



Intellectual Property

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- This presentation does not constitute legal advice but is rather a collection of observations made from an in-house perspective, based on 20+ years of private and in-house practice.

PATENTS

- The BIG guns of the IP World
- They can be bet the company type of litigation
- A patent becomes relevant 5 – 10 years after filing
- Are Patents lottery tickets?

Example Invention

An Improved Online Payment System (“IOPS”)


An example of the type of message that is displayed on the GUI is shown below:

Shopping Cart
Item #1 – Bicycle model 1234– 19.90\$
Item #2 – Green Eggs & Ham (Dr. Seuss) – 12.95\$

READY TO ORDER?

**Wait! Add CDN\$ 9.35
to your order to
qualify for Free Super
Saver Delivery.**

See details

 Proceed to Checkout...

Patenting Decision

- If it is worth copying, it is worth protecting. The corollary is not that which is worth protecting, is worth patenting.
- The decision **whether** to patent an invention is based on various important queries that are driven by the **perceived value proposition** that an issued patent will bring to the company.

Problem

- How do you determine the **perceived value proposition** of a Patent? 5 to 10 years later.
- Form a “Patent Committee” of :
technical experts, business experts, patent experts, etc.
- Best Guess? Patent the IOPS

Value Categories

- High Value:
Anticipate infringement with significant economic impact with no serious validity, encumbrances, or title issues.
- Mid-Value:
Anticipate infringement has short shelf life.
- Lower Value:
Commodity-like patents, highly speculative in nature (no infringement)
- IOPS: High Value?

Factors Affecting Value

- Competitive Advantage.
- Available Alternatives.
- Adoption by Competitors
- IOPS: increases sales, but is it significant?

Why Pursue and Secure IP rights?

- Enforcement
- Licensing
- Marketing
- Industry Leader
- Deterrence
- As a Defence Measure
- Innovation
- Asset

Acquisition Valuation of Start Up

- People (know how):
Most tangible value.
- Patents:
Some value, usually uncertain.
- Other Non-Patent IP:
Little Value

Intellectual Property

That's all folks!

Thank you for your valuable time.

