

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 159

H.P. 117

House of Representatives, January 27, 2015

An Act To Prevent Bad Faith Assertions of Patent Infringement

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DAUGHTRY of Brunswick.
Cosponsored by Senator HASKELL of Cumberland and
Representatives: BROOKS of Lewiston, DeCHANT of Bath, DEVIN of Newcastle,
EVANGELOS of Friendship, HICKMAN of Winthrop, HOGAN of Old Orchard Beach,
KORNFIELD of Bangor, KRUGER of Thomaston.

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

2 **Sec. 1. 14 MRSA §8701, sub-§7**, as enacted by PL 2013, c. 543, §1, is repealed.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.