Just in case you’ve been hiding under a rock...
“...annual wealth lost from NPE lawsuits was about $80 billion...”

(Bessen et al. 2011)
Patent suits involving “NPEs”

"...patent trolls... are increasingly targeting users and adopters, rather than makers of the technology: this tactic is used an estimated 40% of the time."

Colleen V. Chien: Tailoring the Patent System to Work for Software and Technology Patents
Plus it turns out they’re everywhere
And everyone finally noticed...
And everyone finally noticed...

National Public Radio ran two spots
And everyone finally noticed...

National Public Radio ran two spots
Many academics wrote about the problem
And everyone finally noticed...

National Public Radio ran two spots
Many academics wrote about the problem
The Government Accounting Office did a study
And everyone finally noticed...

National Public Radio ran two spots
Many academics wrote about the problem
The Government Accounting Office did a study
The Federal Trade Commission has plans
Legislation is being talked about
The Innovation Act
Heightened pleading
(a.k.a. say what you’re actually suing about)
Fee-shifting
Stop “discovery abuse”
Better transparency
Limited protection for end-users
Review the patent at the USPTO, while litigation is on hold.
Awesome, right?
Sadly, that’s no longer on the table
What does all this mean for the future?
Again with the awesome.
Except...
The patent system still has huge problems.
The patent system still has \textbf{HUGE} problems.
And just to recap why we all care
Practicing entities have been selling their patents to subsidiaries.
Avoiding FRAND
Anti-competitive suits
Cross-licensing “requests”
Schools are increasingly forming relationships with NPE’s
Intellectual Ventures has “relationships” with over 300 schools
So legislation is incomplete
But corporate back-dealing remains robust
Some glimmers of hope from the US courts..
In New York, a troll was forced to return the money.
"serious, good-faith effort"
The future of end-user suits?
Biosig v. Nautilus
“indefiniteness”
Soverain v. Newegg
“It’s a really tough time to be a patent owner.”
Sorry not sorry!
SCOTUS is unpredictable
Predators may not be affected.
What can we do?
Community solutions
Community solutions

Non-aggression pact
Community solutions
Non-aggression pact
Defensive patent pool
Community solutions

Non-aggression pact

Defensive patent pool

Use the GPL (and the DPL)
Community solutions

Non-aggression pact
Defensive patent pool
Use the GPL (and the DPL)
Lobby for software specific reforms to your local patent regime
Every patent system has its own challenges
Patent system reforms
Worthwhile reforms

Complete transparency when suits are brought
Patent system reforms

Complete transparency when suits are brought

Much shorter lifespans for software patents
Patent system reforms

Complete transparency when suits are brought

Much shorter lifespans for software patents

Eliminate functional claiming by requiring less fuzziness in patent applications
Patent system reforms

Complete transparency when suits are brought
Much shorter lifespans for software patents
Eliminate functional claiming by requiring less fuzziness in patent applications
Don’t financially incentivize the patent office
Individual activities
Individual activities

Help with patent-busting
Individual activities

Help with patent-busting

Tell your lawmakers why this matters to you
Individual activities

Help with patent-busting
Tell your lawmakers why this matters to you
Talk to colleagues and friends about predators
What we know about the general public’s attention span
What we know about practicing entities
Picture Credits

CC.o from Blendswap
Dromaeosaur Raptor, by Animaniac888

CC.BY from Flickr
Mushroom and Moss, by Jason Pratt - Packhorse
Bridge, by Alan Cleaver - Bucket of Trolls, by grenade
Butterfly In Bed, by maxintosh - Beware of Butterfly, by Valentina Powers
Bridge Over Wey, by Steve Parker

CC.BY.SA from Flickr
Bad Boss, by noii - Giraffe Huddle, by infomatique
Goldfish, by Steven Lilley - Crotchet Camo, by See Ming Lee
Monkey With Guitar, by schatz

CC.BY.SA
Bergen Troll, by Deb Nicholson
Resources

Patent-busting sites
http://linuxdefenders.org/
https://trollingeffects.org/
http://patents.stackexchange.com/

Reading
Patent Assertion and Startup Innovation,
by Colleen V. Chien with OTI/New America Foundation, 2013