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Comedian Marc Maron Gets Serious About 'Patent Trolls'

Brian Glaser, Corporate Counsel

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Marc Maron has been a standup comedian for more than 30 years, and the host of the twice-weekly [WTF With Marc Maron podcast](#) since 2009. Earlier this year, he got a letter from [Personal Audio](#)—which owns five patents that “describe a series of innovations designed to allow consumers to have a personalized audio or video experience using a media-enabled device connected to the Internet”—asserting its patents related to podcasting. And thus began Maron’s introduction to the world of patent assertion entities (PAEs), otherwise known as “patent trolls.”

Maron saw Personal Audio and its founder, Jim Logan, as an existential threat to the community of podcasters. “I got frightened and I got active,” he told CorpCounsel.com. “I started educating myself and figuring out how the hell we were going to fight this and react to this as a community.” That fight has brought in the resources of the [Electronic Frontier Foundation](#) (EFF), the audience he commands via *WTF*, and the general ability of comedians to project a point of view with passion and humor.

Below is an edited version of Maron’s conversation with CorpCounsel.com Web Editor Brian Glaser.

CorpCounsel.com: How did patent trolls first come to your attention?

Marc Maron: I got a call from my friend Sam who asked me if I got this letter from Personal Audio. I didn’t know what he was talking about, so we went to check the P.O. box. There was this mildly coercive letter suggesting that we were infringing upon a patent and they wanted us to get in touch to discuss licensing the patent. And at that time, I had no idea what a patent troll was. If I had seen that letter and Sam hadn’t told me what it was, I would have thrown it out.

After talking to some other podcasters and doing some research, I found out that this was a real thing that tech companies had to deal with all the time. Once I found out that [Adam \[Corolla\] was being sued](#) [by Personal Audio], I reached out to a bunch of podcasters and said, “Look, we should find out what this is and how we can fight it and how it affects us.”

CC: When most businesses encounter trolls, they go to a lawyer, but you’ve gone to your podcast listeners.

MM: It became clear that this was not on the level, and none of us could afford to protect ourselves. Yeah, we can go to lawyers, but none of us can afford to litigate this thing. That's why we reached out to the EFF, we figured out some talking points, got press attention on [This American Life](#), on [Planet Money](#).

Obviously there are some patents that some companies own and protect their business with or stifle competition in a legitimate way, and use the patent office properly to encourage business and respect the statute of limitations. That is not what these guys do.

CC: Do you think the mindset that comes with being a comedian allows you to react to the issue of patent assertion in a different way than, say, a guy making mobile phone apps?

MM: I know this is something that larger companies deal with quite often. It wasn't so much being a comedian, it was that it was picking on the little guy. It was clear in interviews that this patent owner had no idea what podcasting was, had no idea what the human element of it was, had no idea even how his particular patent necessarily covered podcasting. So it's not so much a comedian thing as that this seemed really *wrong* and we have an ability to talk about it.

The problem is, if you're going to have a patent on, say, a button on a keyboard, then anytime someone turns on a computer you're going to randomly go after people and say, "Did you use this button?" "Yeah." "Then you owe us money." "How much money?" "Well, how much money are you making? Meet me outside."

CC: Are you seeing results from taking on this fight?

MM: It's a scary thing to fight a fight, because you become a target. I figured that I'd already gotten three of those damn letters, so I was already a target. He's either going to sue us or he isn't, and at some point you've got to stand up for something. It seems the [EFF has taken up the fight](#) to file for a reexamination of that patent. I think it comes down to the fact that somebody's got to stop the way that this works. This doesn't seem to be something that promotes invention or encourages entrepreneurial activity.

CC: What have lawyers told you about your options for dealing with trolls?

MM: We all met with a couple of people, but having gone through two divorces, the lawyers aren't my go-to people for anything. I know they're important—I have a lawyer for my show business, and on the talent side I have representation. But what we chose to do is to inform ourselves as a community and talk to people who knew what they were doing. But when we talk to them about it, it just seems that the very model of predatory patent trolling, there's a built-in coercive element and it's completely unreasonable to litigate. That became very apparent to us.

CC: On your podcast, you make a point of being empathetic and open to the point of view of the person sitting across from you. Do you see anything positive from the PAE's side?

MM: I understand it in the same way as somebody who got an opportunity that didn't pan out. In show business, a lot of guys *almost* make it. A lot of guys get on TV for a little while and then it goes away. A lot of people write a lot of scripts that don't get made. From my understanding of this particular guy and this particular patent, this is a guy who had some designs for some technology that could have been applied to a lot of things. He tried to build a machine, and he

couldn't get it done for one reason or another. He failed at executing on his patent in a way that it could enter the marketplace. So now, because of loopholes in the patent system, he's able to re-introduce that patent and now try to retrofit it on anything that he thinks would apply to his patent.

And somehow or another, that's OK. It doesn't seem to encourage business. It just seems to be completely unfair and wrong. You're asking me if I have sympathy for this guy? Yeah, I'm sorry he couldn't make money with his patent in terms of introducing something into the marketplace. And now for him to say, "I invented that," years and years later, talking to people who are just pushing a button in their garage and then asking them for money—it seems so clearly an abuse of the system.

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