

Peters #2

Amendment # 23
Withdrawn

~~XXXXXXXXXX~~

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

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

1 “(f) EXEMPTIONS.—Subsection (a) should 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 a small business concern, independent inventor, or
7 nonprofit organization described in section 41(h)(1)
8 of title 35, United States Code.

Page 28, strike lines 11 through 25, and insert the following:

9 “(1) COVERED CUSTOMER.—The term ‘covered
10 customer’ means a retailer or end user that is ac-
11 cused of infringing a patent or patents in dispute
12 based on—
13 “(A) the sale, or offer for sale, by a small
14 business concern as defined in section 3 of the
15 Small Business Act (15 U.S.C. 632), of a cov-

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ered product or covered process without material modification of the product or process in a manner that is alleged to infringe a patent or patents in dispute; or

“(B) the use by such retailer, the retailer’s end user customer, or an end user of a covered product or covered process without material modification of the product or process in a manner that is alleged to infringe a patent or patents in dispute.”.

