

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 54<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB2837</b>
<b>Version:</b>	<b>CS</b>
<b>Request Number:</b>	<b>10435</b>
<b>Author:</b>	<b>Representative McCall</b>
<b>Date:</b>	<b>2/28/2014</b>
<b>Impact:</b>	<b>\$0</b>

**Research Analysis**

HB2837 states the Legislature's intent to protect businesses from abusive and bad-faith assertions of patent infringement. The measure prohibits bad faith patent infringement claims and lists the factors a court may consider as evidence of a valid claim. The measure also requires the claimant to post a bond in an amount equal to a good-faith estimate, up to \$250,000, of the target's likely cost to litigate the claim upon motion by the target and a finding by the court that the target has established a reasonable likelihood that the claimant made a bad-faith assertion of patent infringement. A court is authorized to award a prevailing plaintiff equitable relief, damages, costs and fees, including reasonable attorney fees and exemplary damages equal to \$50,000 or three times the total of damages, costs and fees, whichever is greater.

The measure does not apply to a demand letter or civil action that includes a claim for relief arising under 35 U.S.C. Section 271 (e) (2).

Prepared By: Quyen Do

**Fiscal Analysis**

The CS for HB2837 has been reviewed by fiscal staff and determined to have no fiscal impact on state revenues.

Prepared By: Marilyn Anderson

**Other Considerations**

None.