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### Troubleshooting the PARTS Act

Working as a design engineer for Ford on Team Mustang years ago, I was amazed with the ingenuity and speed of the aftermarket industry. The all-new 2005 model (S197) Mustang took us years to design using some of the best technology available. By way of comparison, I distinctly remember watching a handful of aftermarket designers work over a prototype they were given access to just weeks before launch, using mere tape measures and sketchpads to come up with alterations. Sure enough, within months of the S197 release, these designers had unique parts ready for sale.

With these capabilities, the aftermarket is not limited to generating unique parts. It could also service the repair market by quickly turning out seemingly identical replacement parts. However, that generally is not done, in large part because doing so would constitute design patent infringement.

A couple members of Congress are trying to change this, in their words, "to ensure consumer choice and competition in the automotive aftermarket." However, the best interest of consumers and the automotive aftermarket is not really the driving force behind their Promoting Automotive Trade, Repair and Sales (PARTS) Act.

Neal Gerber Eisenberg Intellectual Property practice group member Mike Turner authored this article for

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Aftermarket Business World in June 2012. It was also published on SearchAutoParts.com on May 2, 2012.