

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3309  
OFFERED BY MR. MARINO OF PENNSYLVANIA**

Page 13, line 13, strike the quotation marks and second period.

Page 13, after line 13, insert the following:

1       “(c) DISCOVERY COST SHIFTING.—

2               “(1) IN GENERAL.—In a civil action arising  
3       under any Act of Congress relating to patents, each  
4       party shall be responsible for the costs of producing  
5       core documentary evidence within the possession,  
6       custody, or control of that party.

7               “(2) ADDITIONAL DISCOVERY.—

8                       “(A) IN GENERAL.—A party to a civil ac-  
9       tion arising under any Act of Congress relating  
10      to patents may seek discovery in addition to  
11      discovery of core documentary evidence if the  
12      party bears the costs of the additional dis-  
13      covery, including reasonable attorney’s fees.

14                      “(B) REQUIREMENTS.—Upon motion of a  
15      defending party in a civil action described in  
16      subparagraph (A), an opposing party shall not

1 be allowed additional discovery described in  
2 subparagraph (A) unless such opposing party  
3 posts a bond in an amount sufficient to cover  
4 the estimated costs of the discovery. The de-  
5 fending party shall provide an estimate to the  
6 court of the costs of providing the additional  
7 discovery on the basis of at least estimates de-  
8 rived from at least 2 independent entities. If  
9 the court finds a major discrepancy between the  
10 estimates, the court shall determine the esti-  
11 mated costs of the additional discovery for pur-  
12 poses of this subparagraph.

13 “(3) CORE DOCUMENTARY EVIDENCE DE-  
14 FINED.—In this subsection, the term ‘core documen-  
15 tary evidence’ has the meaning given that term in  
16 section 6(a)(3) of the Innovation Act.”.

Page 25, line 13, strike “The” and insert “Subject  
to section 299A(e) of title 35, United States Code, the”.

