

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To exempt from the heightened pleading requirements parties that have filed no prior patent infringement actions.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.**

**S. 1137**

To amend title 35, United States Code, and the Leahy-Smith America Invents Act to make improvements and technical corrections, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COONS

Viz:

1       On page 5, strike lines 14 through 16 and insert the  
2 following:

3       “(f) EXEMPTIONS.—Subsection (a) shall not apply to  
4 a civil action that—

5             “(1) includes a claim for relief arising under  
6 section 271(e); or

7             “(2)(A) is brought by a party that has never  
8 previously brought a civil action alleging infringe-  
9 ment of any patent; and

1           “(B) alleges infringement of a patent that has  
2           never been the subject of litigation in any previous  
3           civil action.