

The Innovator's Patent Agreement & Other Patent Experiments

Innovator's Patent Agreement (IPA)

- Change to standard invention assignment agreement
- Inventors assign all **defensive** rights
- **Offensive** rights may only be used with inventors' freely given permission
- “**Defensive**” is any use:
 - Against a party suing (through IP) the assignee;
 - Against a party threatening the above through patents against assignee or assignees ecosystem; or
 - Against a party that has offensively used its patents in the last ten years



Why startups are considering the IPA

- Many inventors, particularly software engineers believe offensive patent use to be morally wrong and:
 - Startups want to hire the best engineers
 - Startups want engineers to file invention disclosures
- Offensive patent use is not highly valuable in NPV terms
- If others, particularly small startups adopt, it may affect the problem of NPEs through making NPE purchases harder

A draft of the IPA is available for comments & edits at:

<https://github.com/twitter/innovators-patent-agreement/>

Twitter expects to finalize and adopt it this year.



Other Patent Experiments

- **YCombinator Pledge:** no-sue for companies <25 employees
- **Defensive Patent License (DPL):** no-sue against other DPL licensors, must license whole portfolio
- **Google's Open Patent Non-Assertion Pledge:** no-sue on 10 patents for open source use
- **Microsoft Patent Ownership Transparency:** List of all patents Microsoft owns