



# Patent Infringement Insurance

## KEY PRODUCT AND COVERAGE FEATURES

- Insurance solution minimizes the costs and operational burden of patent litigation cases
- Claims-made policy
- Covered costs
  - » Litigation expenses, including fees for outside counsel and other service providers
  - » Approved reexamination, IPR, CBM, counterclaim and declaratory judgment expenses
  - » Settlement payments
- Risk management services provided to insureds
  - » Prelitigation support is available for noncovered matters, such as pre-policy cases, assertion letters or indemnity issues
  - » Claims management support
    - Litigation campaign assessment reports (on reported claims) include patent analysis, plaintiff research, campaign history and lead case status
    - RFP management for selection of defense firm(s) and preparation of case budget
    - Panel counsel and preferred provider program
    - Monthly review of legal fee invoices
    - Consultation with patent team to review case status, refine case budget, and optimize resolution and settlement costs
    - Support is available to insured for noncovered litigation, such as pre-policy cases or indirect/indemnity issues

- » Access to proprietary web-based database to search millions of patents, litigations and entities
- » Prior art search may be conducted if litigation is filed against an insured for patent infringement

## TARGET CLASSES

Start-up companies to large corporations that make or sell products, or that use patented technology with the services they provide.

## PROHIBITED CLASSES OR STATES

Pharmaceuticals/chemicals and New York.

## ADDITIONAL INFORMATION

The carrier has on average saved insureds 60% of out-of-pocket costs and 50% of time in litigation compared with non-insureds. It is the only patent insurance provider to offer these services.

The following applications will be referred to an underwriter:

- Businesses with revenues greater than \$250 million
- Insured is a defendant in a patent litigation case
- Assertion letters or invitations to license in the last 36 months
- Industry marked as “medical devices” or “other”
- Businesses that indicate an address in New York
- Additional coverages may be available upon referral; this includes coverage for litigation from direct competitors, non-U.S. litigation and liabilities from indemnification of customers



# PATENT LICENSE AGREEMENT

## CLAIMS SCENARIOS

### 1. LICENSE NEGOTIATION

Provided key negotiating ammunition to secure speedy case dismissal for the client—avoiding protracted litigation potentially costing millions of dollars with no guaranteed outcome.

**60% SAVINGS ON CASE RESOLUTION**

### 2. PATENT ASSERTION LETTER

Patent assertion letters can cost companies tens of thousands of dollars to investigate and resolve. Upon investigation, a no-engagement strategy was utilized following a threat.

**ZERO-COST OUTCOME**

### 3. LICENSING NEW PRODUCT

Following production of a new product, a business was threatened with a lawsuit for patent infringement that was de-escalated through claims management, allowing the client to obtain a license and a fortuitous end to litigation.

**55% SAVINGS ON CASE RESOLUTION**

### 4. START-UP IPO THREATENED

A software company was in the process of going public when it was sued for patent infringement. Sixty days later, a resolution was found that assisted the client in avoiding legal, settlement and transaction costs, and in proceeding with its IPO.

**ZERO-COST RESOLUTION**

### 5. LITIGATION STRATEGY REVIEW SAVED CLIENT FROM EXPENSIVE PROCESS

A business's counsel proposed filing an inter partes review (a procedure for challenging patent validity) midlitigation. The estimated cost of the filing and associated district court litigation was in the high six figures. A thorough strategy analysis by RPS led to a different approach, and the case was dismissed at a fraction of the cost and time.

**65% SAVINGS ON CASE RESOLUTION**

Get a quote online at [RPSSmallBusiness.com](https://RPSSmallBusiness.com).

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