

Appendix C-1: Patent Defense Service Providers/Offerings

(Each description provided by listed entity.)

Name/Service Provider	Service	Description & Status	Cost/How To Participate	When to Use Their Services, Turnaround Time, and Contact	Target Client Profile
Patent Troll Law Clinic Network (PTLCN) (Application Developers Alliance, a trade association)	Pro bono legal services to small companies	Multistate network of law school clinics that aims to provide pro bono services to small companies that have received a demand letters from or been sued by a patent troll. Students (advised by faculty and private law firm advisors) will conduct prior art searches, infringement analyses, and related research, and advise client entrepreneurs regarding legal options. Students will also prepare petitions for reexamination/review that challenge patents owned by trolls. Launch Date: Fall 2013	PTLSCN does not charge, and neither do most (or perhaps all) law school clinics. However, clients may be responsible for various fees (e.g., court filing fees) associated with their individual legal concern.	Upon receiving a demand letter, and hopefully before you contact the demanding troll. Contact: Chris Beal, chrisb@appdevelopersalliance.org ; devsbuild.it	Developers and small companies threatened by patent trolls.
Trolling Effects (Electronic Frontier Foundation, a technology policy non-profit)	Demand letter registry and self-help site	Essentially a database of troll demand letters that recipients have uploaded. The point is to provide a free resource for potential and actual troll targets to inform themselves about the senders' identities and modus operandi. The website also provides guides to the patent system and reform. Thus, no direct legal assistance is provided to those under attack, but it creates transparency around a niche of litigation that seems to thrive on a lack of such in addition to providing general information about the litigation process for targets that are under attack. Non-profit (project of EFF and coalition). Launch Date: July 2013	Free. The primary audience is demand-letter recipients who are encouraged to submit their documents, browse other letters, and learn more about their situation. However, to help facilitate further research, we've made it easy to export public data from the website so academics, journalists, and policymakers can do more thorough research.	Upon receiving a demand letter, or if an entity would like to learn more about patent trolls. Submitted demand letters are published within days. Otherwise, there is no turnaround time. Contact: Adi Kamdar, adi@eff.org ; trollingeffects.org	Recipients of demand letters.
PatentFreedom	NPE intelligence	A database of information about non-practicing entities (NPEs) and the litigation that they bring. PatentFreedom collects information about NPEs, their background and network of affiliated shell entities, the patents that they assert, the defendants they attack, and the attorneys that fight for and against them so that targets can plan how they will respond to a demand letter. Companies that want access to this information can subscribe to the service. Additionally, PatentFreedom offers custom research and advisory services for clients that desire it. Subscribers can also contribute to the database themselves. Privately held. Launch Date: 2008	A basic subscription costs \$10,000/year, and the intended audience are companies with "limited NPE exposure", or smaller businesses: to be eligible for the basic subscription, a company needs to have faced no more than 7 NPE-induced litigations over the last three years. More expensive plans exist for companies with higher NPE exposure and custom research is priced on a case-by-case basis. Companies access the database and contribute to it through the service's website. The typical audience includes both businesses that are targeted by NPEs and the law firms that deal with the litigation.	Most clients will use the service upon being hit with a demand letter so that they can learn more about the NPE that sent it. Other clients, though, will use the information on the website to perform risk analysis before engaging in activities that may draw the ire of NPEs. Submissions are posted within the week; otherwise, once a company has a subscription they have access to the information. Contact: info@patentfreedom.com ; www.patentfreedom.com	Law firms and businesses that deal with troll-induced litigation. The baseline seems to be 7 NPE-related cases within 3 years.
That Patent Tool	Demand letter registry and self-help site	Similar to Trolling Effects, That Patent Tool is a website where companies can upload demand letters that they've received from trolls, see demand letters that others have submitted, and anonymously discuss issues related to trolls and demand letters. The site will provide members with a "Quarterly Troll Review" that will draw conclusions about the trolls based on the materials that have been submitted. The QTR will contain predictions about possible future troll targets, as well as interviews with industry experts. Privately held. Launch Date: June 2013	The site as-is is free to use, though users need to become members. There are future products and services in development that may cost members, though the first 50 to sign up for and submit demand letters to That Patent Tool receive all future tools free.	Upon receiving a demand letter. Contact: Steph Kennedy, skennedy@898data.com ; www.thatpatenttool.com	Any company, small or large, that has received a patent demand letter. Law firms who, on behalf of their clients, would like to track patent trolls.

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Article One Partners	Crowd-sourced patent research	Article One Partners, the world's largest patent research community, has revolutionized the transparency of patent data. Clients use the power of the AOP crowd to defend in litigation and assess validity positions for all use cases across the patent lifecycle. Privately held. Launch Date: 2008	Article One Partners has products to fit the budget and litigation stage needs of clients, from \$2,000 to \$7,000 for private searches to \$25,000 for full crowdsourced research. AOP also offer strategic memberships to clients from worldwide brands to start-ups.	Services may be used in pre-litigation or litigation defense, USPTO proceedings such as Inter Partes Review or Covered Business Method patent review proceedings, ITC defense, due diligence, analysis of industry standards, evidence of use, patent purchasing, or customized to meet clients' needs. Article One Partners research can be completed in as little as two business days, and generally is completed in 5 weeks with the crowd optimizing the research. Contact: www.articleonepartners.com ; www.go.articleonepartners.com/request-a-quote	Clients range from individual app developers to global companies, including 18 of the top 25 companies most pursued by NPEs.
Ask Patents (StackExchange)	Crowd-sourced question-answer service for U.S. Patent Applications and U.S. Patents	Ask Patents is a free web service where users both pose questions relating to the patent system and answer the questions of others. Prior art questions represent the most frequently-posed requests, but questions are often asked about other areas, such as patentability and infringement. The community is focused on prior art searches for software patent applications in the U.S., but, given the format, it can potentially address any issue that the patent system could present an innovator. The community is focused on finding prior art for US Software Patent Applications. However, anytime someone posts an issued software patent which is currently in litigation by a known troll they see a lot of answers. Because of the uniquely strong SEO position of Ask Patents (and the Stack Exchange network generally), if a prior art request has been posted on Ask Patents it is very likely to be one of the top two results on Google and other search engines. Examiners are free to google a patent number as part of their non-patent-literature diligence and they are free to look at the answers on Ask Patents and form an opinion as to whether the answers are good prior art for the subject application. Non-profit. Launch Date: 2012	The website is free. Users simply visit the site and ask/answer questions.	Anytime you have a concern about a pending U.S. patent application, whoever it is held by. The first answer to a prior art search question is usually posted within 3 hours of the question's posting. Contact: Micah Siegel, msiegel@stackoverflow.com ; patents.stackexchange.com	Entities concerned with a pending U.S. patent application
Defensive Patent License (DPL)	Patent License	The DPL is an off-the-shelf license that focuses on defensive commitments. Each licensor agrees to offer licensees full royalty-free access to her portfolio in return for a reciprocal commitment to do the same. With each new licensor, the network of permanently defensive patents grows. Entities outside the network can still be pursued offensively. Importantly, the DPL's obligations "travel with the patent" so that in the event of sale or other transfer, its new owner must also abide by the DPL's terms. This ongoing obligation could help limit lawsuit risk, especially for the risks posed by patent trolls, as a patent that can only be used defensively is likely to have less value for a troll. Planning to launch as a non-profit. Launch Date: November 2013 (Anticipated)	The license will be freely available. There are also plans for a pro bono network of patent prosecutors who will waive their fees for patentees committed to the DPL.	Companies should use the DPL as part of their overall patent strategy. Contact: Jason Schultz, SchultzJ@exchange.law.nyu.edu ; www.defensivepatentlicense.com	Any company that wants to make a commitment to defensive patenting and use network effects to limit patent risk overall. The DPL is especially well suited for companies and individuals who do not plan to monetize or assert their patents offensively.

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Open Patent Non-assertion (OPN) Pledge	Legally-enforceable non-assertion agreement	The OPN Pledge is an agreement by Google (for now) to not assert certain patents against those using them for open-source software. Once a patent has been pledged, the pledge becomes legally binding on whomever owns the patent; thus, if Google were to sell or otherwise transfer rights to the patent, the pledge would still apply to the subsequent owner. Anybody can then use the patent without fear of a legal attack as long as they meet the conditions of the pledge. Google also retains the right to defensively terminate the pledge if one of the developers or users attacks or benefits from a patent attack against Google. This allows Google to fight back against companies that use shell corporations or proxies to assert their patent rights. Ideally, in the future, more patent owners, such as large corporations, developer organizations, and newer growing companies, will pledge their patents along with Google's in order to encourage innovation in the open-source environment. Publicly held (originally developed by Google, but is available for any other patent owner to adopt). Launch Date: March 2013	As long as a developer or user is utilizing the patent rights as the pledge dictates, there is no cost. For companies wishing to adopt the pledge, there may be some costs associated with selecting patents for pledging.	Contact: OPN Pledge Team, opnpledge@google.com ; g.co/opnpledge	Anybody developing or using open source software is a target "client" (or, more appropriately, "pledge recipient"). Similarly, the OPN Pledge is targeted to any patent owner wishing to use patents in the service of open source software ("pledge adopter").
License On Transfer (LOT) Agreement/ Google	License upon Transfer of Patents	Google is gathering a group of companies together to enter into this LOT agreement, which will be administered by an independent organization. Under the terms of the LOT agreement, every LOT User agrees that when it transfers a patent, the transferred patent automatically becomes licensed to the other LOT Users existing at the time of the transfer, except (i) a transfer that is part of a legitimate M&A activity or (ii) a transfer to another LOT User. This structure protects LOT Users from being subject to the extraction of patent rents by the entity (e.g., a patent assertion entity) to which the patent is sold. Launch Date: Fall 2013 (Anticipated)	The parties to the agreement will split the administrative costs, which are expected to be low and capped (less than \$20k/year/party). Potential members need only sign on to the agreement and pay their share of the administrative costs.	Your company should consider joining the LOT community if it: a) Is optimistic about its future, e.g., has large or growing revenue or plans to have large or growing revenue b) has a PAE problem or is likely to have one in the future; or c) places greater value in freedom to operate than in pure patent sales to PAEs, e.g., if your company doesn't make a noticeable portion of its revenue from pure patent sales to PAEs. Contact: LOT@google.com ; www.google.com/patents/licensing/lot	Any operating company or startup that is optimistic about its future.
Innovator's Patent Agreement (IPA)	Agreement to only assert patents defensively	The IPA is a new way to do patent assignments that keeps control in the hands of engineers and designers. It is a commitment from Twitter, and other companies, to their employees that patents can only be used for defensive purposes. If the patent is asserted for any other reason, the IPA member will need the inventor's permission. Privately held. Launch Date: 2012	Free	Companies should join the IPA as part of their overall patent strategy. Information: https://blog.twitter.com/2013/brewing-our-first-innovator%E2%80%99s-patent-agreement-patent-0	Company should consider joining the IPA to assure their employees that their patents will be used only as a shield rather than as a weapon.
Docket Navigator	Searchable online docket database	Four main components are included in the service: (1) The Docket Report (daily email reporting activity in the district courts, ITC and PTAB) (2) Docket Navigator (searchable online database) (3) Docket Alerts (customized saved searches that alert you when new patent litigation activity occurs) (4) New Case Alerts (intra-day notifications of new patent cases filed). Privately held. Launch Date: 2007	The service utilizes a subscription-based pricing model based on the number of users. For example, a single user is \$55 per month, and the aggregate monthly cost gradually increases based on the number of users, up to 100+ users, priced at \$1,000 per month.	If concerned with pending or potential patent litigation. Contact: Amy Towell, amy@docketnavigator.com ; www.docketnavigator.com	Companies and individuals concerned with patent litigation.

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Unified Patents Inc. (Unified)	NPE assertion and litigation reduction through deterrence	Unified reduces the risk and cost of NPEs on behalf of companies in specific technology areas of high NPE activity. Unified monitors NPEs in these areas and uses annual subscription fees to proactively defend against NPE activity. Rather than encourage NPEs through settlement, Unified deters or eliminates future NPE activity, thereby reducing NPE risk and cost. Privately held. Launch Date: Early 2013	Membership is free for startups and costs a modest annual fee for large companies. Unified's members only subscribe to (and pay for) technology areas relevant to their business, thereby delivering strategic ROI.	Unified is actively defending a number of technologies experiencing high NPE activity. Companies can join Unified at any time to reduce their risk and cost of NPE activity. Contact: Kevin Jakel, CEO, kevin@unifiedpatents.com; www.unifiedpatents.com	Any company in a technology area which has or is concerned with NPE activity.
Gerchen Keller Capital	Litigation finance solutions	GKC offers defense-side financing solutions for all types of legal claims, including patent claims. In addition to investing in meritorious litigation, GKC assists parties in evaluating the strengths and weaknesses of litigation claims or defenses, the potential costs of litigation, the range of potential damage awards, and the expected economic benefit or cost of maintaining particular claims or defenses. Privately held. Launch Date: April 2013	The cost of services depends upon a variety of factors, including the merits of the claim or defense and the estimated time to a resolution. With respect to small companies, the arrangements can provide for repayment over time or compensation through equity or other means.	Funding alternatives are available from the moment litigation is contemplated or threatened until after final judgment is entered. Contact: Travis Lenkner, tdl@gerchenkeller.com; www.gerchenkeller.com	Clients are commercial enterprises that want to offset risks associated with litigation and litigation defense. A typical case involves potential damages of at least \$10 million.
RPX	Preemptive open market patent acquisition	The RPX network can provide measurable risk and cost reduction for any company experiencing NPE litigation. All members of the network pay an annual fee (scaled to reflect the size of the member company) which is used to acquire and clear high-risk patents from the open markets and out of active litigations. Publicly held. Launch Date: 2008	Membership fees start at \$75,000, and scale depending upon size of the company. In certain cases, RPX will consider special circumstances for start-ups or early-stage companies. RPX Insurance is also priced to reflect small company circumstances and is based on specific forward-looking risk for each policyholder as determined by their actuarial models.	RPX's preemptive open market patent acquisitions are the most efficient way to deploy the network's capital and provide the most attractive ROI for members, so joining the network early and benefiting from their ongoing acquisitions is the most effective strategy. Member companies also benefit from RPX's ability to intervene in active litigations. The goal is to provide members the broadest and most cost-effective risk mitigation possible. A company can become an RPX member at any time. Ideally, contact with RPX would initiate before engaging legal counsel. Contact: info@rpxcorp.com; rpxcorp.com	Any company facing a litigation claim or wishing to resolve a current or potential assertion/litigation without incurring high defense or settlement costs. Whether RPX serves as the intermediary to purchase out of the open market or in relation to a litigation, RPX brings to bear its expertise to help ensure that its clients are able to take a more efficient and cost-effective approach to handling NPE litigation.
IP Claims Management (ipCM)	Litigation financing, management and strategic advisory	For smaller companies that are in the early stages of dealing with actual patent litigation. ipCM also offers a unique financial product that is priced to reflect the imminent risk of each particular company with payment only upon success. Privately held (an affiliate of IPNav). Launch Date: May 2013	Payment can be in equity (typically half of what the expected legal bill to be valued at the company's latest rounds valuation) or cash. If ipCM fails, the company pays nothing.	Companies can use ipCM services at any time--before or after litigation is commenced. Evaluation within days. Contact: info@ipcmadvisors.com; Website forthcoming	Ones that are tired of paying law firms with valuable cash with no guarantee of success.

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Open Invention Network (OIN)	Fully paid-up royalty licence	Provides a fully paid-up royalty free license to OIN pro-competitive defensive patent pool in exchange for a commitment to forbear litigation around Linux and to cross-license its own patents to other members. OIN holds over 400 U.S. patents and applications and has nearly 600 licensees that are part of its growing community of entities committed to patent non-aggression in open source and Linux. Privately held. Launch Date: 2005	Free to become a licensee.	Anytime your company is engaged in Linux or open-source activities. Contact: Keith Bergelt, kbergelt@openinventionnetwork.com; http://www.openinventionnetwork.com/about.php	Any company with an interest in open source software.
Allied Security Trust I (AST)	Defensive patent availability monitoring and purchasing	Monitoring of the high tech secondary patent market and collective defensive purchasing of patent assets. Launch Date: January 1, 2007	For companies \$4B or larger in annual product/service revenue, \$150K one time fee plus \$200K annual fee. For companies between \$250M and \$4B, \$150K annual fee. Membership fees have the potential to go down as AST grows.	When your company wants a cost effective solution to monitor patents available on the secondary patent market and to secure freedom to operate through a defensive license at a lower cost through a collaborative bid with other similarly situated operating companies. Contact: Linda Biel, lbiel@ast1.com; www.alliedsecuritytrust.com	Operating companies in the high tech industry.