

ISSUANCE OF THE 500,000th DESIGN PATENT BY THE
UNITED STATES PATENT AND TRADEMARK OFFICE

MARCH 17, 2005.—Referred to the House Calendar and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H. Con. Res. 53]

[Including Committee cost estimate]

The Committee on the Judiciary, to whom was referred the concurrent resolution (H. Con. Res. 53) expressing the sense of the Congress regarding the issuance of the 500,000th design patent by the United States Patent and Trademark Office, having considered the same, reports favorably thereon without amendment and recommends that the concurrent resolution be agreed to.

CONTENTS

	Page
Purpose and Summary	1
Background and Need for the Legislation	2
Hearings	2
Committee Consideration	2
Vote of the Committee	2
Committee Oversight Findings	2
New Budget Authority and Tax Expenditures	2
Committee Cost Estimate	2
Performance Goals and Objectives	2
Constitutional Authority Statement	3
Section-by-Section Analysis and Discussion	3
Changes in Existing Law Made by the Bill, as Reported	3
Markup Transcript	3

PURPOSE AND SUMMARY

The purpose of H. Con. Res. 53 is to commend DaimlerChrysler and its employees for receiving the 500,000th design patent awarded by the U.S. Patent and Trademark Office (USPTO).

BACKGROUND AND NEED FOR THE LEGISLATION

On December 21, 2004, the USPTO issued the 500,000th design patent to DaimlerChrysler for the design of an automobile, the Chrysler Crossfire. Ranking Minority Member John Conyers Jr., whose district includes Detroit, introduced H. Con. Res. 53 to commemorate the achievement.

HEARINGS

No hearings were held on House Concurrent Resolution 53.

COMMITTEE CONSIDERATION

On March 3, 2005, the Subcommittee on Courts, the Internet, and Intellectual Property met in open session and ordered favorably reported the resolution H. Con. Res. 53 by voice vote, a quorum being present. On March 9, 2005, the Committee met in open session and ordered favorably reported the resolution H. Con. Res. 53 by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of Rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during consideration of H. Con. Res. 53.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

COMMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives, the Committee believes that the bill will generate no cost for the current fiscal year 2005, and that the cost incurred in carrying out H. Con. Res. 53 would be \$0 for the next five fiscal years.

PERFORMANCE GOALS AND OBJECTIVES

H. Con. Res. 53 does not authorize funding. Therefore, clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives is inapplicable. H. Con. Res. 53 commemorates DaimlerChrysler Corporation and its employees for receiving the 500,000th design patent issued by the United States Patent and Trademark Office.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Rule XI, clause 2(1)(4) of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clause 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

On December 21, 2004, the USPTO issued the 500,000th design patent to DaimlerChrysler for the design of an automobile, the Chrysler Crossfire. H. Con. Res. 53 expresses the sense of Congress that the USPTO has contributed significantly to the nation's economy and that the DaimlerChrysler Corporation and its employees should be commended for their achievement in receiving the 500,000th design patent.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, the Committee notes that H. Con. Res. 53 makes no changes to existing law.

MARKUP TRANSCRIPT

BUSINESS MEETING
WEDNESDAY, MARCH 9, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:00 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

[Intervening business.]

Chairman SENSENBRENNER. The Chair now recognizes the gentleman from Texas on House Concurrent Resolution 53.

Mr. SMITH. Mr. Chairman, the Subcommittee on Courts, the Internet, and Intellectual Property reports favorably the bill, H. Con. Res. 53, and moves its favorable recommendation to the full House.

Chairman SENSENBRENNER. Without objection, H. Con. Res. 53 will be considered as read and open for amendment at any point.

[The resolution, H. Con. Res. 53, follows:]

109TH CONGRESS
1ST SESSION

H. CON. RES. 53

Expressing the sense of the Congress regarding the issuance of the 500,000th design patent by the United States Patent and Trademark Office.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2005

Mr. CONYERS (for himself, Mr. BERMAN, Mr. STUPAK, Mr. DINGELL, Mr. ROGERS of Michigan, Mr. KILDEE, Mr. LEVIN, Mr. MCCOTTER, and Mr. SCHWARZ of Michigan) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding the issuance of the 500,000th design patent by the United States Patent and Trademark Office.

Whereas the United States is the world leader in innovation and ingenuity;

Whereas the United States Patent and Trademark Office has protected and encouraged that innovation through the issuance of patents; and

Whereas on December 21, 2004, the United States Patent and Trademark Office awarded the 500,000th design patent to DaimlerChrysler Corporation for the design of the Chrysler Crossfire: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of the Congress that—

3 (1) the United States Patent and Trademark
4 Office has contributed significantly to the Nation's
5 economy; and

6 (2) DaimlerChrysler Corporation and its em-
7 ployees should be commended for their achievement
8 in receiving the 500,000th design patent.

○

Chairman SENSENBRENNER. The Chair recognizes the gentleman from Texas to strike the last word.

Mr. SMITH. Thank you, Mr. Chairman. I do move to strike the last word.

Mr. Chairman, this House Con. Res. 53 was introduced by the Ranking Member of the full Committee, Mr. Conyers. It commends the U.S. Patent and Trademark Office for its contributions to the Nation's economy and the DaimlerChrysler Corporation and its employees for their achievement in receiving the 500,000th design patent issued by the PTO.

I would like to congratulate Mr. Conyers on this legislation. I urge the Committee Members to support the bill.

Chairman SENSENBRENNER. Does the gentleman yield back?

Mr. SMITH. I yield back.

Mr. CONYERS. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Michigan, Mr. Conyers?

Mr. CONYERS. I rise briefly to thank you and the Subcommittee chair, Lamar Smith, and all of our colleagues on the Subcommittee that has sent this up to the full Committee.

What we are doing is thanking the United States Patent and Trademark Officer for issuing the 500,000th design patent to DaimlerChrysler for their design of the Chrysler Crossfire, and this House Concurrent Resolution thanks all of them, congratulates Chrysler, and helps remind everybody that Detroit and Michigan is still the automobile capital of the world.

I thank all my colleagues for joining in with the Michigan congressional delegation in recognizing this occasion, and I return the balance of my time.

Chairman SENSENBRENNER. Without objection all Members can include opening statements at this point in the record.

[The prepared statement of Mr. Conyers follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, AND RANKING MEMBER, COMMITTEE ON THE JUDICIARY

I rise in support of this legislation and thank my colleagues, Subcommittee Chairman Lamar Smith and Subcommittee Ranking Member Howard Berman, for co-sponsoring it, and Chairman Sensenbrenner for scheduling it for markup.

On December 21, 2004, the United States Patent and Trademark Office issued the 500,000th design patent to DaimlerChrysler Corporation for the design of the Chrysler Crossfire. House Concurrent Resolution 53 expresses the sense of Congress that the Patent and Trademark Office has contributed significantly to the Nation's economy and that DaimlerChrysler and its employees should be commended for their achievement.

As a member of the Judiciary Committee, I am well aware of the importance of intellectual property protection to our economy. Intellectual property rewards and encourages innovation and advancement; without it, we would not have the high-tech, biotech, and everyday inventions that we have come to rely upon in everyday life.

I also am proud of this patent because I happen to represent the automobile capital of the world. It is no secret that Michigan boasts the finest auto workers in the world, and it should be no surprise that it is the design of an American car that received the award.

It is for these reasons that I, along with other members who recognize the importance of intellectual property protection and several members of Michigan's congressional delegation, are recognizing this occasion.

I urge my colleagues to vote "Yes" on this legislation.

Chairman SENSENBRENNER. Are there any amendments to House Concurrent Resolution 53?

[No response.]

Hearing none, without objection the previous question is ordered on reporting H. Con. Res. 53 favorably. We are still four short of a reporting quorum.

[Intervening business.]

Chairman SENSENBRENNER. The question now is ordering favorably reported House Concurrent Resolution 53, which expresses the sense of Congress regarding the issuance of the 500,000th design patent by the U.S. PTO. So many as are in favor of reporting this resolution favorably will as your names are—or will say aye.

Opposed, no?

The ayes appear to have it. The ayes have it. The Concurrent Resolution is reported favorably.

Without objection the staff is directed to make any technical and conforming changes, and all Members will be given 2 days as provided by the rules in which to submit additional dissenting supplemental or minority views.

[Intervening business.]

Chairman SENSENBRENNER. There being no further business to come before the Committee, the Committee stands adjourned.

[Whereupon, at 10:17 a.m., the Committee was adjourned.]