

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 2

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H.P. 4

House of Representatives, January 4, 2017

### **An Act To Prevent Bad Faith Assertions of Patent Infringement**

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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 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.

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2 **Sec. 1. 14 MRSA §8701, sub-§7**, as enacted by PL 2013, c. 543, §1, is repealed.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