

Types of Patent Information Reports & Objectives and Motivations of Patent Landscape Reports (PLRs)

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Different Types of Patent Information Reports

- Patentability / Prior Art
- Freedom-to-Operate / Clearance
- Validity
- Watches or Alerts
- Landscape

Patentability / Prior Art

- Performed in the legal context of determining if a new invention is eligible for patent protection
- Also used to determining how broadly the claims for the new invention can be written
- Can cover both patent and non-patent literature
- Typically looking for references that were published before the filing date of the invention in question.

Freedom-to-Operate / Clearance

- Involves an organization asking for a legal opinion on whether a product they are planning on shipping will infringe any existing patents before they launch
- The search involved is very specific since it is country specific and only applies to in-force granted patents and their claims
- Analyst in this case needs to identify the critical components of the product in question

Validity

- The object of the search involved with this report is to identify prior art references, which will allow a granted US patent to be made invalid during a re-examination before the particular patent office of interest or during a court proceeding
- Shares similar characteristics to Patentability but is normally far more comprehensive since there is typically much more at stake
- References in question can come from the patent or non-patent literature

Watches or Alerts

- A process for monitoring newly issued patents, as well as possibly pending patent applications
- Patent alerts are also performed in order to determine if patent documents of interest undergo a change in status
- Organizations also set up patent watches to monitor new patent applications coming from competing organizations in high interest technologies

Landscape

- An overview of patenting activity in a field of technology
- Normally seeks to answer specific policy or practical questions and to present complex information about this activity in a clear and accessible manner
- Industry has long used patent landscapes to make strategic decisions
- Public policymakers are increasingly turning to landscaping to build a factual foundation before considering high-level policy matters

More on Patent Landscaping

- Five to ten years ago, when someone asked for a landscape they were looking for a map or a picture of what the subject area looked like
- More recently the term has meant identifying the “lay of the land” or exploring various aspects of a subject area including looking at the organizations involved and the time periods in which they operated

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OBJECTIVES AND USERS OF PATENT LANDSCAPE REPORTS

Patent Information as a Tool of Public Policy

- WIPO in cooperation with the Food and Agricultural Organization (FAO) organized a Symposium on Public Policy Patent Landscaping in the Life Sciences
- *“Policymakers who deal with innovation and access in the life sciences – concerned with agriculture and food security; public health and pharmaceuticals; and environmental issues – have increasingly focused on the patent system. They look for clearer, more accessible and geographically more representative information to support key policy processes.”*

Patent Analysis for Public Policy Decisions

- Can be applied at various governmental levels
- Global efforts – bringing essential medicines to all nations
- Regional efforts – bringing technologies to bear to assist developing countries
- National efforts – for developing innovation and funding policies for country wide technology programs

Business Activities for Patent Landscaping

- Licensing Out - Lead Identification
- Licensing In - Lead Identification
- Industry Technology Profiling
- Competitor Technology Profile
- Strategic Technical Planning
- Technology War Gaming

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MOTIVATIONS FOR GENERATING PATENT LANDSCAPE REPORTS

Why Develop Patent Landscapes?

- Too many decisions are made without proper intelligence or analysis
- The “old boy” network or rolodex model applies
- Too often analysis is being done by individuals who do not understand the nuances of patent information
- We owe it to our organizations to get involved and come up with the best answers we can

Why Develop Patent Landscapes?

- They are tool to assist with long term strategic technical planning
- They involve work processes for helping technical decision makers make smarter decisions faster
- They include analytical process that transforms disaggregated technological information into relevant strategic knowledge about your competitor's or a subject's technical position, size of efforts and trends

Why Develop Patent Landscapes?

- From 1966 - "We have the choice of using patent statistics cautiously and learning what we can from them, or not using them and learning nothing about what they alone can teach us." - Schmookler, *Innovation and Economic Growth* pg 56

What is Analytics Not About

- What is it not?
 - For Patentability
 - For Validity
 - For Freedom to Practice
- Not about information its about intelligence
- It is about trends and forecasting not about focused and specific information retrieval

The Philosophy Behind Analytics

- Actionable Intelligence
 - Intelligence Cycle
 - Define needs and prepare a plan
 - Collect source materials
 - Analyze the results
 - Impact the business
 - Information when analyzed becomes intelligence
 - Intelligence directed towards a business decision becomes actionable
 - Must be used by the decision maker

The Philosophy Behind Analytics

Q: What is the most important commodity you can contribute to management in your organization?

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A: Time

Providing Time

- Not data, not intelligence, not alternatives
- All vital but at end of day, the most valuable commodity you can provide is to save a decision maker time

How Do PLRs Add Value?

By:

Gathering the data

Coming up with the alternatives

Developing the intelligence

And then...

How Do PLRs Add Value?

- Boiling it down to a concise document that lays out options and alternatives
- Forming an opinion, sticking your neck out and supporting your opinion
- Developing a hypothesis and providing a conclusion

How Do PLRs Add Value?

- Be prepared to follow-up if questioned
- Most of the time the decision makers is so busy they will not follow-up immediately
- Best results achieved when you have developed a plan and clear state your beliefs
- Executives are looking to analysts to provide an expert opinion, not raw data

Law of Linear Patent Analysis

- Develop a Collection of Analysis Tools
- Understand the Need Behind the Need
- The Need Drives the Question
- The Question Drives the Data
- The Data Drives the Tool
- Why is this important?
To a man with a hammer, everything looks like a nail - avoid
this at all costs