

109TH CONGRESS
1ST SESSION

H. R. 4208

To amend title 35, United States Code, to promote research among universities, the public sector, and private enterprise in the informatics realm.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2005

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

A BILL

To amend title 35, United States Code, to promote research among universities, the public sector, and private enterprise in the informatics realm.

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 “Informatics Act of
5 2005”.

6 **SEC. 2. INFORMATION GENERATED BY A PATENTED PROC-**
7 **ESS IN INFRINGEMENT DETERMINATIONS.**

8 (a) INFRINGEMENT OF PATENT.—Section 271 of title
9 35, United States Code, is amended by adding at the end
10 the following new subsection:

1 “(j) As used in this section, the term ‘product’ shall
2 include both physical goods and information in any fixed
3 format.”.

4 **SEC. 3. EFFECTIVE DATE.**

5 (a) **IN GENERAL.**—The amendment made by section
6 2 shall apply to any patent granted before, on, or after
7 the date of the enactment of this Act.

8 (b) **SPECIAL RULE.**—The amendment made by sec-
9 tion 2 shall not affect any final decision of a court or the
10 United States Patent and Trademark Office rendered be-
11 fore the date of the enactment of this Act, and shall not
12 affect the right of any party in any action pending before
13 the United States Patent and Trademark Office or a court
14 on the date of the enactment of this Act to have that par-
15 ty’s rights determined on the basis of the provisions of
16 title 35, United States Code, in effect on the day before
17 the date of the enactment of this Act.

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