

Patent Troll Watch

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States Are Pushing Patent Trolls Away from the Legal Line

Washington passes a Patent Troll Prevention Act

In December, 2015, the Washington legislature approved a Patent Troll Prevention Act. The statute prohibits baseless demand letters, and allows the state Attorney General to enforce the statute under Washington's Consumer Protection Act.

Oregon enacts statute to make improper patent license demands a violation of its unlawful trade practices law

In March, 2013, Senate Bill 1540 was signed into law by the governor of Oregon. The law makes patent trolling a violation of the Oregon's Unlawful Trade Practices Act, and allows an individual or business targeted by a patent troll to sue and recover attorneys' fees.

The statute makes it a violation of the Unlawful Trade Practices Act to send a letter demanding that someone license a patent without identifying the patent or explaining why the recipient infringes. It is also a violation to demand payment of a patent licensing fee within an "unreasonably short" period of time. The statute also allows state Department of Justice attorneys and the attorney general to investigate whether the accusing entity has acted in bad faith.

California adopts legislation urging the President and Congress to reduce abusive and frivolous patent litigation; and introduces bill against bad faith patent enforcement

In October, 2013, California legislators first began meeting to discuss the effect that patent trolls are having on California businesses. In July, 2015, the California legislature adopted Assembly Joint Resolution Number 9, which is a measure which urges the President and the Congress of the United States to "craft a balanced and workable approach to reduce incentives for and minimize unnecessary patent litigation while ensuring that legitimate patent enforcement rights are protected and maintained.

In February, 2015, the California Senate introduced S.B. 681, a bill that would make it unlawful to send a written communication that states or represents that the recipient may have infringed a United States patent if the sender, in bad faith, makes specified statements, seeks compensation for specified conduct, or fails to include specified information in the communication. The violation of the statute would only be enforceable by the state attorney general. The bill appears to be pending in the Senate Judiciary Committee.

Arizona introduces statute prohibiting bad faith patent infringement allegations

In January, 2016, Arizona introduced HB 2386, the "Patent Troll Prevention Act," which would prohibit patent infringement allegations made in bad faith. It would allow the state attorney general to investigate and enforce violations using consumer fraud statutes. The statute passed the Arizona House of Representatives and has been passed on to the Arizona Senate.

Colorado adopts statute punishing bad faith patent assertion

In June, 2015, the Colorado legislature passed HB 1063, which gives the state Attorney General's Office enforcement authority to prosecute bad faith patent enforcement demands.

Idaho passes bill making it unlawful to assert patent infringement in bad faith

In March, 2014, Idaho approved Bill 1354, which made it unlawful to assert patent infringement in bad faith.

Montana adopts anti patent trolling legislation

In April, 2015, Montana approved SB 39, prohibiting bad faith assertions of patent infringement, allowing the state attorney general to enforce the statute through civil investigation and actions, and allowing for private civil causes of action, punitive damages, and attorneys' fees.

Utah passes Distribution of Bad Faith Patent Infringement Letters Act

In April, 2014, effective May, 2014, Utah enacted a statute that prohibits the distribution of bad faith demand letters asserting patent infringement. The statute allows a person who has been the recipient of a demand letter asserting patent infringement to file an action, provides remedies, and allows for punitive damages.

Wyoming introduces bill against patent trolling

In February, 2016, Wyoming introduced a bill prohibiting bad faith assertion of patent infringement. The statute allows for a private cause of action, including exemplary damages, as well as enforcement by the state attorney general. The bill has passed the Wyoming Senate, and is pending in the Wyoming House of Representatives.

North Dakota approves legislation barring bad faith assertions of patent infringement

In March, 2015, North Dakota approved HB 1163, which prohibits bad faith assertions of patent infringement. It creates a list of factors that the courts may consider in determining whether an assertion is made in bad faith. It allows for a private cause of action, and also allows the state attorney general to enforce the statute. It also provides that a variety of entities are exempt from the statute, including institutions of higher education, and publicly traded companies, among others.

South Dakota passes legislative ban on bad faith assertions of patent infringement

In March, 2014, South Dakota approved Senate Bill 143, effective July, 2014, making it unlawful to assert patent infringement in bad-faith. The statute authorizes the state attorney general to investigate and bring civil actions for bad faith assertions, and also allows for private causes of action.

Minnesota reaches settlement agreement with patent troll; and introduces bad faith patent assertion legislation

In August, 2013, after initiating an investigation, Minnesota Attorney General Lori Swanson became the first state Attorney General to reach a settlement agreement with a patent troll. The agreement required the troll, MPHJ (the "scanner troll") to give the attorney general's office 60 days' notice and obtain its consent before it sends any letters targeting Minnesota businesses.

In March, 2015, the Minnesota state Senate and House of Representatives introduced bills that would prohibit bad faith assertions of patent infringement authorize the courts to consider various factors in determining whether an assertion of patent infringement in bad faith or good faith has been made. Those bills have been referred to the Senate Commerce Committee (SF 1321) and the House Commerce and House Regulatory Reform Committee (HF 1586), respectively.

Iowa introduces legislation on bad-faith assertions of patent infringement

In January, 2015, the Iowa legislature introduced a bill, Senate Study Bill 1028, that would create a private right of action for bad-faith assertions of patent infringement, and provide remedies and penalties. Thus far, that bill has not yet been approved.

Nebraska Attorney General investigates patent troll; and introduces legislation to make baseless claims of patent infringement

In July, 2013, Attorney General Jon Bruning initiated an investigation into the business and patent enforcement activities of Farney Daniels, based on the state's belief that letters sent by Farney Daniels to Nebraska businesses violated the state's unfair competition law. The investigation was based on both the state Consumer Protection Act and the Uniform Deceptive Trade Practices Act. As part of the investigation, the Attorney General issued a cease and desist order against Farney Daniels. Farney Daniels responded by adding members of the Nebraska Attorney General's Office as parties to a patent lawsuit brought on behalf of Activision TV in federal court. On September 30, the federal judge presiding in that case held that the cease and desist order violated the constitutional rights of Activision TV and enjoined its enforcement. The Attorney General appealed that decision to the US Court of Appeals for the Eight Circuit, but voluntarily withdrew his appeal in November, 2013.

In January, 2014, Bruning proposed a bill in the Nebraska state legislature that would make it a crime to allege patent infringement in bad

faith. The Nebraska Patent Abuse Prevention Act, which was introduced by state Senator Heath Mello at Bruning's request, would make it a violation of Nebraska's existing state consumer protection law to send letters making baseless allegations of patent infringement. The bill sets out numerous criteria for courts to consider as evidence that a patent infringement allegation was made in bad faith. The factors include sending a demand letter that does not identify the patent owner or patent number and does not provide factual allegations about how the recipient infringes. In addition, demanding a license fee "within an unreasonably short period of time" or offering to license the patent for an amount that is "not based on a reasonable estimate of the value of the license," would count as bad faith under the bill, as would making an infringement allegation the patentee knew or should have known was meritless. As of the end of 2014, the legislation was still pending.

Missouri Attorney General announces investigation of impact of patent trolls on Missouri businesses; passes statute prohibiting bad faith assertions of patent infringement

In November, 2013, Attorney General Chris Koster announced that he is actively engaged in investigating the impact of trolls on Missouri businesses.

In July, 2014, the Missouri legislature passed Bill 706, prohibiting the bad-faith assertion of patent infringement, effective August, 2014. The statute specifies certain factors as examples of bad-faith, such as: (1) the demand letter's not identifying the patent number, name and address of the patent owner, or factual allegations concerning the specific areas in which the target infringes; (2) the person offers to license the patent for an amount that is not based on a reasonable estimate of the value of the license; or (3) the demand letter requires payment of a license fee or response within an unreasonably short period of time. The statute also authorizes the state attorney general to investigate bad faith assertion, and prosecute it as a civil action under the Missouri antitrust law. In addition, the statute provides for a civil cause of action for targets of bad faith assertions.

Kansas approves legislation on bad-faith assertions of patent infringement

In May, 2015, Kansas approved legislation amending the Kansas Consumer Protection Act, allowing a civil cause of action for persons against whom a bad-faith assertion of patent infringement has been made. It also allows the state attorney general to investigate and bring an action for bad-faith assertion of patent.

Oklahoma Governor passes signs legislation protecting against bad-faith patent infringement claims

In May, 2014, the Governor of Oklahoma signed HB 2837, effective October 2014, protecting businesses from abusive and bad-faith assertions of patent infringement. The measure prohibits bad faith patent infringement claims, and lists the factors a court may consider as evidence of a valid claim.

Texas passes law prohibiting demand letters alleging a claim of patent infringement in bad faith

Texas SB 1457, which became Sections 17.951 to 17.955 of the Texas Business and Commerce Code, effective September 1, 2015, defines bad faith claims of patent infringement as communications that falsely state that the sender has filed a lawsuit in connection with the claim, or make a claim that is objectively baseless, and are likely to materially mislead a recipient because of the communications. In addition, the Texas statute provides that a claim is objectively baseless when the sender, or the person represented by the sender, lacks current patent licensing or enforcement rights, the patent at issue has been held invalid or unenforceable, or when all of the allegedly infringing activity occurred after the patent at issue expired. In addition, a demand letter is materially misleading when it lacks material information regarding who is asserting the claim, the patent allegedly infringed and the product, service or technology that is allegedly infringing the patent.

The statute also allows the Texas Attorney General to bring an action on behalf of the state seeking a civil penalty for bad faith patent assertions, including injunctions and up to US \$50,000 for each violation, as well as seek reimbursement for the cost of investigation and prosecution. Although the statute provides no private cause of action, the Attorney General can seek restitution for a victim's legal and professional expenses related to the bad faith infringement claim.

Louisiana passes statute prohibiting bad-faith assertions of patent infringement

In May, 2014, Louisiana passed a statute, LA Rev Stat § 51:1428, providing that no person shall make a bad faith assertion of patent infringement against an end-user. The statute is an amendment to the state unfair or deceptive trade practice act, and provides that the state attorney general shall have the sole authority to investigate and pursue any violation of the statute.

Mississippi passes bad faith assertion legislation

In 2015, the Mississippi House of Representative passed HB 589, which made it unlawful to send bad faith patent assertions. It exempts institutions of higher learning. The statute also authorizes the state attorney to investigate and institute civil actions to enforce the statute.

Wisconsin passes law restricting patent-licensing demand letters

In March, 2014, the Wisconsin State Assembly and Senate passed a bill making it a crime to send patent-licensing demand letters that contain false or misleading information. The law requires, among other things, an analysis setting forth in detail how the recipient of the letter allegedly infringes. It also authorizes the state attorney general to investigate misleading demand letters, and imposes penalties of up to \$50,000.

Illinois passes statute prohibiting unfair or deceptive patent demand letters

In August, 2014, the Illinois Senate approved Bill 3405, amending the existing Consumer Fraud and Deceptive Business Practices statute, to prohibit a sending deceptive patent demand letters. The statute defined deceptive or unfair assertions of patent infringement as those without a reasonable basis in law or fact, or if the person making the assertion is not, or does not represent, a person with a current right to license the patent, or the claim fails to make certain other disclosures.

Michigan introduces bill to prohibit bad faith assertions of patent infringement

In 2014, the Michigan House of Representatives introduced legislation against bad faith patent infringement claims (HB 4587), which has been referred to the Committee on Michigan Competitiveness. In 2015, the Michigan Senate introduced a companion bill (SB 289), which has been referred to the Senate Judiciary Committee. The legislation would provide remedies for the bad-faith assertion of patent infringement, including private causes of action, as well as allow the state attorney general to investigate and enforce bad-faith assertions.

Indiana passes statute prohibiting bad faith assertions of patent infringement

In May, 2015, Indiana approved a patent troll statute, which allowed for a private cause of action by a targeted company if a party asserts a claim of patent infringement in bad faith. The statute includes a list of factors for the courts to consider when determining if the party claiming infringement acted in bad faith. It also requires the troll to post a bond of up to \$250,000 if the target establishes a reasonable likelihood that the troll made an assertion of patent infringement in bad faith. And it also allows for punitive damages of up to \$50,000 or treble actual damages (and also allows the court to award attorneys' fees to the prevailing party of the suit.) The statute does not apply to patent assertions by postsecondary educational institutions, technology transfer organizations affiliated with a postsecondary educational institution, pharmaceuticals or medical devices.

Ohio General Assembly introduces bill to prohibit bad faith assertions of patent infringement

In May, 2014, the Ohio General Assembly introduced H.B. 573, which would prohibit a person from making "a bad faith assertion of patent infringement." The bill provides that a patent infringement claim has been asserted in bad faith based on consideration of several factors, including whether a demand letter is vague or detailed, whether information regarding the patent is provided to the recipient of the demand letter upon request, whether the demand letter imposes an unreasonably short period of time for the recipient to pay the amount demanded, and whether the demand exceeds a reasonable estimate of the value of a license on the patent. In addition, if there is a reasonable likelihood that a patent infringement claim has been asserted in bad faith, a court can require an alleged patent troll to post a bond to cover the targeted alleged infringer's expected cost to litigate the case. If the recipient of the bad faith assertion ultimately prevails, the recipient can ask the court for, among other remedies, injunctive relief, compensatory damages, costs, attorneys' fees, and punitive damages.

Kentucky introduces bill to make bad faith assertion of patent infringement an unfair trade practice

In February, 2014, Kentucky state senator Whitney Westerfield introduced a bill that would criminalize making bad faith patent infringement allegations or making baseless demands for licensing fees. The bill would also render groundless infringement accusations a violation of the Kentucky Consumer Protection Act, and would enable purported infringers to sue the non-practicing entities, or patent trolls, that have approached them and to recover tripled damages, court costs and attorney fees. "Making or threatening to make a bad-faith assertion of patent infringement shall be deemed an unfair, false, misleading, or deceptive act or practice in the conduct of trade or commerce," the unofficial copy of the bill stated.

Tennessee passes bad faith patent assertion statute

In May, 2014, the Tennessee legislature passed a statute to protect against bad faith” assertions of patent infringement. The statute is codified as T.C.A. § 29-40-101 through 104, effective May 18, 2014. It provides that a person or company cannot send a written or electronic demand letter stating that another person or company is infringing a patent (1) when there is a “consistent pattern” of false threats of patent litigation; (2) containing false communications that litigation has been filed; or (3) where assertions are made in the letter that “lack a reasonable basis in fact or law.” The statute allows actual and punitive damages.

Alabama passes bill prohibiting bad faith assertions of patent infringement

In April, 2014, Alabama passed Bill Number 121, prohibiting the assertion of a claim of patent infringement in bad faith, and authorizing the state attorney general to investigate claims, issue subpoenas and file civil enforcement actions. In addition, the statute allows targets of patent infringement assertions in bad faith infringement assertions to seek civil remedies in the state circuit court for damages, including exemplary damages.

New York Attorney General investigates and settles investigation of patent troll

New York Attorney General Eric Schneiderman initiated and eventually settled an investigation of alleged patent troll MPHJ Technology, which resolved hundreds of law suits MPHJ had threatened to file against the state's small and mid-sized businesses.

Massachusetts Attorney General begins research into whether existing consumer protection Law protects against patent trolls; and legislature introduces legislation that would protect Massachusetts businesses from abusive patent infringement claims

In November, 2013, Massachusetts Attorney General Martha Coakley announced that her office was exploring ways to end baseless patent trolling. The initiative included investigating Massachusetts’ existing consumer protection statute, Chapter 93A, which deals with consumer rights and business rights, to bring legal actions against unfair or deceptive business practices by a business against a consumer, or against another business, as well as reviewing the statutes enacted by states such as Vermont and Nebraska, and the lawsuits the attorneys general those states have brought.

In April, 2015, the Massachusetts Senate introduced legislation that would protect Massachusetts businesses from abusive patent infringement claims, SB 178. That legislation has been referred to the Joint Committee on Consumer Protection and Professional Licensure, and is still pending.

Vermont passes amendment to state consumer protection statute to address patent trolls, and Attorney General files lawsuit against patent troll

In May, 2013, Vermont amended its consumer protection statute to address patent troll activity, setting forth factors to help judges identify bad faith claims. Vermont Act 44 provided, in relevant part, that “a person shall not make a bad faith assertion of patent infringement,” and established a variety of factors to be considered by a court in determining whether an assertion was in bad faith. It also provided that a target of a bad faith assertion who had proved a reasonable likelihood that the assertion was in bad faith could request that require the sender to post a bond in an amount equal to a good faith estimate of the target’s costs to litigate the claim and the amounts reasonably likely to be recovered in a civil action for damages by the target. The statute also allowed for enforcement by the Vermont state attorney general.

Also in May, 2013, Vermont Attorney General William Sorrell filed a lawsuit suit under the state consumer protection law against an alleged patent troll, Vermont v. MPHJ Technology, Inc. The first effort by an attorney general to use state consumer protection law to stop a patent troll, the complaint alleged that MPHJ sent letters containing false and misleading statements about, among other things, the asserted value of the license it was offering and the response the sender had received from the business community. Vermont also alleged that the letters’ threats of imminent litigation were false. The case was filed in state court, but the defendant removed it to federal court. The defendant also moved to dismiss for lack of personal jurisdiction. That decision was eventually litigated all the way to the Federal Circuit, which has now sent the case back to the Vermont state court.

New Hampshire approves statute prohibiting bad-faith assertions of patent infringement

In July, 2014, New Hampshire approved Bill 303, prohibiting bad-faith assertions of patent infringement. The statute also allows a civil cause of action, and allows for investigation and enforcement by the state attorney general.

Maine approves legislation to allow state lawsuit for bad faith patent infringement claim, and to allow state Attorney General to bring

action for bad faith patent assertion

In April, 2014, Maine Bill 654 became law, effective August 1, 2014, allowing a company or person to file a lawsuit in superior court against someone who has made a bad faith assertion of patent infringement against them. It also allows the state Attorney General to bring an action for a bad faith assertion in violation of the state's Unfair Trade Practices Act.

Massachusetts introduces three separate versions of bad faith patent assertion statutes

In January 2017, Massachusetts legislators introduced three bills that would prohibit bad faith assertions of patent infringement (two in the state Senate, and one in the House of Representatives). The proposed Senate statutes (Senate Nos. 128 and 153) would include a private right of action in superior court, while the proposed House statute (No. 130) would provide for enforcement only by the state attorney general's office.

Rhode Island introduces legislation prohibiting bad faith assertions of patent infringement

In March, 2014, the Rhode Island Senate introduced a bill to prohibit bad-faith assertions of patent infringement. That bill passed the state Senate in June, 2014. It would authorize the state attorney general to bring civil actions for bad-faith patent infringement assertions, and also would allow for private causes of action for the targets of bad faith assertions. That bill passed the Senate in June, 2014, and was referred to the Rhode Island House Judiciary Committee. In January, 2016, it was reintroduced, and referred to the House Judiciary Committee.

Connecticut introduces legislation to provide compensation for bad faith patent assertion

In April, 2014, the Connecticut Senate introduced legislation to provide judicial relief to persons who are the targets of bad faith claims or assertions of patent infringement. In April, 2014, that bill was (apparently) passed by the Connecticut Senate. It is not clear what the status is with the Connecticut House of Representatives.

New Jersey advances bill to prohibit bad faith assertions of patent infringement

In February, 2014, the New Jersey General Assembly introduced a bill (AB 2462) to prohibit bad faith assertions of patent infringement. A similar bill was also introduced in the New Jersey Senate in February, 2014. In February, 2016, the Commerce and Economic Development Committee advanced bill A310 unanimously out of committee. Also in February, 2016, the New Jersey Senate introduced a similar bill, which was referred to the Senate Commerce Committee. The bills each provide that among the factors a court could consider as evidence of bad faith would be the lack of detailed information in a demand letter (such as a patent number, information about the patent holder, or a description of how the patent is being infringed). In addition, demanding payment of a license fee within an unreasonably short amount of time, or offering a license at an unreasonable price, could also be considered evidence of bad faith. A court could require a bond of up to \$250,000 for bad faith assertion of patent infringement, and could award exemplary damages of \$50,000 or three times the total of damages, costs and fees. And the New Jersey attorney general's office could also conduct its own investigations of claims under the proposed statute, and bring civil actions and obtain injunctions under the state's Consumer Fraud Act.

Pennsylvania introduces bill to limit frivolous patent lawsuits

Pennsylvania Senate Bill No. 1222, introduced in February 2014, would limit and discourage frivolous patent infringement lawsuits. It would allow a target of a demand letter, someone threatened with patent infringement, or a defendant in a patent infringement lawsuit to bring an action in state court (the court of common pleas) for bad faith. The bill has been referred to the Senate Judiciary Committee.

Maryland approves bill prohibiting bad faith assertion of patent infringement

In May, 2014, Maryland approved Bill 585, a statute prohibiting bad-faith assertions of patent infringement. In addition, the statute authorizes the state attorney general and its Division of Consumer Protection to investigate and bring civil or criminal actions for bad-faith assertions of patent infringement. In addition, the statute creates a civil cause of action for persons who have been injured or sustained a loss as a result of bad faith assertions of patent infringement.

Virginia approves legislation to prohibit bad faith patent claims

In January, 2014, the Virginia House and Senate approved legislation to prohibit patent trolls or anyone from making in bad faith an assertion, claim, or allegation that a resident of the Commonwealth is infringing a patent. The statute, Virginia Code §59.1 - 215.3, allows the Attorney General issue a civil investigative demand to enforce compliance with the patent trolling statute. It does not create a private

cause of action.

In January, 2016, the Virginia Attorney General's office announced the formation of a Patent Troll Unit, which would be empowered to investigate cases of patent trolling and seek financial penalties and injunctions against those who assert patent infringement claims in "bad faith," even if those persons or businesses are based outside of Virginia.

North Carolina approves statute against bad faith assertions of patent infringement

In April, 2014 the North Carolina General Assembly began examining a proposed "Patent Abuse Bill," which would create civil and criminal causes of action for bad faith assertions of patent infringement. In August, 2014, Bill 1032 was approved and signed into law. It provides for a private cause of action in state court for a target or person who has been threatened or received a bad-faith assertion of patent infringement, and also allows the state attorney general to investigate and bring an action for bad-faith assertion.

South Carolina advances bad faith assertion of patent infringement statute

In February, 2015, bad faith patent assertion legislation was introduced in the South Carolina House of Representatives, and passed the House in April 2015. It was introduced in the South Carolina Senate in April, 2015. In January 2016, the Senate Judiciary Committee reported favorably on the bill. The statute would prohibit bad faith assertions of patent infringement, create a private cause of action, and allow for enforcement by the state attorney general.

Georgia prohibits bad-faith assertions of patent infringement

In April, 2014, Georgia passed House Bill 809, prohibiting bad-faith assertions of patent infringement. Under the statute, bad-faith can be based on facts such as: (1) a demand letter not identifying the patent number, name and address of the patent owner, or fact allegations concerning the specific areas in which the target infringes; (2) prior to sending the demand letter, the person failing to conduct an analysis comparing the claims in the patent to the target's products, services and technology; (3) a demand letter requiring payment of a license fee or response within an unreasonably short period of time. Also, the state attorney general is authorized to issue civil investigative demands under the statute. In addition, the statute allows for a civil cause of action for targets of bad-faith assertions of infringement.

Florida enacts Patent Troll Prevention Act

In June, 2015, Florida approved HB 439, the Patent Troll Prevention Act, prohibiting bad faith assertions of patent infringement. The statute allows for a private cause of action, and provides a detailed list of factors that a court may consider in determining whether an assertion of infringement was made in bad faith. A determination of bad faith can include damages and reasonable attorney fees. It specifically exempts from the bill's provisions an institution of higher education, a technology transfer organization owned by or affiliated with an institution of higher education, or a demand letter or assertion of patent infringement that includes a claim for relief relating to patents for pharmaceutical or biological products.

Summary

According to the National Conference of State Legislatures, as of November 12, 2015, 27 states had anti-patent troll legislation, and an additional 11 states had introduced some form of anti-troll legislation. See <http://www.ncsl.org/research/financial-services-and-commerce/2015-patent-trolling-legislation.aspx>.

As of March, 2016, in addition to the 27 states that had enacted anti-patent troll legislation, there have been a total of at least 15 additional states that have introduced some form of anti-troll legislation at some point, as listed above.

National Association of Attorneys General submits letter from 42 states supporting federal legislation to curb patent trolls

On February 24, 2013, the Attorneys General from 42 states signed a letter supporting federal patent reform legislation, including measures to curb patent trolls. Those states were Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Florida, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wyoming.

The states who did not participate were California, Delaware, Georgia, Montana, North Dakota, Ohio, Oklahoma, South Dakota, and West Virginia.

Litigation information:

According to RPX Corp., trolls filed more than 3,600 suits in 2013 -- about 67 percent of all patent lawsuits. That is an increase of 18 percent from 2012. They sued over 4,800 companies, an increase of 13 percent. (Source: 2013 NPE Litigation Report, RPX Corporation)

In 2014, the total number of cases filed by patent trolls decreased to about 2,800, but the total volume of patent cases also dropped, from 5,500 in 2013 to 4,500 in 2014. So the percentage of troll cases remained about the same (65% in 2013, 62% in 2014). Trolls sued about 3,800 unique defendants in 2014. (Source: 2014 NPE Litigation Report, RPX Corporation)

In 2015, trolls were responsible for 66% of all infringement claims filed in the US courts, according to a report by Unified Patents. (2015 Annual Year End Patent Dispute Report, Unified Patents)

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