

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 9
OFFERED BY MR. JOHNSON OF GEORGIA**

Page 5, strike lines 3 through 5, and insert the following:

1 “(e) EXEMPTIONS.—Subsection (a) shall not apply
2 to—

3 “(1) a civil action that includes a claim for re-
4 lief arising under section 271(e); or

5 “(2) a party alleging infringement if the party
6 is the inventor, a joint inventor, or in the case of a
7 patent filed by and awarded to an assignee of the
8 original inventor or joint inventor, the original as-
9 signee of the patent.”.

Page 6, insert after line 21 the following new sub-
section:

10 “(d) EXEMPTED CLAIMS.—

11 “(1) APPLICABILITY.—Subsections (a), (b), and
12 (c) shall not apply to—

13 “(A) a civil action that includes a claim for
14 relief arising under section 271(e); or

1 “(B) a party alleging infringement if the
2 party is the inventor, a joint inventor, or in the
3 case of a patent filed by and awarded to an as-
4 signee of the original inventor or joint inventor,
5 the original assignee of the patent.

6 “(2) AWARD IN EXEMPTED CLAIMS.—In a civil
7 action that includes a claim for relief arising under
8 section 271(e) or in which the party alleging in-
9 fringement is described in paragraph (1)(B) of this
10 subsection, the court may in exceptional cases award
11 reasonable attorney fees to the prevailing party.”.

Page 17, insert after line 18 the following new sub-
section:

12 “(e) ORIGINAL INVENTOR EXEMPTION.—This sec-
13 tion shall not apply to a party alleging infringement if the
14 party is the inventor, a joint inventor, or in the case of
15 a patent filed by and awarded to an assignee of the origi-
16 nal inventor or joint inventor, the original assignee of the
17 patent.”.

