

HR 6370

Targeting Rogue and Opaque Letters Act of 2018

Congress: 115 (2017–2019, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Jul 13, 2018

Current Status: Referred to the House Committee on Energy and Commerce.

Latest Action: Referred to the House Committee on Energy and Commerce. (Jul 13, 2018)

Official Text: <https://www.congress.gov/bill/115th-congress/house-bill/6370>

Sponsor

Name: Rep. Burgess, Michael C. [R-TX-26]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Kaptur, Marcy [D-OH-9]	D · OH		Jul 13, 2018
Rep. Stivers, Steve [R-OH-15]	R · OH		Aug 17, 2018

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred To	Jul 13, 2018

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
115 HR 5340	Related bill	Apr 30, 2018: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.
115 S 1390	Related bill	Apr 18, 2018: Committee on the Judiciary. Hearings held.

Targeting Rogue and Opaque Letters Act of 2018

This bill makes sending bad faith patent demand letters an unfair or deceptive act in violation of the Federal Trade Commission Act.

A patent demand letter is a written communication claiming that the recipient may be liable for patent infringement. "Bad faith" means making knowingly false or misleading statements, making claims with reckless disregard for the truth, or omitting information with the intent to deceive.

Bad faith representations under the bill include false or misleading claims about the sender's right to assert the patent, whether lawsuits have been filed against the recipient or others, and whether others have purchased a license to exercise the patent.

It is also bad faith to make written demands for compensation for invalid patents, or to demand compensation without identifying the ultimate parent entity of the letter sender.

The sender has an affirmative defense that it acted in good faith, by proving its misstatements or omissions were unintentional and it made an error in spite of procedures to avoid such errors.

The bill preempts state laws relating to patent assertion communications. The Federal Trade Commission and state attorneys general can bring actions to enforce these provisions.

Actions Timeline

- **Jul 13, 2018:** Introduced in House
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