

# Holding Big Tech To Account: Kaufman v. Microsoft

Woodsford Case Study

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Michael Kaufman, a brilliant engineer, developed revolutionary database automation technology. Recognizing the innovation and potential value of this technology, he acquired patents to protect his inventions.

When Mr. Kaufman subsequently discovered that Big Tech companies were infringing on his patent portfolio with certain of their own database software offerings, he and his counsel approached Woodsford seeking funding to protect his rights.

### Facilitating Access to Justice

Woodsford's funding was critical in allowing the claimholder to stand up to Big Tech and protect his patent rights. The first infringer sued by Mr. Kaufman, Microsoft, was well-resourced and able to fight hard against Mr. Kaufman's claims. However, with Woodsford's capital backing, Mr. Kaufman was able to both assert and prevail in this David against Goliath fight, and Microsoft ultimately paid Mr. Kaufman \$10 million. Mr. Kaufman, again with Woodsford's funding, likewise pursued a claim against Salesforce for infringing the same patent family, and that matter was settled for a confidential amount.

### Benefits of IP Litigation Funding Beyond Capital

In addition to providing funding to the claimholder to pursue his claims, Woodsford was a trusted partner to Mr. Kaufman and his litigation team at Liston Abramson LLP throughout. Woodsford's expertise in all facets of intellectual property litigation allowed us to provide invaluable strategic suggestions at all stages of the litigation, strengthening the claimholder's case, from filing through appeal. Furthermore, the knowledge that an expert, dispassionate, well-resourced, objective third-party had thoroughly analyzed all aspects of the claims and was prepared to make a large, non-recourse investment in them, sent a strong message to the defendants about the strength of the case and Mr Kaufman's ability to stay the course.



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# Woodsford's Support Enables Mr. Kaufman to Go the Distance and Get a Great Result

Mr. Kaufman's case against Microsoft required extensive litigation. After a week-long jury trial was held in the Southern District of New York, the jury awarded \$7 million in compensatory damages. The district court denied the defendant's motion for judgment as a matter of law, as well as its motion for a new trial on both invalidity and noninfringement.

Microsoft appealed the infringement finding, and Mr. Kaufman cross-appealed the district court's decision not to award pre-judgment interest. Ultimately the Court of Appeals for the Federal Circuit resolved the appeals entirely in Mr. Kaufman's favor—the court upheld the jury's verdict, and further held that pre-judgment interest must be awarded.

Shortly after Mr. Kaufman's success at the Federal Circuit, Microsoft paid him \$10 million in satisfaction of the judgment owed to him. Thanks to Mr. Kaufman's tenacity in pursuing his patent rights, the talent and dedication of the litigators at Liston Abramson LLP, and both advice and financial support from Woodsford, Mr. Kaufman's rights were both vindicated and compensated.

*"For an individual inventor whose long patent adventure has afforded a singular education in IP, Woodsford has been an absolutely indispensable litigation partner. Where others saw clear merit yet declined to confront a tech behemoth, Woodsford's expert diligence set the stage for a confident collaboration in asserting our rights. At every step of the way, their insightful advice, courage of conviction, and support for our own decisions drove consistently positive outcomes. I honestly don't know how we could have prevailed without Woodsford in our corner."*

**Michael Kaufman**

*"We have had the privilege of working with Woodsford over many years. We have seen first-hand the resources and the resolve they bring to the equation which, when combined with a strong claim, a determined client, and a formidable legal team, can make the difference between justice delivered or denied."*

**David G. Liston, Partner, Liston Abramson (New York)**

For more information on this exciting victory, please also read this [article published by Bloomberg](#)



## About Woodsford

Founded in 2010 and with a presence in London, New York, Brisbane, Philadelphia and Minneapolis, Woodsford is a leading ESG, access to justice and litigation finance business.

Whether it is helping consumers achieve collective redress, ensuring that investors and universities are properly compensated when Big Tech infringes intellectual property rights, or helping shareholders in collaborative, escalated engagement up to and including litigation with listed companies, Woodsford is committed to ensuring the highest ESG standards while providing access to justice.

Working globally with many of the world's leading law firms, our legal experience, investment, business and technical expertise, in tandem with our significant financial muscle, makes us a powerful partner and a formidable adversary.

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