



Advanced Commercial Litigation Funding: Special Considerations for Your Practice Group

UT Law CLE

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IMF Bentham, Bentham IMF, ROLAND ProzessFinanz adopted the global name Omni Bridgeway in 2020.

DISCLAIMER: Any deal structures, pricing, models, and terms provided herein are for illustration only, subject to change, and intended to give a general understanding of the way in which Omni Bridgeway may structure its transactions. Actual transactions and deal terms may vary based on the facts and circumstances of specific investments. Claimants and law firms may not rely on this introductory presentation; any specific funding deal will be governed solely by the terms agreed to and set forth in an executed contract.



Your Presenters



Sarah Tsou

- Investment Manager, Legal Counsel
- Leads Omni Bridgeway's intellectual property initiatives in the U.S.
- Former partner at Kirkland & Ellis LLP with over a decade of experience as a trial lawyer specializing in patent litigation.



Ken Epstein

- Investment Manager, Legal Counsel
- Leads Omni's bankruptcy and insolvency-related funding initiatives in the U.S.
- Former managing director in the Special Situations Group of MBIA, Inc. and member of the board of directors of MBIA Insurance Corp.
- Former attorney at Cadwalader, Wickersham & Taft



Nilufar Hossain

- Associate Investment Manager, Legal Counsel
- Leads Omni Bridgeway's international arbitration initiatives in the U.S.
- Former attorney at King & Spalding LLP and Freshfields Bruckhaus Deringer LLP, focusing on international arbitration and cross-border litigation and investigations.



Amy Geise

- Investment Manager, Legal Counsel
- Head of Omni's Houston Office
- Former attorney at Porter Hedges LLP, specializing in bankruptcy and complex commercial litigation.

Roadmap to Today's Program

- Introduction: why do certain practice areas require special considerations when utilizing litigation funding?
- Litigation funding in IP cases
- Litigation funding in bankruptcy
- Litigation funding in international arbitration
- Litigation funding for appeals and enforcement

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What is the difference?

The subject matter, forum, procedural posture, and jurisdiction of an investment can have a material impact on a funding arrangement.

Practitioners should understand how these factors impact the funding process and work with funders who abide by applicable rules and ethical restrictions.

- Disclosure
- Risk profile
- Timing
- Pricing
- Funder rights
- Attorney fee structure
- Adverse cost risk

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Part 1

Litigation Funding for IP Cases

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Intellectual Property Claims

Key Funding Considerations

- Foundational, commercially-relevant innovations
- Strong evidence of use in a substantial infringing market
- Tried and tested IP. A successful history of commercialization, licensing and/or litigation is preferred
- Diversity and cross-collateralization
- Risk of counterclaims
- Alignment of goals and risk-share
- Jurisdictional considerations

Omni Bridgeway enables innovators to unlock the value of their most important IP

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