

Bill No.: SF0065 **Effective:** 7/1/2016

LSO No.: 16LSO-0279

Enrolled Act No.: SEA No. 0061

Chapter No.: 106

Prime Sponsor: Case

Catch Title: Patent trolling.

Subject: Prohibition of bad faith assertion of patent infringement

Summary/Major Elements:

- This bill prohibits bad faith assertions of patent infringement and specifies a number of factors for a court to consider in determining the existence of bad faith. The factors include the contents of any demand letter that the person knew or should have known the patent was unenforceable, that the person does not own the right to enforce the patent, and any false representation that a complaint has been filed with a court.
- The bill also specifies factors that show the claim was not made in bad faith, including the person has made a substantial investment in the patent and the person has previously enforced the patent.
- The bill creates a right of action for a person aggrieved by a bad faith assertion of patent infringement and provides for the recovery of damages and fees, including attorney's fees. Exemplary damages also are available in an amount equal to \$50,000 or three (3) times the total of damages, costs and fees, whichever is greater.
- The bill specifies exemptions to the prohibition against bad faith assertions of patent infringement.

The above summary is not an official publication of the Wyoming Legislature and is not an official statement of legislative intent. While the Legislative Service Office endeavored to provide accurate information in this summary, it should not be relied upon as a comprehensive abstract of the bill.