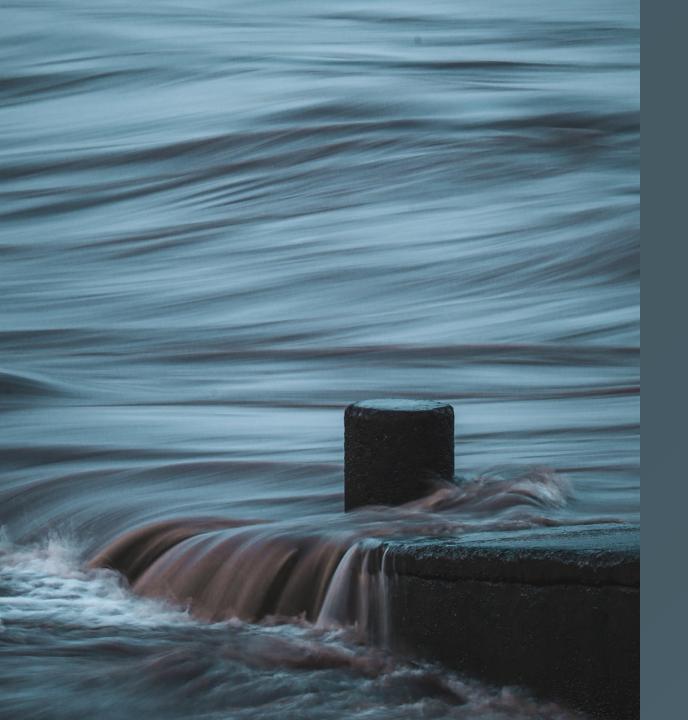
# Discussion: DRUID 2022 Session - Markets for technology: Litigation

Roman Jurowetzki, Aalborg University Business School, DK

# Great, somewhat "niche" session

- I learned a lot about agency in patenting
- As an IP analytics person sometimes we are maybe a bit naive about patents
- Probably the 3 presenters should have a drink of your choice together and "cross-pollinate"
- Overview of exciting data sources



# Continuation Patents and Litigation

Cesare Righi

## Recap

- The use of continuations leads to more litigation.
- Yes! Thorough econometrics.
- Limiting the practice may help reduction of litigation
- Yet: investment in innovation may be reduced

#### Feedback

- Excellent insight into the processes of litigation
- Well written
- Takes various perspectives (one by one)

#### **More Feedback**

- Data: Patstat Fall 2014 (is the age an issue?)
- Textual distance. How well does Keyword-Jaccard really capture scope in claims?
- Structure a bit confusing several waves of analysis create an impression of more than 1 paper in a paper
- More focus on potential consequences for investment in innovation

NPEs, Patent Quality and Litigation Strategies across European **Jurisdictions** 

Valerio Sterzi, Cecilia Maronero, Andrea Vezzulli



## Recap

- Early draft and an array of ideas for future development
- "...aims to investigate the relationship between the quality of the litigated patents and the specific legal regimes of the countries in which NPEs choose to assert those intellectual property rights."
- you do exactly that
- Fee-based regimes (♯楼/□) vs injunctive regimes (≡/□)

#### Some reflections

- How many and how much? (more input in the presentation)
- Useful functions? Should PEs learn from NPEs?
- Great data and approach.
- Interesting research outlook. Especially specificity of courts.
- Policy implications?



**CEO** Overconfidence and the Decision to take a Patent Litigation Case to Trial

Zhe Yang, Nikolaos Papagergiadis, Andreas

# Recap

- Overconfident CEO may be more likely to let litigations reach trial stage
- 2 moderating effects
- H2: Larger ratio of pending patents will increase likelihood of reaching trial stage
- H3: Weaker effect for companies with fewer financial constraints
- Cox PH regression design with binary DV: "Trial decision"
- All Hs confirmed!

#### Some reflection

- "Trial decision" variable name a bit ambiguous
- Potential differences in other legal regimes (see paper 2)
- Interaction with the legal / tech. team; How much is it really about the CEO?
- Governance of IP and CEO involvement?
- How much is it "gambling" and political? What does it tell us about the overall system?
- Probably follow-up needed. e.g., qualitative interviews