

Withdrawn

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3309**

**OFFERED BY MS. LOFGREN OF CALIFORNIA, Mr. Faenthold of
Texas & Ms. Chu of California**

Page 45, line 9 strike “DISTRICT-COURT CLAIM CON-
STRUCTION” and insert “PROSECUTION HISTORY”.

Page 45, strike line 21 and all that follows through
page 46, line 7 and insert the following:

- 1 “(A) the Office may consider the prosecu-
2 tion history pertaining to the patent in review-
3 ing each patent claim; and
4 “(B) if a court has previously construed
5 the claim or a claim term in a civil action in
6 which the patent owner was a party, the Office
7 may consider such claim construction.”.

Page 46, strike line 18 and all that follows through
page 47, line 4 and insert the following:

- 8 “(A) the Office may consider the prosecu-
9 tion history pertaining to the patent in review-
10 ing each patent claim; and
11 “(B) if a court has previously construed
12 the claim or a claim term in a civil action in

1 which the patent owner was a party, the Office
2 may consider such claim construction.”.

