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Riding the Wave of Progress: How Patent Law Firms can Support their Clients' Innovation Growth



surfing



Introduction





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What do we mean by "innovation"



- Innovation is the complete process of successfully bringing new technology to market by commercialising that technology.
- Innovation uses action to convert creativity into a marketable product or service, and to bring that product or service to the marketplace.



Understanding underpins everything



To best support innovation within a client's business, the attorney should understand:

- The nature of the client's business
- The business goals
- The drivers for innovation within the organisation
- The innovation strategy, if available
- The client's access to resources generally, including budget
- Any other factors influencing growth, such as having knowledge of key competitors



Product Lifecycle

Considerations for Innovators



Investment due diligence
Prototyping
Product testing
Collaboration opportunities?
Regulatory approval
Preparing for manufacture
Brand creation
Market identification

Commercialisation strategy

Product launch
Marketing
Post-Market surveillance
Product tweaking?
M&A strategy?

Brand launch

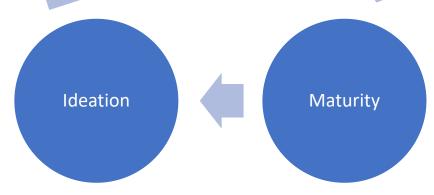
Research & Expansion & Growth

Brand development Market expansion

- new jurisdictions
- new uses

Competitor analysis Consider value-add products Collaboration opportunities? M&A strategy?

Brainstorming new ideas
Market analysis
Technology concept formalized
Proof of concept validated



Cost reduction
Abandon low value IP rights?
Retain market share in key markets
Prepare for next generation



Product Lifecycle

IP Services

NDA's

Freedom to operate

Patentability searches

Patent application(s)?

Inventors award

Design application(s)?

Market identification

Licensing (In)?

Negotiations?

Joint venture?

Brand creation guidance

TM searches (clearance)

Budget planning
Landscape searches
Contractor agreements (e.g. CDO)

Brand development & use Patent update?
Product marking
Competitor intelligence

Licensing (out)?





Research & Expansion & Growth

Market

Launch

Growth

IP portfolio expansion?
Build IP thicket
Divisionals
"Land grabbing"
Licensing (out)
Product marking
Competitor intelligence
Infringement?

Assess renewal costs closely
Defend key markets
Product marking
Competitor intelligence

Ideation Maturity



St.Gallen Patent Portfolio Management Model



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Strategic Impact

Generate

- •Focused patent searches (patent monitoring)
 - Analysis of competitor activities
- File strategic patents
 (with respect to competitors, with respect to alternative areas e.g. cross-industry)
- Check and realise potential for patent cross-licensing agreements

Explore

- Evaluation of potentials by cross industry sector patent searches (patent scanning)
- II. Identification of potentials, application of broad and conceptual patents
- Consider positioning the firm on future crosslicensing opportunities

Legend:

- Freedom to Operate
- II. Differentiation
- III. Multiplication

Protect

- I. Consideration of in-licensing and circumvention
- II. Creation of patent clusters for a systematic protection of competitive advantages: broad basic patents and patents for specific variations
- III. Check potential for out-licensing into other market or technology areas (long-term ROI)

Optimise

- Monitor subsequent patent applications of competitors (improvements, variations)
- II. Check patent clusters with respect to cost-benefit ratios
 - Protection from substitute technologies by filing deterrent patents
- Check potential for out-licensing within own market or technology areas (short-term ROI)

Decline

- III. Donate or abandon patents
 - Check potential for exclusive out-licensing and selling of patents

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