

AMENDMENT TO H.R. 1908, AS REPORTED
OFFERED BY MR. GOHMERT OF TEXAS

In section 1400 of title 28, United States Code, as amended by section 11(a) of the bill and the manager's amendment, insert after subsection (c) the following:

1 “(d) If the plaintiff brings a civil action for patent
2 infringement in a judicial district under subsection (c), the
3 district court may transfer that action to any other district
4 or division where—

5 “(1) substantial fairness would be accommo-
6 dated; and

7 “(2) venue would be appropriate under section
8 1391 of this title, if such transfer would be appro-
9 priate under section 1404 of this title.

10 When considering a transfer, the court may consider the
11 case loads of potential courts and any potential inordinate
12 delay in trial.”.