

PATENT TROLLS

Am I At Risk?



Worried About Patent Trolls?

Have you received a letter from one of the many licensing agents of MPHJ Technology Investments LLC? These entities include JusLem LLC, InkSen LLC EiiPut LLC and many others. The correspondence suggests that your company is using patented technology that requires a license for each employee that is scanning, sending scans over a network and emailing a document — a common office function practiced throughout the business world.

The correspondence is sent by what are referred to as “patent trolls.” A patent troll is an entity that neither produces a product nor service, but is established merely to enforce a patent or patents. The patents referenced in the letter are commonly known as the Laurence Klein patents and their descriptions run nearly 80 pages each. The validity of the patents has been questioned, but that is where your dilemma lies. Challenging a patent involves expensive litigation and considerable time. Neither of these commodities are plentiful for a small business. So, a practical decision is to pay the license fee and avoid controversy. But is that the correct decision?

Recognize that the claim is being made without ever seeing your business, the equipment used (if any) or knowing the process is in use. Many companies have ignored the initial letter only to receive a follow-up from a Texas law firm with a draft complaint alleging violations of the Klein patents. Again, some businesses have ignored this correspondence and others have sought legal counsel.

What are the options?

- Ignore the initial letter from the licensing agent.
- Ignore the follow-up letter from the Texas law firm.
- Respond to the letter seeking specifics as to the equipment, software and applications in use that are believed to infringe.
- Respond to the letter denying that there is any infringement and request details as to the infringement.
- Respond that the patents appear to be invalid based upon prior art and prior patents by international corporations.
- Request judicial rulings as to the validity of the patents.
- Engage legal counsel to review your situation and respond to the demands.
- Pay the license fee.

If a suit is filed, notify the Business Technology Association at info@bta.org or call (816) 941-3100.

Visit www.bta.org/PatentTrolls for more information or to download a printable informational pamphlet.