

# Litigation Management Early Intervention Program

*As a courtesy to Abatement Insurance policy holders, Intellectual Property Insurance Services Corporation (IPISC) offers access to Early Intervention (EI) Services. This Service allows the policy holder to request non-threatening letters, sent by IPISC's Litigation Management Department, to suspected infringers, advising them of the existence of the policy holder's intellectual property (IP) rights and the fact that those rights are insured. In IPISC's experience, prompt response to newly discovered Infringement often results in a quick resolution.*

## EARLY INTERVENTION SERVICES GUIDELINES

1. Early Intervention Letters are limited to 10 per Policy year.
2. The Patent, Trademark and/or Copyright, which is the subject of the letter, must be Insured IP.
3. The Patent, Trademark and/or Copyright, which is the subject of the letter, must be issued or registered (not pending).
4. The suspected Infringement cannot be pre-existing to the Policy effective date.
5. The EI Services Letter Request Form provided by IPISC (upon request), which identifies the suspected infringer and provides contact information, must be complete and signed.

## HOW EARLY INTERVENTION SERVICES WORK

1. The policy holder contacts IPISC's Litigation Management Department and provides the completed EI Services Letter Request Form, which will include the name and address of the suspected infringer and reasonable, documented evidence of Infringement.
2. The Litigation Management Department contacts the suspected infringer by letter (**courier delivered**) advising them of the Insured IP.
3. The EI Letter requests that the suspected infringer determine whether, in his opinion, there is a potential problem and solicits a response to the policy holder or the Litigation Management Department.
4. The EI Letter is carefully phrased to not allege Infringement in order to avoid a Declaratory Judgment action being brought against the policy holder by a suspected infringer.
5. The letter is coming from IPISC, a party not having the right to enforce the Insured IP; and not holding itself out as a law firm. Consequently, it is unlikely to be considered a threat of an Infringement action.

The policy holder is not required to utilize the EI Services prior to filing a Claim; instead, the Services are available as a first response tool as a precursor to a Claim. IPISC's EI Services have resulted in a satisfactory resolution of the problem in more than 80% of the cases where the Insured has chosen to utilize the Services.