

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify section 8 relating to pre-suit written notice.

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

AMENDMENTS intended to be proposed by Mrs. FEINSTEIN (for herself and Mr. TILLIS)

Viz:

1 On page 32, strike lines 21 through 23 and insert
2 the following: “filing the action, the initial written notice
3 shall be subject to paragraph (4) if it does not contain
4 the information required under paragraph (2) or if it con-
5 tains a specific monetary amount described in paragraph
6 (3).”.

7 On page 33, line 19, insert “and” after the semicolon.

8 On page 33, line 22, strike “; and” and insert a pe-
9 riod.

1 On page 33, strike lines 23 through 25 and insert
2 the following:

3 “(3) SPECIFIC MONETARY AMOUNTS.—Except
4 with the consent of the intended recipient, the initial
5 written notice described in paragraph (1) shall not
6 contain—

7 “(A) a request for, demand for, or offer to
8 accept a specific monetary amount in exchange
9 for a license, settlement, or similar agreement
10 to resolve allegations of patent infringement; or

11 “(B) a specific monetary amount de-
12 manded based on the cost of legal defense in a
13 lawsuit concerning any asserted claim or claims.

14 On page 34, line 1, strike “(3)” and insert “(4)”.

15 On page 34, line 4, insert “or contained a statement
16 prohibited under paragraph (3),” after “paragraph (2),”.

17 On page 35, beginning on line 1, strike “section
18 299C(b)(2)” and insert “paragraphs (2) and (3) of section
19 299C(b)”.