

Discover PLUS Research Topics – **Patent Trolls**

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Scenario: Following the White House’s 2013 announcement that it will take Executive actions to counter the influence of “patent trolls,” or Patent Assertion Entities (PAEs), a researcher would like to better understand patent trolls and their impact on patent litigation.

Search: ("patent troll!" or "Patent Assertion Entities" or "PAE") /10 litigation

Results: Search results include publications, such as *IP Monetization 2015: Maximize the Value of Your IP Assets*, *Intellectual Property Law Answer Book*, and *Fundamentals of Patent Litigation 2015*; and PLI program transcripts, such as “IP Monetization 2014: Maximize the Value of Your IP Assets” and “Antitrust Institute 2014: Developments & Hot Topics”.

Expert contributors to PLI materials on this topic:

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 Results on Page: 10
 Page: FIRST PREVIOUS NEXT

- The Joint U.S. Department of Justice and Federal Trade Commission Workshop on Patent Assertion Entity Activities—"Follow the Money"**
 Title: IP Monetization 2015: Maximize the Value of Your IP Assets
 Author(s): Erica S. Mintzer, Suzanne Munch
 Published: 2015

... Workshop panelist Tom Ewing is credited with coining the term "privateering" to describe this category of PAE activity. See Thomas L. Ewing, Introducing the Patent Privateers, IAM Magazine, Jan./Feb. 2011, at 31 available at www.scribd.com/doc/135364846/IAM-Magazine-Tom-Ewing-Privateering-Article ; Thomas L. Ewing, Indirect Exploitation of Intellectual Property Rights by Corporations and Investors: IP Privateering & Modern Letters of Marque & Reprisal , 4 Hastings S.C.I. & Tech. L.J. 1 (2012). Nuisance suits targeting end users. Operating companies jointly creating a PAE, which then sues the companies' rivals. The December workshop covered topics, including PAE behavior, the economics of PAE licensing and litigation activities, the potential competitive effects of this activity, and the proper role, if any, of antitrust law in this context. ...

... The agencies solicited public comments in conjunction with the workshop. Sixty-eight comments were submitted, mostly expressing concern with various PAE activities, though a handful discussed the procompetitive aspects of PAE licensing and litigation. ...

... This idea permeated the workshop and prompted Intellectual Ventures' Peter Detkin to advise that the "focus [should be] on the patents, not on the owners of the patents." PAE Workshop Transcript, supra note 6, at 46 (Peter Detkin, Founder & Vice-Chairman, Intellectual Ventures, Comments at Realities of Licensing and Litigation Practices Panel, PAE ...
- Analysis of Empirical Data on Patent Monetization (January 29, 2014)**
 Title: IP Monetization 2014: Maximize the Value of Your IP Assets
 Author(s): Daniel B. Ravicher
 Published: 2014

... Disregarding the increase in litigation due to the new joinder rule, Cotropia, et al., conclude, "[t]here is essentially no increase if one considers only the number of unique patent holders or the total number of parties excluding the patentee." The debate roared further in January 2014, when David Kappos, the former Director of the US Patent and Trademark Office, published Facts Show Patent Trolls Not Behind Rise In Suits , citing Cotropia, et al., as a basis to opine that "the building is not on fire." Kappos criticized the previous studies relied on by the White House report as "unhelpful at best, and more likely harmful by representing as 'data-driven' a picture that is