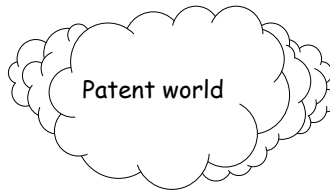


Patent course

Tuesday January 12, 2010

The foundation of the patent world



Anette Hegner



12 January 2010

1

The foundation of patents

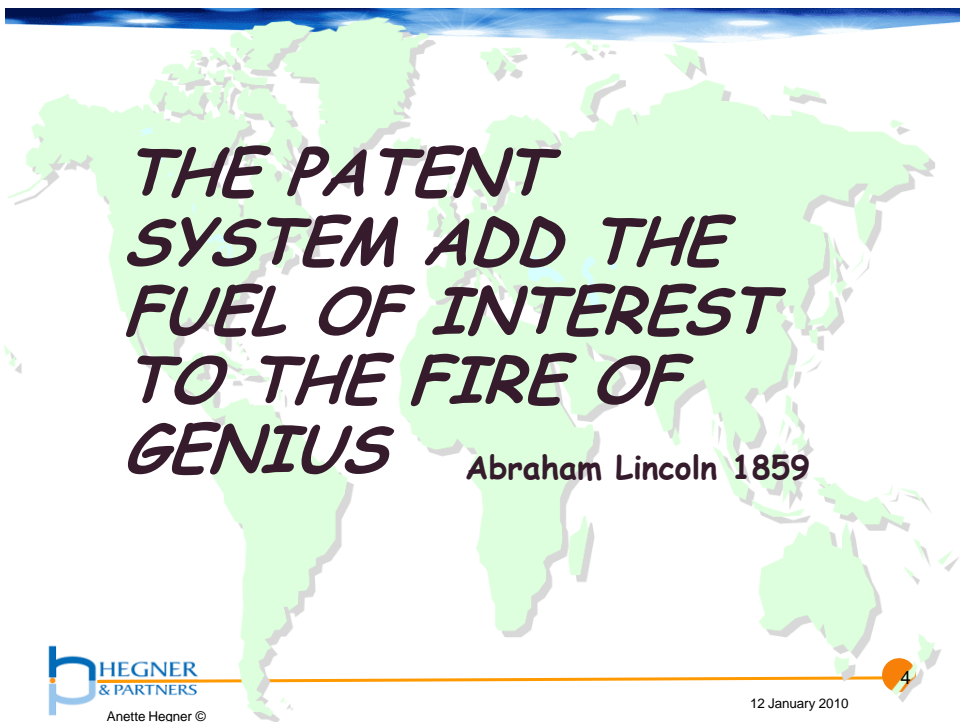
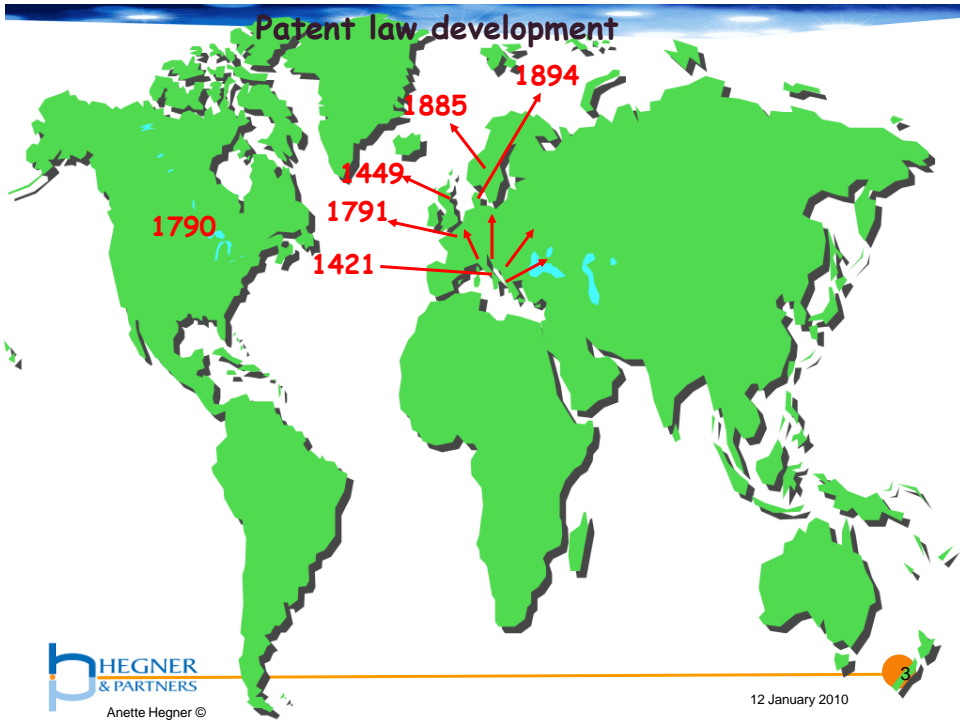


- The historical background
- What is a patent
- The game of patents
- Value-cost
- The patent world - the science world



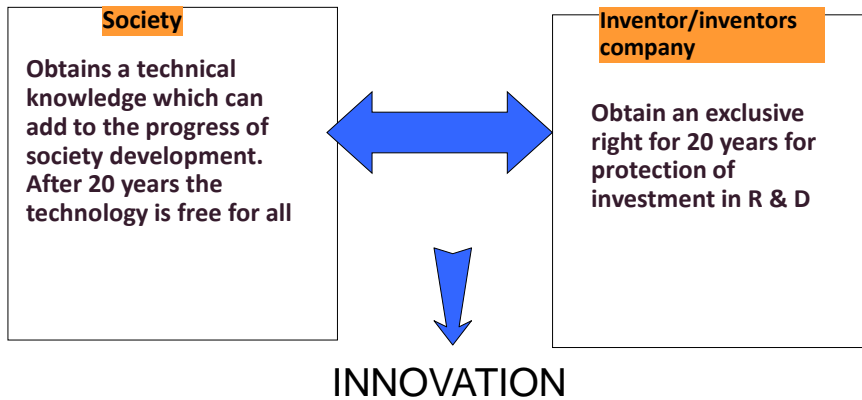
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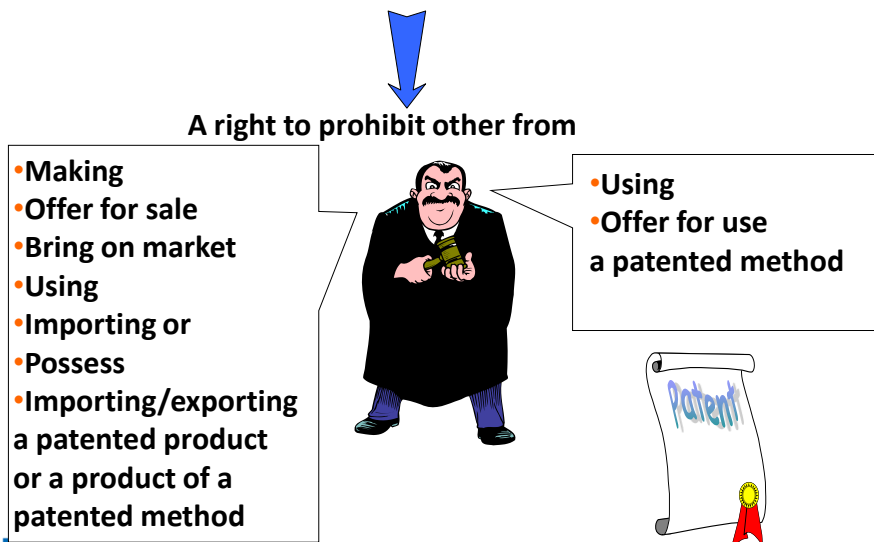


What is a patent?

A trade between an inventor or her company and the society



What does the patent give the owner?



BUT –is that all – and how does it work?

What is a patent actually?

Why using resources on patents?

For which reasons will you need a patent?



A patent is a 'negative right'

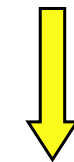
A patent is a 'little law'. A Law that needs basis for interpretation



The patent attorney

The examiner

The judge



are working with the 'little law'

-to shape it, and

-to interpret it



Inventor

Patents are like articles.

It is good to get your name on a patent, but it takes lots of time and may prevent other kind of publication



The Inventors

The Technical experts

The Sales/Marketing

Provides technical input.

Read and understand some of it.



Money makes the world go around!

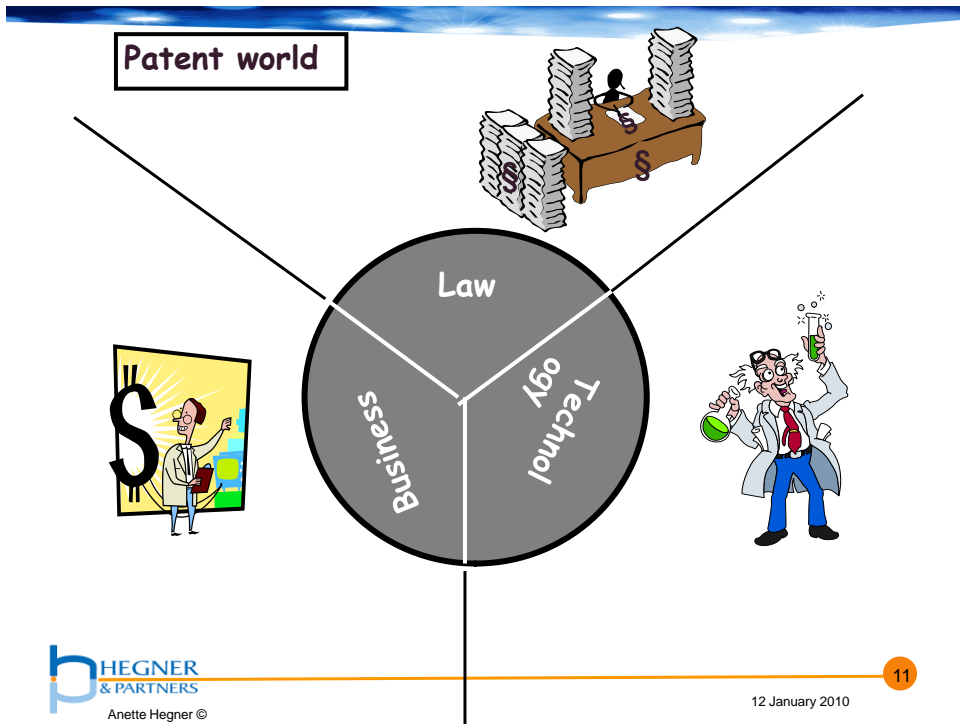
The CEO/CFO

The Board

The Investors

Wish it to be there

Do not read and understand it.



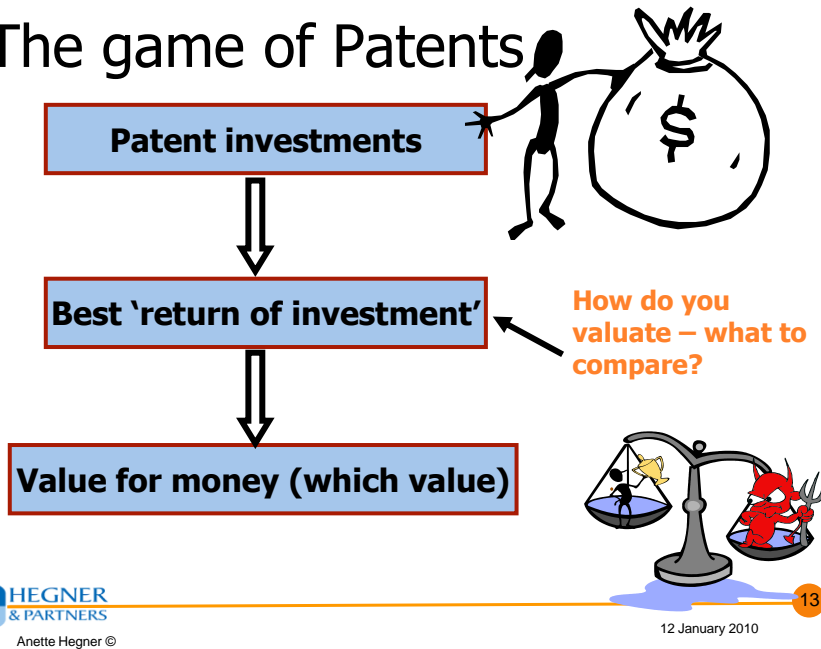
What does the patent/patent application give the owner?

BUSINESS ADVANTAGIES

- Improved competitive force
- License income
- Sales income
- Income from infringers
- An impression of high quality

A PATENT IS A BUSINESS TOOL

The game of Patents



Value for whom?

Value for inventor	→	To be mentioned on a patent
Value for universities	→	To show prod. of Innovation
Value for start ups	→	To get investment
Value for firms with exit strategies	→	To increase company value
Value for SMEs	→	To have something to trade
Value for production firms	→	To obtain market shares
Value for large international companies	→	To have dominance

Patent investments?



Our patents



Competitors Patents

For many companies –
freedom to operate is what matters

Patent investments?

Freedom of
operation



Area of
dominance

Competitors Patents

Our patents

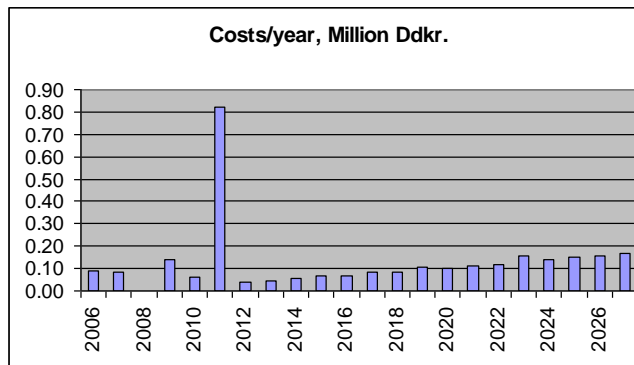
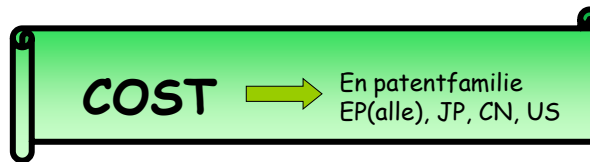
THE LIMITING FACTOR

COST

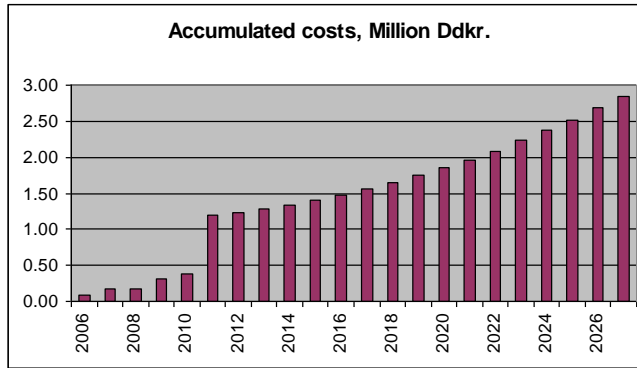
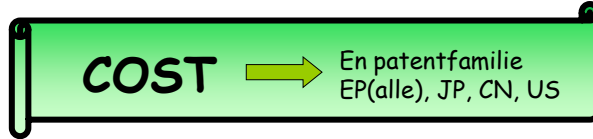
Value of what?

Value of a patent	→	Depend on scope and strength The value is proportional with how much it bothers competitors
Value of a patent application	→	As a patent + it is more difficult for competitors to evaluate
Value of a license	→	Depend on scope-exclusive/non-exclusive – may open up market
Value of an opposition/nullity action	→	May bring FTO – show strength of company (Also consider the gun in the drawer)
Value of an FTO evaluation	→	Bring knowledge to take proper and informed decisions/actions - to be proactive

The cost of patents?



The cost of patents?



The game of patents?

There must be a winner!

Equal size! Good - then we keep the peace.

UNITED STATES Application Filed 12 Jan. 2010 "Method of Making DTU a Very Large Amount of Money"

We must protect our research investment

This way to the gold!!

World of Patents – real world

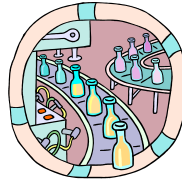
Business assets

Monetary assets



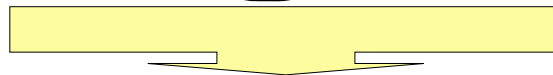
+

Tangible assets



+

Intangible assets



Enterprise value

Unknown value

Trade value

Stock value

World of Patents – real world

Patent world

Taking time from developers

Cost a lot of money

Make a lot of uncertainties

Difficult to understand

Difficult for CEO to handle

Can provide large business advantages

Real world

Making good product

Be on the technological front

Deliver on time

Good design

Good reputation

Good contacts

Good employees

Good business strategy

Good prices

World of Patents – world of science

How do we behave?

Do we need to have made the invention?

Do we need to understand the invention?

Do we need to prove that it works?

Do we need to test examples?

Do we need to be honest?

World of Patents – world of science

What about fairness?

Patents are not
about fairness!



In practice it takes 4-15 years
from application to patent (if
granted)



After grant the owner can
terminate an infringing
production

A granted patent need not be
valid – Even simple invention
can lead to patent



Third parties need to prove
invalidity

A patent cost a lot



The more you can afford the
more patent protection you
can buy



Graveyard of worthless patents