

VLP Partner Edward Kwok Interviewed by IPWatchdog for the Article “Why Patent Contingency Litigation is Declining?”

VLP Intellectual Property Partner Edward Kwok was interviewed by *IPWatchdog* for the article “Why Patent Contingency Litigation is Declining?”

The article reported that a steady decline in number of contingency litigation law firms, attorneys, and cases filed, over the last few years continues to greatly impact the intellectual property industry.

Mr. Kwok told *IPWatchdog* that three separate factors may explain this decline. The first, he said, is the supply of patents. He explained that, from 2003 through 2008, the United States Patent and Trademark Office (USPTO) had a “quality” campaign where examiners were told to be tough, making getting patents harder and invalidating patents easier.

The second factor, Mr. Kwok said, is that adversarial proceedings at the Patent Trial and Appeal Board (PTAB) are quicker, perceived as less burdensome and a less costly option for defendants to litigate patent validity on the merits.

The third factor, Mr. Kwok told *IPWatchdog*, is that hardware manufacturers have moved overseas. He noted that components, such as integrated circuits, are often designed, manufactured, sold, and delivered to system integrators overseas. The number of defendants that can be sued on U.S. soil has shrunk significantly.

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