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JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

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

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

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

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

SUMMARY

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

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT