

WSC Recommendations to GAMS on Abusive Patent Litigation
(NPE/PAE)

- Reform patent litigation rules and standards for fee shifting, to make it easier for a court to award attorney fees, in appropriate cases, to accused patent infringers who ultimately defeat the infringement allegations leveled against them; require heightened pleading requirements for patent lawsuits; implement appropriate revisions and limits to discovery procedures; and require greater patent ownership transparency (identification of appropriately defined real party in interest) in lawsuits.
- Curtail the use of bad faith demand letters through the imposition of appropriate sanctions, against the widespread practice of sending fraudulent or materially misleading demand letters in connection with the assertion of a patent, but exclude legitimate communications relating to patent licenses and infringement notices from such sanctions.
- Undertake or continue studies by relevant agencies of GAMS members to examine aspects of patent abuse and quality.
- Support studies into the potential anticompetitive impact of entities that are primarily in the business of buying and asserting patents, to examine and to develop a better understanding of how they impact innovation and competition.