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Symposium on Intellectual Property and Entrepreneurship
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Mohr Davidow Ventures

- Founded in 1983
- $2 billion currently under management
- Early stage, technology focus
- Investment sectors:
  - Cleantech
  - Life Sciences
  - Information Technology
Challenges in Licensing or Enforcing Patents

The Entrepreneurs’ and VC’s point of view:

- Licensing and enforcing the IP portfolio
- Defending against claims of infringement
- Avoiding and/or embracing the trolls
- Entering markets where cross-licensing prevails
What is your business?

Licensing Model
- Aggressive litigation is key

Operating Model
- Conducting a guerilla campaign
  - Financings
  - Large corporate deals
  - Significant new product announcements
- But, litigation adverse
  - ….but must walk the tightrope and avoid the bluff being called
Defending against claims of infringement

- **Must recognize that entrepreneurial energy is finite**
  - Protracted litigation is only a last resort

- **Best defense may be a good offense**
  - The real value of a patent portfolio may be defensive

- **Licensing to fight another day**
  - It isn’t about principles or just money, it is about staying alive

- **Avoiding equitable relief**
  - You cannot be in business if you are subject to injunctive relief
Avoiding and/or embracing trolls

- Avoiding the troll:
  - Playing the “poor little me” card
  - Delay, delay, delay

- Embracing the troll:
  - May be advantaged by a modest license to validate IP
  - Added advantage may be to set up the battle between the troll against large company
Cross-Licensing

- Typically, if cross licensing is required, it isn’t an attractive market for startups
- However, it may be an ideal market if there are attractive workarounds available