

# Litigation Funding in IP Cases

## 27th Annual UT Law Advanced Patent Law Institute

*Michelle Eber (Validity Finance)*

*Natalie Gonzales (Baker Botts L.L.P.)*

October 21, 2022

CONFIDENTIAL  
© Copyright Baker Botts 2022. All Rights Reserved.



1

## AGENDA

- What is Commercial Litigation Finance?
- How Can Litigation Finance Help?
- Which Cases Get Funded?
- How Does It Work?
- What Ethical Considerations Are There?

BAKER BOTTS



2

2

# WHAT IS COMMERCIAL LITIGATION FINANCE?

---



3

## WHAT IS COMMERCIAL LITIGATION FINANCE?

Litigation Finance is:

- Any transaction where a litigation claim secures financing
- Funds are provided on a non-recourse basis, i.e., the financier's return depends on a successful outcome in the litigation

4

## WHAT IS COMMERCIAL LITIGATION FINANCE?

How Do Funders Invest in Litigation?



Fee and Cost  
Funding



Portfolio  
Funding



Working  
Capital



Defense  
Funding



Claim  
Monetization



Bespoke  
Programs

5

## WHAT IS COMMERCIAL LITIGATION FINANCE?

Types of Litigation Finance

- Types of Cases
  - Antitrust
  - Arbitration
  - Asset Enforcement
  - Bankruptcy
  - Breach of Contract
  - Breach of Fiduciary Duty
  - Commercial Litigation
  - Copyright/Trademark
  - Patent
  - Trade Secret Misappropriation



Funding/monetization for  
complex "B to B"  
commercial disputes



Commercial funders  
typically do not invest in  
consumer disputes

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: Litigation Funding for Patent Cases

Also available as part of the eCourse

[Litigation Funding for Patent Cases](#)

First appeared as part of the conference materials for the  
27<sup>th</sup> Annual Advanced Patent Law Institute session

"Litigation Funding for Patent Cases"