

BAD-FAITH PATENT INFRINGEMENT CLAIMS ACT (EXCERPT)
Act 550 of 2016

446.169 Powers of attorney general relating to unlawful practice; action by target or affiliated person aggrieved by violation; remedies to plaintiff; bond.

Sec. 9.

(1) The attorney general may do all of the following related to unlawful practice under this act:

- (a) Conduct a civil investigation as provided in section 9a.
- (b) Enter into an assurance of discontinuance under section 9b.
- (c) Bring a civil action as provided in section 9c.
- (d) Promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) A target or an affiliated person aggrieved by a violation of this act may bring an action in the circuit court.

The court may award the following remedies to a plaintiff that prevails in an action brought under this subsection:

(a) An injunction prohibiting any further written communication related to the unlawful practice giving rise to the action.

(b) Actual damages.

(c) Costs and fees, including reasonable attorney fees.

(d) Exemplary damages in an amount equal to 3 times the actual damages.

(3) On a motion by the plaintiff and a finding by the court that there is a reasonable likelihood that the defendant in an action under subsection (2) violated this act, the court may require the defendant to post a bond in an amount equal to a good-faith estimate of the plaintiff's costs to litigate the claim and an amount reasonably likely to be awarded under subsection (2), conditioned on payment of any amount finally determined to be due to the plaintiff. The court shall not order a bond to be posted under this subsection that exceeds \$250,000.00. A court may waive the bond requirement under this subsection if it finds the defendant has available assets equal to the amount of the proposed bond or for other good cause shown.

History: 2016, Act 550, Eff. Oct. 1, 2017