

PATENT INFRINGEMENT AMENDMENTS

Representative **Mike K. McKell** proposes the following amendments:

1. *Page 3, Lines 63 through 66:*

63 (b) ~~{ Prior to sending the demand letter, the person fails to conduct an analysis~~
64 ~~comparing the claims in the patent to the target's products, services, and technology, or an~~
65 ~~analysis was done but does not identify specific areas in which the products, services, and~~
66 ~~technology are covered by the claims in the patent.}~~ By presenting a demand letter to the target a
person is certifying that to the best of the person's knowledge, information, and belief, formed after an
inquiry reasonable under the circumstances:
(i) the demand letter is not being presented for any improper purpose, such as to harass or to cause
unnecessary delay or needless increase in the cost of settlement or litigation;
(ii) the claims, defenses, and other legal contentions are warranted by existing law or by a
nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of
new law; and
(iii) the allegations and other factual contentions have evidentiary support or, if specifically
identified, are likely to have evidentiary support after a reasonable opportunity for further investigation
or discovery.

2. *Page 4, Lines 88 through 100:*

88 (c) The person engages in a good faith effort to establish that the target has infringed
89 the patent and to negotiate an appropriate remedy.
90 ~~{(d) The person makes a substantial investment in the use of the patent or in the~~
91 ~~production or sale of a product or item covered by the patent.~~
92 ~~(e) The person is:~~
93 ~~(i) the inventor or joint inventor of the patent or, in the case of a patent filed by and~~
94 ~~awarded to an assignee of the original inventor or joint inventor, is the original assignee; or~~
95 ~~(ii) an institution of higher education or a technology transfer organization owned or~~
96 ~~affiliated with an institution of higher education.~~
97 ~~(f) The person has:~~
98 ~~(i) demonstrated good faith business practices in previous efforts to enforce the patent,~~
99 ~~or a substantially similar patent; or~~
100 ~~(ii) successfully enforced the patent, or a substantially similar patent, through litigation.}~~