

Tom Chen and Jason Lao in Intellectual Property Magazine: Balancing Act

By Tom Chen, Jason T. Lao | May 9, 2018

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In light of recent trends in intellectual property (IP) litigation that many have perceived as mostly unfavorable to patent owners, companies are scrambling to reevaluate their strategies for patent portfolio management and IP acquisitions. In-house counsel are taking note of the plethora of disheartening conditions, many of which seem to caution against acquiring more IP assets. Many believe that the value of patents has been curtailed, as not only are fewer patents being asserted, but TC Heartland has made it more difficult to bring an action in districts that are perceived as patent-owner friendly (such as U.S. District Court for the Eastern District of Texas).

In addition, patents are being invalidated at a historically high rate – both at the Patent Trial and Appeals Board (PTAB) through *inter partes* reviews (IPRs) and in district courts under the relatively new *Alice* framework. As such, it is not surprising that many corporations are debating whether to curtail their spending on patents and waiting to see if these current trends change.

Excerpted from *Intellectual Property Magazine*. To read the full article, click [here](#). (Subscription required)