

2013 DRAFTING REQUEST

Senate Amendment (SA-SA1-SB498)

Received: 3/5/2014 Received By: mkunkel
Wanted: As time permits Same as LRB:
For: Paul Farrow (608) 266-9174 By/Representing: Scott Rausch
May Contact: Drafter: mkunkel
Subject: Trade Regulation - other Addl. Drafters:
Extra Copies: MPG

Submit via email: YES
Requester's email: Sen.Farrow@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Exemption for certain research or health care institutions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 3/5/2014			_____			
/1		evinz 3/5/2014	jmurphy 3/5/2014	_____	lparisi 3/5/2014	lparisi 3/5/2014	

FE Sent For:

<END>

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3/5/14

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3/5

FE Sent For:

<END>

Kunkel, Mark

From: Kunkel, Mark
Sent: Wednesday, March 05, 2014 11:26 AM
To: Rausch, Scott
Subject: RE: amendment 2 to SB 498

Scott:

Sorry for the confusion, it looks like you want to amend SA1 to SB 498. SA1 creates an exemption, and you want to add another exemption

--Mark

From: Kunkel, Mark
Sent: Wednesday, March 05, 2014 11:16 AM
To: Rausch, Scott
Subject: FW: amendment 2 to SB 498

Scott:

Sorry for the delay in getting back to you. I am covering for Mike Gallagher, who is out of the office.

Do you want a Senate Amendmnt to SB 498, or a Senate Amendment to AB 656?

--Mark

From: Rausch, Scott
Sent: Tuesday, March 04, 2014 1:56 PM
To: Gallagher, Michael
Subject: amendment 2 to SB 498

Mike,

I have attached a memo to SB 498 Amendment. This will be Amendment 2 to SB 498. Sen. Farrow would like to have this drafted and jacketed for committee tomorrow.

Thanks for your help.

Scott Rausch

Chief of Staff
Office of Senator Paul Farrow
(608) 266-9174
Scott.Rausch@legis.wi.gov



TO: Senator Farrow and Representative Neylon

FROM: Marshfield Clinic and Aurora Health Care

DATE: March 4, 2014

RE: Proposed Amendment to Senate Bill 498 and Assembly Bill 656

We applaud your efforts to prohibit the harmful and costly practice of patent trolling. As the state's leading research institutions, we are deeply concerned by the onslaught of infringements of intellectual property (IP) by shell corporations. Though we agree with the merits of Senate Bill 498 and Assembly Bill 656 we have significant concerns that the bill in its current form inhibits both of our organizations from protecting our health care research IP. We share the concerns voiced by the Wisconsin Alumni Research Foundation (WARF), which ultimately resulted in an approved amendment to exempt Institutions of higher education from requirements of the bill.

Like WARF, we respectfully request an amendment to the legislation that will uphold the original intent of the bill, but also doesn't make the already extremely difficult job of conducting fundamental research more difficult by adding a new hurdle that applies to technology transfer at a health care research institution.

Infringement of health care research can be very difficult to investigate. Research IP infringement concerns often times require swift action and notice of infringement in order to protect the IP. As the bill currently stands, there could be circumstances where we no longer have the ability to take necessary protective action and provide notice of infringement, as we may not have all of the evidence needed to substantiate our claim as required by the bill. Please find below proposed amendment language for your consideration. The amendment, in its very narrow definition, allows us to protect our IP in very high stake situations that require quick action.

Thank you again for your consideration of our concerns.

5. Page 4, line 15: after that line insert:

(4) EXEMPTIONS. Subsection (2) does not apply to any of the following:

(a) ~~(i) A patent notification of an institution of higher education or of a technology transfer organization that is owned, controlled, or operated by, or associated with, an institution of higher education.~~ *that has*

(a-) ~~(ii) A patent notification of a healthcare or research institution with annual expenditures of at least \$10 million and the recipient of federal funding or of an organization that is owned, controlled, or operated by a healthcare or research institution with annual expenditures of at least \$10 million and the recipient of federal funding.~~

(a-) (b) A patent notification attempting to enforce or assert a right in connection with a patent or pending patent on a device, or a component of that device, that is subject to approval by the federal food and drug administration or the federal department of agriculture.

sum



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa2012/1

MDK:.....

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SENATE AMENDMENT ,
TO SENATE AMENDMENT 1,
TO SENATE BILL 498

Now

1 At the locations indicated, amend the amendment as follows:

2 1. Page 2, line 14: after that line insert:

3 "(ag) A patent notification of a healthcare or research institution that has
4 annual expenditures of at least \$10,000,000 and that receives federal funding.

5 (ar) A patent notification of an organization that is owned, controlled, or
6 operated by an institution specified in par. (ag)."

7 (END)