 “below the office” and inserting “below the Of-
3 fice”; and

4 (C) in subsection (g)(6)(B)(iii), by striking
5 “submittted” and inserting “submitted”.

6 (10) The item relating to section 183 in the
7 table of contents for chapter 17 is amended by strik-
8 ing “of” and inserting “to”.

9 (11) Section 185 is amended by striking the
10 second period at the end of the section.

11 (12) Section 201(a) is amended—

12 (A) by striking “United States Code,”; and

13 (B) by striking “5, United States Code.”
14 and inserting “5.”.

15 (13) Section 202 is amended—

16 (A) in subsection (b)(4), by striking “last
17 paragraph of section 203(2)” and inserting
18 “section 203(b)”;

19 (B) in subsection (c)—

20 (i) in paragraph (4) by striking
21 “rights;” and inserting “rights;”; and

22 (ii) in paragraph (5) by striking “of
23 the United States Code”.

24 (14) Section 203 is amended—

25 (A) in paragraph (2)—

1 (i) by striking “(2)” and inserting
2 “(b)”;

3 (ii) by striking the quotation marks
4 and comma before “as appropriate”; and

5 (iii) by striking “paragraphs (a) and
6 (c)” and inserting “paragraphs (1) and (3)
7 of subsection (a)”;

8 (B) in the first paragraph—

9 (i) by striking “(a)”, “(b)”, “(c)”,
10 and (d)” and inserting “(1)”, “(2)”, “(3)”,
11 and (4)”, respectively; and

12 (ii) by striking “(1)” and inserting
13 “(a)”.

14 (15) Section 209 is amended in subsections (a)
15 and (f)(1), by striking “of the United States Code”.

16 (16) Section 210 is amended—

17 (A) in subsection (a)—

18 (i) in paragraph (11), by striking
19 “5901” and inserting “5908”; and

20 (ii) in paragraph (20) by striking
21 “178(j)” and inserting “178j”; and

22 (B) in subsection (c)—

23 (i) by striking “paragraph 202(c)(4)”
24 and inserting “section 202(c)(4)”;

1 (ii) by striking “title..” and inserting
2 “title.”.

3 (17) The item relating to chapter 29 in the
4 table of chapters for part III is amended by insert-
5 ing a comma after “**Patent**”.

6 (18) The item relating to section 256 in the
7 table of contents for chapter 25 is amended to read
8 as follows:

“256. Correction of named inventor.”.

9 (19) Section 294 is amended—

10 (A) in subsection (b), by striking “United
11 States Code,”; and

12 (B) in subsection (c), in the second sen-
13 tence by striking “court to” and inserting
14 “court of”.

15 (20)(A) The item relating to section 374 in the
16 table of contents for chapter 37 is amended to read
17 as follows:

“374. Publication of international application.”.

18 (B) The amendment made by subparagraph (A)
19 shall be effective as of November 29, 2000.

20 (21) Section 371(b) is amended by adding at
21 the end a period.

22 (22) Section 371(d) is amended by adding at
23 the end a period.

1 (23) Paragraphs (1), (2), and (3) of section
2 376(a) are each amended by striking the semicolon
3 and inserting a period.

4 (b) OTHER AMENDMENTS.—

5 (1) Section 4732(a) of the Intellectual Property
6 and Communications Omnibus Reform Act of 1999
7 is amended—

8 (A) in paragraph (9)(A)(ii), by inserting
9 “in subsection (b),” after “(ii)”; and

10 (B) in paragraph (10)(A), by inserting
11 after “title 35, United States Code,” the fol-
12 lowing: “other than sections 1 through 6 (as
13 amended by chapter 1 of this subtitle),”.

14 (2) Section 4802(1) of that Act is amended by
15 inserting “to” before “citizens”.

16 (3) Section 4804 of that Act is amended—

17 (A) in subsection (b), by striking “11(a)”
18 and inserting “10(a)”; and

19 (B) in subsection (c), by striking “13” and
20 inserting “12”.

21 (4) Section 4402(b)(1) of that Act is amended
22 by striking “in the fourth paragraph”.

23 **SEC. 8. TECHNICAL CORRECTIONS IN TRADEMARK LAW.**

24 (a) AWARD OF DAMAGES.—Section 35(a) of the Act
25 of July 5, 1946 (commonly referred to as the “Trademark

1 Act of 1946”) (15 U.S.C. 1117(a)), is amended by strik-
2 ing “a violation under section 43(a), (c), or (d),” and in-
3 serting “a violation under section 43(a) or (d),”.

4 (b) ADDITIONAL TECHNICAL AMENDMENTS.—The
5 Trademark Act of 1946 is further amended as follows:

6 (1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is
7 amended in the first sentence by striking “specifying
8 the date of the applicant’s first use” and all that fol-
9 lows through the end of the sentence and inserting
10 “specifying the date of the applicant’s first use of
11 the mark in commerce and those goods or services
12 specified in the notice of allowance on or in connec-
13 tion with which the mark is used in commerce.”.

14 (2) Section 1(e) (15 U.S.C. 1051(e)) is amend-
15 ed to read as follows:

16 “(e) If the applicant is not domiciled in the United
17 States the applicant may designate, by a document filed
18 in the United States Patent and Trademark Office, the
19 name and address of a person resident in the United
20 States on whom may be served notices or process in pro-
21 ceedings affecting the mark. Such notices or process may
22 be served upon the person so designated by leaving with
23 that person or mailing to that person a copy thereof at
24 the address specified in the last designation so filed. If
25 the person so designated cannot be found at the address

1 given in the last designation, or if the registrant does not
2 designate by a document filed in the United States Patent
3 and Trademark Office the name and address of a person
4 resident in the United States on whom may be served no-
5 tices or process in proceedings affecting the mark, such
6 notices or process may be served on the Commissioner.”;

7 (3) Section 8(f) (15 U.S.C. 1058(f)) is amend-
8 ed to read as follows:

9 “(f) If the registrant is not domiciled in the United
10 States, the registrant may designate, by a document filed
11 in the United States Patent and Trademark Office, the
12 name and address of a person resident in the United
13 States on whom may be served notices or process in pro-
14 ceedings affecting the mark. Such notices or process may
15 be served upon the person so designated by leaving with
16 that person or mailing to that person a copy thereof at
17 the address specified in the last designation so filed. If
18 the person so designated cannot be found at the address
19 given in the last designation, or if the registrant does not
20 designate by a document filed in the United States Patent
21 and Trademark Office the name and address of a person
22 resident in the United States on whom may be served no-
23 tices or process in proceedings affecting the mark, such
24 notices or process may be served on the Commissioner.”;

1 (4) Section 9(c) (15 U.S.C. 1059(c)) is amend-
2 ed to read as follows:

3 “(c) If the registrant is not domiciled in the United
4 States the registrant may designate, by a document filed
5 in the United States Patent and Trademark Office, the
6 name and address of a person resident in the United
7 States on whom may be served notices or process in pro-
8 ceedings affecting the mark. Such notices or process may
9 be served upon the person so designated by leaving with
10 that person or mailing to that person a copy thereof at
11 the address specified in the last designation so filed. If
12 the person so designated cannot be found at the address
13 given in the last designation, or if the registrant does not
14 designate by a document filed in the United States Patent
15 and Trademark Office the name and address of a person
16 resident in the United States on whom may be served no-
17 tices or process in proceedings affecting the mark, such
18 notices or process may be served on the Commissioner.”;

19 (5) Subsections (a) and (b) of section 10 (15
20 U.S.C. 1060(a) and (b)) are amended to read as fol-
21 lows:

22 “(a)(1) A registered mark or a mark for which an
23 application to register has been filed shall be assignable
24 with the good will of the business in which the mark is
25 used, or with that part of the good will of the business

1 connected with the use of and symbolized by the mark.
2 Notwithstanding the preceding sentence, no application to
3 register a mark under section 1(b) shall be assignable
4 prior to the filing of an amendment under section 1(c)
5 to bring the application into conformity with section 1(a)
6 or the filing of the verified statement of use under section
7 1(d), except for an assignment to a successor to the busi-
8 ness of the applicant, or portion thereof, to which the
9 mark pertains, if that business is ongoing and existing.

10 “(2) In any assignment authorized by this section,
11 it shall not be necessary to include the good will of the
12 business connected with the use of and symbolized by any
13 other mark used in the business or by the name or style
14 under which the business is conducted.

15 “(3) Assignments shall be by instruments in writing
16 duly executed. Acknowledgment shall be prima facie evi-
17 dence of the execution of an assignment, and when the
18 prescribed information reporting the assignment is re-
19 corded in the United States Patent and Trademark Office,
20 the record shall be prima facie evidence of execution.

21 “(4) An assignment shall be void against any subse-
22 quent purchaser for valuable consideration without notice,
23 unless the prescribed information reporting the assign-
24 ment is recorded in the United States Patent and Trade-

1 mark Office within 3 months after the date of the assign-
2 ment or prior to the subsequent purchase.

3 “(5) The United States Patent and Trademark Office
4 shall maintain a record of information on assignments, in
5 such form as may be prescribed by the Director.

6 “(b) An assignee not domiciled in the United States
7 may designate by a document filed in the United States
8 Patent and Trademark Office the name and address of
9 a person resident in the United States on whom may be
10 served notices or process in proceedings affecting the
11 mark. Such notices or process may be served upon the
12 person so designated by leaving with that person or mail-
13 ing to that person a copy thereof at the address specified
14 in the last designation so filed. If the person so designated
15 cannot be found at the address given in the last designa-
16 tion, or if the assignee does not designate by a document
17 filed in the United States Patent and Trademark Office
18 the name and address of a person resident in the United
19 States on whom may be served notices or process in pro-
20 ceedings affecting the mark, such notices or process may
21 be served upon the Commissioner.”;

22 (6) Section 23(c) (15 U.S.C. 1091(c)) is
23 amended by striking the second comma after “nu-
24 meral”.

1 (7) Section 33(b)(8) (15 U.S.C. 1115(b)(8)) is
2 amended by aligning the text with paragraph (7).

3 (8) Section 34(d)(1)(A) (15 U.S.C.
4 1116(d)(1)(A)) is amended by striking “section
5 110” and all that follows through “(36 U.S.C. 380)”
6 and inserting “section 220506 of title 36, United
7 States Code,”.

8 (9) Section 34(d)(1)(B)(ii) (15 U.S.C.
9 1116(d)(1)(B)(ii)) is amended by striking “section
10 110” and all that follows through “(36 U.S.C. 380)”
11 and inserting “section 220506 of title 36, United
12 States Code”.

13 (10) Section 34(d)(11) is amended by striking
14 “6621 of the Internal Revenue Code of 1954” and
15 inserting “6621(a)(2) of the Internal Revenue Code
16 of 1986”.

17 (11) Section 35(b) (15 U.S.C. 1117(b)) is
18 amended—

19 (A) by striking “section 110” and all that
20 follows through “(36 U.S.C. 380)” and insert-
21 ing “section 220506 of title 36, United States
22 Code,”; and

23 (B) by striking “6621 of the Internal Rev-
24 enue Code of 1954” and inserting “6621(a)(2)
25 of the Internal Revenue Code of 1986”.

1 (12) Section 44(e) (15 U.S.C. 1126(e)) is
2 amended by striking “a certification” and inserting
3 “a true copy, a photocopy, a certification,”.

4 **SEC. 9. ADDITIONAL CLERICAL AMENDMENT.**

5 The Patent and Trademark Fee Fairness Act of 1999
6 (113 Stat. 1537–546 et seq.), as enacted by section
7 1000(a)(9) of Public Law 106–113, is amended in section
8 4203, by striking “111(a)” and inserting “1113(a)”.

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