

MAINE STATE LEGISLATURE

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SMC
H. 98

Report B

1

L.D. 2

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Date: 3/17/17

(Filing No. H- 12)

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JUDICIARY

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STATE OF MAINE

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HOUSE OF REPRESENTATIVES

7

128TH LEGISLATURE

8

FIRST REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 4, L.D. 2, Bill, "An Act To Prevent
10 Bad Faith Assertions of Patent Infringement"

11

Amend the bill by striking out everything after the enacting clause and before the
12 summary and inserting the following:

13

'Sec. 1. 14 MRSA §8701, sub-§7, as enacted by PL 2013, c. 543, §1, is amended
14 to read:

15

7. **Exemption.** This section does not apply to a good faith demand letter or good
16 faith assertion of patent infringement ~~that includes a claim for relief~~ arising under 35
17 United States Code, Section 271(e)(2) or 42 United States Code, Section 262.'

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SUMMARY

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This amendment is a minority report of the Joint Standing Committee on Judiciary. It
20 replaces the bill, which eliminates the existing exemption for patent infringement claims
21 that include claims for relief under the federal pharmaceutical approval statutes. This
22 amendment narrows the exemption to apply to only good faith demand letters and good
23 faith assertions of patent infringement arising under 35 United States Code, Section
24 271(e)(2) or 42 United States Code, Section 262.

25

FISCAL NOTE REQUIRED

26

(See attached)



Approved: 02/27/17 *mac*

128th MAINE LEGISLATURE

LD 2

LR 84(02)

An Act To Prevent Bad Faith Assertions of Patent Infringement

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Judiciary

Fiscal Note Required: Yes

A (H-12)

Fiscal Note

Minor cost increase - General Fund

Correctional and Judicial Impact Statements

Increases case-loads with no effect on fines or fees

Fiscal Detail and Notes

The additional costs to the Department of the Attorney General can be absorbed utilizing existing budgeted resources.