



### Trading Patents in Stealth Mode

Anonymity & the Role of Intermediaries in Patent Transfer Transactions

---

---

---

---

---

---

---

---

### Why Fly Under the Radar?

- Prevent competitors learning of product directions.
  - Patent acquisition or disposal signal strategic directions.
- Prevent disclosure of weaknesses to competitors & other patent holders.
  - If buying patents in an area, good chance that this is a good place to attack.
- Negotiate better terms by shielding identity.
  - Especially if the buyer has deep pockets.
- Prevent infringement-related lawsuits.



**TYNAX** THE TECHNOLOGY TRADING EXCHANGE

---

---

---

---

---

---

---

---

### Why Buyers are Concerned about Infringement-Related Lawsuits

- There's a possibility that a potential buyer is also an infringer.
  - Why would the buyer be interested if it was not actively involved in the subject area of the patent?
- After learning of buyer's interest, seller may bring an infringement lawsuit.
  - The patent acquisition discussions may trigger idea for seller to sue buyer for infringement.



**TYNAX** THE TECHNOLOGY TRADING EXCHANGE

---

---

---

---

---

---

---

---

### Why Sellers are Concerned about Infringement-Related Lawsuits

- With reasonable fear of a claim of infringement, the buyer can bring a lawsuit for declaratory judgment—for court to declare non-infringement.
- The venue issues have encouraged these suits.
  - Plaintiffs like to bring suit in Eastern Texas.
  - Defendants like suits elsewhere, so bring them first.




---

---

---

---

---

---

---

---

---

---

### Anonymous Public Listings

- Both for-sale and wanted listings.
- Describe the opportunity without disclosing the patent numbers or the identity of the seller/lister.
- Following "Tell-Me-More" inquiry, NDA put in place with inquirer.




---

---

---

---

---

---

---

---

---

---

### Anonymous Private Listings

- Available only to lister and Tynax staff.
- Not published on the website, via RSS feeds or other channels.
- Available to viewers by invitation only.
- Disadvantage that these listings are not syndicated and circulated extensively.




---

---

---

---

---

---

---

---

---

---

### Non-Disclosure Agreements

- Parties agree not to disclose the confidential information.
- NDA's put in place with intermediaries.
- NDA and non-circumvention agreements with the buyer before disclosure of patent numbers.
- Confidential information:
  - Patent numbers.
  - Seller's identity.
  - Infringement information.
  - Licensees.




---

---

---

---

---

---

---

---

### Shell Companies, Trusts & Other Subsidiaries

- Patent buyers often acquire through subsidiary companies, formed for the sole purpose of acquiring these assets.
- The identity of the true owner of the patents and licensees is almost impossible to discover.
- So, often unable to determine who really owns the patents.
- Owning in stealth mode can restrict others from preparing infringement suits.




---

---

---

---

---

---

---

---



### Trading Patents in Stealth Mode

Anonymity & the Role of Intermediaries in Patent Transfer Transactions

---

---

---

---

---

---

---

---