

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 3309
OFFERED BY MR. GOODLATTE OF VIRGINIA**

Page 12, line 3, strike “subsection (b)” and insert “subsections (b) and (c)”.

Page 12, strike lines 14 through 25 and insert the following:

1 “(1) TIMELY RESOLUTION OF ACTIONS.—In the
2 case of an action under any provision of Federal law
3 (including an action that includes a claim for relief
4 arising under section 271(e)), for which resolution
5 within a specified period of time of a civil action
6 arising under any Act of Congress relating to pat-
7 ents will necessarily affect the rights of a party with
8 respect to the patent, the court shall permit dis-
9 covery, in addition to the discovery authorized under
10 subsection (a), before the ruling described in sub-
11 section (a) is issued as necessary to ensure timely
12 resolution of the action.”.

Page 13, insert after line 13 the following:

13 “(4) ACTIONS SEEKING RELIEF BASED ON COM-
14 PETITIVE HARM.—The limitation on discovery pro-

1 vided under subsection (a) shall not apply to an ac-
2 tion seeking a preliminary injunction to redress
3 harm arising from the use, sale, or offer for sale of
4 any allegedly infringing instrumentality that com-
5 petes with a product sold or offered for sale, or a
6 process used in manufacture, by a party alleging in-
7 fringement.

8 “(c) EXCLUSION FROM DISCOVERY LIMITATION.—
9 The parties may voluntarily consent to be excluded, in
10 whole or in part, from the limitation on discovery provided
11 under subsection (a) if at least one plaintiff and one de-
12 fendant enter into a signed stipulation, to be filed with
13 and signed by the court. With regard to any discovery ex-
14 cluded from the requirements of subsection (a) under the
15 signed stipulation, with respect to such parties, such dis-
16 covery shall proceed according to the Federal Rules of
17 Civil Procedure.”.

Page 35, strike line 16 and all that follows through
page 36, line 3, and insert the following:

18 (1) IN GENERAL.—Section 1522 of title 11,
19 United States Code, is amended by adding at the
20 end the following:

21 “(e) Section 365(n) shall apply to cases under this
22 chapter. If the foreign representative rejects or repudiates
23 a contract under which the debtor is a licensor of intellec-

1 tual property, the licensee under such contract shall be
2 entitled to make the election and exercise the rights de-
3 scribed in section 365(n).”.

Page 38, line 1, strike “OMBUDSMAN” and insert
“OUTREACH”.

Page 38, strike line 2 and all that follows through
“programs” on line 6 and insert “The existing small
business patent outreach programs”.

Page 38, lines 8 and 9, strike “to provide” and in-
sert “shall provide”.

Page 40, line 13, strike “1 year” and insert “18
months”.

Page 41, lines 20 and 21, strike “6 months” and in-
sert “1 year”.

Page 42, line 6, strike “shall conduct a study” and
insert “shall, using existing resources, conduct a study”.

Page 43, lines 9 and 10, strike “6 months” and in-
sert “1 year”.

Page 44, line 3, strike “courts” and insert “proce-
dures”.

Page 44, strike lines 8 through 13 and insert the
following:

- 1 (i) the necessary criteria for using
2 small claims procedures;

Page 44, line 14, strike “(iii)” and insert “(ii)”.

Page 44, line 17, strike “(iv)” and insert “(iii)”.

Page 44, line 18, strike “courts” and insert “proce-
dures used”.

Page 45, lines 7 and 8, strike “shall conduct a
study” and insert “shall, using existing resources, con-
duct a study”.

Page 46, line 4, strike “shall conduct a study” and
insert “shall, using existing resources, conduct a study”.

Page 46, lines 13 and 14, strike “6 months” and in-
sert “1 year”.

Page 52, line 5, strike “name the same inventor”
and insert “name the same individual or individuals as
the inventor”.

Page 53, line 11, after “double-patenting ground”
insert “based on a patent described in section 3(n)(1) of
the Leahy-Smith America Invents Act (35 U.S.C. 100
note)”.

Page 53, lines 13-14, after “shall take effect” insert
“upon the expiration of the 1-year period beginning”.

Page 55, line 10, strike “or patent”.

Page 57, strike lines 4 through 13 and insert the following:

1 (A) AMENDMENT.—The second sentence of
2 section 115(a) of title 35, United States Code,
3 is amended by striking “shall execute” and in-
4 serting “may be required to execute”.

Page 57, line 14, strike “amendments” and insert “amendment”.

Page 59, lines 9 and 10, strike “2 years” and insert “18 months”.

