

INVESTIGATIONS FOR PATENT LITIGATORS

The Mintz Group is highly experienced in gathering hard-to-find facts for patent lawyers at every stage of the patent-litigation process.

Our investigative work for patent litigators often involves profiling opposing parties, identifying investors, locating assets and knowledgeable witnesses and finding products and often decades-old, supporting documentation. We also frequently obtain samples of potentially infringing products in advance of possible litigation.

Areas in which our investigators have worked with patent counsel and gained fact-gathering expertise include, among others, consumer products, software and electronics, medical devices, pharmaceuticals, chemicals, and biotechnology.

Typical Assignments

Recent examples of our investigative work in patent cases include:

For plaintiffs:

- Located and obtained samples of potentially infringing products, even when the products were not available to the general public
- Interviewed a competitor's former employees and customers to determine whether it infringed our client's patent
- Helped determine whether a potentially infringing company was worth suing based on its assets, and where to sue based on its geographic footprint

For defendants:

- Established precisely when the patented technology was first used and its frequency of use, to help with a defense based on prior use
- Reconstructed the moment when inventors actually created the patented technology by determining who was in the room, and locating and interviewing them

For both sides:

- Located inventors who worked on inventions patented many years ago
- Uncovered adverse information on opposing parties, expert witnesses, inventors and other fact witnesses, including their participation in prior litigation, regulatory sanctions, negative press and contradictions to education and employment credentials
- Determined the assets and financial wherewithal of opposing parties



Due-Diligence Inquiries

We routinely conduct due-diligence inquiries before licensing agreements and investment commitments are made to determine the authenticity of a patent and the subject company's patent application record, and to identify any adverse evidence. Recent examples:

- Backgrounded an inventor, searching particularly for any history of failed patent applications, on behalf of a prospective investor
- Gathered a company's litigation history, regulatory sanctions and adverse media coverage before our client entered into a licensing agreement with the company

Contact

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