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Effect of Non-Practicing Entities on Innovation Society and Policy: An agent based model and simulation

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Effect of Non-Practicing Entities on Innovation Society and Policy: An agent based model and simulation

Abstract

Non-practicing entities (NPE) have been controversial patent market players in terms of their effects on innovation society, owing to their having both positive and negative impacts on society-level innovation performance. However, measuring the net effect as well as finding ways to control the probable negative effects has been a challenging issue. In this paper, we propose an agent model of the patent market to address the issue. We conduct a simulation to test whether NPEs produce more harm than good. Further, a computational study evaluates the efficacy of possible legislative options to control NPEs' undesirable effects, which are being discussed by scholars and policy makers in the U.S. Our result concludes that the negative effects of NPEs are likely to outweigh their potential benefits. In addition, it provides a first look at the effectiveness f each policy in relieving the NPE effect. We provide a quantitative ground for policy makers to use in discussing policy options regarding the NPE issue and practical guideline for implementation of such policies.

Highlights

We model patent system and patent market into an agent-based computational model.

We examine the net effect of NPEs on innovation performance at society level through simulation.

We evaluate the effectiveness of the three legislative options in reducing the negative effect of NPEs: regulating the amount of damages NPEs can collect, reducing the injunction rate in NPE lawsuits, and exempting defendants from litigation costs in NPE lawsuits.

Our result shows that the NPE strategy yields an overall negative effect on society-level innovation creation.

Controlling the injunction rate in NPE lawsuits is the most effective policy.

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