

DOWNLOAD PDF WHO BENEFITS FROM PATENT ENFORCEMENT? BY RAYMOND P. NIRO

Chapter 1 : Icon Of IP Ray Niro Dead At 73 - Law

Raymond P. Niro, pioneering patent litigator, is dead at 73 August 10, by Bruce Berman 1 Comment Raymond Niro, a highly successful patent litigator who represented primarily inventors and other plaintiffs, passed away on August 9 at the age of

Print Article Raymond Niro It is with great sadness, and a sense of shock, that I write this article about a true giant in our industry. Renowned patent litigator and champion of independent inventors, Raymond P. Niro, passed away while traveling in Italy. I will always remember the larger than life, sharp dressed, eloquent friend I had the privilege of getting to know over the last several years. He was always well informed, extraordinarily well prepared, and he was unafraid to say what he thought. It protects Google; it protects Apple; it protects Cisco. In some sectors of the community that no doubt lead to Ray being one of the most disliked individuals in the industry. He was representing the underdogs, a role for which he was tailor-made. Throughout his career he was a champion for the inventor facing long odds due to widespread patent infringement by large multinational corporations. No picture of Ray Niro could ever be complete without mention of his extraordinary success. The reason he managed to get under the skin of so many giant tech companies was because he was very good at proving that large corporations infringed valid patents owned by his clients, sometimes on fundamentally important innovations. In addition to earning the admiration of those in the innovator community, Ray was also a well-decorated trial attorney. Over the years Ray was always very generous with his time, going on the record with me several times and writing a number of articles for publications on IPWatchdog. Ray believed the U. In recent years this was a topic that was always very near and dear to his heart. He consults with attorneys facing peculiar procedural issues at the Patent Office, advises investors and executives on patent law changes and pending litigation matters, and works with start-up businesses throughout the United States and around the world, primarily dealing with software and computer related innovations. The pages, articles and comments on IPWatchdog. Discuss this There are currently 23 Comments comments. Curious August 9, 1: We need more attorneys who share his sentiments and are willing to make those known. Jack Lu August 9, 2: You will be missed by many of us in IP industry. Erin Egan August 9, 2: Ray was an incredible and generous man, attorney, friend and partner. Joe Hosteny August 9, Thank you for your comments. Joe Hosteny Sandie August 9, He will be greatly missed. So honored, proud and blessed that I had the opportunity to work with him and call him my friend. May his legacy, passion and larger than life personality forever be cherished by all. Herb Wamsley August 10, 7: He had more admirers than detractors. Michael McCabe August 10, 8: And for those who could not afford an IP litigator, he was one of the few really good trial lawyers whose firm would take the risk of a patent infringement case on a contingency. EG August 10, 8: Matt Levy August 10, He and I were on opposite sides of many issues, but he was always a gentleman. He was also an undeniably good litigator. Judith Freda August 10, 1: Prayers and Blessings to all his family. Suzanne Day August 10, 3: His generous spirit was parallel to none and he was one gentle and sassy giant. I will deeply miss our long talks every week about life, love and Sean. Wow, if there is a God, he choses one spirited Warrior. Love and miss you already, my friend. Suzanne Day Dan Gulling August 10, 4: He was passionate about what he did, and about winning. Plus, he had a great sense of humor, and was a lot of fun for his friends to be around. Rest in peace, Ray Tom Jackson August 10, 4: Ray and his team of a few would go against the big and powerful and the many. Ray and his team would not stay at expensive hotels or travel first class. His top concern was his client. Ray kept client disbursements at a minimum and he and his team spent their time at a maximum to win for their clients. I feel privileged to have known him. Eric Berend August 10, 4: My understanding of the effects of recent changes wrought in various areas to U. It is apparent that the IP community has lost an eminent practitioner whose prestige was built on great merit. I feel it would have been an honor to meet him, considering my own sentiments, those of my late inventor father and of his patent attorney also now passed; the late Robert Slater, Esq. Ray Rzeszutko August

DOWNLOAD PDF WHO BENEFITS FROM PATENT ENFORCEMENT? BY RAYMOND P. NIRO

10, 4: Brian Flanagan August 10, 6: Ray is a neighbor and recently fellow stadium spinning partner. We frequently walked home together wondering why we rise so early to go torture ourselves. Esmeralda Trevino August 10, My sincere condolences to his family, friends and colleagues. Stacy Regulski August 11, 4: Quinn, I had the privilege to work for this most intelligent, generous, and amazing man and attorney. Words cannot express how honored and blessed I am to call him my friend. Thank you for the article you wrote about Ray. It is so accurate and beautifully written about the man who was truly a gentle giant. His passion you speak of was immeasurable. Ray will be missed very much by all. Sleep well dear friendâ€¦. Vesna August 12, My condolences to Sean Niro. He loved you so much.

DOWNLOAD PDF WHO BENEFITS FROM PATENT ENFORCEMENT? BY RAYMOND P. NIRO

Chapter 2 : "Who is Really Undermining the Patent System – Patent Trolls or Congr" by Raymond

"Patent troll" has entered the legal lexicon, stirring up heated debates over fundamental issues of patent rights. This article discusses the etymology of the term "patent troll" – from its beginnings as a deliberately derogatory term thrust forward as a defense to weaken the enforcement of patents against large corporations to its current manifestation as a call for patent reform.

Purchases a patent, often from a bankrupt firm, and then sues another company by claiming that one of its products infringes on the purchased patent; [6] Enforces patents against purported infringers without itself intending to manufacture the patented product or supply the patented service; [12] [13] Enforces patents but has no manufacturing or research base; [14] Focuses its efforts solely on enforcing patent rights; [15] or Asserts patent infringement claims against non-copiers or against a large industry that is composed of non-copiers. In , Price Waterhouse Coopers published research into patent litigation including a study of non-practicing entities including individual inventors and non-profit organisations such as universities. President Barack Obama said in February that US "efforts at patent reform only went about halfway to where we need to go. The President asked Congress to enact legislation to more aggressively curb "abusive" lawsuits. Congress , Senator Orrin Hatch R-Utah sponsored legislation in intended to reduce the incidence of patent trolling. The bill, called the Patent Litigation Integrity Act, would help judges make patent trolls pay for the cost of the lawsuits, especially if the trolls lost the lawsuits. Supreme Court, claiming to be the 1 target for patent trolls, having faced nearly lawsuits in the preceding three years. Federal Trade Commission FTC settled its first consumer-protection lawsuit against a company, for using "deceptive sales claims and phony legal threats". The Vermont law prohibits bad faith infringement threats, with bad faith indicated by: The legislation imposes strict notification duties on the entity claiming infringement, and there are potentially strict penalties for non-compliance with the notification process. Reexamination to invalidate the patent based on prior art can be requested, but requests are typically made only after a lawsuit is filed or threatened about 0. For example, the JPEG format, intended to be free of license fees, was subject to two patent attacks , one by Forgent Networks during – and another by Global Patent Holdings during – Innovation [62] that found significant harm to the economy from such entities and made recommendations to address them. The report further stated: The risk of paying high prices for after-the-fact licensing of patents they were not aware of, and the costs for extra vigilance for competing patents that might have been issued, in turn increases the costs and risks of manufacturing. On the other hand, the ability to buy, sell and license patents is seen by some as generally productive. The Wall Street Journal argued that by creating a secondary market for patents, these activities make the ownership of patents more liquid, thereby creating incentives to innovate and patent. Inventors may have benefited from the developing market in patent acquisition. The argument against the use of the term is that NPEs, in the main, return the majority of a settlement to the original inventor. However, their focus is on obtaining additional money from existing uses, not from seeking out new applications for the technology. They monitor the market for possibly infringing technologies by watching popular products, news coverage and analysis. They also review published patent applications for signs that another company is developing infringing technology, possibly unaware of their own patents. They then develop a plan for how to proceed. They may start by suing a particularly vulnerable company that has much to lose, or little money to defend itself, hoping that an early victory or settlement will establish a precedent to encourage other peer companies to acquiesce to licenses. Alternately they may attack an entire industry at once, hoping to overwhelm it. An individual case often begins with a perfunctory infringement complaint , [44] or even a mere threat of suit, which is often enough to encourage settlement for the nuisance or "threat value" of the suit by purchasing a license to the patent. Kraft Foods Group Brands LLC that patent litigation cases must be heard in the state which the defendant is incorporated, shutting down this option for plaintiffs. First, patent owners who make and sell their invention are entitled to awards of lost profits. However, patent trolls, being non-manufacturers,

DOWNLOAD PDF WHO BENEFITS FROM PATENT ENFORCEMENT? BY RAYMOND P. NIRO

typically do not qualify. Rather than automatically granting an injunction, the US Supreme Court stated that courts must apply a standard reasonableness test to determine if an injunction is warranted. Writing in *Forbes* about the impact of this case on patent trolls, writer Jessica Holzer concludes: Often, those settlements can be far greater than the value of the infringing technology: In litigation between businesses who make, use or sell patented technology, the defendant will often use its own patent portfolio as a basis to file a counterclaim for infringement. The counterclaim becomes an incentive for settlement, and in many industries, discourages patent infringement suits. Additionally, a patent suit carries with it the threat of an injunction or mutual injunction, which could shut down manufacturing or other business operations. For this reason, a patent troll is able to enforce patents against large companies which have substantial patent portfolios of their own. Furthermore, patent trolls may use shell companies. It is possible to perform offensive techniques to ward off patent trolls with the open source release of concepts preemptively to prevent patent trolls from establishing intellectual property on building block technology. However, the misuse defense is difficult against a patent troll because antitrust violations typically involved require significant market power on the part of the patent holder. Most have broader uses as well for defending their technologies against competitors. Design arounds can be a defense against patent trolls. Companies routinely monitor new patents and patent applications, most of which are published, to determine if any are relevant to their business activities. A standard practice is to perform a clearance search for patents or pending patent applications that cover important features of a potential product, before its initial development or commercial introduction. For example, a search by Thomas Edison uncovered a prior patent by two Canadian inventors, Henry Woodward and Mathew Evans , for carbon filament in a non-oxidizing environment, U. Patent , , the type of light bulb Edison wanted to develop. In Europe under the European Patent Convention , any person may initiate proceedings to oppose a European patent. There is a more limited process in the United States, known as a reexamination. They may also broadly challenge whether the technology in question is infringing, or attempt to show patent misuse. Knowing this, the patent troll may back down or lessen its demands. An early settlement is often far less expensive than litigation costs and later settlement values. The aggregator then provides members a broad license to everything it owns in exchange for an annual fixed-fee. In Australia, [84] the UK[citation needed] and other countries[citation needed], a legal action may be brought against anyone who makes unjustifiable threats to begin patent infringement proceedings. Concerning the Australian threats provisions, Lisa L. Mueller says that "if a patent troll is found to have engaged in a threat, the only way it could defend itself against an injunction or an award of monetary damages would be to commence patent infringement proceedings and have the court find that infringement occurred. This tactic has been used not only against the patent in question but also against other patents held by the patent troll in order to undermine its business model.

DOWNLOAD PDF WHO BENEFITS FROM PATENT ENFORCEMENT? BY RAYMOND P. NIRO

Chapter 3 : IP CloseUp, © | Tag Archive | Raymond P. Niro

It is with great sadness, and a sense of shock, that I write this article about a true giant in our industry. Renowned patent litigator and champion of independent inventors, Raymond P. Niro.

The pages, articles and comments on IPWatchdog. Discuss this There are currently 7 Comments comments. Michael Risch July 7, For example, Shockley worked for Bell Labs and Fermi was government funded indeed, his reactor patent is assigned to the U. Randy Landreneau July 7, Is there anything that represents the founding ideals of America better than the independent inventor? Think about it – some guy or gal, burning the midnight oil after a long day of work, trying to turn a good idea into the American Dream. And is it just coincidence that the stellar innovative history of this great nation has occurred alongside a patent and legal system that have been very different than those in the rest of the world? The greatest threat to a vested interest is an innovator who comes up with a better product that is patentable, gets it patented, and can protect it. Multinational corporations, many of which started with such an individual, are now bent on eliminating the threat. The America Invents Act was a big step in that direction. We really are at risk of losing the America we have so taken for granted. PatentBuddy July 7, 1: Without patents, there can be no innovation of any commercial significance. The scope of what inventions are eligible for patent protection should be expanded. Patents are what made America great. Mark Nowotarski July 7, 4: Excellent metaphor Ron Katznelson July 8, 3: In the committee wrote to the U. It had rather preferred to stand on its patents and assess royalties, leaving to others the actual development of the art of aeronautic construction. See more details in an article describing how the method succeeded in gutting patent rights of early aviation inventors: Allen Wood July 10, Sounds wicked and evil, but I like to think of them as Patent Champions instead. They champion the patent rights of individual inventors or small companies that cannot afford the huge expense of a prolonged patent battle. A big company with deep pockets can simply bleed a small patent owner financially until the small patent owner is forced to give up. It is Patent Champions that keep big companies from running roughshod over the little guy. One argument advanced by the special interest groups that seek to emasculate the so-called patent trolls is that modern hand-held electronic devices are covered by a large number of patents. Maybe hand-held electronic devices are indeed covered by a large number of patents. But one of these patents might cover a new, stronger plastic composition and be owned by the company that sold the plastic for the case. A few of the patents might cover improved integrated circuits and be owned by the manufacturers of these parts. It is not unlikely that manufacturers of many of the components have patents.

Chapter 4 : OWNERS - Acquolina Aspen

Law, New York (August 9, , PM EDT) -- Raymond P. Niro, a pioneering intellectual property attorney and Law Icon of IP who often represented patent licensing companies and inventors.

Chapter 5 : Making innovation pay : people who turn IP into shareholder value (Book,) [calendrierdelascier

Who Benefits from Patent Enforcement?, Raymond P. Niro (Niro, Scavone, Haller & Niro) Global IP in Crisis: Recognizing the Threat to Shareholder Value, Hon. Bruce A. Lehman (USPTO, International IP Institute).

Chapter 6 : Patent Brokerage | Cascades Ventures - Patent Brokerage & Enforcement

Raymond P. Niro considers himself a champion of the underdogs of the intellectual property world, yet his longtime advocacy for inventors tinkering in their garages and companies that license IP has drawn him into what he sees as a propaganda war involving the pejorative term "patent troll."

DOWNLOAD PDF WHO BENEFITS FROM PATENT ENFORCEMENT? BY RAYMOND P. NIRO

Chapter 7 : Why Are Individual Inventors Important To America? - calendrierdelascience.com | Patents & F

By Raymond P. Niro A Patent Is Worthless Without a Remedy When Inventors Fail, Innovation Suffers Inventors Must Consider Patent Enforcement Patent Trolls & Harassment The Role of Contingent-Fee Representation Large Patentees are Fighting Back Breaking from The Pack Dispelling the Troll Myth The Danger of Not Enforcing Leveling the Playing.

Chapter 8 : Making innovation pay : people who turn IP into shareholder value (eBook,) [calendrierdelasci

Ray Niro writes in defense of independent inventors: Can anyone cite what section of the Constitution or the patent law reserves the right to obtain and enforce patents exclusively for large.

Chapter 9 : Raymond P. Niro, pioneering patent litigator, is dead at 73 | IP CloseUp, Â©

Niro and his firm have been ordered to pay fees in a patent suit he brought against HTC on behalf of Intellect Wireless and an inventor. The parties are still litigating over the amount, but HTC.