

**AMENDMENT TO H.R. 1249, AS REPORTED  
OFFERED BY MR. CONYERS OF MICHIGAN, MR.  
MARKEY OF MASSACHUSETTS, MR. NEAL OF  
MASSACHUSETTS, AND MR. POMPEO OF KAN-  
SAS**

Add at the end the following new section (and conform the table of contents accordingly):

**1 SEC. 32. CALCULATION OF 60-DAY PERIOD FOR APPLICA-  
2 TION OF PATENT TERM EXTENSION.**

**3 (a) IN GENERAL.**—Section 156(d)(1) of title 35,  
**4 United States Code, is amended by adding at the end the  
5 following flush sentence:**

**6 “For purposes of determining the date on which a product  
7 receives permission under the second sentence of this  
8 paragraph, if such permission is transmitted after 4:30  
9 P.M., Eastern Time, on a business day, or is transmitted  
10 on a day that is not a business day, the product shall be  
11 deemed to receive such permission on the next business  
12 day. For purposes of the preceding sentence, the term  
13 ‘business day’ means any Monday, Tuesday, Wednesday,  
14 Thursday, or Friday, excluding any legal holiday under  
15 section 6103 of title 5.”**

1           (b) APPLICABILITY.—The amendment made by sub-  
2 section (a) shall apply to any application for extension of  
3 a patent term under section 156 of title 35, United States  
4 Code, that is pending on, that is filed after, or as to which  
5 a decision regarding the application is subject to judicial  
6 review on, the date of the enactment of this Act.

