

# IP FIXED™

Fixed Fees for Intellectual Property  
Dispute Resolution Services

SHOOSMITHS

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**IP FIXED™** is about fixing the costs of intellectual property litigation to give your business certainty and transparency.

IP litigation is unpredictable, and law firms shy away from offering a fixed fee due to these uncertainties.

But our extensive IP litigation experience gives us the ability to provide realistic scoping and agree fixed fees for different stages of the dispute resolution process, from pre-action through to trial.

We can agree a bespoke fixed fee on a stage-by-stage basis for even the most complex IP disputes. In some cases we can even agree a fixed fee at the outset for all stages through to and including trial.

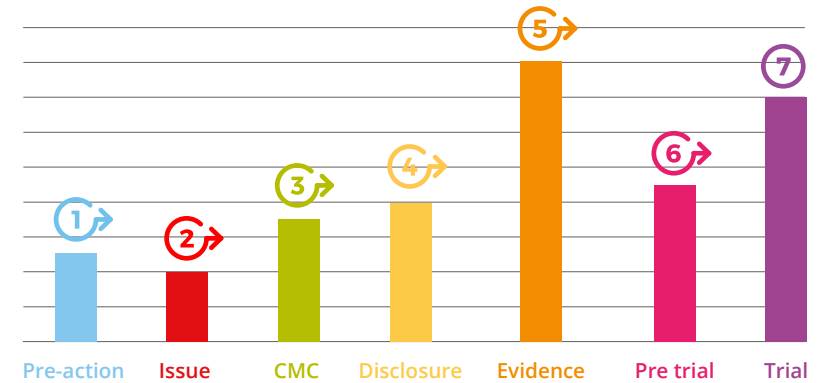
**With IP FIXED™ you have:**

- comprehensive and realistic scoping from the beginning
- early visibility of the key work from initial stages through to trial, and where business input may be needed
- budget clarity to help cash-flow and business planning
- access to your expert team without watching the clock on every call or email



# HOW IP FIXED™ WORKS

With IP FIXED™, we put the time into scoping the work, based on our experience of similar actions across trade marks, patents, copyright, design rights, domain name disputes and breaches of confidence.



Typical costs distribution in a UK patent case



## Pre-action

Whether you are enforcing your rights or defending an action, the costs of resolving disputes can stack up before you get anywhere near the courts.

At the outset of your case (as well as advising on its merits, possible outcomes and settlement options) we will give you a realistic estimate of the costs to trial. This will help you to understand the financial risk of the litigation and better define your commercial objectives and strategy.

With IP FIXED™, we can also agree fixed prices for pre-action work including case analysis and settlement negotiations, allowing you to manage budgets from the start.



## Issuing proceedings

The initial stage of any issued case involves each party preparing and submitting its formal legal case using a well-trodden procedure.

If it is necessary to start a court action, or if you need to defend a claim issued against you, IP FIXED™ will kick in to give you certainty during this early phase.

Fees will depend on the nature of the dispute and complexity of the issues.



## CMC

A key stage in most IP cases is the 'case management conference' or CMC, where the issues are solidified and, in some cases, costs budgets submitted.

Of course, with IP FIXED™ the costs of preparing for and attending the CMC will have been fixed.

As a time and cost-intensive part of the litigation process, the CMC also represents a natural time for you to take stock and re-assess your strategy, objectives and settlement options. Any input we provide will form part of our fixed cost.



## Towards trial

Following the CMC, and with the issues in dispute clarified, we will be able to agree fixed costs for the various key stages to trial (including, for example, disclosure and evidence) effectively giving you budget certainty for the rest of the case.

As with the earlier stages, we will agree ongoing assumptions with you and keep you updated of anything which is 'out of scope', such as unforeseen applications to the Court.

# Why choose IP FIXED™?

With our intellectual property and sector experts, we are able to offer fixed fees to give you certainty.



## Peaks and troughs

Costs peaks and troughs are the norm in dispute resolution but **IP FIXED™** means you know upfront what the cost of each stage will be, and when the 'peaks' will hit.

With **IP FIXED™** in place, we can even agree a monthly payment plan so that you pay a consistent amount of the total fixed cost, to help manage cash-flow.



## Team of experts

Shoosmiths' IP team includes a leading team of specialist intellectual property litigators. People who live IP litigation day-in, day-out and with a proven track record in delivering outstanding results for clients.

- Our litigation experience and technical understanding gives us confidence to know what choices will need to be made at different stages in the litigation.
- Deep sector expertise enables us to add strategic value, without reinventing the wheel.
- Our team has extensive experience of cases in the UK High Court, as well as in the Intellectual Property & Enterprise Court which may be the appropriate forum for your case.
- This experience, together with established precedents and tools, helps to drive efficiencies.



## Access to your team

With **IP FIXED™** you have access to our expert IP litigators during the lifecycle of the dispute, without watching the clock.

We understand that issues arise that are unforeseen, that things can become more complex.

With the fixed fee for each stage, you have the reassurance that costs will not spiral out of control but we will always have your preferred outcome in mind.

And there is no more being charged for every phone call and every email. IP disputes are not run-of-the-mill and often we will need your business' input, whether it is expertise on the technology in a patent dispute or knowledge of the use of a trade mark. In a traditional model you take the hit for sharing that knowledge. With **IP FIXED™** you can take the time to talk to us.



## Other funding options

We can also discuss funding options, including:

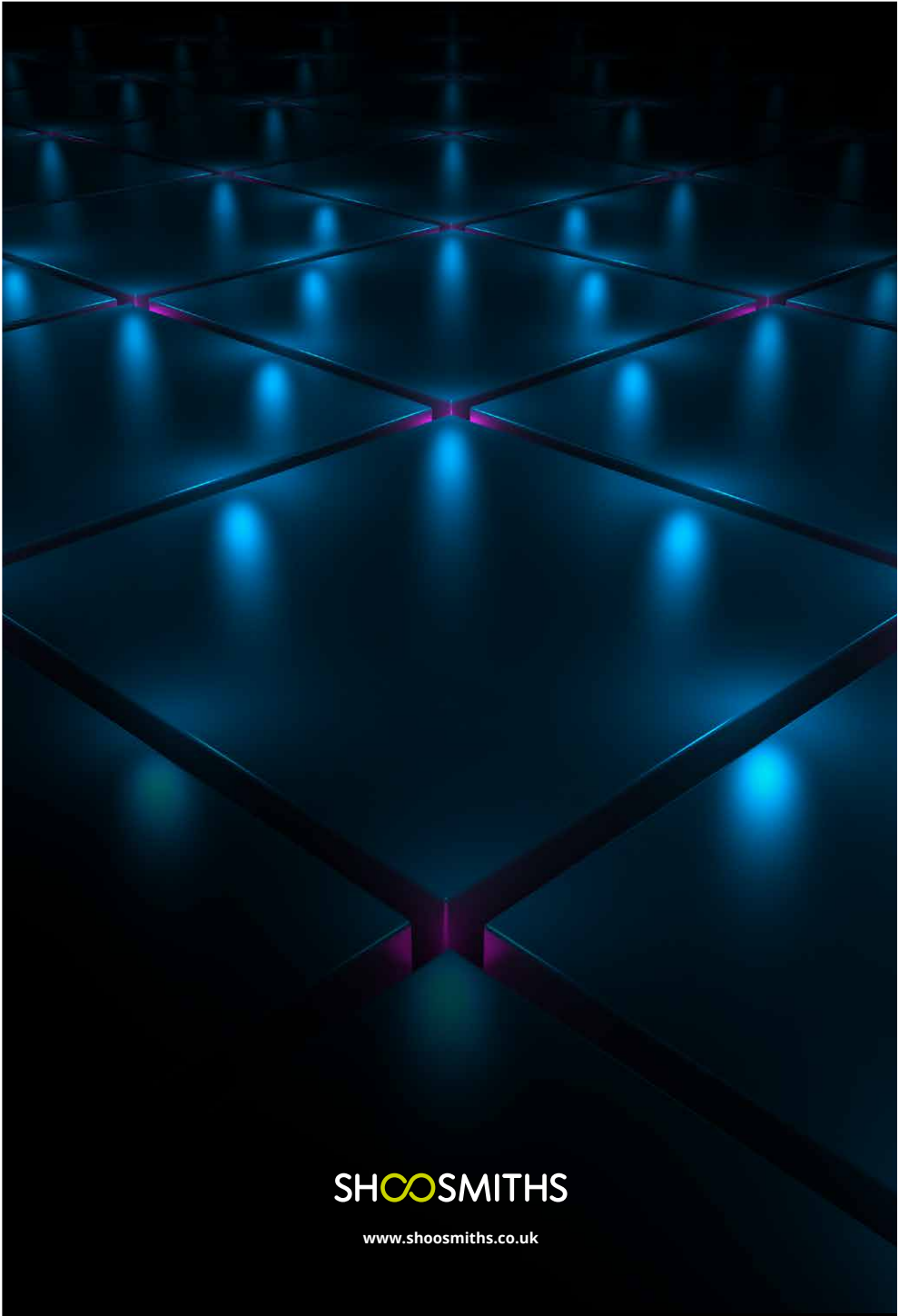
- third party funding
- after the event insurance
- contingent fee arrangements

In some cases there may be options to issue the claim in different jurisdictions or in different courts.

If you would like more information about **IP FIXED™**, just get in touch.

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