

**AMENDMENT TO MANAGER'S AMENDMENT TO  
H.R. 1249, AS REPORTED  
OFFERED BY MS. WASSERMAN SCHULTZ OF  
FLORIDA**

On page 28 of the Amendment, line 26, strike “where an independent” and all that follows through “from the patent owner” on page 29, line 3, and insert “includes the interpretation of such a test by a doctor, medical professional, or other person”.

On page 29 of the Amendment, line 9, strike “therapeutic treatment selection”.

On page 29 of the Amendment, line 13, insert after “individual” the following: “, unless the infringing genetic diagnostic test activity utilizes different technologies or has performance characteristics that are sufficiently different from the patented test that the results can provide information not provided by the patented test”.

On page 29 of the Amendment, line 16, insert “and” after the semicolon.

On page 29 of the Amendment, strike lines 17 through 20. and redesignate the succeeding subclause accordingly.

On page 29 of the Amendment, line 21, strike “(IV)” and insert “(III)”.

On page 30 of the Amendment, beginning on line 12, strike “mutation or a pattern of mutations” and insert “genotype, mutation, or chromosomal change or a pattern of changes”.

On page 31 of the Amendment, line 11, strike the comma and insert a period and the following: “Such a burden may be met through the production, consistent with applicable patient privacy laws, of a test requisition or other”.

On page 31 of the Amendment, line 16, after “performed” insert a period and the following: “Nothing in this paragraph shall be construed as requiring the production of any information in conflict with applicable patient privacy laws.”.

On page 31 of the Amendment, after line 20, insert the following:

- 1 (c) RULE OF CONSTRUCTION.—The amendment
- 2 made by subsection (a) shall not be construed to reflect
- 3 any expression by the Congress with respect to the patent-
- 4 ability of genetic material or genetic diagnostic testing.

