

# The Global Patent Landscape

14th Annual Advanced Patent Law Institute

Presented by

The University of Texas School of Law  
George Mason University Antonin Scalia Law School  
Alexandria, Virginia, March 21, 2019

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## Agenda

- Enforcement realities
- Post-issuance validity reviews
- Remedies: Damages, royalties and injunctions
- Motions to invalidate in court under section 101
- Use of district court stays in light of PTAB proceedings
- Trade secret considerations



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# Enforcement Realities

## The Times They are a Changin'

### The Old World




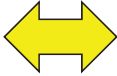


- Slow-moving innovation
- Focus your IP strategy at home
- Pick your market and let the legal strategy follow

### In a Global Economy:

- Protect products and services globally
- Choose where to enforce, but must coordinate efforts worldwide
- Increased pressure to maximize ROI on IP expenditure



# The Global Patent Landscape

	Population	GDP	Perception of Patent Value
	326M	\$20T	
	508M	\$19T	
	1.4B	\$12T	

# Litigation Costs

	United States	United Kingdom	Germany	China
<b>What level of cost should a party expect to incur to take a case through to a first instance decision?</b>	Ranked 26 <sup>th</sup> in cost effectiveness of enforcement by TaylorWessing.  Where the amount at stake is more than \$25 million, can be around \$6 million.	Ranked 7 <sup>th</sup> in cost effectiveness of enforcement by TaylorWessing.  Ranges from \$650,000 to \$2.5 million.	Ranked 1 <sup>st</sup> in cost effectiveness of enforcement by TaylorWessing.  Where the amount at stake is ~\$35 million, can be around \$900,000.	Ranked 25 <sup>th</sup> in cost effectiveness of enforcement by TaylorWessing.  Ranges from \$200,000 to \$775,000
<b>Can costs and attorney fees be recovered by the winning party?</b>	Certain costs may be recoverable.  Attorney fees are in "exceptional circumstances," though getting easier to obtain.	For a case at the High Court, the losing party generally pays between 50% and 70% of the winning party's costs. For a case at the IPEC, recoverable costs are capped at about \$65,000.	The losing party generally pays the winning party's costs; however, the amount recoverable is capped based on the value of the underlying claims.	The losing party generally pays the winning party's litigation costs; however, the amount recoverable depends on the reasonableness of the costs – generally low.
<b>How long? (First instance determination)</b>	Generally 2 to 2.5 years, but some courts have accelerated dockets	Most cases: 1 year Complex: 1.5-2 years Streamlined: 6 months	Infringement: 8-15 months Invalidity: 2 years	Infringement: 6-18 months Invalidity: 6 months

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First appeared as part of the conference materials for the  
14<sup>th</sup> Annual Advanced Patent Law Institute session

"The Global Patent Landscape"