



News & Types: Client Advisories

Top 3 Intellectual Property & Technology Issues to Consider for 2022

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Practices: Intellectual Property & Technology

Consumer and Workforce Privacy Rights are Expanding! The California Consumer Privacy Act of 2018 (CCPA), which gained much spotlight a few years ago, will be expanded by the California Privacy Rights Act of 2020 (CPRA). The CPRA will become operative and enforceable on January 1, 2023, and it is crucial to prepare now so that your business can prioritize and budget for those areas where more effort may be required. Contact us to learn more about what you and your company should be doing now to prepare for the change and to be compliant with the new rules.

Slim Down and Strengthen Your Intellectual Property (IP) Portfolio. The new year is a great time to set your goals for trimming down not only your weight, but also your IP assets. Do you know if your company is utilizing all of its IP assets? Is your company fully exploiting the value of its IP assets? It is time to do a big clean-up and review of your IP portfolio so that your company can better position itself to strengthen and fully harness the value of its IP portfolio. Ask us about how to conduct an IP audit.

Companies Should be Aware of the Increasing Risk of Patent Litigation in 2022. After several years of steady declines, patent litigation activity is on the rise again with non-practicing entities (NPEs) leading the charge. NPE patent litigation has increased by approximately 10% in each of the past two years, with 2021 marking the busiest year for NPEs since 2016. The recent surge in NPE activity has targeted industries such as automotive, consumer electronics, e-commerce/software, financial services, medical, mobile communications and devices, and networking. This rise in NPE litigation is being fueled by various factors, including: (i) an increase in NPE patent portfolio acquisitions from major operating companies, (ii) more access to third-party litigation funding, and (iii) the emergence of a new patent-friendly court in the Western District of Texas. Companies should prepare for the possibility that they may become the target in a NPE litigation campaign and factor this possibility into their contingency litigation budgets. A proactive strategy could also include routinely monitoring patent litigation activity in their industry and conducting patent clearances on their products and services to identify and mitigate potential threats.