



Framework for Analysis of Venue Selection for Global Patent Litigation: Strategic Considerations (December 2024)

The Sedona Conference is pleased to announce publication of the final version of its *Framework for Analysis of Venue Selection for Global Patent Litigation: Strategic Considerations*, a project of Working Group 10 on Patent Litigation Best Practices (WG10).

The *Framework* provides patent practitioners and patent litigants with insight about the factors driving patent litigation toward certain principal venues, in the hope that such information will permit litigants to identify the venues best suited to resolve their dispute. With this *Framework*, WG10 (Patent Litigation Best Practices) also attempts to provide patent policymakers with insight as to how this variety of adjudicatory regimes influences the behavior of litigants in innovation-driven industries when they face intractable disputes absent litigation.

To this end, this *Framework* summarizes and compares the procedures and relief available in seven principal international patent venues and considers the strategic and tactical factors informing the choice of various venues. These issues are addressed from the perspective of the different types of plaintiffs and defendants likely to engage in international patent litigation, including parties engaged in competitor litigation, in litigation brought by practicing entities seeking to maximize the value of their patent assets, and in litigation brought by nonpracticing entities (NPEs) seeking to maximize their return on their patent investments.

Section II of this *Framework* presents the seven key drivers for global venue selection (the market, quality of adjudication, time to trial and final relief, likelihood of prevailing on the merits, availability of effective relief, cost of litigation, and recovery of fees). The *Framework* identifies the procedural and substantive patent law and the economic considerations driving the venue selection of patent holders seeking to enforce their global patent portfolios. Section III outlines the factors that a prospective patent infringement defendant may take into consideration.

Section IV provides a survey of the seven identified principal patent litigation venues (the United States, Brazil, United Kingdom, Germany, the Netherlands, France, and China) with respect to practices, procedures, and substantive and remedial rules that are relevant to venue selection. This section also identifies the current trends and advantages and





disadvantages of litigation in each venue.

The full text of The Sedona Conference *Framework for Analysis of Venue Selection for Global Patent Litigation: Strategic Considerations (December 2024)* is available free for individual download from The Sedona Conference website at:

https://thesedonaconference.org/publication/Framework_for_Analysis_of_Venue_Selection_for_Global_Patent_Litigation.

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