

HR 108

Targeting Rogue and Opaque Letters Act of 2019

Congress: 116 (2019–2021, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Jan 3, 2019

Current Status: Referred to the Subcommittee on Consumer Protection and Commerce.

Latest Action: Referred to the Subcommittee on Consumer Protection and Commerce. (Jan 25, 2019)

Official Text: <https://www.congress.gov/bill/116th-congress/house-bill/108>

Sponsor

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

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

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Stivers, Steve [R-OH-15]	R · OH		Jul 10, 2019

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Jan 25, 2019

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
116 HR 3666	Related bill	Jul 30, 2019: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.
116 S 2082	Related bill	Jul 10, 2019: Read twice and referred to the Committee on the Judiciary.

Targeting Rogue and Opaque Letters Act of 2019

This bill prohibits sending bad faith patent demand letters.

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 include false or misleading claims about the sender's right to assert a patent and whether lawsuits have been filed. It also includes making written demands for compensation for invalid patents, or to demand compensation without identifying the ultimate parent entity of the letter sender.

The sender shall have 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 may bring actions to enforce these provisions.

Actions Timeline

- **Jan 25, 2019:** Referred to the Subcommittee on Consumer Protection and Commerce.
- **Jan 3, 2019:** Introduced in House
- **Jan 3, 2019:** Referred to the House Committee on Energy and Commerce.