

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To modify the evidentiary standard relating to the balancing of procompetitive and anticompetitive benefits of certain settlements or agreements in patent infringement claims.

**IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.**

**S. 369**

To prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

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. COBURN to  
the amendment (No. \_\_\_\_\_) proposed by Mr. KOHL

Viz:

- 1 On page 5 of the amendment, on lines 3 and 4, strike
- 2 “clear and convincing evidence” and insert “a preponder-
- 3 ance of the evidence”.