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Article Review #5

Article Review of The Troll under the Bridge

The article starts of by explaining how the US Patent and Trademark Office issue patents and how it is perceived in the US. According to this government branch once the patent is issued the inventor has power to make the invention only, sell it, and import it into the US for normally 20 years. Which is also under the US Constitution. The article goes further in to talk about NPEs or Non-practicing entities or patent trolls. They make money, even when they have nothing to contribute, by pointing about potential infringers and get ownerships. What is more controversial is that NPEs are not illegal under US law.

The article next discusses about how companies drop or cut old patents due to the company paying the government regularly to maintain the patent to save further costs. Next the article talks about lawsuits that occur between a NPE and the patent holder. Usually, according to the article, is settled quick with settlements and royalty checks which turn out to be lower than the litigation cost, thus more tempting than going to the court. But in situations where the NPE asks for ridiculous amount of money the patent owner can got to court. This is not much different than a patent infringement case. The only difference is that in a infringement case the accuser brings forth examples of where the case happened while NPEs do not because they don’t sell or buy products. While an NPE can file a case only when it is a “good-faith belief”

Next the article discusses actions companies can take to either fight or prevent NPEs. The first course of action would be to have the patent be sold off on a later time to licenses issued by the government, thus not having to worry about infringement cases against them. The article also states that “the best defense is a good offense” so companies should go over their insurance polies to find any infringements and take care of it beforehand. Although these steps have some protection against NPEs they do not have any effect on the exponential numbers of NPE lawsuits. So the AIA made it so that NPEs can only file a single lawsuit naming dozens of unrelated defendants as infringers. This only led to the increase of the NPEs filing lawsuits.

Furthermore, the article discusses what the government did. As the growth of NPEs increased the companies filed complains to Congress which resulted in the issuing of many bills to deter NPEs. Pres. Barack Obama also issued executive order in June 2013 addressing patent ownership and training issues. But issue that the article points out is that, if there should be a significant limit to he NPEs’ actions about would that affect the inventors’ rights.

Finally, the article sums it up. It states that the lurking danger of NPEs is the cost of doing business in the United States and under the current laws its very difficult for companies to protect themselves against NPE attacks.

I found this article informative. Before this I did not know NPE was a thing and people got away with this. I also think it is ridiculous what these people are doing, prying on business to see how much they can make out of loopholes and mistakes and the US government should focus more on this so they can make this country strive.