

## Forum Shopping: A familiar tactic in abusive patent litigation returns

Non-practicing entities (NPEs, sometimes called “patent trolls”) frequently bring suits in patentee-friendly courts, because the costs and risks of defending even frivolous cases are so high that many accused infringers can be coerced into settling. This is referred to as “forum shopping.” A disproportionate number of patent cases are and for years have been filed in the patentee-friendly courts of the Eastern District of Texas. Since the Supreme Court decided *TC Heartland v. Kraft Foods Group Brands*, however, it is much harder for NPEs to sue startups in the Eastern District. But the same forum shopping tactic has shifted. A rapidly growing number of NPE cases—including those against startups and small businesses—are now being filed in the Western District of Texas, another patentee-friendly court where plaintiffs have more leverage.

