



La Gestión de Carteras de Patentes en Empresas de Base Tecnológica: Caso Fractus

Los Lunes de Patentes – Centre de Patents UB

04/10/2010

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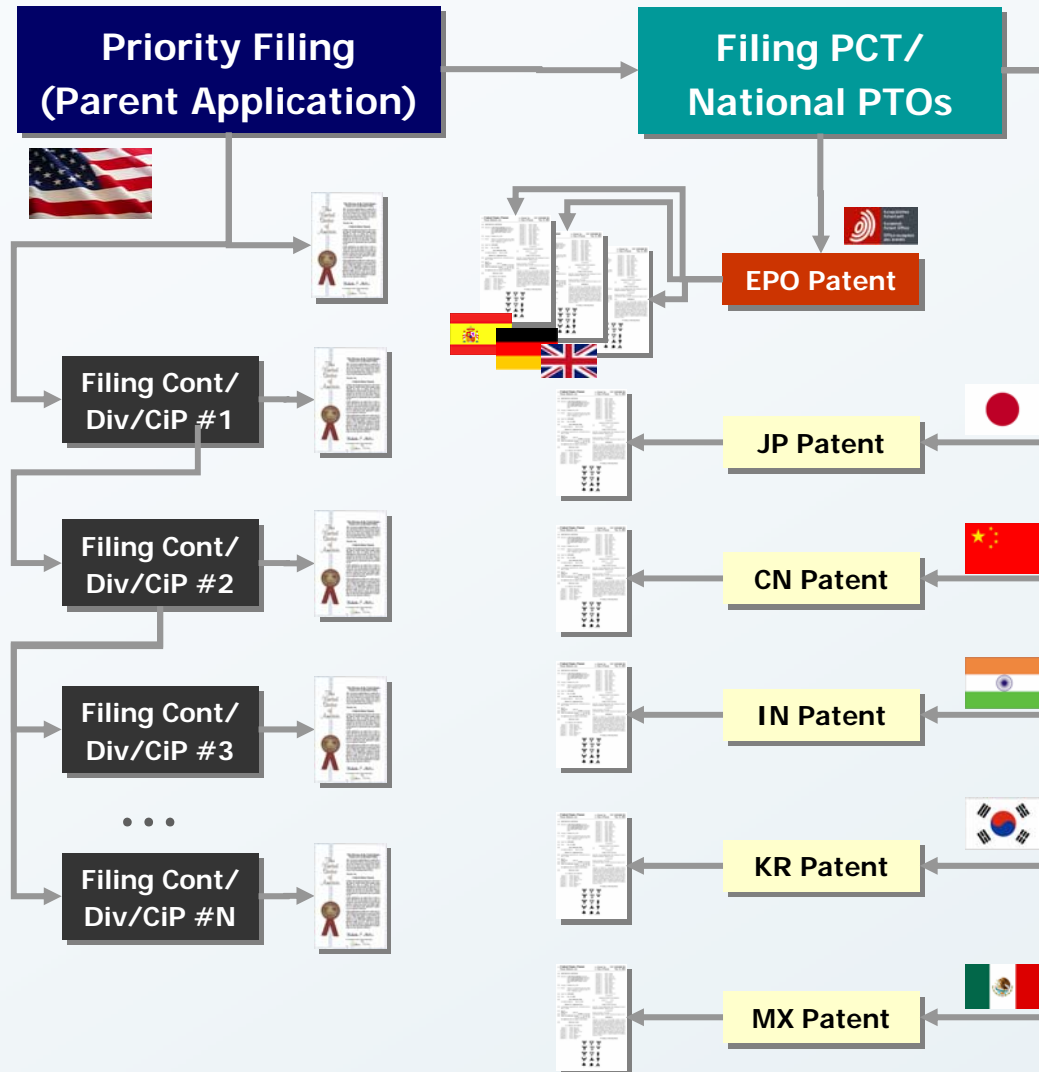
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- Caso Fractus: Empresa Basada en Tecnología y Patentes
- **Diseño y Arquitectura de una Cartera de Patentes**
- **Costes e Inversiones en Carteras de Patentes**
- **Estrategias de Optimización de Inversiones en Patentes**

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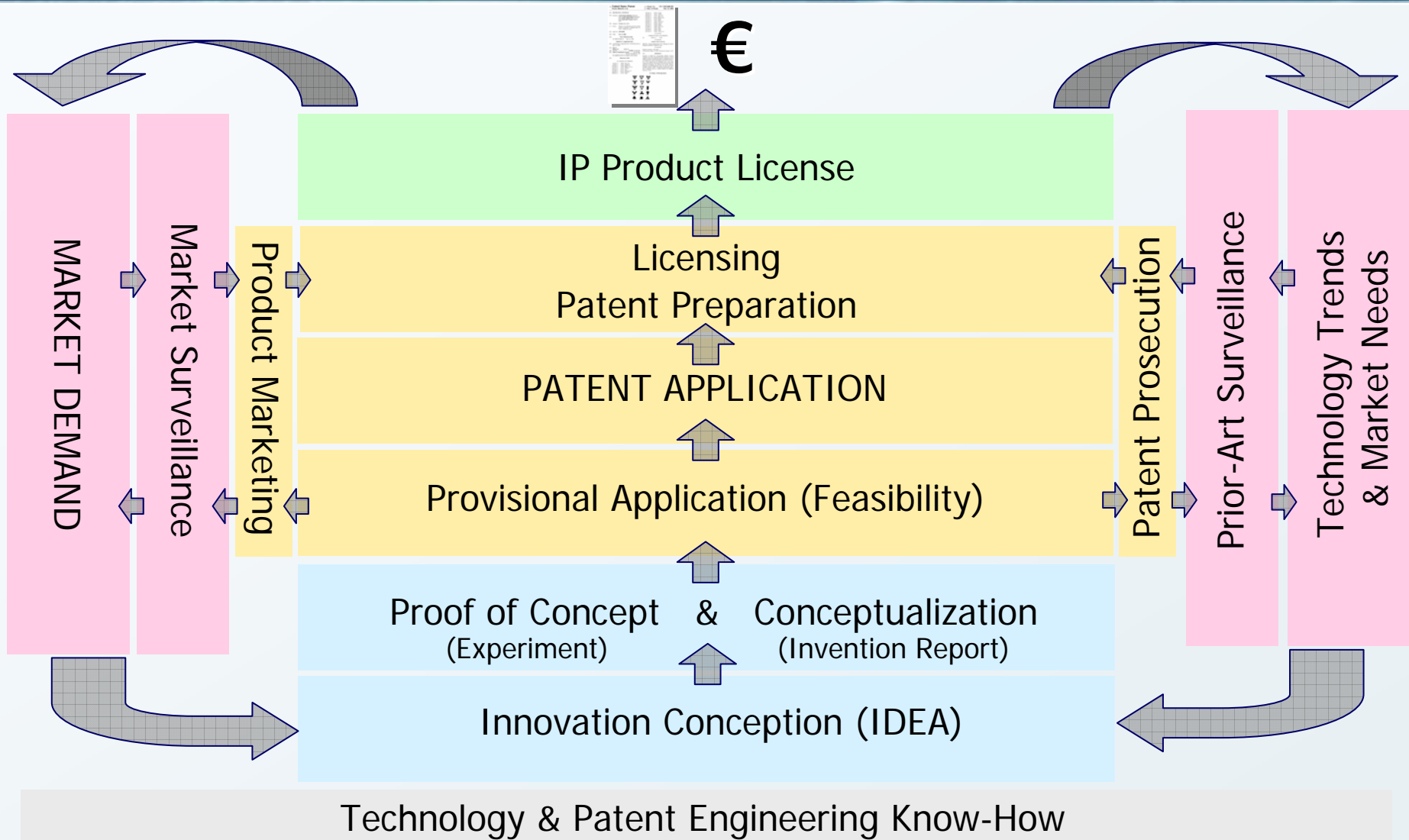
IP Product – The Patent Family



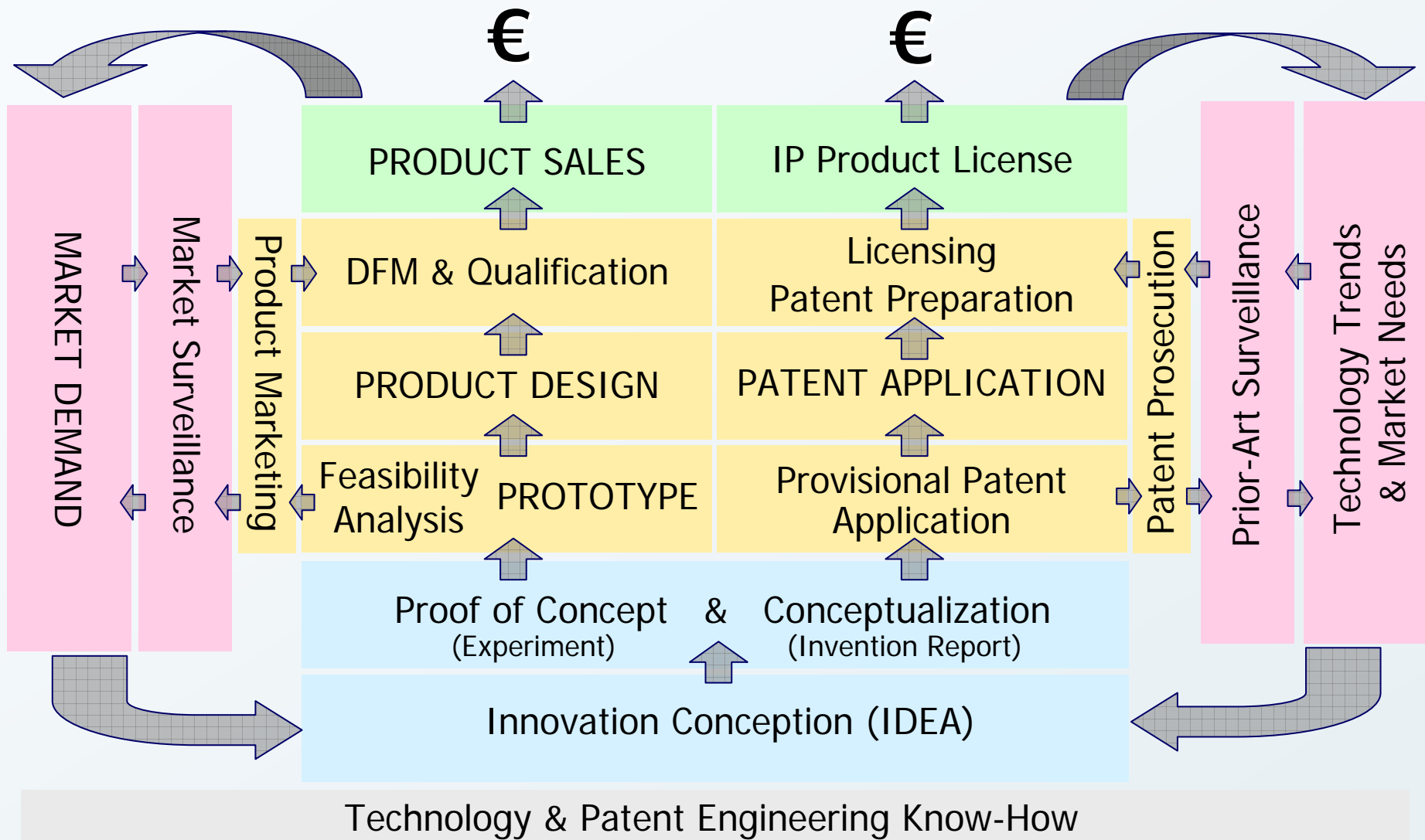
Patent Families

- All patents claiming priority from an original document are said to form a **patent family**.
- A patent family might comprise **multiple patents** (i.e. granted patents) in multiple **territories**.
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- Scope of protection might be different for each patent of the family.

IP Product Development Cycle



IP vs. Tangible Product Development



Patents: Inventions and Products are Different

iPhone
3G

El iPhone que estabas esperando.

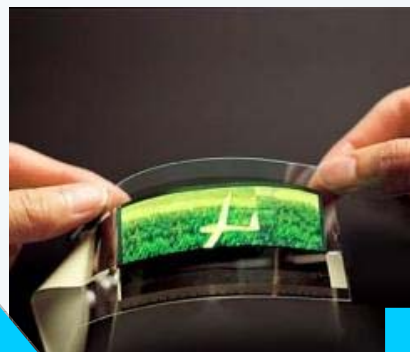
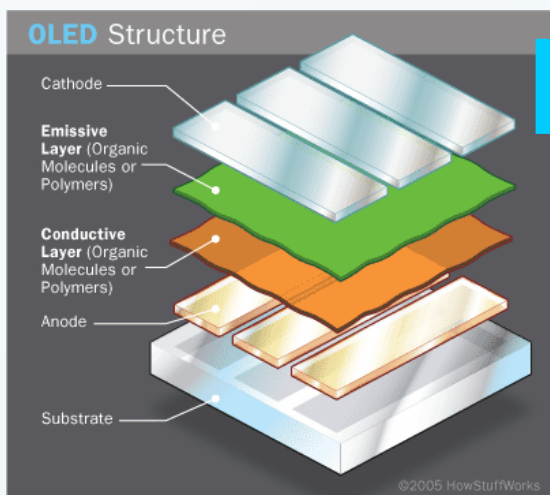
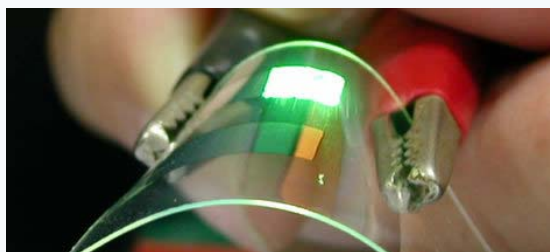


- Apple Inc. has filed **at least 22 international (PCT) patent applications** for multiple inventions used in the iPhone (graphics display, user interface, self-rotating screen, ...)

1. [PORTABLE MULTIFUNCTION DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR INTERPRETING A FINGER GESTURE ON A TOUCH SCREEN DISPLAY \(WO 2008/086302\)](#)
2. [PORTABLE ELECTRONIC DEVICE SUPPORTING APPLICATION SWITCHING \(WO 2008/086298\)](#)
3. [SYSTEM, METHOD, AND GRAPHICAL USER INTERFACE FOR INPUTTING DATE AND TIME INFORMATION ON A PORTABLE MULTIFUNCTION DEVICE \(WO 2008/086073\)](#)
4. [APPLICATION PROGRAMMING INTERFACES FOR GESTURE OPERATIONS \(WO 2008/085848\)](#)
5. [MULTI-TOUCH GESTURE DICTIONARY \(WO 2008/085784\)](#)
6. [GESTURE LEARNING \(WO 2008/085783\)](#)
7. [PORTABLE MULTIFUNCTION DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR INTERPRETING A FINGER SWIPE GESTURE \(WO 2008/085770\)](#)
8. [PORTABLE ELECTRONIC DEVICE, METHOD AND GRAPHICAL USER INTERFACE FOR DISPLAYING INLINE MULTIMEDIA CONTENT \(WO 2008/085747\)](#)
9. [PORTABLE MULTIFUNCTION DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR TRANSLATING DISPLAYED CONTENT \(WO 2008/085744\)](#)
10. [OVERRIDE OF AUTOMATIC PORTRAIT-LANDSCAPE ROTATION FOR A PORTABLE MULTIFUNCTION DEVICE WITH ACCELEROMETERS \(WO 2008/085741\)](#)
11. [METHOD, SYSTEM, AND GRAPHICAL USER INTERFACE FOR VIEWING MULTIPLE APPLICATION WINDOWS \(WO 2008/085739\)](#)
12. [METHOD, SYSTEM, AND GRAPHICAL USER INTERFACE FOR PROVIDING WORD RECOMMENDATIONS \(WO 2008/085737\)](#)
13. Somewhat earlier this year: [DELETION GESTURES ON A PORTABLE MULTIFUNCTION DEVICE \(WO 2008/030975\)](#)
14. [SOFT KEYBOARD DISPLAY FOR A PORTABLE MULTIFUNCTION DEVICE \(WO 2008/030974\)](#)
15. [PORTABLE ELECTRONIC DEVICE PERFORMING SIMILAR OPERATIONS FOR DIFFERENT GESTURES \(WO 2008/030972\)](#)
16. [EMAIL CLIENT FOR A PORTABLE MULTIFUNCTION DEVICE \(WO 2008/030970\)](#)
17. [PORTABLE ELECTRONIC DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR DISPLAYING STRUCTURED ELECTRONIC DOCUMENTS \(WO 2008/030879\)](#)
18. [PORTABLE MULTIFUNCTION DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR CONFIGURING AND DISPLAYING WIDGETS \(WO 2008/030875\)](#)
19. [PORTABLE ELECTRONIC DEVICE FOR PHOTO MANAGEMENT \(WO 2008/030779\)](#)
20. [PORTABLE ELECTRONIC DEVICE FOR INSTANT MESSAGING \(WO 2008/030776\)](#)
21. 2007: [UNLOCKING A DEVICE BY PERFORMING GESTURES ON AN UNLOCK IMAGE \(WO 2007/076210\)](#)
22. 2006: [GESTURES FOR TOUCH SENSITIVE INPUT DEVICES \(WO 2006/020305\)](#)

Building a Patent Portfolio - Scope (1)

1. Intermediate Product → Final Product → Application Product

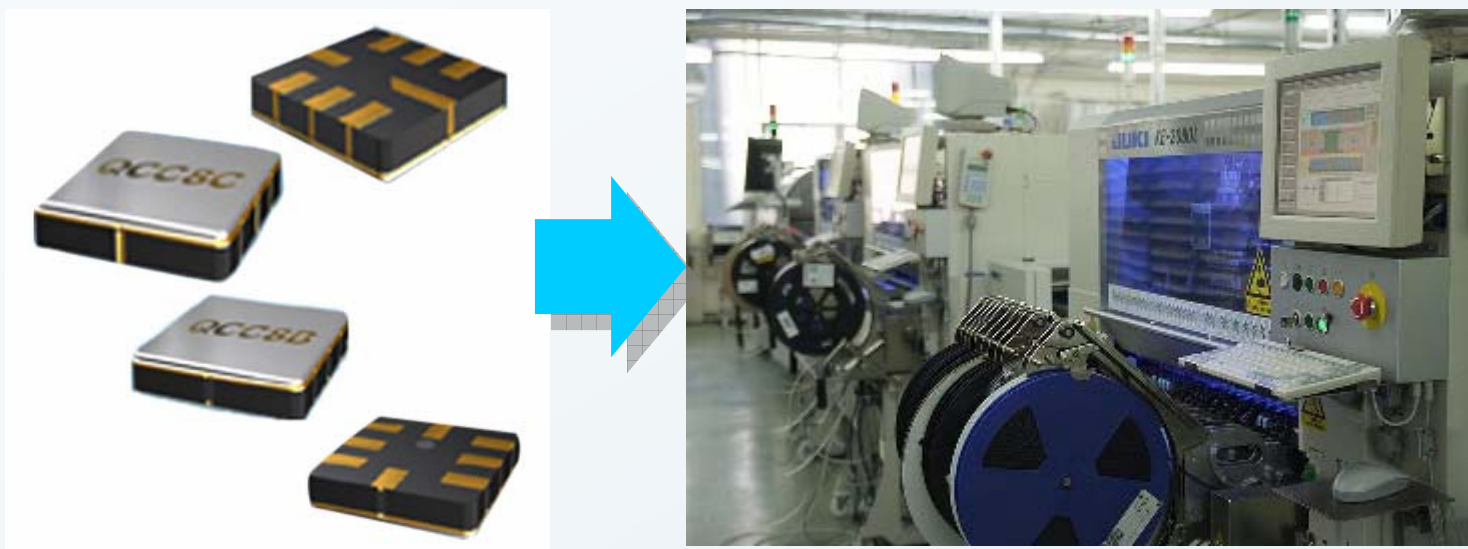


OLED → Flexible/Conformable Display → Mobile Phone

Make sure you include all of them in your patent application or patent portfolio !

Building a Patent Portfolio - Scope (2)

2. New Product → New Use → New Production Method

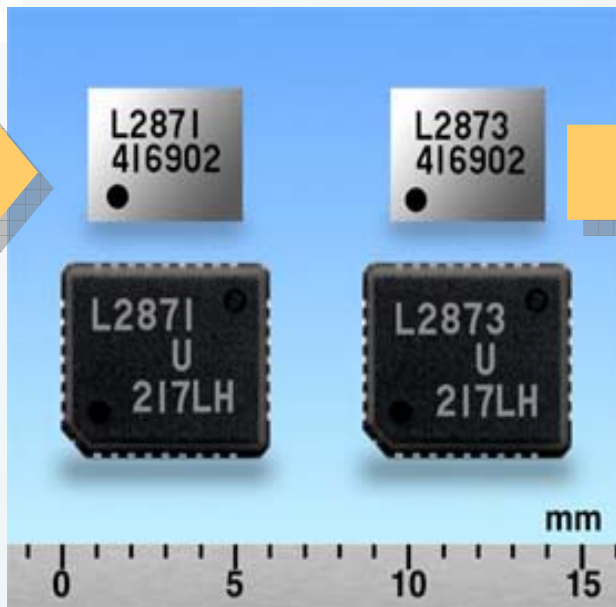
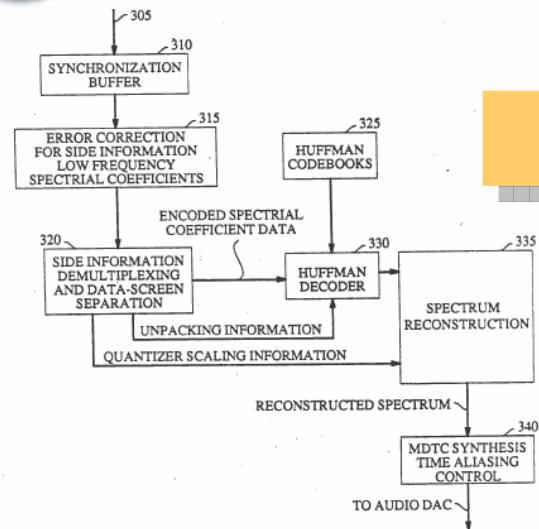


SMD Electronic Components → SMD Assembly & Soldering

Make sure you include all of them in your patent application or patent portfolio !

Building a Patent Portfolio - Scope (3)

3. New Method/Process → New Product → New Use/Device/Appl.



MP3 Algorithm



Signal Processor

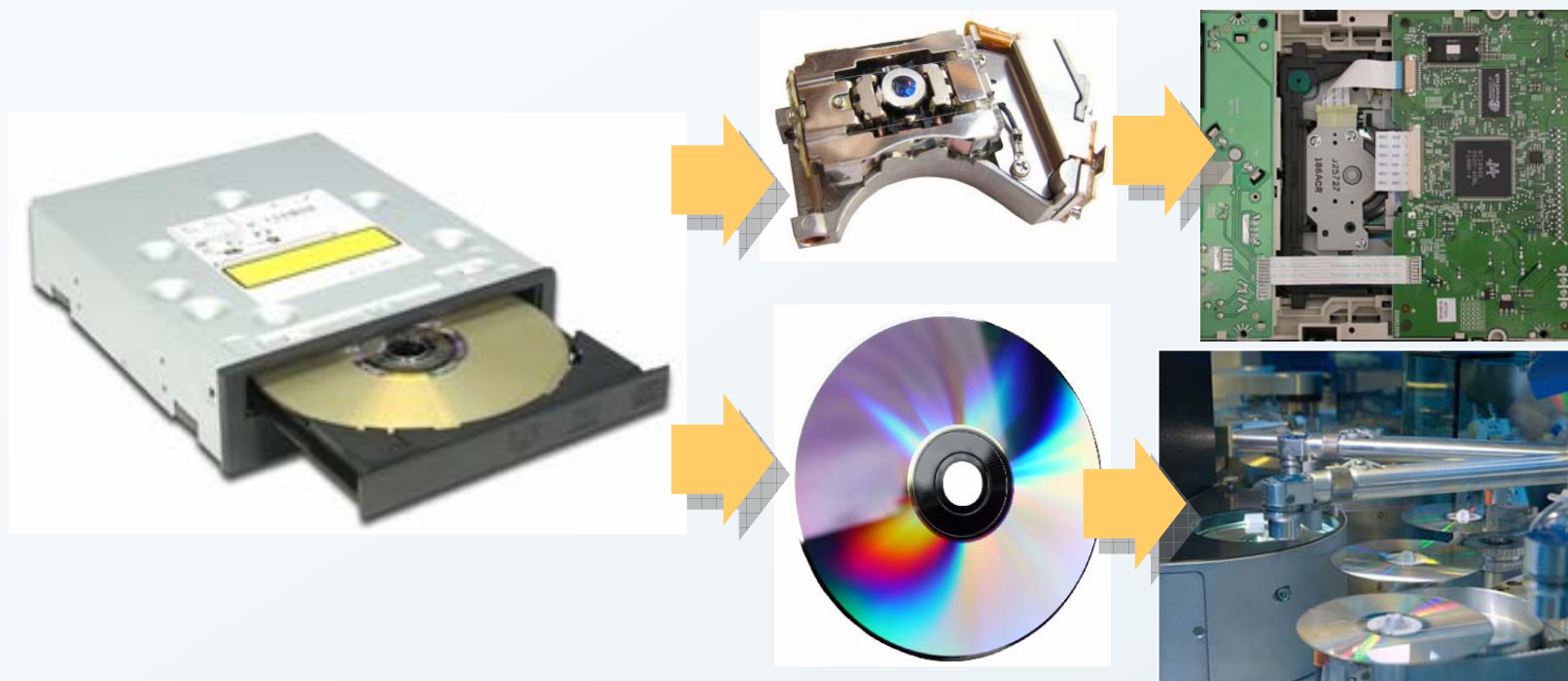


MP3 Player

Make sure you include all of them in your patent application or patent portfolio !

Building a Patent Portfolio - Scope (4)

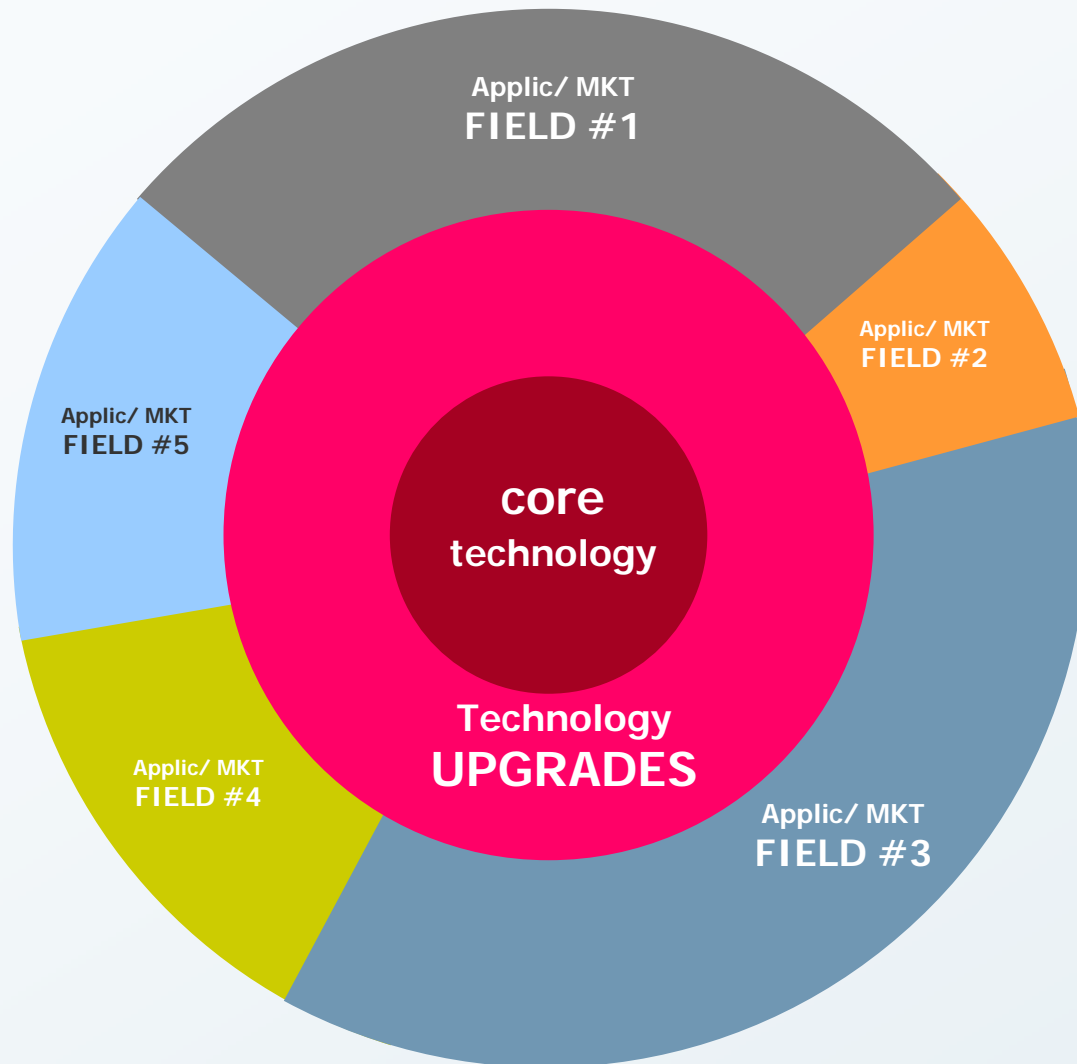
4. New Apparatus → New Elements/Parts → Multiple Inventions



CD Player → Multiple Inventions: Laser Pick-Up, CD, Tracking, Recording, Manufacturing, ..

Make sure you include all of them in your patent application or patent portfolio !

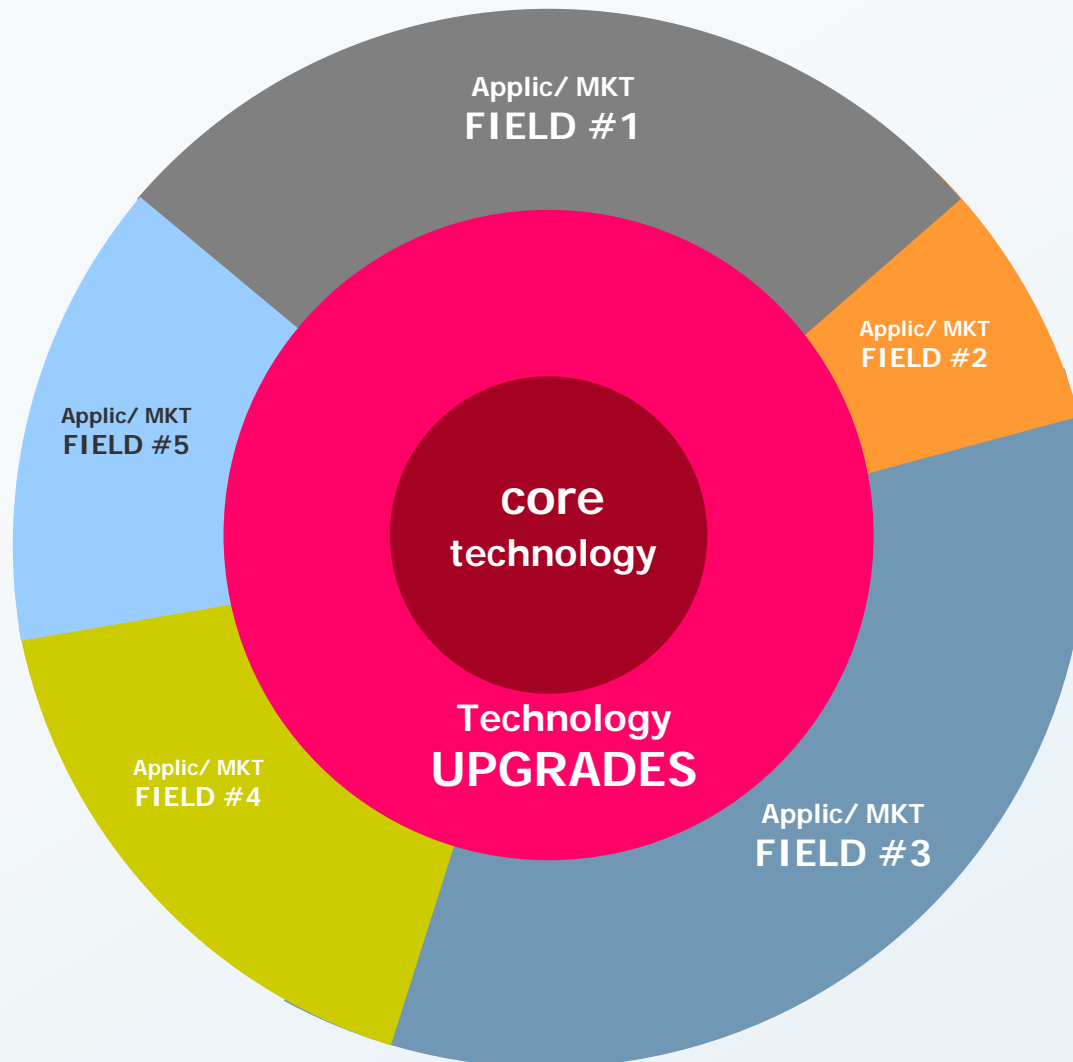
On the architecture of a PATENT PORTFOLIO



Example:

- **CORE** Technology: "OLED"
- Tech. **UPGRADES** :
"Improvements in manufacturing, cost, wavelengths of OLEDs"
- **FIELDS** of Application/Markets:
 - Displays for Handhelds
 - TV Displays
 - Advertising Panels
 - On-vehicle signaling
 - Intelligent fabrics
 - Fashion fabrics
 - ...

On the architecture of a PATENT PORTFOLIO



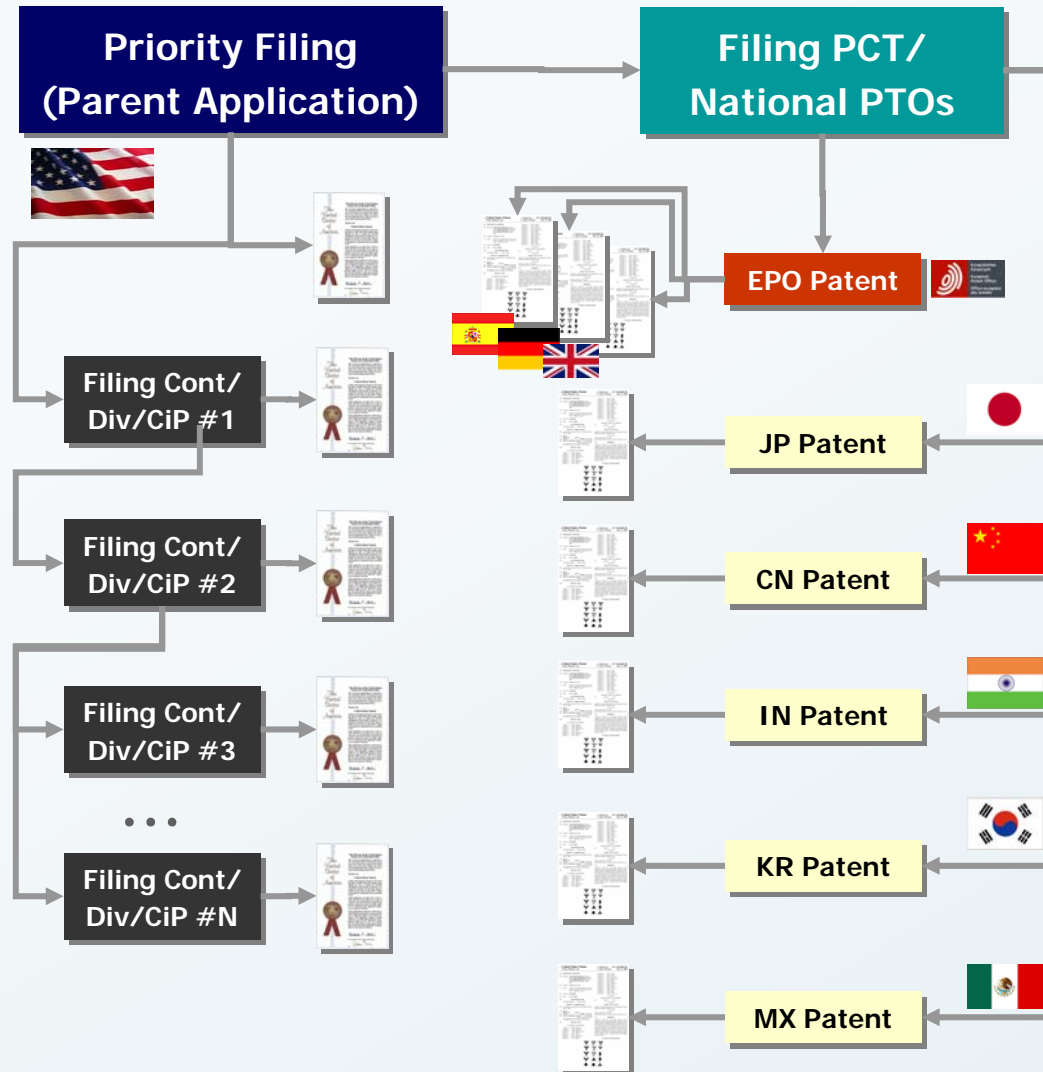
Some benefits of a **layered** architecture are:

- **Multilayer protection:** an asset of the company will be protected by multiple and different invention patents.
- **Business Segmentation:** Different IP assets might be used in different ways (selling, licensing, litigation) in different markets.
- **Business Diversification:** Risk (e.g. patent validity) is splitted in different fields, likelihood of losing 'all eggs in the same basket' is lower.

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PCT Filing and prosecution costs

- The **main costs** related to a **PCT patent filing** are:

■ Filing of a PCT application ¹ : Int. Filing+Trans.+Search Fees (Note: Fees increase for docs beyond 30 pags.)	~ 3.000 €
■ There is an additional fee when demanding the 'International Preliminar Examination' . This exam is optional, non-binding and only provides some guidance.	1.675 €

Outline of the PCT application process



Patent Agents Costs and Drafting Costs



- **Patent Agents** and Patent Prosecution Attorneys are a most relevant source of cost in patent prosecution:
 - Typical Hourly rates for US patent agents: **250 ~ 450\$/h**
 - Typical Hourly rates for EPO agents: **200 ~ 300€/h**
- The most relevant source of initial cost is retaining a patent attorney for **drafting** a new application:
 - US patent drafting: **2,000 ~ 9,000\$**
 - EP patent drafting: **1,000 ~ 6,000€**
- A significant cost reduction might be obtained if there is a **high degree of involvement from client** in drafting application (lower bound in the ranges above).
- Generally, patent agents charge for **ANY action** taken in front of the PTO: transmittal of letters and fees, and so on. This might be a surpluss cost to any PTO fee ranging from **+20% ~ +100%** of the fee cost.

National Filing Costs (I)

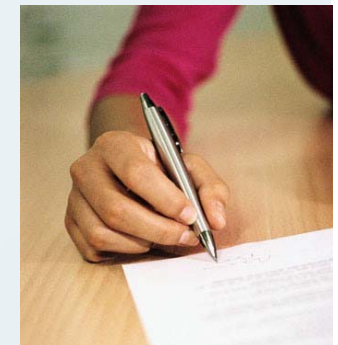


- The **cost of filing** a patent application depends on each country. On average, it is safe to estimate an average filing cost of **~3,500€** including filing fees, patent agent fees, search fees and translations, in the following regions: **US, EPO, CN, IN, KR, RU, MX, BR**.
- Filing fees in **JP** are higher and a good average estimate is about **~6,000€**.
- Independent '**self-filing**' (without the intervention of an agent) is possible both in the EPO and USPTO. Cost is limited to official fees, which in those cases are about:
 - **US:** **850\$ ~ 1,200\$** (depending no. of claims)
 - **EPO:** **2.250€ ~ 3.000€** (designate 7+ countries)
- The above filing costs are related to the process of filing alone, and **do not include the costs of drafting** a patent application as described in the previous slide.

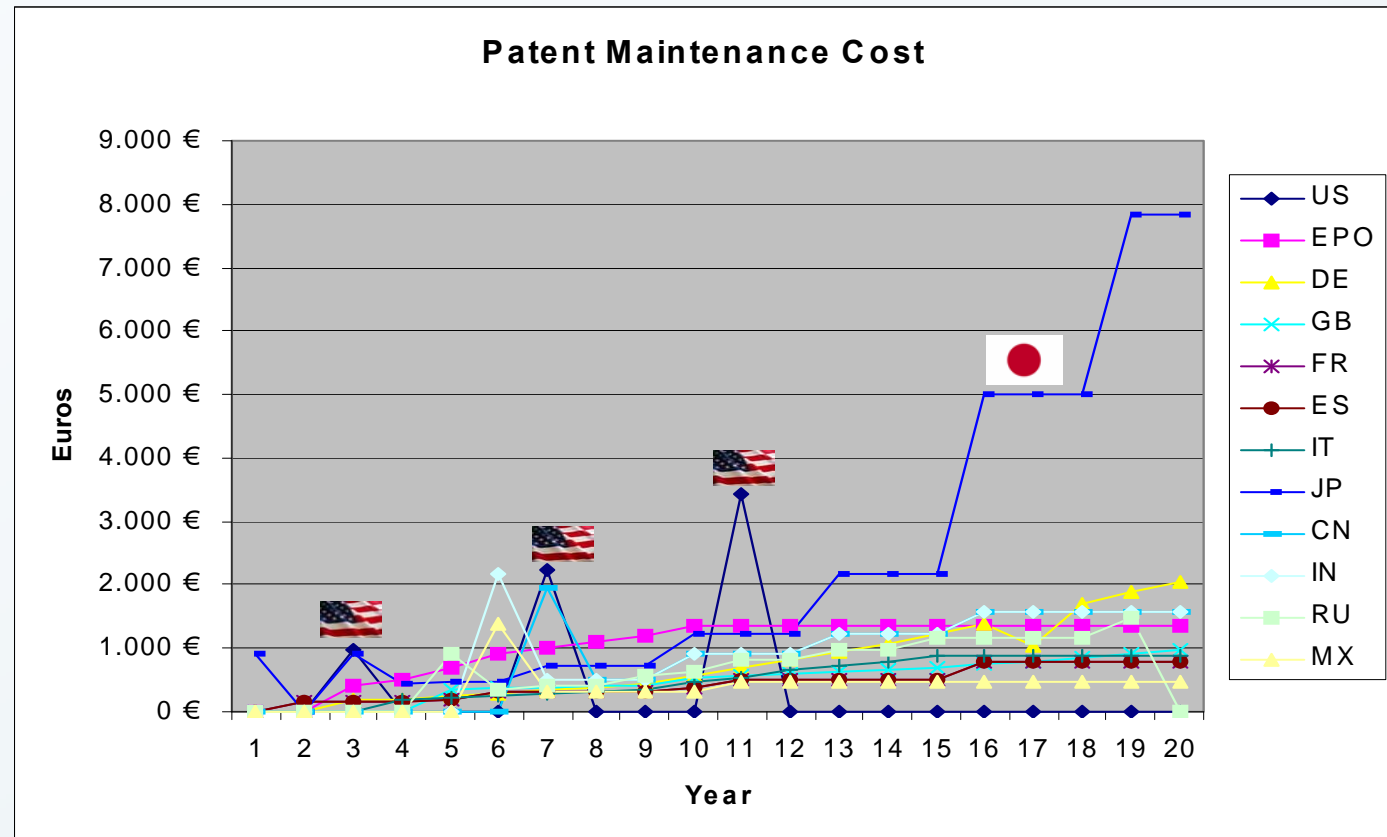
Examination & Office Actions Costs



- Most PTOs charge a **fee for examination** in addition to the filing fees.
- Costs during the examination period are however mostly related to the **office actions** and the **agent/attorney work** to answer such office actions. On average it is advisable to account for a cost over the examination period of time of:
 - US: ~ 6,000\$ over 30 months
 - EPO: ~ 4.500€ over 36 months
 - JP: ~ 13.000€ over 60 months
 - CN: ~ 6.000€ over 60 months
 - IN: ~ 4.000€ over 48 months
 - RU: ~ 5.000€ over 24 months
 - MX: ~ 3.000€ over 36 months



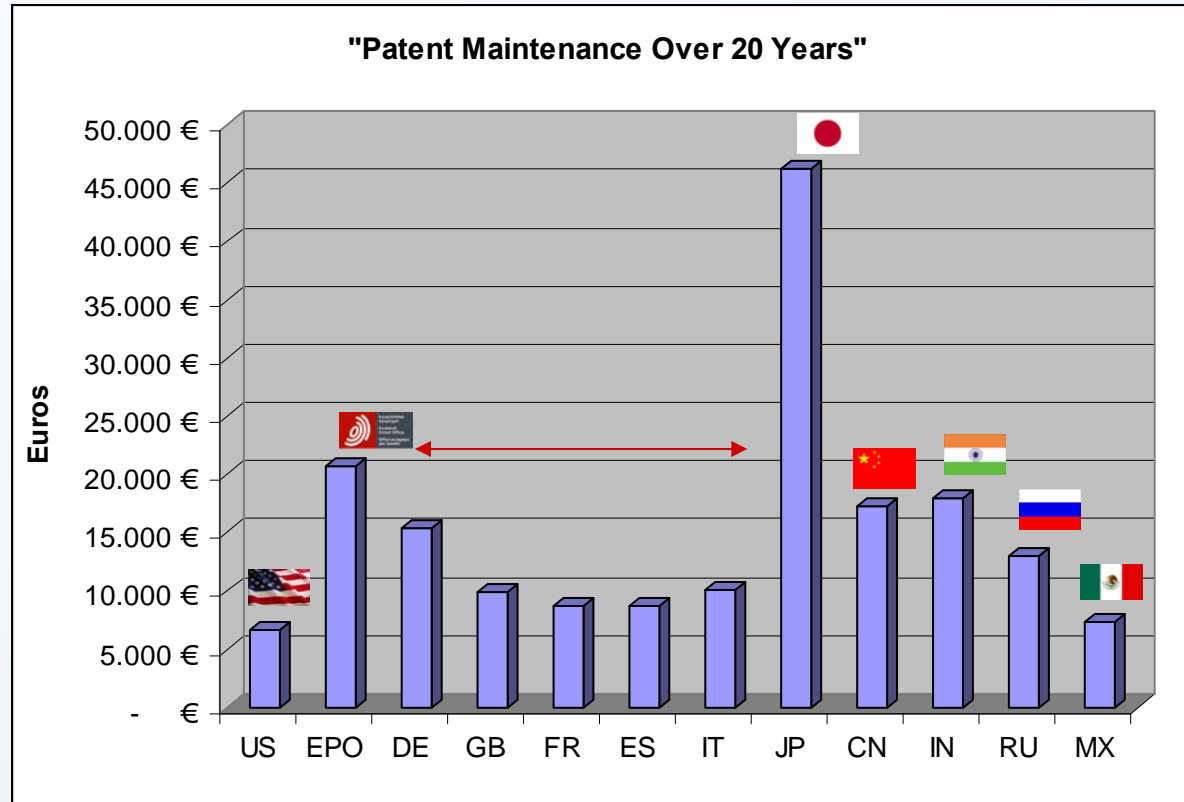
Maintenance Costs (I)



- In the US, mant. fees are only due on years **3.5, 7 and 11.5 from the date of patent grant**
- **JP** has the most expensive maintenance policy.
- Generally, maintenance cost **increases over time**.
- Generally, maintenance fees only accrue after **3rd year**.



Maintenance Costs (III)



- Maintenance in the **US** has the lowest cost: ~ 7 k€
- Maintenance in **EPO** (5 top), JP, KR, is about: ~ 50k€
- Maintenance **in a single EU country is more expensive than US**
- EPO maintenance ceases after granting, when national maintenance fees start to apply (except for pending divisionals).



Sources of Cost – 50-patent portfolio example (I)

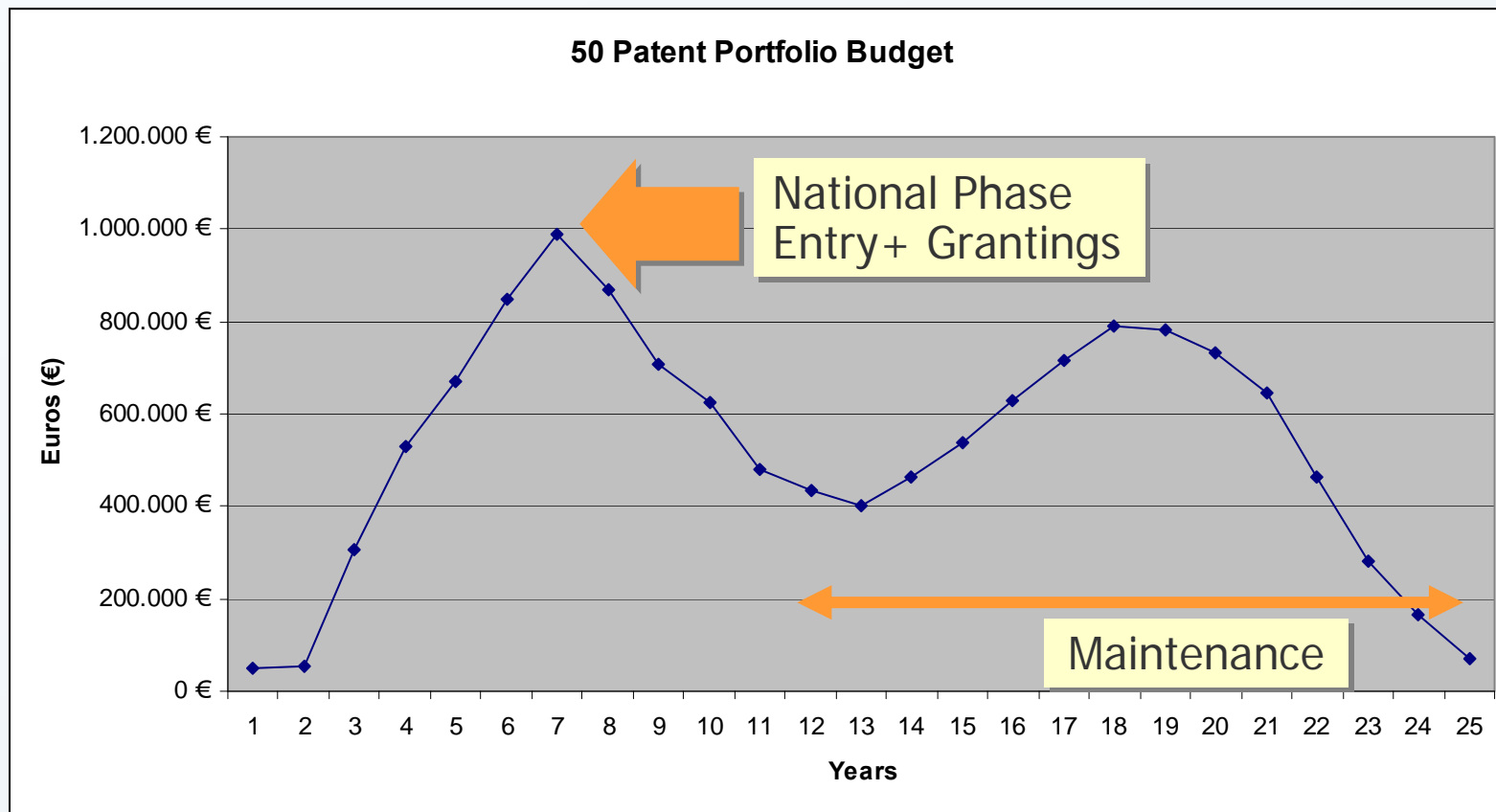
The 50-patent portfolio example:

Nombre de tarea	Comienzo	Fin	Coste Total	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
				-2	-1	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
- 50 PATENT PORTFOLIO EXAMPLE	jue 01/01/09	jue 15/09/33	13.239.743 €	[Timeline bar from 2007 to 2033]																										
- Patent Batch #1	jue 01/01/09	lun 17/09/29	2.647.949 €	[Timeline bar from 2007 to 2029]																										
+ PCT Patent Application No. PCT-1	jue 01/01/09	mar 26/12/28	264.795 €	[Timeline bar from 2007 to 2028]																										
+ PCT Patent Application No. PCT-2	jue 29/01/09	mié 24/01/29	264.795 €	[Timeline bar from 2008 to 2028]																										
+ PCT Patent Application No. PCT-3	vie 27/02/09	jue 22/02/29	264.795 €	[Timeline bar from 2009 to 2028]																										
+ PCT Patent Application No. PCT-4	lun 30/03/09	vie 23/03/29	264.795 €	[Timeline bar from 2009 to 2028]																										
+ PCT Patent Application No. PCT-5	mar 28/04/09	lun 23/04/29	264.795 €	[Timeline bar from 2009 to 2028]																										
+ PCT Patent Application No. PCT-6	mié 27/05/09	mar 22/05/29	264.795 €	[Timeline bar from 2009 to 2028]																										
+ PCT Patent Application No. PCT-7	jue 25/06/09	mié 20/06/29	264.795 €	[Timeline bar from 2009 to 2028]																										
+ PCT Patent Application No. PCT-8	vie 24/07/09	jue 19/07/29	264.795 €	[Timeline bar from 2009 to 2028]																										
+ PCT Patent Application No. PCT-9	lun 24/08/09	vie 17/08/29	264.795 €	[Timeline bar from 2009 to 2028]																										
+ PCT Patent Application No. PCT-10	mar 22/09/09	lun 17/09/29	264.795 €	[Timeline bar from 2009 to 2028]																										
+ Patent Batch #2	vie 01/01/10	mar 17/09/30	2.647.949 €	[Timeline bar from 2010 to 2030]																										
+ Patent Batch #3	sáb 01/01/11	mié 17/09/31	2.647.949 €	[Timeline bar from 2011 to 2031]																										
+ Patent Batch #4	dom 01/01/12	mié 15/09/32	2.647.949 €	[Timeline bar from 2012 to 2032]																										
+ Patent Batch #5	mar 01/01/13	jue 15/09/33	2.647.949 €	[Timeline bar from 2013 to 2033]																										

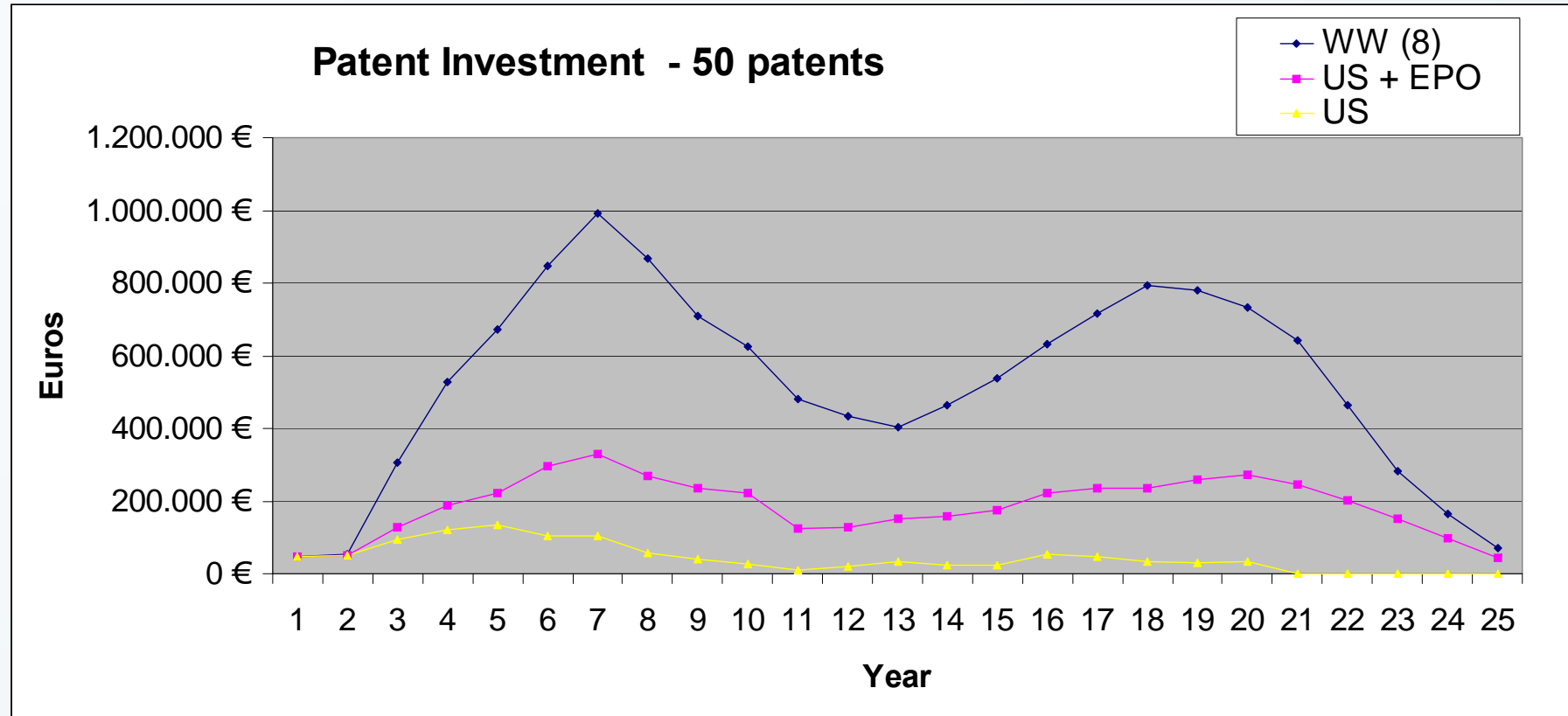
- 10 patents/ year over a 5 year period (PCT route)
- Assume filing in 8 main jurisdictions: US, EPO, JP, CN, IN, MX, RU, BR.
- Overall budget for the entire portfolio term (25 years) is about 13m€, which on average represents about 500k€/year.

Sources of Cost – 50-patent portfolio example (III)

The **50-patent portfolio** example:



Geographical Policy – US Only Case



- Average total cost per patent **reduced** from **265k€** to **21k€** !
- Total patent investment reduced from **13M€** to **1 M€** !
- Average budget reduced from **500k€/yr** to **43k€/yr** !
- Peak cost around reduced to **135k€/year**, around years **4,5,6**.



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What is a patent ?

*I need to file a US patent
as soon as I arrive to the lab,
otherwise we will not be able
to sell our new drug in the US*



Roy Lichtenstein

WRONG,

A patent does not provide a right to sell. You do not need a patent to sell products.

What is a patent ?

I need to file a US patent as soon as I arrive to the lab, so I will have a tool to defend ourselves if our competitors stole our invention



Roy Lichtenstein

RIGHT !

This is what a patent is for. Note: you still need to make the effort to defend yourself.

What is a patent ?

United States Patent [19] [11] **Patent Number:** **6,094,413**
Guerra [45] **Date of Patent:** ***Jul. 25, 2000**

[54] **OPTICAL RECORDING SYSTEMS**

[75] Inventor: **John M. Guerra**, Concord, Mass.
 [73] Assignee: **Polaroid Corporation**, Cambridge, Mass.
 [*] Notice: This patent is subject to a terminal disclaimer.

[21] Appl. No.: **09/225,844**
 [22] Filed: **Dec. 31, 1998**

Related U.S. Application Data

[63] Continuation of application No. 08/972,778, Nov. 18, 1997, Pat. No. 5,910,940, which is a continuation-in-part of application No. 08/728,262, Oct. 8, 1996, Pat. No. 5,754,514.

[51] **Int. Cl.**⁷ **G11B 9/00**
 [52] **U.S. Cl.** **369/275.1; 369/109; 369/44.23; 369/94; 369/112; 369/275.4; 369/283; 369/284**
 [58] **Field of Search** 369/126, 116, 369/275.1, 44.12, 44.14, 44.23, 109, 112, 275.4, 44.37, 283, 284, 94; 250/201.5, 306; 356/371, 376

[56] **References Cited**

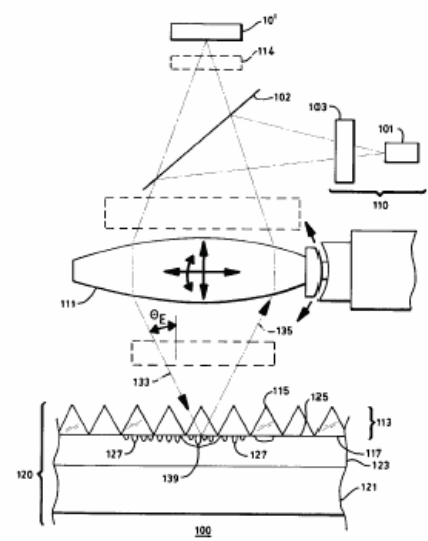
U.S. PATENT DOCUMENTS		
5,018,865	5/1991	Ferrell et al. 356/376
5,125,750	6/1992	Corle et al. 359/819
5,602,820	2/1997	Wickramasinghe et al. 369/126
5,657,304	8/1997	Lehtinen 369/109
5,666,197	9/1997	Guerra 356/359
5,715,059	2/1998	Guerra 356/371
5,754,514	5/1998	Guerra 369/116
5,946,281	8/1999	Ito et al. 369/112

Primary Examiner—Ali Neyzari
Assistant Examiner—Kim-Kwok Chu
Attorney, Agent, or Firm—Barry Gaiman; Joseph Stecwycyz

[57] **ABSTRACT**

An optical storage system suitable for optical storage and retrieval of information using a storage medium comprising a substrate, an active layer for retention of the data, and an overlying optical layer, or layers for double-sided. The optical layer serves to produce an evanescent field in or adjacent to the active layer in response to an incident beam of radiation. The evanescent field is frustrated or attenuated by the data in the active layer and produces a signal.

65 Claims, 25 Drawing Sheets



- The owner of the patent (*the patentee*) has “the **right to prevent or STOP** others from **making, using, offering for sale, selling or importing** a product or a process including the patented invention without the owner’s permission”.
- A patent provide a **NEGATIVE RIGHT**, i.e., the **right to stop others** from making unauthorized use of an invention. A patent **does NOT** provide a **POSITIVE “FREEDOM TO USE”** right, i.e., the right to make or sell a product or an invention.
- A patent is intended to **protects an invention, not necessarily a product**. An invention can be understood as a “**new and inventive solution to a technical problem**”. A product can include multiple inventions which might be protected independently.

Geographical Strategy – PHARMA Example

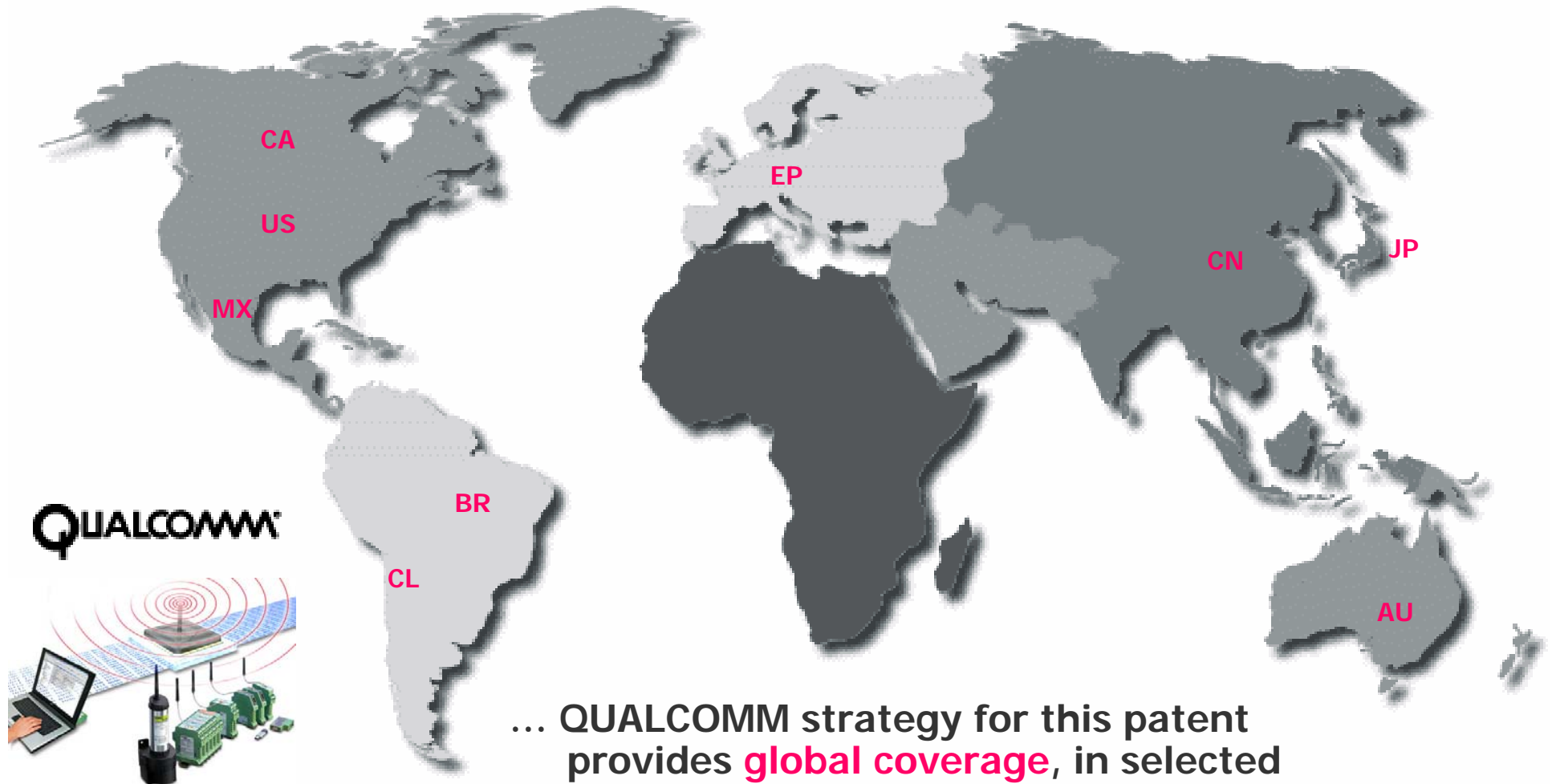
Example: “Combination Therapy for Osteoporosis” WO9731640 ...



... Pfizer strategy for this therapy provides quite **broad global coverage**, including over **25 patent regions in all continents**.

Geographical Strategy – WIRELESS Example

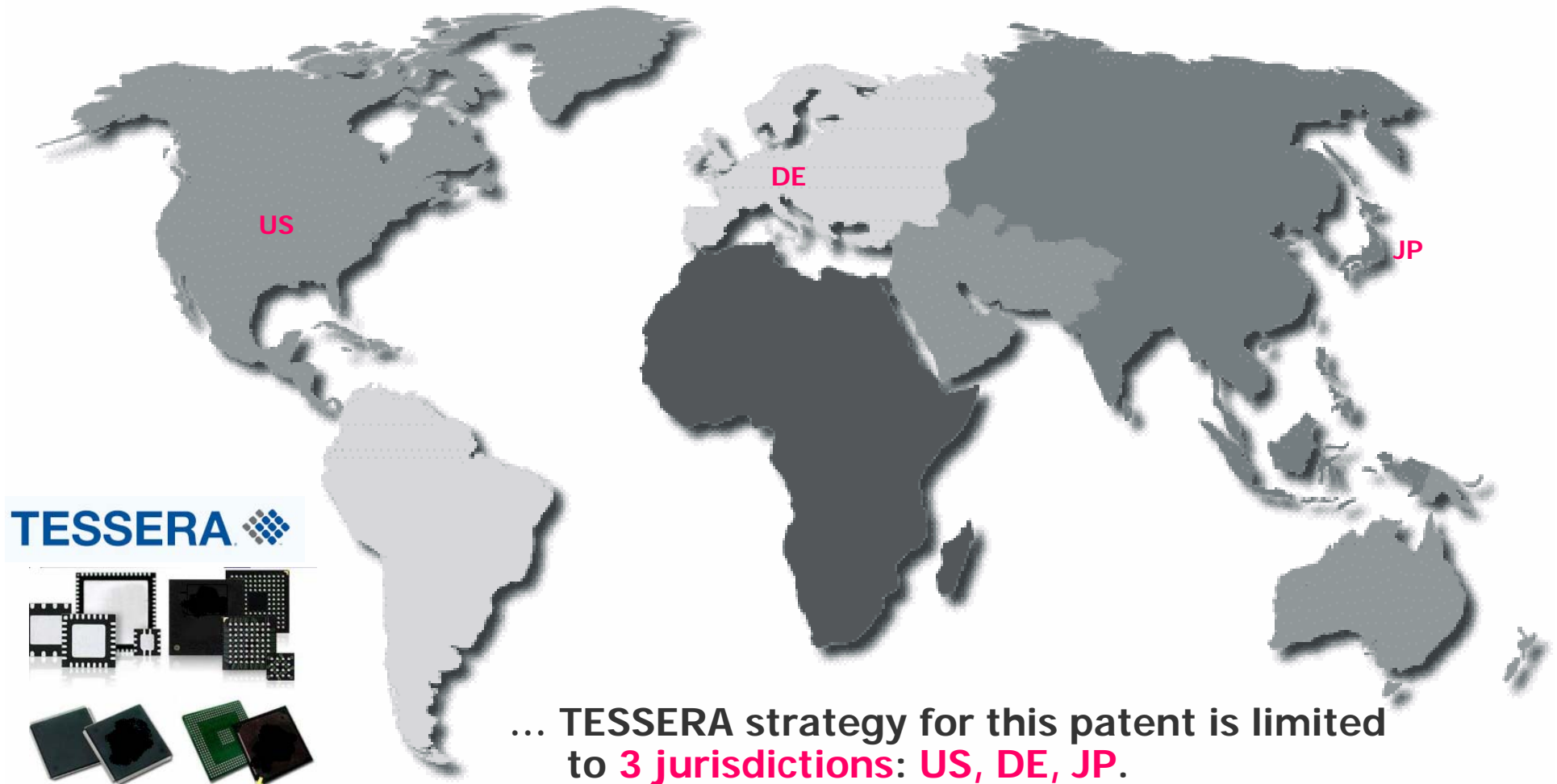
Example: “Phase Locked Loop for an OFDM System” WO2004093363 ...



... QUALCOMM strategy for this patent provides **global coverage**, in selected regions **9 regions**.

Geographical Strategy – SEMICONDUCTOR Example

Example: “Stacked Packages” WO03032370 ...



... TESSERA strategy for this patent is limited to **3 jurisdictions: US, DE, JP.**

Geographical Strategy – **WHERE** and **WHY**?

So, why are there such **significant differences** in the geographical coverage for patents across different industries ?



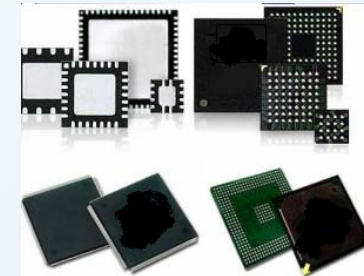
PHARMA

30-50 Countries



WIRELESS

3-10 Countries

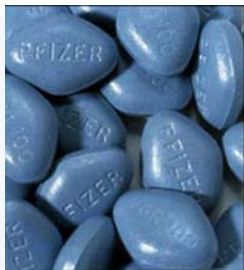


SEMIC.

1-3 Countries



The PHARMA INDUSTRY case



- **Huge product margins** (~90%) in the Pharma industry are sustained only through the **value of patents**.
- **Production** of drugs is relatively **inexpensive** and usually does not require heavy investments.
- **Distribution** of drugs is rather **easy** (e.g. internet) except for local government regulations.
- **Heavy R&D investments** required which introduce a significant entry barrier to competitors ...
- ... unless competitors can copy. **Margins are so high that local pharma companies might become very lucrative business** (e.g. 'Generic Labs')
- **Market is highly regulated and monitored by local governments.** 'Free riders' are discouraged.

The patent investment in a small country might pay-off since each country is a lucrative business per se and IP is, in general, respected.

The WIRELESS/TELECOM case



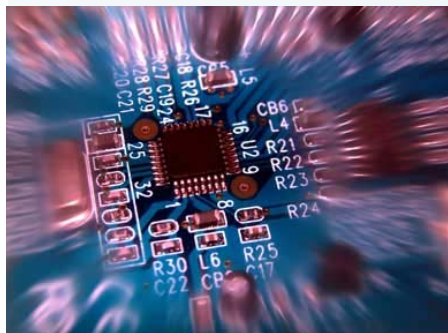
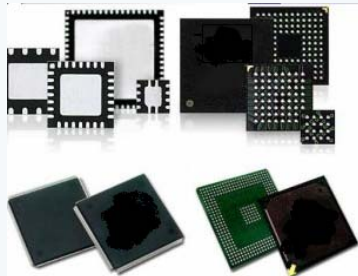
- **Margins** in the telecom/consumer electronics markets are **moderate** (5%-30%) and **volume** is a driving success factor in this market (e.g. Nokia with 35%-40% share).
- **Product platforms** might be quite **globalized**, although customization of products for regional markets exist (e.g. frequency bands/standards).
- Design of **complex products** in a **high-pace market** makes **competition tough...**
- .. but **manufacturing** (and design) is being **commoditized** and moved to low cost regions: global manufacturing.
- Moderate margins **do not** incentivate **respect for IP**.
- A **few local competitors** have been able to survive and compete (e.g. Samsung, LG, Pantech in Korea), many failed.

Portfolio reach should be global, yet only focusing on main markets/mass-production regions. Entry barriers are high enough to prevent competitors in small mkts.

The SEMICONDUCTOR INDUSTRY case



TESSERA



- **Margins** in the semiconductor electronics markets are **moderate** (5%-30%) and **volume** is a driving success factor in this market.
- **IP leverage** sometimes is able to keep **high margins** for high added value products (e.g. Intel).
- Products are highly **globalized** and **standardized**. Local design and customization strongly discouraged.
- **Huge investments in production are required**. Strong concentration in selected regions. Local manufacturing virtually nonexistent.
- **High investments in R&D** required, **quite respect for IP** to protect margins, synergies and cooperation.

Blocking a few strategic markets is usually enough to prevent unfair competition. Global licensing agreements with global players possible. Blocking key production centers also to be considered.

Not ALL patents are EQUALLY VALUABLE

Each patent contributes differently to the value of the patent portfolio, which does not only depend on the **technical content** of the patent, but also on **legal** and **business** factors:

Business Factors:

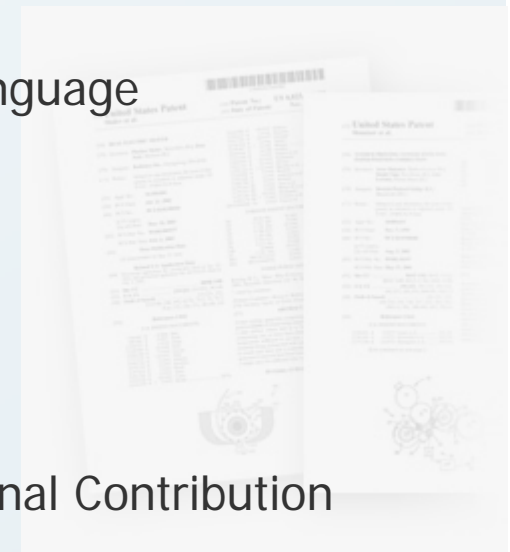
- Impacted Revenue
- Value Contribution into Impacted Market
- Essentiality in Impacted Market (i.e. lack of alternatives).
- Competitive Advantage
- Focus on Strategic Markets

Legal Factors:

- Quality of claims: diversification, quantity, language
- Focus of claims: clarity of infringement.
- Validity likelihood: contrasted prior-art.
- Enforceability
- Prosecution History (US)

Technology Factors

- Scope of Technology: Fundamental vs. Marginal Contribution



Patent Portfolio SCORING and RANKING

PATENT PORTFOLIO SCORING AND RANKING														
		Business					Legal					Technical		
Portfolio	Patent	Impacted Revenue	Value Contribution	Essentiality	Competitive Advantage	Strategic	Quality of claims	Focus of claims	Validity likelihood	Enforceability	Prosecution History (US)	Scope of Technology	Patent Score	Patent Class
Core	Patent 000001	3	3	2	3	2	1	2	2	1	2	2	2,1	A
	Patent 000002	2	2	1	2	1	2	3	1	2	3	3	2,0	A
	Patent 000003	1	1	2	3	3	1	3	3	1	3	3	2,2	A
Upgrade	Patent 000004	3	3	1	3	3	3	1	3	3	1	1	2,3	A
	Patent 000005	1	3	3	1	2	1	2	2	1	2	2	1,8	B
	Patent 000006	1	2	1	0	0	1	0	0	0	1	2	0,7	C
Field #1	Patent 000007	2	1	2	2	2	1	1	2	2	1	2	1,6	B
	Patent 000008	1	2	3	3	1	2	3	1	1	2	3	2,0	A
	Patent 000009	3	1	3	3	3	1	3	3	3	1	3	2,5	A
	Patent 000010	3	3	1	1	3	3	2	1	3	3	1	2,2	A
	Patent 000011	2	1	2	2	1	2	1	2	2	1	2	1,6	B
Field #2	Patent 000012	2	1	2	3	2	3	2	3	1	2	3	2,2	A
	Patent 000013	2	0	2	2	0	0	0	0	0	1	1	0,7	C
	Patent 000014	1	2	3	3	1	2	1	2	3	3	1	2,0	A
	Patent 000015	2	1	2	3	2	3	2	3	2	1	2	2,1	A
	Patent 000016	2	1	2	2	1	2	2	2	2	1	2	1,7	B
	Patent 000017	1	2	3	1	2	3	1	1	1	2	3	1,8	B
Field #N	Patent 000018	3	1	3	3	1	3	3	3	3	1	3	2,5	A
	Patent 000019	3	3	1	3	3	1	3	3	3	3	1	2,5	A
	Patent 000020	0	1	2	1	0	0	2	0	0	1	1	0,7	C
												WEIGHTING		

WHERE: The MARKET/REGION/VALUE Matrix



Geographical Policy Matrix						
Patent Class	Core	Upgrade	Market #1	Market #2	Market #3	Market #4
A	US, EP, JP, CN, IN, RU, KR, MX, BR	US, EP, JP, CN	US, EP, JP, CN, IN, RU, KR, MX, BR	US	US, EP	US
B	US, EP, JP	US	US, EP, JP	US	US	US
C	US	N/A	US	N/A	N/A	N/A

Contacto

Dr. Carles Puente i Baliarda

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D4-214 (C.Nord, UPC)

- Professor, Universitat Politècnica de Catalunya (UPC), Dept. TSC (1994-1998, 2008-2010)
- Co-founder and Chief-Technology Officer, Fractus S.A. (1999-2008). Chief Scientist (2008-2010).

TECHNOLOGY ASSET MANAGEMENT ('TAM')

course at UPC



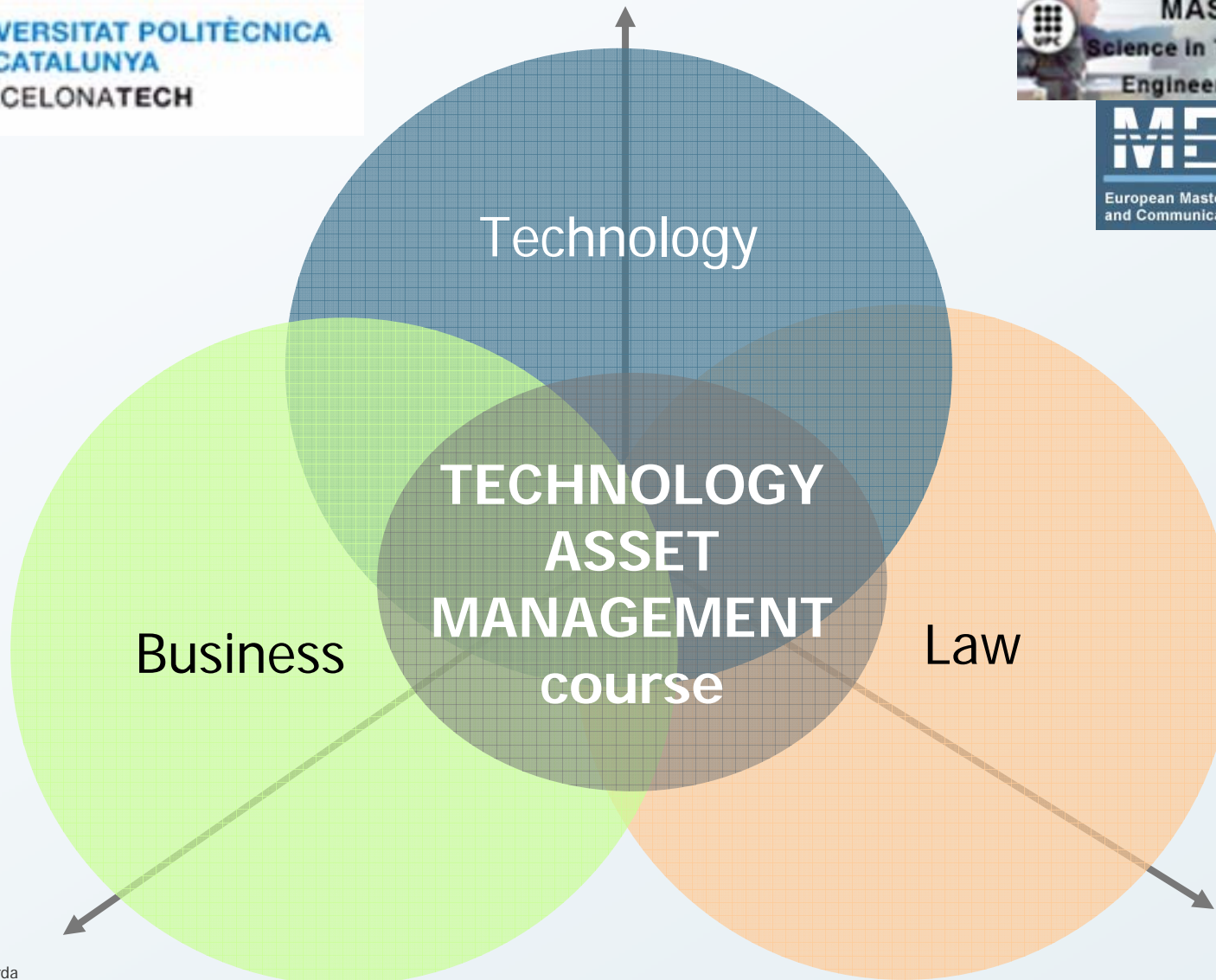
UNIVERSITAT POLITÈCNICA
DE CATALUNYA
BARCELONATECH



MASTEAM - Master of
Science in Telecommunication
Engineering & Management

MERIT

European Master of Research on Information
and Communication Technologies





END OF SESSION

La Gestión de Carteras de Patentes en Empresas de
Base Tecnológica: Caso Fractus

Dr. Carles Puente Baliarda
TSC Department, UPC
Fractus S.A.

Patents: Inventions and products are different (II)

iPhone
3G

El iPhone que estabas esperando.

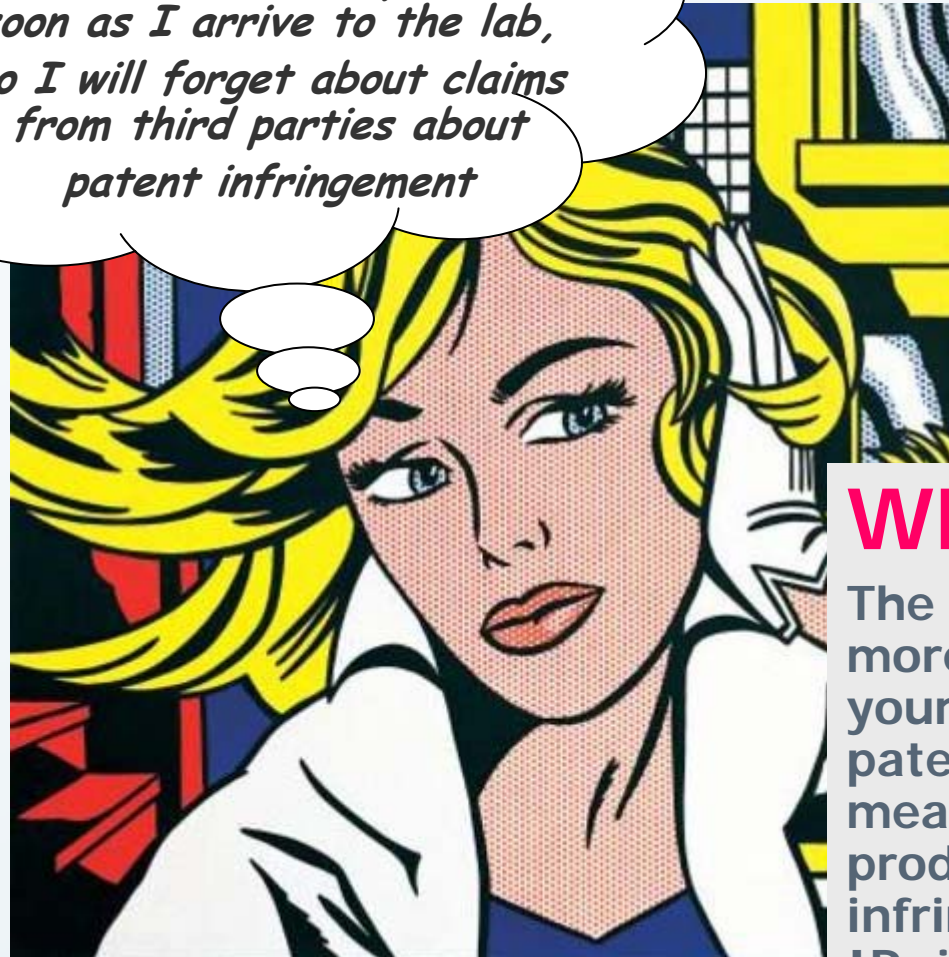


- Apple Inc. has filed **at least 22 international (PCT) patent applications** for multiple inventions used in the iPhone (graphics display, user interface, self-rotating screen, ...)

1. [PORTABLE MULTIFUNCTION DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR INTERPRETING A FINGER GESTURE ON A TOUCH SCREEN DISPLAY \(WO 2008/086302\)](#)
2. [PORTABLE ELECTRONIC DEVICE SUPPORTING APPLICATION SWITCHING \(WO 2008/086298\)](#)
3. [SYSTEM, METHOD, AND GRAPHICAL USER INTERFACE FOR INPUTTING DATE AND TIME INFORMATION ON A PORTABLE MULTIFUNCTION DEVICE \(WO 2008/086073\)](#)
4. [APPLICATION PROGRAMMING INTERFACES FOR GESTURE OPERATIONS \(WO 2008/085848\)](#)
5. [MULTI-TOUCH GESTURE DICTIONARY \(WO 2008/085784\)](#)
6. [GESTURE LEARNING \(WO 2008/085783\)](#)
7. [PORTABLE MULTIFUNCTION DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR INTERPRETING A FINGER SWIPE GESTURE \(WO 2008/085770\)](#)
8. [PORTABLE ELECTRONIC DEVICE, METHOD AND GRAPHICAL USER INTERFACE FOR DISPLAYING INLINE MULTIMEDIA CONTENT \(WO 2008/085747\)](#)
9. [PORTABLE MULTIFUNCTION DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR TRANSLATING DISPLAYED CONTENT \(WO 2008/085744\)](#)
10. [OVERRIDE OF AUTOMATIC PORTRAIT-LANDSCAPE ROTATION FOR A PORTABLE MULTIFUNCTION DEVICE WITH ACCELEROMETERS \(WO 2008/085741\)](#)
11. [METHOD, SYSTEM, AND GRAPHICAL USER INTERFACE FOR VIEWING MULTIPLE APPLICATION WINDOWS \(WO 2008/085739\)](#)
12. [METHOD, SYSTEM, AND GRAPHICAL USER INTERFACE FOR PROVIDING WORD RECOMMENDATIONS \(WO 2008/085737\)](#)
13. Somewhat earlier this year: [DELETION GESTURES ON A PORTABLE MULTIFUNCTION DEVICE \(WO 2008/030975\)](#)
14. [SOFT KEYBOARD DISPLAY FOR A PORTABLE MULTIFUNCTION DEVICE \(WO 2008/030974\)](#)
15. [PORTABLE ELECTRONIC DEVICE PERFORMING SIMILAR OPERATIONS FOR DIFFERENT GESTURES \(WO 2008/030972\)](#)
16. [EMAIL CLIENT FOR A PORTABLE MULTIFUNCTION DEVICE \(WO 2008/030970\)](#)
17. [PORTABLE ELECTRONIC DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR DISPLAYING STRUCTURED ELECTRONIC DOCUMENTS \(WO 2008/030879\)](#)
18. [PORTABLE MULTIFUNCTION DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR CONFIGURING AND DISPLAYING WIDGETS \(WO 2008/030875\)](#)
19. [PORTABLE ELECTRONIC DEVICE FOR PHOTO MANAGEMENT \(WO 2008/030779\)](#)
20. [PORTABLE ELECTRONIC DEVICE FOR INSTANT MESSAGING \(WO 2008/030776\)](#)
21. 2007: [UNLOCKING A DEVICE BY PERFORMING GESTURES ON AN UNLOCK IMAGE \(WO 2007/076210\)](#)
22. 2006: [GESTURES FOR TOUCH SENSITIVE INPUT DEVICES \(WO 2006/020305\)](#)

What is a patent ?

I need to file a US patent as soon as I arrive to the lab, so I will forget about claims from third parties about patent infringement



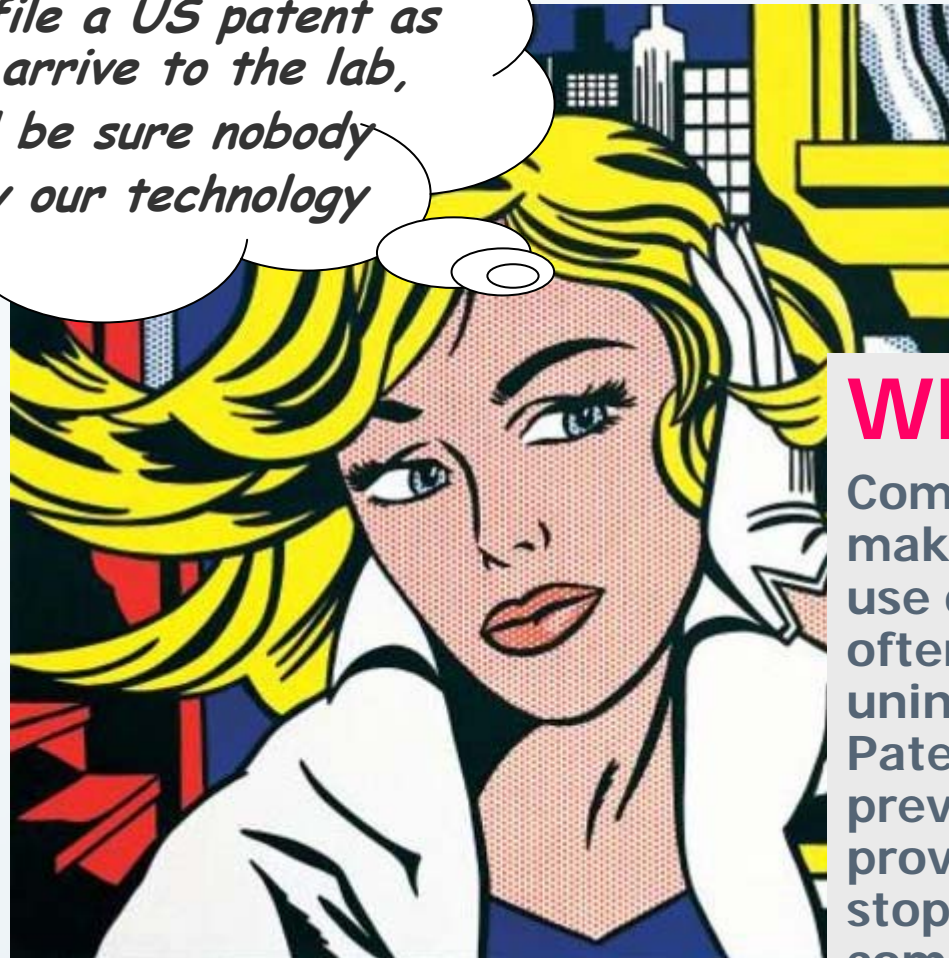
Roy Lichtenstein

WRONG,

The fact that one or more inventions in your products are patented does not mean that your product does not infringe third parties IP rights

What is a patent ?

I need to file a US patent as soon as I arrive to the lab, so I will be sure nobody will copy our technology



Roy Lichtenstein

WRONG,

Companies copy and make unauthorized use of IP rights quite often (even unintentionally). Patents do not prevent copying but provides a mean to stop it or at least get compensated.

WHEN AND WHY ?

Several schemes are usually followed before taking the **decision of filing** a patent:

Conservative :

- Make a prior-art review before filing
- Make a business case for the patent investment
- Get approval from innovation/IP committees before filing

Moderate :

- Make a prior-art search before filing
- Delegate on a team of business/technical experts the filing decision.

Pro-Active :

- Delegate on a team of 1-2 experts the decision on filing a provisional.

Agressive :

- SFAQL : Shot First Ask Questions Later

WHEN AND WHY depends on WHO you are..

Large Innovative Corporation

- Many R&D project run in parallel
- Multiple business units
- Global reach.
- Already owning large portfolio
- Participating in patent pools
- Tough Competition in Product Market

Large Tech & Licensing Company

- Many R&D projects run in parallel
- Multiple business units
- Global reach
- Already owning large portfolio
- Patent Licensing is a core business

Large Tech-User Corporation

- Focus on services or traditional product business
- Patents seen as a 'defensive' (¿?) tool to protect product business
- Present in technology intensive markets

Technology Start-Up

- Highly innovative, creative
- In-house top-experts
- Low resources
- Many activities handled together
- Patent Licensing might become a core business

Some possible/common strategies ...

Large Innovative Corporation

- Usual to operate in a **Conservative** mode.
- Conservative mode adds costs up-front (searches, comittes) and delays decissions. **Moderate** mode could be an alternative.

Large Tech-User Corporation

- Usually operate in a **Conservative** mode.
- Patents seen as **defensive** tools to protect their product/service business.
- High **exposure** to litigation, should seek protection from main tech **product** suppliers.

Large Tech & Licensing Company

- **Moderate** to **Pro-Active** modes are possible.
- Specific **incentives to R&D teams** to produce patentable inventions and file patents.

Technology Start-Up

- **SFAQL** is best than Conservative/Moderate.
- **Prior-art** searches are not always required since internal experts already have a substantial perspective on state of the art.
- **Pro-Active** mode is highly adviseable.

IP Product Development ...

- For a technology and patent based company, IP rights are the substance of their **IP product portfolio**. Patents can be turned into effective IP Products subject to development cycles analogous to traditional products.

