

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure that the assessment of whether a party's actions are reasonable is based on information that the party knew or should have known at the time the actions were taken.

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. DURBIN

Viz:

- 1 On page 23, line 25, add at the end the following:
- 2 “It is further the sense of Congress that the reasonable-
- 3 ness of the position or conduct of the non-prevailing party
- 4 should be assessed based on information that was known
- 5 or should have been known by the non-prevailing party
- 6 at the time the position was taken or the conduct oc-
- 7 curred.”.