Episode 02:
Using Patent Landscapes to Develop IP
Rich Products and Valuable Patent Positions

Patent Analytics
Webinar Series
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Today’s Presenters...

Steve Lundberg
Principal, Chief Innovation Officer
Schwegman Lundberg & Woessner

Janal Kalis
Principal
FTO and Patent Analytics Expert
Schwegman Lundberg & Woessner

Andre Marais
Principal
Schwegman Lundberg & Woessner
IAM 1000 listing of the world’s leading patent attorneys
IAM Strategy 300 listing of the world’s 300 leading IP strategists

Micky Minhas
Senior Vice President
Marconi
Former Head of Patent Licensing and Strategy at Microsoft

Mark Stignani
Analytics Chair & Firm Compliance Officer
Former Chief Patent Counsel
Thomson
Schwegman Lundberg & Woessner

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A patent landscape is an analysis of patent data that illustrates composition and comparisons of patent portfolios and positions, as well as reveal business, scientific and technological strengths, weaknesses and trends.
What you will learn today

- Who uses landscapes
- When they are used
- Strategic insight provided
- Different types of landscapes
- How landscapes are generated
- Overview of tools
Landscape Fundamentals by Micky Minhas

- What do you use patent landscapes for?
- Know your audience – tailor your results
- Scope the work to what the purpose is – easy to spend lots of time
- Push back – how would the results of the patent landscape change your behavior?
- Imagine a worse case result – your competitor has a strong patent position – what would you do about it?
- Education
- Identify companies
- Identify acquisition opportunities
- Identify licensing strategy
- Inform filing strategy
- Business Data and Patent Data
Landscape Insights by Micky Minhas

- The most useful patents tend to be 8-15 years old
- Difficult to make an accurate determination of value in young patents
- Most patent landscapes look like a hockey stick – early filings are very few, bandwagon filings come with time
- AI, Quantum, 5G, Blockchain
- Resist the temptation to rapidly increase filings in now popular areas – Watch out for “Portfolio Building Mode”
- You can’t “catch-up” in areas where you are late by filing more
Best Practices by Andre Marais

Business Landscaping

Business and IP Environment = 2 inputs for Patent Strategy

Self (Know Thy Self)
- Markets and Sources (Manufacturing or Services)
- Supply Chain, Geographic, Product
- Products and Technologies
- Revenue Contribution (Current and Future)

Competitors (Keep your Enemies Close), Frenemies/Partners
- Markets and Sources
- Products and Technologies
- Revenue Contribution (Current and Future)
Best Practices by Andre Marais

Patent Landscaping

Technology Landscape

Who is patenting in defined technology areas?

Competitor Company Landscape

Patent activity (volume, tech areas and geography) of reference companies

Reference Company Landscape (Benchmarking)

Patent activity of reference companies
Hypothetic benchmarking against earlier companies

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Landscapes for Cheapskates
Forward/Backward Citation Landscapes by Janal Kalis

- Most useful for startups or small clients on a small budget
- Goal is to wring as much information as possible out of forward and backward citations
- Assumption: Art cited by Entity A to a patent office is information flowing from the owner of the art, Entity B, to Entity A

ENTITY B → ENTITY A

- Over time, Entity B may cite information from Entity A. This information flows from Entity A to Entity B

ENTITY B ← ENTITY A

- Entity C may cite information from Entity A. This information flows from Entity A to Entity C

ENTITY B → ENTITY A → ENTITY C
Best Practices by Janal Kalis
Deep Brain Stimulation

Cyberonics

Neuropace
8 patent fams

Medtronic

Dexcon

Northstar Neuroscience

Brainsgate

Adv. Neuromodulation
Best Practices by Janal Kalis
Wearable Device for Measuring Sweat Composition

ELWHA (11)

Tricord Holdings (4)

OMRON (586)

WO2019023195 EPICORE

MC10 (61)
How to Build a Better Landscape by Mark Stignani

- Ask a simple question to answer
  - Avoid Market Level Landscapes
    - Unless that is the question

- Create a Taxonomy
  - Iterate automation

- Pivot Data
  - real entities/facts/time/products

- Time slice your data

- Good Simple Questions
  - Which company & what tech
  - How is a problem solved?
  - What product concepts overlap
  - Patent to product relationships
  - NPL v Patent Overlap
Hybrid Solution Using Tools

- Manual Landscapes
  - Large amounts of Effort
    - Technical
    - Legal
    - Business
  - Seldom repeated

- Automated Landscapes
  - Fast but Obscures Important Data
    - GIGO
    - Proxies to replace manual labor
  - Seldom repeated if
    - No Value Perceived
Conceptual Comparisons or Heat Maps

Inner Ring Broad Concepts

Widget Co

Outer Ring Sub-Concepts

Sprocket Co
Comparison by Class Codes

CPC – Cooperative Patent Classification

- Objective Comparator
- Proxy for Reading
- Can achieve some good granularity
Prosecution Performance/Success

Landscape Factors:
- Coverage
- Ease of Prosecution
- Pendency of Portfolio
Country Comparison/Geo-Slicing

Level of Investment Proxy
Key Take-Aways

- Formulate your question first – landscape to that answer
- Analyze in layers and iterate to more precise answers
- Practice Occam’s Razor in review (inferences with fewest assumptions)
- Prosecution trends can tell a story not apparent in pure count data
The Schwegman Analytics Advantage

SLW has been helping its clients find and improve high value patents for over 20 years and has invested heavily in its Analytics processes and tools for the last decade and is now expert at helping.

- More efficient work
- Shorter timelines
- Higher quality and key strategies
- IP Operations
- Fixed Fees/AFAs
- Tracking metrics
- Non-traditional providers
Thank You For Your Interest
Questions?
These materials are for general informational purposes only. They are not intended to be legal advice, and should not be taken as legal advice. They do not establish an attorney-client relationship.