

Litigation Funding in IP Cases 27th Annual UT Law Advanced Patent Law Institute

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CONFIDENTIAL
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AGENDA

- What is Commercial Litigation Finance?
- How Can Litigation Finance Help?
- Which Cases Get Funded?
- How Does It Work?
- What Ethical Considerations Are There?

BAKER BOTTS



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WHAT IS COMMERCIAL LITIGATION FINANCE?



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WHAT IS COMMERCIAL LITIGATION FINANCE?

Litigation Finance is:

- Any transaction where a litigation claim secures financing
- Funds are provided on a non-recourse basis, i.e., the financier's return depends on a successful outcome in the litigation

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WHAT IS COMMERCIAL LITIGATION FINANCE?

How Do Funders Invest in Litigation?



Fee and Cost
Funding



Portfolio
Funding



Working
Capital



Defense
Funding



Claim
Monetization



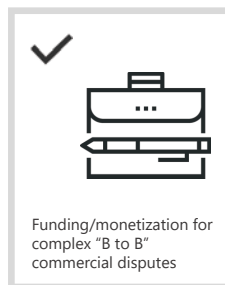
Bespoke
Programs

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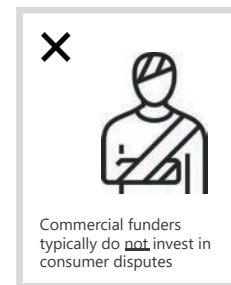
WHAT IS COMMERCIAL LITIGATION FINANCE?

Types of Litigation Finance

- Types of Cases
 - Antitrust
 - Arbitration
 - Asset Enforcement
 - Bankruptcy
 - Breach of Contract
 - Breach of Fiduciary Duty
 - Commercial Litigation
 - Copyright/Trademark
 - Patent
 - Trade Secret Misappropriation



Funding/monetization for
complex "B to B"
commercial disputes



Commercial funders
typically do not invest in
consumer disputes

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