



LAWSUIT ABUSE

Texans Against Lawsuit Abuse

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EAST TEXAS PATENT LAWSUITS STILL A FOCUS OF NATIONAL “JUDICIAL HELLHOLES” REPORT

Longview, Texas- East Texas is once again in the spotlight in the annual “Judicial Hellholes” report, as the non-stop growth of patent lawsuits in the area continues to raise eyebrows. The annual report is a publication of the American Tort Reform Association (ATRA) and identifies “Judicial Hellholes” across the country where the laws are applied in an unfair and unbalanced manner.

For the past several years, the report has mentioned patent troll litigation in East Texas, calling out the high number of patent lawsuits suits filed in the area.

“The Eastern District of Texas is the most popular venue for patent trolls because the court moves cases to trial quickly and its juries are perceived to be plaintiff-friendly,” this year’s report noted.

Diane Davis, executive director with East Texans Against Lawsuit Abuse (ETALA), responded to the report. “While it might be a positive that our courts are known for moving these cases quickly, we have to be concerned when any area is viewed as being overly friendly to plaintiffs or defendants, as perceptions of unfairness invite abuse,” Davis said.

Previous Judicial Hellholes reports have called the area the “center of the patent litigation universe” noting that between 2002 and 2010, the district saw nearly a ten-fold increase in patent filings.

“It’s never a positive for a community to be a hot-bed of litigation,” Davis added. “We are pleased to see ATRA continue to focus on this area and also that our state and federal leaders are taking this issue seriously.”

Patent trolls do exactly as their name implies: they aggressively file lawsuits to enforce a patent against an alleged infringer, often with no intention to use the patent to manufacture or market the product themselves. Their targets are often innovative and successful companies, and the lawsuits typically result in a huge pay out for the patent troll while costing jobs and saddling local courts with frivolous lawsuits.

Davis commended Lt. Governor David Dewhurst asking the Senate to study the issue during the state legislative interim and U.S. Senator John Cornyn for his work to pass federal laws to rein in abusive patent lawsuits.

“The Texas Legislature and Texas elected officials are working tirelessly on behalf of Texas innovators and entrepreneurs to combat patent trolls,” Davis said. “While Texas has continued to be the national leader in reigning in frivolous lawsuits, clearly there is still work to be done, and we appreciate ATRA for their focus on this issue and our state leaders for working to ensure our courts are used for justice, not greed.”