

119TH CONGRESS
2D SESSION

H. R. 7140

To protect main street retailers and end users in secondary patent actions,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2026

Ms. LEE of Florida (for herself and Ms. LOFGREN) introduced the following
bill; which was referred to the Committee on the Judiciary

A BILL

To protect main street retailers and end users in secondary
patent actions, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Customer Legal Ease
5 and Relief Act” or the “CLEAR Act”.

6 **SEC. 2. STAY OF ACTION AGAINST RETAILER OR END USER.**

7 (a) AMENDMENT.—Chapter 29 of title 35, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“§ 299A. Stay of action against retailer or end user**

2 “(a) ENTRY OF STAY.—In a civil action in which a
3 party asserts a claim for relief for infringement of a pat-
4 ent, the court shall grant a motion to stay at least the
5 portion of the action against a retailer or end user of an
6 accused instrumentality if—

7 “(1) the manufacturer of the accused instru-
8 mentality is a party to the action or a separate ac-
9 tion involving the patent and the accused instrumen-
10 tality;

11 “(2) the retailer or end user does not manufac-
12 ture, assemble, integrate, or transform the accused
13 instrumentality or a relevant part thereof;

14 “(3) the retailer or end user agrees that if a
15 final judgment on the merits is entered in the action
16 to which the manufacturer is a party, for any future
17 action involving the same accused instrumentality
18 supplied by the same manufacturer, the retailer or
19 end user—

20 “(A) waives all defenses under section
21 282(b); and

22 “(B) is bound by any issue decided in the
23 action to which the manufacturer is a party;
24 and

25 “(4) the retailer or end user agrees to be bound
26 by any injunction issued with respect to the accused

1 instrumentality in the action to which the manufac-
2 turer is a party.

3 “(b) LIFT OF STAY.—A stay entered under this sec-
4 tion shall be lifted upon a showing that the manufacturer
5 cannot be made to satisfy a damages judgment.

6 “(c) BOND OR ESCROW.—The court may conduct an
7 initial hearing or inquiry to determine if the manufacturer
8 can be made to satisfy a damages judgment. If the court
9 determines that there is a substantial likelihood that the
10 manufacturer will not satisfy a damages judgment, the
11 court may require the retailer or end user to post a bond
12 or place funds or other property in escrow.

13 “(d) STIPULATION AS TO USE OF ACCUSED INSTRU-
14 MENTALITY.—The court may, as necessary in view of an
15 infringement claim against the manufacturer, require the
16 end user or retailer to stipulate as to the extent of the
17 use of the accused instrumentality and allow limited dis-
18 covery as to such use.

19 “(e) TIME LIMIT.—A motion for a stay under this
20 section shall be filed not later than the later of—

21 “(1) six months after the service of the first
22 pleading or paper in the action that specifically iden-
23 tifies the accused instrumentality and how the ac-
24 cused instrumentality is alleged to infringe the pat-
25 ent;

1 “(2) six months after the date on which the
2 manufacturer becomes a party to an action involving
3 the patent and the accused instrumentality; or

4 “(3) the entry of the first scheduling order in
5 the case.

6 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion may be construed to limit the discretion of a court
8 to enter a stay under other authority.

9 “(g) DEFINITIONS.—In this section:

10 “(1) ACCUSED INSTRUMENTALITY.—The term
11 ‘accused instrumentality’ means a product, or an in-
12 strumentality that implements a process, that is a
13 material part of the claimed invention.

14 “(2) AFFILIATE.—The term ‘affiliate’ means
15 any entity that controls, is controlled by, or is under
16 common control of another entity.

17 “(3) END USER.—The term ‘end user’ means
18 an entity that does not use the accused instrumen-
19 tality other than for the ordinary and intended pur-
20 pose of the instrumentality and that does not direct,
21 obligate, or induce the manufacturer to make the ac-
22 cused instrumentality.

23 “(4) MANUFACTURER.—The term ‘manufac-
24 turer’ means an entity that makes, assembles, inte-

1 grates, transforms, or supplies the accused instru-
2 mentality.

3 “(5) RETAILER.—The term ‘retailer’ means an
4 entity that generates revenues predominantly
5 through the sale to the public of consumer goods or
6 services, or an affiliate of such entity.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENT.—
8 The table of sections for chapter 29 of title 35, United
9 States Code, is amended by adding at the end the fol-
10 lowing new item:

 “Sec. 299A. Stay of action against retailer or end user.”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this Act shall take effect on the date of the enactment
13 of this Act and shall apply to any action for which a com-
14 plaint is served on and after such effective date.

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