

NEWS & INSIGHTS

What we can learn as startups battle with tech giants

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A Massachusetts district court battle that started this week can teach tech companies big and small some important lessons when it comes to protecting intellectual property. AI chip startup Singular Computing is seeking \$1.6 billion from Google for allegedly infringing its computing patents to boost the power of its artificial intelligence products in the U.S. District Court for the District of Massachusetts.

The cases' origins go back to the early years of Singular. In searching for possible partnerships and licensees, Singular's founder, Joseph Bates, promoted his company's idea by giving presentations to established industry stakeholders in the computing world. He approached companies beyond just Alphabet/Google, including Amazon,

IBM, Microsoft, Qualcomm, Facebook, Samsung, and OpenAI.

Google later developed computer chips that Singular claims used Singular's patented technology in its infringement action in 2019. Singular's patents survived Google's invalidity challenge partially in the Patent Trial and Appeal Board (PTAB) of the U.S. Patent and Trademark Office in May 2022. Google appealed the PTAB decision to the Federal Circuit. The parallel jury trial at the District Court started Jan. 8.

While it may be a long time before this case is fully resolved, there are important lessons that can be learned by both startups and established technology companies.

An early-stage company waging an enforcement action against tech giants is an expensive, uphill battle. Tech startups should always remember that prospective partners or licensees are also your potential competitors. Before giving presentations about your technology to that audience, have your counsel review the content and be conscious of the risk of losing control of your technology. At the very least, it is wise to be mindful of any risks and benefits and proceed in a way to maximize the expected value of these discussions to your startup.

On the other hand, established companies also risk having their intellectual property contaminated by outside IP when receiving outside technology information. The company's technology procurement team needs to keep a diligent record of the scope and content of the disclosure. There should be internal procedures to segregate the company's portfolio from incoming technology to avoid disputes like Singular v. Google, and when in doubt, engineers and managers should seek advice from in-house or outside counsel who have expertise in IP matters.

If your company, in any stage, is looking for advice on partnership or R&D collaboration with another company, please contact [Jason Somma](#) and [Saxton & Stump's Intellectual Property Group](#) for safe guidance.

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