

Changes were made in phraseology.

#### § 1694. Patent infringement action

In a patent infringement action commenced in a district where the defendant is not a resident but has a regular and established place of business, service of process, summons or subpoena upon such defendant may be made upon his agent or agents conducting such business.

(June 25, 1948, ch. 646, 62 Stat. 945.)

##### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 109 (Mar. 3, 1911, ch. 231, § 48, 36 Stat. 1100).

Venue provisions of section 109 of title 28, U.S.C., 1940 ed., appear in section 1400 of this title.

Changes were made in phraseology.

#### § 1695. Stockholder's derivative action

Process in a stockholder's action in behalf of his corporation may be served upon such corporation in any district where it is organized or licensed to do business or is doing business.

(June 25, 1948, ch. 646, 62 Stat. 945.)

##### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 112 (Mar. 3, 1911, ch. 231, § 51, 36 Stat. 1101; Sept. 19, 1922, ch. 345, 42 Stat. 849; Mar. 4, 1925, ch. 526, § 1, 43 Stat. 1264; Apr. 16, 1936, ch. 230, 49 Stat. 1213).

The phrase "is organized or licensed to do business or is doing business" was substituted for the words "resides or is found," as more specific and to conform to section 1391 of this title.

Venue provisions of section 112 of title 28, U.S.C., 1940 ed., appear in section 1391 and 1401 of this title. Other provisions are incorporated in section 1693 of this title.

Changes were made in phraseology.

#### § 1696. Service in foreign and international litigation

(a) The district court of the district in which a person resides or is found may order service upon him of any document issued in connection with a proceeding in a foreign or international tribunal. The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon application of any interested person and shall direct the manner of service. Service pursuant to this subsection does not, of itself, require the recognition or enforcement in the United States of a judgment, decree, or order rendered by a foreign or international tribunal.

(b) This section does not preclude service of such a document without an order of court.

(Added Pub. L. 88-619, § 4(a), Oct. 3, 1964, 78 Stat. 995.)

#### § 1697. Service in multiparty, multiforum actions

When the jurisdiction of the district court is based in whole or in part upon section 1369 of this title, process, other than subpoenas, may be served at any place within the United States, or anywhere outside the United States if otherwise permitted by law.

(Added Pub. L. 107-273, div. C, title I, § 11020(b)(4)(A)(i), Nov. 2, 2002, 116 Stat. 1828.)

##### EFFECTIVE DATE

Section applicable to a civil action if the accident giving rise to the cause of action occurred on or after

the 90th day after Nov. 2, 2002, see section 11020(c) of Pub. L. 107-273, set out as a note under section 1369 of this title.

### CHAPTER 114—CLASS ACTIONS

Sec.

- 1711. Definitions.
- 1712. Coupon settlements.
- 1713. Protection against loss by class members.
- 1714. Protection against discrimination based on geographic location.
- 1715. Notifications to appropriate Federal and State officials.

#### § 1711. Definitions

In this chapter:

(1) CLASS.—The term "class" means all of the class members in a class action.

(2) CLASS ACTION.—The term "class action" means any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed under a State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representatives as a class action.

(3) CLASS COUNSEL.—The term "class counsel" means the persons who serve as the attorneys for the class members in a proposed or certified class action.

(4) CLASS MEMBERS.—The term "class members" means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

(5) PLAINTIFF CLASS ACTION.—The term "plaintiff class action" means a class action in which class members are plaintiffs.

(6) PROPOSED SETTLEMENT.—The term "proposed settlement" means an agreement regarding a class action that is subject to court approval and that, if approved, would be binding on some or all class members.

(Added Pub. L. 109-2, § 3(a), Feb. 18, 2005, 119 Stat. 5.)

##### REFERENCES IN TEXT

Rule 23 of the Federal Rules of Civil Procedure, referred to in par. (2), is set out in the Appendix to this title.

##### EFFECTIVE DATE

Chapter applicable to any civil action commenced on or after Feb. 18, 2005, see section 9 of Pub. L. 109-2, set out as an Effective Date of 2005 Amendment note under section 1332 of this title.

##### FINDINGS AND PURPOSES

Pub. L. 109-2, § 2, Feb. 18, 2005, 119 Stat. 4, provided that:

"(a) FINDINGS.—Congress finds the following:

"(1) Class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

"(2) Over the past decade, there have been abuses of the class action device that have—

"(A) harmed class members with legitimate claims and defendants that have acted responsibly;

"(B) adversely affected interstate commerce; and

"(C) undermined public respect for our judicial system.