

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure that certain defenses to infringement of an applicable patent are only available in cases of failure to disclose certain required information if, but for such failure to disclose such information, the United States Patent and Trademark Office would not have granted the applicable patent.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 2658

To require sponsors of drug applications and holders of approved applications to provide certain submissions and communications to the Food and Drug Administration and the United States Patent and Trademark Office.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HUSTED

Viz:

- 1 On page 12, strike line 12 and insert the following:
- 2 such subparagraph (F)(i), on the condition that such a
- 3 defense shall only be available if the person asserting such
- 4 a defense proves that but for such failure to disclose such
- 5 information, the applicable patent would not have been
- 6 granted by the United States Patent and Trademark Of-
- 7 fice.”.