

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1045

H.P. 775

House of Representatives, February 28, 2019

An Act Regarding 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 MILLETT of Cumberland and
Representatives: BEEBE-CENTER of Rockland, EVANGELOS of Friendship, FECTEAU of
Biddeford, McCREIGHT of Harpswell, TERRY of Gorham, TIPPING of Orono.

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2 **Sec. 1. 14 MRSA §8701, sub-§7,** as enacted by PL 2013, c. 543, §1, is repealed.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