



# REVOLUTIONISING PATENT MAPPING AND MINING

Michael Schwegman, Steven Lundberg and Warren Woessner explain how their software dramatically speeds up the process of patent mapping and mining.

In the realm of intellectual property law, time can mean the difference between record profits and missed opportunities. Nowhere is this more true than in the high-technology marketplace, one of Schwegman, Lundberg & Woessner's major practice areas. So for years, while our Minneapolis-based team of patent prosecutors helped a wide range of clients with traditional patent mapping and mining, we wondered: Couldn't this be done better—and faster?

We began to answer that long-standing question in 2004, when firm co-founder Steve Lundberg envisaged a potential solution: software to help patent experts rapidly sort, rank and analyse patents. He shared this idea with Pradeep Sinha and Janal Kalis, who developed the technology behind the software. After four years of trial and error, we are launching ClaimBot®, a product we believe to be the only one of its kind.

ClaimBot® was not designed to replace patent experts, but to take away many of the mundane tasks, such as hours spent digging through paperwork, and creating charts and spreadsheets of patent information. The focus of our firm has always been prosecuting patents and managing our client's intellectual property, which takes considerable time. With software to search patents electronically, our team has more time to analyse existing patents in depth and show clients where they face infringement, what minor adjustments may be required to avoid infringement, or how to get more licensing revenue by enforcing their existing patents.

"It's a fundamentally different approach," notes Lundberg. "It's the first time anyone has designed a process that searches by elimination, not inclusion." In other words, patent attorneys can create limitation descriptions in a meta-data store, called Scope Concepts. ClaimBot® removes all claims that do not cover a target, allowing for more robust results. Initial min-

ing focuses on global concepts and subsequent mining focuses on local, or more specific, concepts. For a mid-size portfolio (i.e. 500 patents with 2,000 independent claims), this mining process generally takes just two to 10 minutes instead of the previous five to 25 attorney days for manual review.

While ClaimBot® allows our firm to complete mapping and mining in a few hours, instead of days or weeks, it does require substantial work up front. First, we need to enter and categorise all of a client's patents, so that the software has data to analyse. It's a challenge at the beginning, but once the data has been entered, our clients can have incredibly accurate results, in record time. "The map allows them to see the breadth of the view of their portfolio," said Kalis. "It gives them an aggregate image that is simple to follow.

"We're able to deliver results in the way a client wants, index with keywords for incredible searchability, and develop Scope Concepts. We offer our clients a map they can hang on their wall, a visual aid that shows the large number of claims they have and what those claims cover," added Kalis.

"It's a tool that gives our clients a significant edge over others in their marketplace," said Lundberg. ClaimBot®, he says, works for companies trying to understand their own patents and what patents their competition holds. "It makes us better, faster, less expensive," claims Sinha. "It has immediately and effectively reduced our clients' costs, while improving claim exploration accuracy." Sinha stresses: "This software is still evolving, and that's what's so exciting ... we simply don't yet know all the practical applications."

Currently, ClaimBot® can help clients in the following areas: IP development, prosecution support, annuity payment decisions, patent

licensing, IP due diligence and product development. In addition to compiling client-specific information, there are plans to map specific industries, including standards-related technologies such as LTE, WiMax, bar coding, JPEG and MPEG, satellite digital broadcasts for cell phones, CPS and others. By specialising, we can help clients better understand the marketplace and how to use their patents more effectively. "We want to close the gap between what clients have and what they think they have," says Lundberg.

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Another area where ClaimBot® purports to assist clients is by scanning Patent Asserters. "As we become a central repository for Patent Asserter information, clients can turn to us for help avoiding patent infringement with the companies most likely to sue."

ClaimBot®'s first major test came when a client approached them for advice prior to entering the WiMax marketplace, he says. "We helped this client understand the major players in the marketplace, their technical spaces and separate technology areas, easily sharing data between our Minneapolis and Phoenix offices. Since experiencing positive results on the WiMax project, we've utilised ClaimBot® by working with a number of other high-tech organisations.

"We felt like private detectives finding all these clues, receiving an unprecedented-

edly positive reaction from the financial community," Kalis claims, "We're hearing a lot of wows, especially from the financial community, and that hasn't happened before. "Our firm is keen to see how the landscape of patent mining and mapping will evolve. If initial results are any indication of the future, we feel confident about saying that clients utilizing this technology will find themselves days

or weeks ahead of their competition—and in a much better position to understand and enforce their patents. And in today's world, better enforcement and quicker action are the keys to financial success," Kalis says.

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## Key benefits of ClaimBot®

By Lars Svensson

President Lucid Patent, LLC

In addition to saving time, eliminating repeated searches and allowing for more extensive analysis by our mapping and mining experts, ClaimBot® offers the following IP portfolio management benefits:

- **Visibility.** Many organisations can't readily answer the question: "What is the claims coverage of our patent portfolio?" Although this information is available in the patent documents, this answer is not enough. Those who need this information do not normally have the time or the skill to peruse patents and gain the knowledge needed to leverage the patent portfolio's claim coverage. Product management, engineering and R&D need easy access to this information. Then they can use it to decide which new patent applications will support the organisation's strategy. ClaimBot® makes portfolio claim coverage visible and accessible to stakeholders by mapping, mining and reporting.
- **Planning and defence.** Creating a portfolio with strong claim coverage is about prosecuting the right applications. This is achieved by involving cross-functional teams to review the organisation's current portfolio, product roadmap, competitive landscape, science trends and directions, and the general strategy of the organisation. This joint review leads to better decisions about which disclosures will be prosecuted, which should be covered through licensing or which should be ignored. ClaimBot® simplifies this practice through its reporting, and mapping and mining features. For strategic planning, ClaimBot® allows users to review and report on maps of competitors' patent/application portfolios. This knowledge is valuable when building product roadmaps and for deducing competitors' strategic directions.

- **Armed neutrality.** Some organisations have significant patent holdings but don't have a licensing programme in place for capitalising on the portfolio's value. In these cases, patents may be held as a negotiation tool should someone decide to aggressively enforce its IP against the holder of an 'idle' portfolio. With ClaimBot®, internally held patent claims that cover the scope of their opponent's claim can be quickly located. That can help the ClaimBot® user move the discussion from litigation to negotiation. ClaimBot® can quickly mine claims that may have coverage on the opponent's products or services. The preceding strategy is only recommended in a situation where the opponent has significant intellectual property. This defensive strategy will not normally be successful in the case of a Patent Asserter since the Asserter will not possess enough total intellectual property.
- **Aggressive enforcement and M/A.** Finding patent claims that have coverage on a particular target (idea, product, technology) within a given portfolio is of high importance in portfolio management. Previous methods for finding claims and reviewing them for coverage are costly and slow and, for that reason, have limited use. A portfolio can be aggressively leveraged only when claim coverage data are readily available. This general statement is true whether the objective is to establish freedom to operate, to license, to offensively enforce, to develop knowledge strength for cross-licensing deals or litigation or negotiations, to review the claim coverage of a portfolio for a merger or acquisition, or to satisfy a need to protect one's own products. ClaimBot® quickly focuses claim coverage questions on the truly applicable claims, which gives the ability to quickly and repeatedly answer all claim coverage questions.

Schwegman, Lundberg & Woessner, P.A. protects and manages the ideas that fuel the world economy. Ranked first in overall patent quality by PatentRankings, LLC for three years in a row, with top 10 rankings in chemical, biotech, computers/electrical, and medical patents, the firm has more than 80 attorneys.



**Micheal L. Schwegman** is a registered patent attorney and founding partner. Practice focus: Computer hardware and software, networks and communications, medical devices and mechanical systems.



**Steven W. Lundberg** is a registered patent attorney and founding partner. Practice focus: Software, medical and telecommunications technology, and related opinion and licensing matters.



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**Lars O.H. Svensson** has a MS in Physics, president of Lucid Patent, LLC, marketer of ClaimBot®. He is a certified leadership consultant using the Klingborg concept and supported SLW during the development of their mapping and mining practice.

# We turn this...



Your race to a global market involves planning and execution. A clear view of the Patent Claims Landscape allows you to understand the risks and the rewards.

The question is: Do you have the resources to gather, organize and digest that information on a timely basis?

Our proprietary software, research and analysis methods will provide you with custom US, EP, PCT (China/Japan) Patent Claims Landscapes in record time. Then you can plan and execute a strategy while understanding the claims that lie between you and your objectives.

E-mail us today at [wipr08@slwip.com](mailto:wipr08@slwip.com) or visit our web site [www.slwip.com/wipr08](http://www.slwip.com/wipr08) for more information.

## ...into this.



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