



Patent Wars

Who's in battle? How?
What are the effects?



Currently No Audio Narration Available



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Good Old Fashioned Warfare


- Competitor v. competitor.
- Example:
 - Polaroid v. Kodak.
 - Re: instant photography technology.
 - Both companies manufactured and marketed their own products.
 - Polaroid won almost \$1bn.
- Both parties are operating companies competing with their own products.
 - Cross-infringement suits are an effective defense.



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Modern Warfare


- Patent licensing firm v. operating company.
- Example:
 - RIM (Blackberry) v. NTP.
 - RIM brought suit against Blackberry for email-to-handset technology.
 - Won injunction blocking Blackberry email.
 - NTP won over \$600m.
- NTP does not manufacture or market its own products.
 - Cross infringement suits are not possible.



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eBay Case & U.S. Supreme Court

- No injunction necessary.
 - No threat to suspend eBay service.
- Injunctions no longer automatically issued following finding of infringement.
 - Old-fashioned competitor to competitor cases still result in injunctions.
 - But no injunctions where patent-holder is not competing in the market.
- Declaws some of the patent enforcers.



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Wealthy Corporations Are Targets

- Largest, most wealthy corporations are targets of infringement litigation.
- Recent cases include:
 - Microsoft
 - Nokia
 - Samsung
 - Wells Fargo
 - Apple
 - Dell
 - Philips
 - Google
 - LG Electronics
 - Other large corporations..



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Defensive Strategies

- Invest:
 - Patents.
 - Lawyers.
- Stockpile arms:
 - File own patents.
 - Acquire patents from others.
 - Remove patents from the market.
- Team up:
 - Pool patents together.
 - Cross license with others.
- Hide:
 - Do not disclose weaknesses.
 - Conduct patent activity in stealth mode.



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Effects of the Patent Wars

- The sides are split—wealthy defensive corporations v. litigators.
- Injunctions barring products/services from provided to the public are less common.
 - New bills are before Congress to contain the wars.
- Patents have become arms that are actively traded.
 - Patents with infringement information are armed & dangerous.



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