

SS SCS SB 706 -- BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT

This bill prohibits a person from making a bad faith assertion of patent infringement in a demand letter and specifies the factors that a court may consider when determining if a person has made a bad faith assertion of patent infringement in a demand letter and the factors that a court may consider when determining if a person has not made a bad faith assertion of patent infringement.

If an individual or entity believes that he or she has been a target of a bad faith assertion of patent infringement upon receiving a demand letter, the individual or entity must have a private right to a cause of action as specified in the bill, including the recovery of monetary losses or damages from a violation and attorney fees.

The Attorney General's authority to investigate, restrain, and prosecute civil actions under the Missouri Antitrust Law must apply to investigating and prosecuting assertions of patent infringement. Any monetary awards recovered by the Attorney General, except the award to a target, may be credited to the Antitrust Revolving Fund for the payment of expenses incurred by the Attorney General in the investigation, prosecution, or enforcement of patent infringement claims.

These provisions must not be construed to limit the rights or remedies available to any individual or the state under any other law with regard to conduct involving assertions of patent infringement and does not apply to a demand letter or assertion of patent infringement that includes a claim for relief arising under specified federal laws.