

Power Prosecutors

THE FIRMS THAT PROSECUTED THE BEST PATENTS IN 2002

Small firms do it better. That's the inescapable conclusion of a recent survey of patent quality in six different areas conducted by PatentRatings LLC. The company's computer model measures the strength of patents and scores them with what it calls an Intellectual Property Quotient (IPQ). The IPQ is much like an IQ score—a 100 is average, scores above 100 are above average. In 2002 patents with the highest IPQs came from small IP boutiques, not their larger brethren.

One of the survey's highest-ranking firms is Minneapolis's Schwegman, Lundberg, Woessner & Kluth, a small 55-lawyer firm devoted solely to patent prosecution that finished with top-ten scores in five categories.

Los Angeles's Blakely, Sokoloff, Taylor & Zafman also brings in quality clients. The 100-lawyer IP firm finished with top-ten scores in both computer and electrical patent prosecution. The firm says that it writes patents for more than one out of every six companies on the Nasdaq 100, citing Intel Corporation as a big client. "We don't feel like we have much competition [in prosecution]," says founding partner Roger Blakely, who emphasizes the firm's technology focus.

New York's IP boutique Fitzpatrick, Cella Harper & Scinto, which was a top-ten firm in five categories, is known for representing Big Pharma. But the firm showed up in the

MOST MENTIONS*

Fitzpatrick, Cella	5
SCHWEGMAN, LUNDBERG	5
Antonelli, Terry	4
Blakely, Sokoloff	4
Dorsey & Whitney	3
Frishauf, Holtz	3
Adams & Wilks	2
Dickstein Shapiro	2
TraskBritt	2

*Firms mentioned in more than one category

METHODOLOGY: Not all patents are created equal. That's the idea behind PatentRatings, a Newport Beach, California, company that rates patent quality. The company, founded by a former partner at Irvine, California's Knobbe, Martens, Olson & Bear, evaluates patents with a computer model and a premise. The premise is that patent owners are more likely to pay maintenance fees to the patent office for a patent that is valuable.

The model predicts which patents will be maintained based on objective criteria that correlate with maintenance of older patents. The model examines, for example, the number of claims in a patent—the more claims, the higher the maintenance rates. Shorter claims, on the other hand, tend to make better patents, because fewer words translates to broader protection. The opposite holds true for the written specifications—longer is better. Finally, the model looks at a patent's forward citation rate—the number of times patents make reference to the patent in question. The more times a patent is mentioned by other patents, the higher that patent's maintenance rate.

