

Patent Infringement Insurance



Risk Placement Services, Inc.

Knowledge. Relationships.
Trust and Confidence.

Key Product & 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 re-examination, IPR, CBM, counterclaim, and declaratory judgment expenses
- Settlement Payments



Risk Management Services provided to Insureds

- Pre-litigation support is available for non-covered 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/settlement costs
 - Support is available to Insured for non-covered 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

Startup companies to large corporations that make or sell products, or utilize patented technology with the service 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 to 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 >\$250M
- 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 NY
- Additional coverages may be available upon referral; this includes coverage for litigation from direct competitors, non-US litigation, and liabilities from indemnification of customers



Claims Scenarios



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.



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.



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.



Startup 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 to proceed with its IPO.
Zero-cost resolution.



Litigation Strategy Review Saved Client from Expensive Process

A business' counsel proposed filing an Inter Partes Review (a procedure for challenging patent validity) mid-litigation. The estimated cost of the filing and associated district court litigation was in the high six figures. A thorough strategy analysis by RPX led to a different approach, and the case was dismissed at a fraction of the cost and time.
65% savings on case resolution.

