To amend title 35, United States Code, to modify the penalty for false marking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

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

A BILL

To amend title 35, United States Code, to modify the penalty for false marking, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Patent Lawsuit Reform Act of 2010”.

SEC. 2. FALSE MARKING.

(a) IN GENERAL.—Section 292 of title 35, United States Code, is amended—

(1) in subsection (a)—
(A) in the second undesignated paragraph, by striking “any unpatented article” and inserting “unpatented articles”; 

(B) in the third undesignated paragraph, by striking “any article” and inserting “one or more articles”; and 

(C), by striking “$500 for every such offense” and inserting “$500, in the aggregate, for all offenses in connection with such articles”; and 

(2) by amending subsection (b) to read as follows: 

“(b) A person who has suffered a competitive injury as a result of a violation of this section may bring a civil action in the appropriate district court of the United States against the person violating this section for recovery of not more than $500 in damages to compensate for the injury.”. 

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any case pending on the date of the enactment of this Act, and to any case commenced on or after such date of enactment.