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.
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
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 tools to assist with long-term strategic technical planning.

• They involve work processes for helping technical decision makers make smarter decisions faster.

• They include analytical processes that transform 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?
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