

Preface

This edition is current through July 2016.

In January 2002, the Global IP Project was created to develop patentee win rates and other patent litigation metrics in different jurisdictions around the world. Before 2002, objective global litigation data was not assembled or available from any source. At that time, the United States was the global hub of patent litigation, and the principal question for litigants (whether patentee or alleged infringer) was: “Where in the United States should I sue?” Since then there have been major shifts in the global economy and geographical scope of patent disputes, and the principal question is now: “Where in the world should I sue?” Global litigation, like U.S. litigation, is driven by business decisions, and global litigants, like U.S. litigants, need objective data when determining where to sue and when making other strategic decisions.

This first edition of this book was written by experienced patent litigators from 16 different countries, many of whom participated in the Global IP Project since its inception and who practice in jurisdictions that are among the most active in the world in terms of patent litigation. The *2014 Supplement to Global Patent Litigation: How and Where to Win*, added two new countries, Finland and Israel, and the 2016 edition includes numerous updates to the existing chapters and adds another five countries: Belgium, Denmark, Mexico, Norway, and Sweden. The country chapter authors created a three-part test to assist companies and their counsel in answering the most critical questions for implementing an effective global patent litigation strategy. Collectively, the contents of this book provide a unique combination of law, objective data metrics, strategies, and tools for addressing the costs, risks, and benefits of bringing an action in various market-driven countries, including those in North America, Europe, and Asia.

In this edition, Appendices A through D are completely updated. In Appendix A, the reader is invited to preview both the current and next generation of global patent litigation data that is provided by the Global IP Project and DARTS-IP, which have formed a collaborative partnership to enhance the global data provided in future editions of this book. As indicated in the chapters, the 2016 edition of the book

relies on the DARTS-IP database in those countries where the DARTS-IP data are sufficiently established.

In Appendix B, the authors provide answers to a detailed global Case Study and a methodology for arriving at objectively based global strategies. Appendix C includes substantive Case Study and data tables, including market assumptions for each country covered in the book so that anticipated Case Study damages calculations can be made for each country. These calculations are made using the unique and updated, global Expected Value (EV2) formula that can be used for any of the 23 book countries. Moreover, Appendix C includes both new “dashboard charts” to assist litigants in making more informed economic litigation decisions and the summary EV2 calculations for each book country. Finally, Appendix D consists of a glossary of terms to assist the reader in navigating the global terminology used in the book.

For those readers wishing to review the individual country strategies in electronic form or drill down for a more thorough analysis of the EV2 calculations for each country covered in the book, BBNA provides online access.

Michael Elmer
Palo Alto, California
May 2016