

Patents and Business Strategies

A Patent Attorney's Perspective

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Patents and Business Strategies

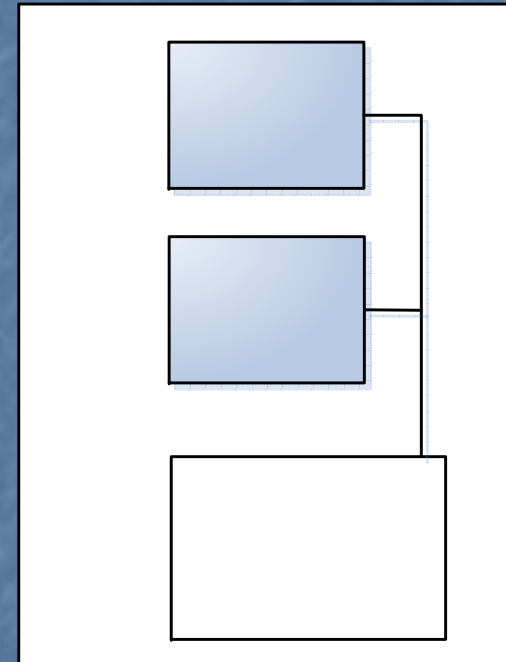
- What IP to protect, what IP to acquire and what IP to license/sell
- Strategies for protecting, acquiring and licensing IP to achieve a business plan
- Strategies for maintaining and enforcing IP in accordance with business goals

What IP to Protect, Acquire, License or Sell A Paradigm Shift

- Patents are about Business
 - Not about engineering
 - Not about technology
 - Not about law
- Patents are about Value
- Patents are about Exclusion
 - Not about protection

An Example

- Idea – Software Defined Radio (SDR)
 - Transceiver
 - Memory
 - Controller
- Invent new transceiver
- New software



What IP to Protect, Acquire, License or Sell Patents Are About Business

- Start with a plan
 - Strategic vision
 - Long term vision
 - Where you want to be at a point in the future
 - Who are the stake holders
 - Likely competitors
 - Business plan
 - How will you get there – benchmarks to be achieved
 - Tools you will need
- Patents are tools to be used to achieve business goals
 - Patents are about controlling the actions of others
- Patents should be strategically managed and used
 - Patents should be for inventions that meet business needs and the strategic vision

What IP to Protect, Acquire, License or Sell Patents Are About Value

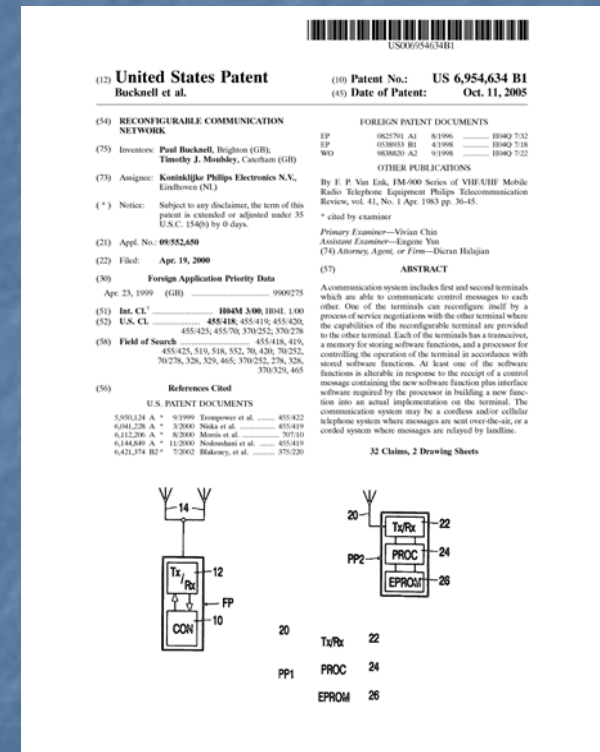
- Patents are an asset
 - The broader the patent, the more valuable it may be
 - Can protect core business areas, areas of expected development or penetration, areas of expected development of competitors, etc.
 - Patents can have monetary value
- Patents provide a legal monopoly
 - Exclude others from making, using, offering to sell, selling, or importing patented invention
 - Fixed duration of enforceability
- Patents are an asset to be used to achieve business goals and fulfill the strategic vision

What IP to Protect, Acquire, License or Sell Patents Are About Exclusion

- Patents provide a legal monopoly
 - Exclude others from making, using, offering to sell, selling, or importing patented invention
 - Claim
 - Fixed duration of enforceability
- Patent protection, acquisition, licensing/selling should be externally directed
 - Control actions of competitors
 - Sword/Shield

The Patent

11. A communication terminal comprising:
- a memory which stores data indicative of capabilities of said communication terminal;
 - a transmitter which transmits said capabilities to another terminal;
 - a receiver which receives parameters from said another terminal, said parameters matching said capabilities; and
 - a controller which selects a portion of said parameters to form selected parameters and informs said another terminal of said selected parameters;
- said receiver receiving from said another terminal required information to form a profile of said communication terminal based on said selected parameters; and
- said controller configuring said profile in response to said required information from said another terminal.



What IP to Protect, Acquire, License or Sell

- No “one size fits all” – Customize
 - Patent innovation aligned with strategic vision and/or business plan
- Common to Start-ups, Midsize, or Large Entities
 - Core technologies
 - Machines
 - Products
 - Processes
 - Compositions of matter
 - Anticipated IP space
 - Foreign IPRs
 - Build a mote around core technologies – patent thicket
- Existing/future IP space of competitors

Strategies for protecting, acquiring and licensing IP to achieve a business plan

- Landscape
 - IP landscape where you operate and/or are likely to operate
 - IP space
 - Relevant markets
 - Trends in evolution and innovation in the relevant markets
 - Key players in the relevant market segment including dominant/leading players
 - Legal framework(s) surrounding the relevant markets
 - IP landscape where competitors operate
 - Shield
 - Cross-licensing
 - Licensing

Strategies for protecting, acquiring and licensing IP to achieve a business plan

- Protecting IP
 - Employee Agreements
 - Trade secret protection policies
 - Invention disclosure policies
 - IP awareness and management processes
- Acquiring
 - Patent protection
 - Provisional applications
 - Non-provisional applications
 - Foreign patent applications
 - Licensing
 - Purchasing

Strategies for maintaining and enforcing IP in accordance with business goals

- Maintaining IP
 - Trade secrets
 - Security/control
 - Access on need-to-know basis
 - Non-disclosure agreements
 - Patents
 - Employee policies and agreement
 - Decide what you want to keep exclusively, license, sell
 - Non-disclosure agreements
 - Resources
 - Inventorying

Strategies for maintaining and enforcing IP in accordance with business goals

- Enforcing IP rights
 - Trade secrets
 - Court actions
 - Patents
 - Appreciate IP space
 - Know you patent portfolio
 - Love letters
 - Litigation
 - Risks associated with non-enforcement/enforcement

Patents and Business Strategies: A Patent Attorney's Perspective

QUESTIONS?

IP Litigation/Patents Department

Patents | Trademarks | Trade Secrets | Trade Dress
False Advertising | Unfair Competition | Domain Name Disputes |
Copyrights | Trade Secrets

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