

## 21 U.S. Code § 1605

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### Procedures for dismissal of civil actions against biomaterials suppliers

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#### **(a) Motion to dismiss**

A defendant may, at any time during which a motion to dismiss may be filed under applicable law, move to dismiss an action against it on the grounds that the defendant is a biomaterials supplier and one or more of the following:

- (1) The defendant is not liable as a manufacturer, as provided in section 1604(b) of this title.
- (2) The defendant is not liable as a seller, as provided in section 1604(c) of this title.
- (3) The defendant is not liable for furnishing raw materials or component parts for the implant that failed to meet applicable contractual requirements or specifications, as provided in section 1604(d) of this title.
- (4) The claimant did not name the manufacturer as a party to the action, as provided in subsection (b).

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