

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 3309
OFFERED BY MR. JEFFRIES OF NEW YORK**

Page 25, insert before line 3 the following new subsection:

1 (c) STAY OF DISCOVERY.—

2 (1) IN GENERAL.—Chapter 29 of title 35,
3 United States Code, is amended by adding at the
4 end the following:

5 **“§ 300A. Stay of discovery in patent infringement**
6 **suits**

7 “(a) IN GENERAL.—Except as provided in sub-
8 sections (b) and (c), in a civil action arising under any
9 Act of Congress relating to patents the court shall stay
10 discovery until after the court has ruled on any motion
11 to transfer venue of the action.

12 “(b) EXCEPTION.—Notwithstanding subsection (a),
13 the court may, in an action described in that subsection,
14 allow discovery to the extent necessary for the court to
15 make a ruling on a motion to transfer venue of the action
16 under that subsection.

17 “(c) DISCRETION TO EXPAND SCOPE OF DIS-
18 COVERY.—If, under any provision of Federal law (includ-

1 ing the Drug Price Competition and Patent Term Res-
2 toration Act (Public Law 98–417)), the court determines
3 that circumstances exist because resolution within a speci-
4 fied period of time of a civil action arising under any Act
5 of Congress relating to patents will have an automatic im-
6 pact upon the rights of a party with respect to the patent,
7 the court may permit discovery in addition to the discovery
8 authorized under subsection (b) before the ruling de-
9 scribed in subsection (b) as necessary to ensure timely res-
10 olution of the action.

11 “(d) PRESERVATION OF EVIDENCE.—

12 “(1) IN GENERAL.—During the pendency of
13 any stay of discovery under this section, unless oth-
14 erwise ordered by the court, any party to the action
15 with actual notice of the allegations contained in the
16 complaint shall treat all documents, data compila-
17 tions (including electronically recorded or stored
18 data), and tangible objects that are in the custody
19 or control of such person and that are relevant to
20 the allegations, as if they were the subject of a con-
21 tinuing request for production of documents from an
22 opposing party under the Federal Rules of Civil Pro-
23 cedure.

24 “(2) SANCTION FOR WILLFUL VIOLATION.—A
25 party aggrieved by the willful failure of an opposing

1 party to comply with paragraph (1) may apply to
2 the court for an order awarding appropriate sanc-
3 tions.”.

4 (2) CONFORMING AMENDMENT.—The table of
5 sections for chapter 29 of title 35, United States
6 Code, is amended by adding at the end the fol-
7 lowing:

“300A. Stay of discovery in patent infringement suits.”.

Page 25, line 3, strike “(c)” and insert “(d)”.

