

CREATIVE WAYS TO RESOLVE DISPUTES BETWEEN PTAB AND DISTRICT COURT PROCEEDINGS



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The Audience

- All Litigants Except
 - Those philosophically opposed to settlement
 - Those who perceive themselves as having nothing to lose



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The Problem – Multiple Jurisdictions

- District Court Litigation
 - Infringement
 - Validity
 - Damages
 - Injunction
- PTAB
 - Validity
 - Prosecution History
 - Estoppel



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The Problem – The “Parties”

- Patent Owner / Plaintiff
- Accused Infringer / Defendant
- Wild Cards
 - Third Party Initiator of IPR
 - Real Party in Interest



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The Problem – The Lawyers and Others

- Outside Counsel / Law Firms
- Prosecution Counsel
- Inhouse Counsel
- Inhouse Business Interests



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The Problem – Motivations

- Outside Counsel / Law Firms
 - \$\$\$\$\$
- Prosecution Counsel
 - Claim Scope
 - Winning Percentage
- Inhouse Counsel
 - Client Relationship
 - Internal Negotiations
 - Job Security
- Inhouse Business Side
 - Create Opportunities / Revenue
 - Resolution
 - Minimize Risk & Disruption



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