Patent Insurance
Claims How-to Guide

RPX Patent Litigation Insurance offers companies unique protection—unavailable from other providers—combining traditional claims-paying policies with litigation prevention and low-cost litigation resolution services.

Pre-litigation Support

What happens if an RPX Insured receives a communication that could lead to a claim?

RPX works closely with Insureds to understand and manage their patent risk before litigation occurs. When an Insured receives a communication, the process to the right is followed.

Form Submission →

- Insured completes *Notice of Incident* form
- Any questions can be addressed to *riskmitigation@rpxinsurance.com*

RPXIS Investigation →

RPXIS conducts incident investigation, leveraging its proprietary patent market and litigation data

Results Review →

RPXIS provides results of investigation and discusses with Insured

Ongoing Incident Monitoring

RPXIS monitors and stays in communication with Insured

Claims Management Support

What happens if an RPX Insured is sued for patent infringement?

RPXIS initiates its comprehensive claim management process aimed at assisting the Insured to quickly and cost-effectively resolve the litigation. The process to the right is followed.

Claim Acceptance →

- Insured completes *Notice of Incident* form
- Any questions can be addressed to *claims@rpxinsurance.com*
- Incident investigation
- Accept/deny within one week

Counsel Selection →

- RPXIS supports and manages counsel selection process
- Counsel selected by Insured and approved by RPXIS
- RPXIS Panel Counsel, a select group of law firms that have been pre-vetted and offer best-in-class support at discounted rates, are available to represent the Insured
- Counsel agrees to budget and RPXIS best practices

Expense Approval →

- Litigation expenses submitted monthly
- RPXIS analyzes against budget, policy, best practices, and provides report to Insured
- Approved litigation expenses applied to retentions
- Reimbursements processed monthly

Settlement Agreement and Payment Approval

- Settlement amount and draft agreement submitted to RPXIS
- RPXIS reviews, approves, and processes the settlement for application to retention and if applicable, reimbursement

How Claim Reimbursement Works

RPX Insureds will be reimbursed for approved legal and settlement costs on covered claims, subject to reimbursement limits, once the applicable self-insured retentions (SIRs) and contribution percentage (copay) are satisfied.

Reimbursement Example

Company XYZ Policy:

- $50K Per Claim SIR
- 20% Contribution Percentage (copay) for Panel Counsel
- $1M Per Claim Reimbursement Limit
- $1M Aggregate Reimbursement Limit

	Claim 1	Claim 2	Claim 3
Total Approved Claim Costs (legal fees and settlement sum)	$40,000	$500,000	$700,000
Per Claim SIR: $50,000	Not Satisfied	Satisfied	Satisfied
Amount To Which Copay Applies	$0	$450,000	$650,000
Copay Percentage: 20%	N/A	$90,000	$130,000
Amount Reimbursed	**$0**	**$360,000**	**$520,000**
Per Claim Reimbursement Limit: $1,000,000	N/A	Limit Not Reached	Limit Not Reached
Aggregate Reimbursement Limit: $1,000,000	N/A	Limit Not Reached	Limit Not Reached
Remaining Aggregate Reimbursement Limit	$1,000,000	$640,000	$120,000
Total Company XYZ Spend	**$40,000**	**$140,000**	**$180,000**
	Claim 1 resolved for less than the Per Claim SIR; therefore, neither legal nor settlement costs were eligible for reimbursement.	Claim 2 satisfied the Per Claim SIR of $50K. Therefore, Total Claim Costs ($500K) less the Per Claim SIR equaled $450K. This sum less the insured's copay of 20% equaled $360K in reimbursement to Company XYZ. Following reimbursement on Claim 2, the remaining Aggregate Reimbursement Limit was $640K.	Claim 3 satisfied the Per Claim SIR of $50K. Therefore, Total Claim Costs ($700K) less the Per Claim SIR equaled $650K. This sum less the insured's copay of 20% equaled $520K in reimbursement to Company XYZ. Following reimbursement on Claim 3, the remaining Aggregate Reimbursement Limit was $120K.