

SENATE AMENDMENTS TO SENATE BILL 1540

By COMMITTEE ON JUDICIARY

February 13

1 On page 1 of the printed bill, delete line 21 and insert:

2 “(e) ‘Recipient’ means a person that receives a demand and:

3 “(A) Resides in this state;

4 “(B) Maintains a place of business or transacts business within this state; or

5 “(C) Is a body, officer or agency acting under the statutory authority of this state or under the
6 legal authority of a political subdivision of this state.”

7 On page 2, line 8, after the period delete the rest of the line and delete lines 9 through 16 and
8 insert:

9 “(4) A court may consider one or more of the following conditions as evidence that a person or
10 the person’s affiliate has, in bad faith, alleged, asserted or claimed an infringement of a patent or
11 rights that a patentee, assignee or licensee has under a patent.”

12 On page 3, delete lines 11 through 14 and insert:

13 “(5) A court may consider one or more of the following conditions as evidence that a person or
14 the person’s affiliate has, in good faith, alleged, asserted or claimed an infringement of a patent or
15 rights that a patentee, assignee or licensee has under a patent.”

16 In line 28, after “person” insert “or the person’s affiliate”.

17 On page 4, delete lines 1 through 8 and insert:

18 “(6) A violation of subsection (2) of this section is an unlawful practice under ORS 646.608 that
19 is subject to an action under ORS 646.638. Notwithstanding the definition of ‘person’ in ORS 646.605,
20 a recipient is a person for the purpose of bringing an action as a plaintiff under ORS 646.638.”

21 In line 17, delete “shall” and insert “may”.
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