

Patent Insurance

Summary of Coverage

Insurer

RPXIS policies are written on A rated paper (AM Best)

Program Manager

- RPX Insurance Services, LLC, a wholly owned subsidiary of RPX Corporation
- Manages sales and distribution, product design, underwriting, marketing, risk mitigation, and claims adjusting

Form

- Claims-made
- Litigation expense and settlement reimbursement

Covered Claims

- Patent infringement litigation

Coverage Trigger

- Insured named as defendant in patent infringement case filed in US District Court
- Declaratory judgment or reexamination/IPR/CBM actions (when approved in advance by RPXIS)
- Previously disclosed assertion letters that mature into suits after insurance is placed are usually covered

Covered Costs

- Litigation expenses, including fees for outside counsel and other service providers
- Approved reexamination, IPR, CBM, counterclaim, and declaratory judgment expenses
- Settlement payments

Obligations of Insured

- Report claims, reportable events, and resolution events within 30 days
- Submit litigation expenses for reimbursement monthly
- Submit litigation settlement agreements for approval prior to execution



Additional Risk Management Services

As an RPX policyholder, you are automatically entitled to a majority of our Risk Management services at no additional charge. The services support, inform, and prepare your organization to manage patent risk while delivering cost-savings.

Claims Management Support

RPX's Claims team will save you time and money in handling patent litigation claims, typically reducing litigation resolution costs ~60% by minimizing legal spend and using volume-discount patent buying strategies. We leverage proactive claims management along with our defensive patent acquisition capabilities, proprietary data, and in-house patent expertise on every claim through the following services:

- Litigation Campaign Assessment reports (on reported claims) include patent analysis, plaintiff research, campaign history, and lead case status
- RFP management for selection of defense firm(s) and preparation of case budget
- Panel Counsel and Preferred Provider program (i.e. eDiscovery, prior art vendors) provide access to best-in-class support at discounted rates
- Monthly review of legal fee invoices for compliance with billing guidelines
- Consultation with RPX's patent Acquisitions team to review case status, refine case budget, and optimize resolution/settlement costs
- Claim Management Support is available to Insureds for non-covered litigation such as pre-policy cases or indirect/indemnity issues.

Pre-litigation Support

RPXIS works closely with Insureds to understand and manage patent risk before litigation occurs. In most cases, our support eliminates the need to hire outside counsel.*

- Proprietary data and patent market intelligence result in an average savings of ~\$40K per incident, significantly less than typical legal fees
- Patent analysis and valuation, case status, plaintiff research, provided as appropriate
- Triggered by invitations to license, offers to buy or sell patents, or indemnification requests from the Insured's clients

RPX Insight

Insureds can access RPX's proprietary web-based database to search millions of patents, litigations, and entities (patent owners and companies involved in litigations) to understand the scope of their potential patent litigation risk.

RPX Prior Art

If a litigation is filed against an Insured, RPX often conducts prior art searches for the patents in litigation.

RPX Strategic Consulting Services

For an additional fee, RPX can assist companies with evaluating and enhancing your strategic patent planning with a range of Consulting and Advisory services designed for board-level presentation including:

- Patent Portfolio Review
- Competitive Landscape Analysis
- Gap Strategy Planning
- Monthly Patent Market Update
- Patent Acquisition Advisory Services