

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Grant offered the following:

4 **Amendment (with title amendment)**

5 Remove lines 155-186 and insert:

6 ~~(d) The person made a substantial investment in the use of~~
 7 ~~the patented invention or discovery or in a product or sale of a~~
 8 ~~product or item covered by the patent.~~

9 ~~(e) The person is the inventor or joint inventor of the~~
 10 ~~patented invention or discovery, or in the case of a patent~~
 11 ~~filed by and awarded to an assignee of the original inventor or~~
 12 ~~joint inventors, is the original assignee.~~

13 ~~(f) The person has:~~

14 ~~1. Demonstrated good faith business practices in previous~~
 15 ~~efforts to enforce the patent, or a substantially similar~~
 16 ~~patent; or~~

17 ~~2. Successfully enforced the patent, or a substantially~~

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18 ~~similar patent, through litigation.~~

19 ~~(g) Any other factor the court finds relevant.~~

20 Section 4. Section 501.994, Florida Statutes, is repealed.

21 Section 5. Section 501.995, Florida Statutes, is amended
22 to read:

23 501.995 Private right of action.—A person aggrieved by a
24 violation of this part may bring an action in a court of
25 competent jurisdiction. A court may award the following remedies
26 to a prevailing plaintiff in an action brought pursuant to this
27 section:

- 28 (1) Equitable relief;
- 29 (2) Actual damages;
- 30 (3) Costs and fees, including reasonable attorney fees;

31 and

32 (4) Punitive damages in an amount not to exceed \$75,000
33 ~~equal to \$50,000 or three times the total damages, costs, and~~
34 ~~fees, whichever is greater.~~ However, such punitive damages may
35 only be awarded if the court determines that the person
36 asserting the patent infringement claim has repeatedly violated
37 this part.

38 Section 6. This act shall take effect upon becoming law.

39

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41 **T I T L E A M E N D M E N T**

42 Remove lines 12-13 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1181 (2016)

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43 | authorizing the award of actual damages; revising
44 | provisions authorizing the award of punitive damages;