

128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 2

H.P. 4

House of Representatives, January 4, 2017

An Act To Prevent Bad Faith Assertions of Patent Infringement

Reference to the Committee on Judiciary suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative DEVIN of Newcastle.

Cosponsored by Senator CARPENTER of Aroostook and

Representatives: ALLEY of Beals, BLUME of York, DAUGHTRY of Brunswick, GRANT of Gardiner, MOONEN of Portland, Senators: DION of Cumberland, LIBBY of Androscoggin.

2	Sec. 1. 14 MRSA §8701, sub-§7, as enacted by PL 2013, c. 543, §1, is repealed.
3	SUMMARY
4	Current law prohibits a person from making a bad faith assertion of patent
5	infringement against another person. A person who does make a bad faith assertion may
6	have to pay remedies awarded by the court, including equitable relief, damages, costs and
7	fees and punitive damages; however, the law exempts persons seeking relief pursuant to
8	35 United States Code, Section 271(e)(2) or 42 United States Code, Section 262 from the
9	law prohibiting bad faith assertions of patent infringement, which may include businesses
10	such as pharmaceutical companies. This bill removes the exemption.

Be it enacted by the People of the State of Maine as follows:

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