

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

***** 446.169c.new THIS NEW SECTION IS EFFECTIVE OCTOBER 1, 2017 *****

446.169c.new Temporary or permanent injunction; action by attorney general; notice; award of investigation and enforcement costs; civil fine; violation of terms of injunction or judgment; enjoining person from doing business in state.

Sec. 9c. (1) If the attorney general has probable cause to believe that a person has engaged, is engaging, or is about to engage in an unlawful practice as described in section 5 and gives notice as provided in this section, the attorney general may bring an action to restrain the person by temporary or permanent injunction from engaging in the practice. The action may be brought in the circuit court of the county where the person is established or conducts business or, if the person is not established in this state, in the circuit court for Ingham County.

(2) Unless notice is waived by the court on good cause shown not less than 10 days before the commencement of an action under this section, the attorney general shall notify the person against whom the attorney general intends to bring an action of the intended action and give the person an opportunity to cease and desist from the alleged unlawful practice or to confer with the attorney general in person, by counsel, or by other representative as to the proposed action before the proposed filing date. The notice may be given to the person by first-class mail, postage prepaid, to his or her usual place of business or, if the person does not have a usual place of business, to his or her last known address, or, if the person is a corporation, only to a resident agent who is designated to receive service of process or to an officer of the corporation.

(3) In an action brought under this section, the court may award investigation and enforcement costs.

(4) In an action brought under this section, the court may assess the defendant a civil fine of not more than \$50,000.00.

(5) A person that knowingly violates the terms of an injunction or judgment issued under this section is subject to a civil fine of not more than \$5,000.00 for each violation.

(6) On the petition of the attorney general, the circuit court may enjoin a person from doing business in this state if the person persistently and knowingly evades or prevents compliance with an injunction issued under this act.

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