



# Advanced Commercial Litigation Funding: Special Considerations for Your Practice Group

UT Law CLE

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IMF Bentham, Bentham IMF, ROLAND ProzessFinanz adopted the global name Omni Bridgeway in 2020.

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## Your Presenters



**Sarah Tsou**

- Investment Manager, Legal Counsel
- Leads Omni Bridgeway's intellectual property initiatives in the U.S.
- Former partner at Kirkland & Ellis LLP with over a decade of experience as a trial lawyer specializing in patent litigation.



**Ken Epstein**

- Investment Manager, Legal Counsel
- Leads Omni's bankruptcy and insolvency-related funding initiatives in the U.S.
- Former managing director in the Special Situations Group of MBIA, Inc. and member of the board of directors of MBIA Insurance Corp.
- Former attorney at Cadwalader, Wickersham & Taft



**Nilufar Hossain**

- Associate Investment Manager, Legal Counsel
- Leads Omni Bridgeway's international arbitration initiatives in the U.S.
- Former attorney at King & Spalding LLP and Freshfields Bruckhaus Deringer LLP, focusing on international arbitration and cross-border litigation and investigations.



**Amy Geise**

- Investment Manager, Legal Counsel
- Head of Omni's Houston Office
- Former attorney at Porter Hedges LLP, specializing in bankruptcy and complex commercial litigation.

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## Roadmap to Today's Program

- Introduction: why do certain practice areas require special considerations when utilizing litigation funding?
- Litigation funding in IP cases
- Litigation funding in bankruptcy
- Litigation funding in international arbitration
- Litigation funding for appeals and enforcement

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## What is the difference?

*The subject matter, forum, procedural posture, and jurisdiction of an investment can have a material impact on a funding arrangement.*

*Practitioners should understand how these factors impact the funding process and work with funders who abide by applicable rules and ethical restrictions.*

- Disclosure
- Risk profile
- Timing
- Pricing
- Funder rights
- Attorney fee structure
- Adverse cost risk

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## Part 1

# Litigation Funding for IP Cases

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## Intellectual Property Claims

### Key Funding Considerations

- Foundational, commercially-relevant innovations
- Strong evidence of use in a substantial infringing market
- Tried and tested IP. A successful history of commercialization, licensing and/or litigation is preferred
- Diversity and cross-collateralization
- Risk of counterclaims
- Alignment of goals and risk-share
- Jurisdictional considerations

Omni Bridgeway enables innovators to unlock the value of their most important IP

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