

IPISC's Litigation Management Services assists the client in managing legal services and costs associated with costly intellectual property (IP) litigation. Litigation Management Services, combined with IPISC's extensive experience in managing IP litigation, often saves the policy holder real dollars in excess of the amount paid in premium. Litigation Management Services monitors the legal activities of litigating counsel to ensure that pre-negotiated billing rates and guidelines are followed, and makes certain that litigation tactics are case-driven and not fee-driven. Counsel will provide detailed litigation reporting to the client and IPISC, which will ensure that the client is aware of and understands the impact of litigation tactics and ever-changing timetables.

Technology Evaluation

- Evaluate technology
- Review patent assignment history and continuity data
- Check for proper assignment to opposition
- Check for accurate inventor-ship acknowledgments
- Assist client with selection of appropriate opinion counsel

Opposition Strength Evaluation

- Assess if literal infringement or doctrine of equivalents could be argued
- Perform internet or PACER search on opposition's company
- Obtain history of opposition's prior litigation
- Perform detailed product description searches to obtain and review the most relevant patents
- Perform a validity study of opposition's patent
- Measure the scope of opposition's patent

Technology Search Evaluation

- Evaluate technology search findings and research possible outcomes for the client (post-grant review, settlement or litigation)
- Recommend possible strategies and offer insight concerning possible outcomes and how coverage may apply
- Investigate case specific representation needs, then recommend proper match of litigation counsel to each specific case

Manage the Litigation

Typical Services requested include:

- Assist Client with selecting litigating counsel suitable for representing Client in subject lawsuit
- Assist Client in negotiating hourly rates of litigating counsel, local Counsel, document discovery services, etc. (if needed)
- Use of customized Litigation Management and Billing Guidelines for selected counsel with respect to Client's lawsuit
- Require agreement by counsel of Litigation Management and Billing Guidelines prior to retention of litigating and/or local counsel
- Monitor counsel's invoices, make adjustments needed to comply with Billing Guidelines and make recommendations of payment after adjustments, if needed
- Monitor counsel's services; requests regular verbal and written updates and any changes to counsel's litigation strategy; assists Client, if requested, in monitoring the strategy decisions and assists in keeping litigating counsel focused on the Client's case
- Discuss litigation benchmarks and associated costs
- Supervise all litigation or other proceedings involving the lawsuit and, when requested, attend any judicial or administrative hearing involving the lawsuit if Client so desires