

“§ 299. Joinder of parties

“(a) JOINDER OF ACCUSED INFRINGERS.—In any civil action arising under any

Act of Congress relating to patents, other than an action or trial in which an act of infringement under section 271(e)(2) has been pled, parties that are accused infringers

may be joined in one action as defendants or counterclaim defendants only if—

“(1) any right to relief is asserted against the parties jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering for sale, or selling of the same accused product or process; and

“(2) questions of fact common to all defendants or counterclaim defendants will arise in the action.

“(b) ALLEGATIONS INSUFFICIENT FOR JOINDER.—For purposes of this subsection,

accused infringers may not be joined in one action or trial as defendants or counterclaim

defendants based solely on allegations that they each have infringed the patent or patents in suit.”.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 35, United States Code, as amended by this Act, is further amended by adding at the end the following new item:

“299. Joinder of parties.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any

civil action commenced on or after the date of the enactment of this Act.