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UT LAW CLE



TEXAS Law

The University of Texas at Austin  
School of Law

# PATENT LITIGATION FUNDING

Understanding and Implementing Litigation Finance  
and Insurance Solutions in Your Practice

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1

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## Litigation is very expensive

- \$5,000,000** • Average fee budget for complex commercial cases we see
- 1,278** • Average days from filing for the case to reach trial (3.5 years)
- 116** • U.S. rank out of 142 countries for affordability of civil justice

Sources: World Justice Project; Certum analysis

2

2

## Lawyers are advisors & problem solvers

### ABA Model Rule 2.1

“In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.”

3

3

## What is litigation finance?

- **Litigation finance** is the practice where a third party provides capital to a litigant or law firm in connection with a legal claim.
  - Fees and costs funding or claim monetization
  - Primarily for plaintiff litigation
  - Money immediately paid to law firm or litigant
  - Non-recourse financing

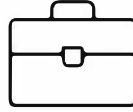
4

4

## Legal finance products



Single Case  
Funding



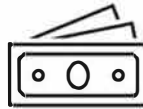
Portfolio Finance



Claim Monetization



Appeals Funding



Insurance Premium  
Finance



Secondary Transactions

5

5

## What is litigation insurance?

- **Litigation insurance** is an insurance policy that provides coverage for legal costs and expenses, and/or judgment risk, in legal disputes
  - Client or law firm pays a premium to the insurer (which can be financed)
  - Available for both plaintiffs & defendants
  - Coverage subject to exclusions

6

6

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## Title search: Patent Litigation Funding

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"Patent Litigation Funding"