

IC 24-11-5

Chapter 5. Remedies and Damages

IC 24-11-5-1

Civil actions; expenses and costs; remedies

Sec. 1. (a) A target, or a person aggrieved by a violation of:

- (1) this article; or
- (2) rules adopted under this article;

may bring an action in a court with jurisdiction.

(b) A person shall, not later than thirty (30) days after filing a complaint with a court in an action under subsection (a), mail or deliver a copy of the complaint to the office of the attorney general.

(c) A court may award reasonable attorney's fees, litigation expenses, and costs to a person who prevails in an action under subsection (a).

(d) A court may, in addition to fees, expenses, and costs under subsection (c), award any or all of the following to a complainant who prevails in an action under subsection (a):

- (1) Declaratory or equitable relief.
- (2) The greater of:
 - (A) actual damages; or
 - (B) liquidated damages for each complainant who prevails in the sum of five thousand dollars (\$5,000) for each demand letter that the complainant received.
- (3) Punitive damages in the amount of the greater of:
 - (A) fifty thousand dollars (\$50,000); or
 - (B) three (3) times the amount of actual damages.

As added by P.L.172-2015, SEC.1. Amended by P.L.149-2016, SEC.75.

IC 24-11-5-2

Addition to other enforcement proceedings, private right of action, remedies, and penalties

Sec. 2. The private right of action, remedies, and penalties established under this chapter are in addition to any other enforcement proceedings, private right of action, remedies, and penalties available under any other state or federal law, rule, or regulation relating to assertions of patent infringement.

As added by P.L.172-2015, SEC.1.