

**PROPOSED AMENDMENTS TO  
SENATE BILL 1540**

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;

5 or

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

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

11 “(4) A court may consider one or more of the following conditions as ev-  
12 idence that a person or the person’s affiliate has, in bad faith, alleged, as-  
13 serted or claimed an infringement of a patent or rights that a patentee,  
14 assignee or licensee has under a patent:”.

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

16 “(5) A court may consider one or more of the following conditions as ev-  
17 idence that a person or the person’s affiliate has, in good faith, alleged, as-  
18 serted or claimed an infringement of a patent or rights that a patentee,  
19 assignee or licensee has under a patent:”.

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

21 On page 4, delete lines 1 through 16 and insert:

22 “(6) A violation of subsection (2) of this section is an unlawful practice

1 under ORS 646.608 that is subject to an action under ORS 646.638. Notwith-  
2 standing the definition of ‘person’ in ORS 646.605, a recipient is a person for  
3 the purpose of bringing an action as a plaintiff under ORS 646.638.

4 “(7) This section does not limit or affect a right that this state, a political  
5 subdivision of this state, an agency, officer, employee or agent of this state  
6 or a political subdivision of this state, a patentee, a licensee, an assignee or  
7 any other person may have with respect to a patent or rights granted under  
8 a patent, including a right to:

9 “(a) Notify a recipient in good faith and in accordance with federal patent  
10 law concerning ownership or a right to license or enforce a patent;

11 “(b) Notify a recipient in good faith that a patent is available for licens-  
12 ing or sale;

13 “(c) Notify a recipient in good faith about the recipient’s infringement  
14 or potential infringement of a patent; or

15 “(d) Seek compensation for a recipient’s infringement or for a license if  
16 the person believes in good faith that the recipient owes the person com-  
17 pensation.”.

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

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