



# SHIMOKAJI & ASSOCIATES, P.C.

# NEWSLETTER

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Intellectual Property Lawyers  
[www.shimokaji.com](http://www.shimokaji.com)

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We specialize in the litigation, registration, and monetization of patent, trademark, and copyright matters. The clients we serve range from start-ups to Fortune 500 companies, government entities, and universities. Though located in the US, our expertise and representation has an emphasis in Asia.

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— LATEST NEWS & EVENTS —

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## *"Patent troll" TQP successful against "patent troll fighter" Newegg*

Newegg, known for its fights against patent trolls, was hit by a Texas jury for \$2.3M. Newegg vowed to appeal.

More information can be obtained at [info@shimokaji.com](mailto:info@shimokaji.com)



## *The Current State of NPE versus Non-NPE Patent Infringement Litigation*

The 2013 PricewaterhouseCoopers litigation study provides some interesting observations that impact Asian enterprises which are often the targets of non-practicing entities. These are based on calculations over the last dozen years:

- annual median damage awards ranged from \$1.9M to \$16.5M
- damage awards for NPE's averaged more than double those for practicing entities
- reasonable royalties represents 80% of all awards
- NPE's are less successful at summary judgment, but equally successful at trial
- University and non-profit NPE's have the highest success rate among NPE's

For Asian enterprises, these observations mean that NPE litigation continues to be of ongoing concern, and how NPE litigation is defended cannot be the same as for non-NPE litigation.

For example, NPE's may be most vulnerable at the summary judgment stage where invalidity may be highly contested. As another example, different types of NPE's may require different treatment in front of a jury. Appeals may be needed to reduce large awards to NPE's.

8911 Research Drive, Irvine, California, USA 92618 [www.shimokaji.com](http://www.shimokaji.com)