

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

Purpose: To prohibit inter partes review for certain patents.

**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. TILLIS

Viz:

1 On page 46, between lines 12 and 13, insert the fol-  
2 lowing:

3 (D) by adding at the end the following:

4 “(f) DRUG OR BIOLOGICAL PRODUCT PATENTS.—An  
5 inter partes review shall not be instituted or maintained  
6 for a patent that claims a drug or biological product,  
7 method of use, or method of manufacturing a drug or bio-  
8 logical product approved under section 505 of the Federal  
9 Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section  
10 351 of the Public Health Service Act (42 U.S.C. 262),  
11 including any patent listed in the Food and Drug Adminis-  
12 tration publication Approved Drug Products with Thera-

1 peutic Equivalence Evaluations or identified by the patent  
2 owner in a certification in its response to the petition.”.