

HR 192

Targeting Rogue and Opaque Letters Act of 2021

Congress: 117 (2021–2023, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Jan 5, 2021

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

Latest Action: Referred to the Subcommittee on Consumer Protection and Commerce. (Feb 2, 2021)

Official Text: <https://www.congress.gov/bill/117th-congress/house-bill/192>

Sponsor

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

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

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Feb 3, 2021

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
117 HR 3978	Related bill	Jun 18, 2021: Referred to the Subcommittee on Consumer Protection and Commerce.

Targeting Rogue and Opaque Letters Act of 2021

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. They also include 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 that its misstatements or omissions were unintentional and that 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

- **Feb 2, 2021:** Referred to the Subcommittee on Consumer Protection and Commerce.
- **Jan 5, 2021:** Introduced in House
- **Jan 5, 2021:** Referred to the House Committee on Energy and Commerce.