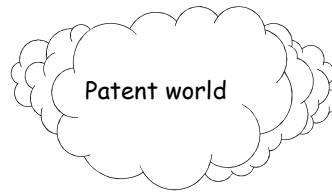


Patent course

Monday January 17, 2011

The foundation of the patent world What is a patent?

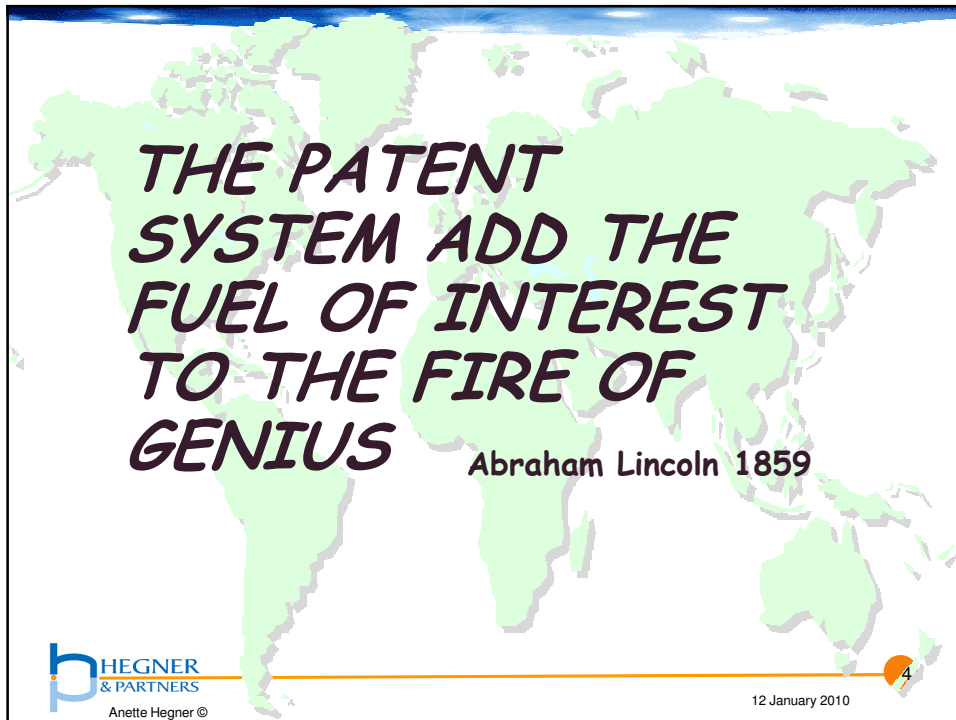
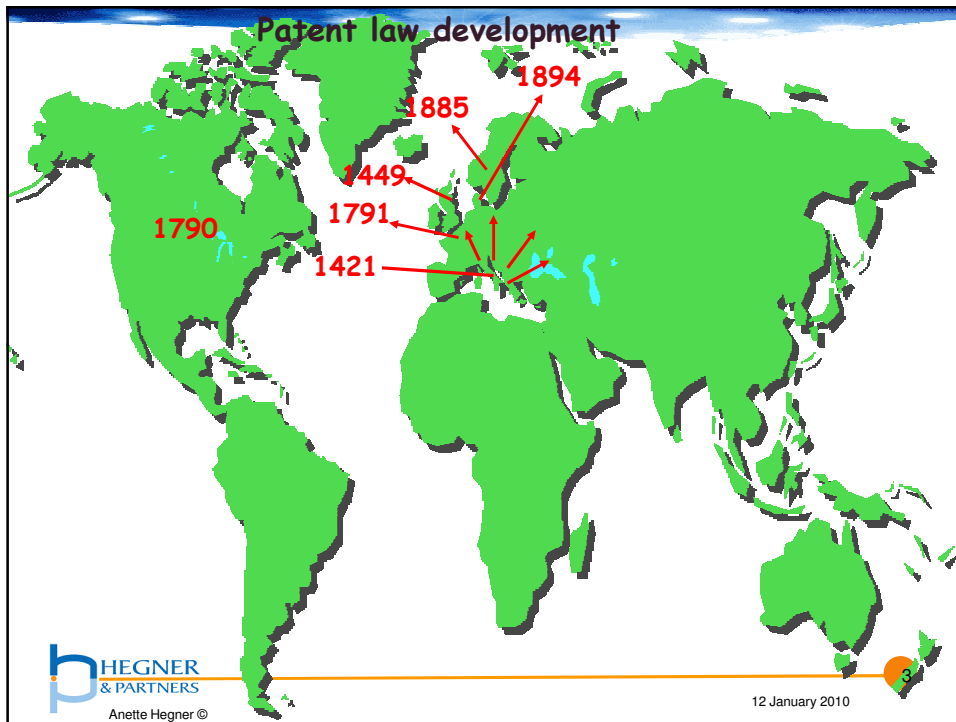


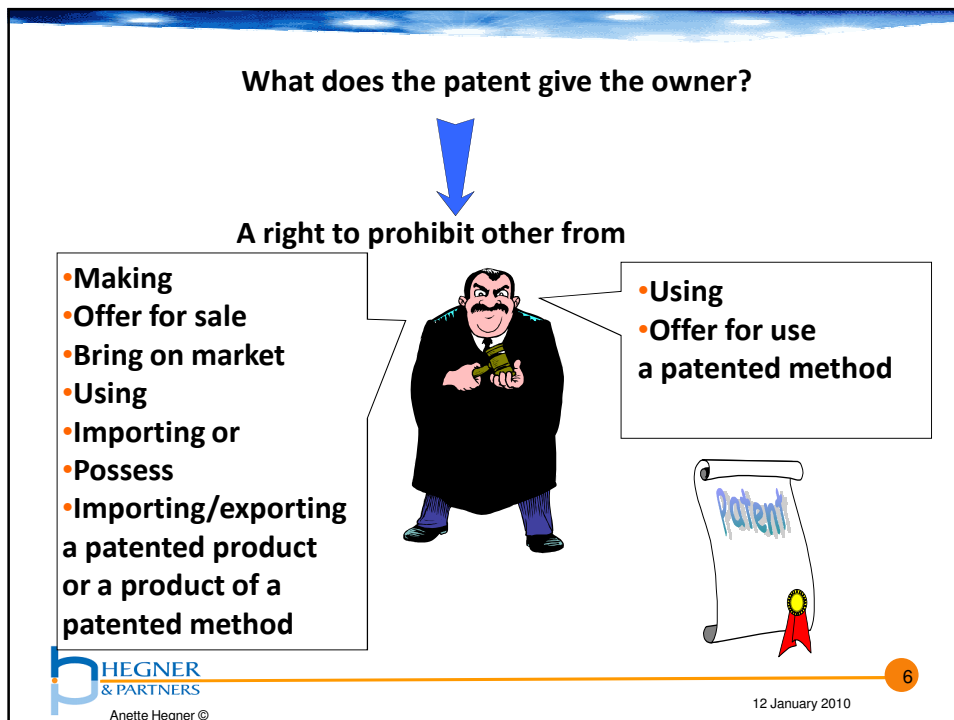
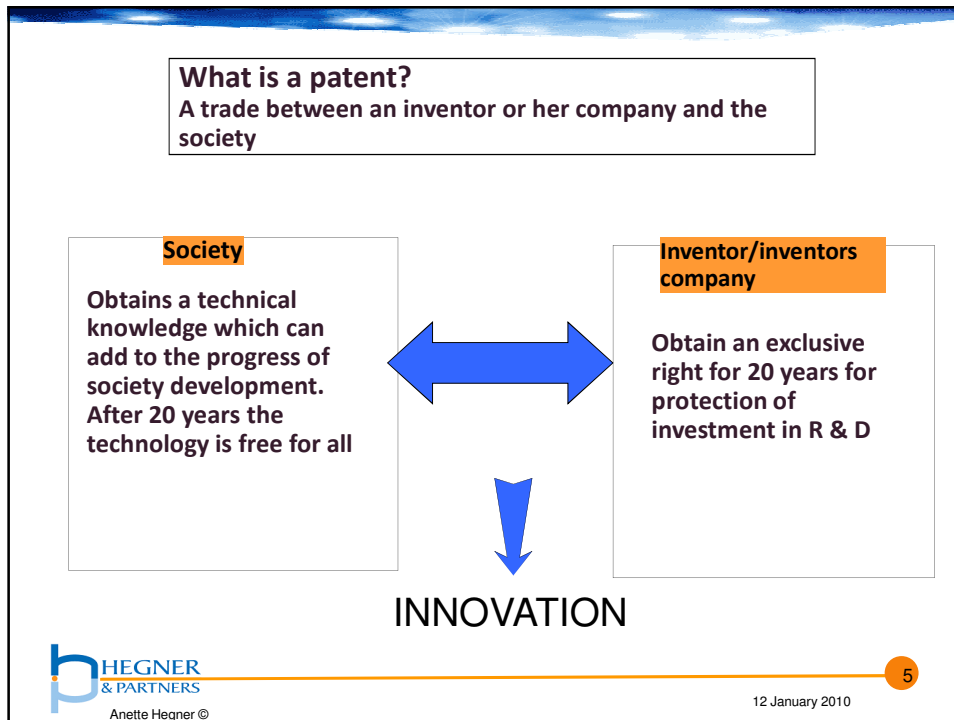
Anette Hegner

The foundation of patents



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





What is a patent

For many years a patent was considered to be a kind of insurance of your development investments?

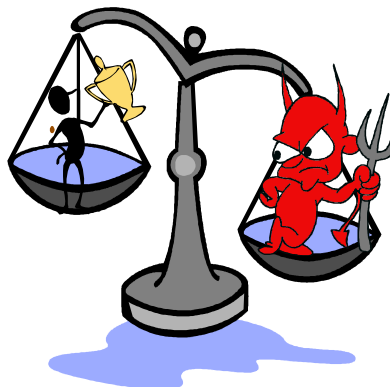


BUT –is that all – and how does it work?

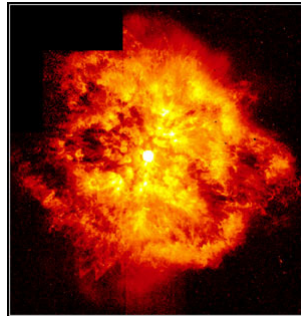
What is a patent actually?

Why using resources on patents?

For which reasons will you need a patent?



The patent world –
a big clash of three different worlds?



The world of laws

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


The world of technology




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




<p>The Inventors</p> <p>The Technical experts</p> <p>The Sales/Marketing</p>	}	<p>Provides technical input.</p> <p>Read an understand some of it.</p>
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12 January 2010


The world of business



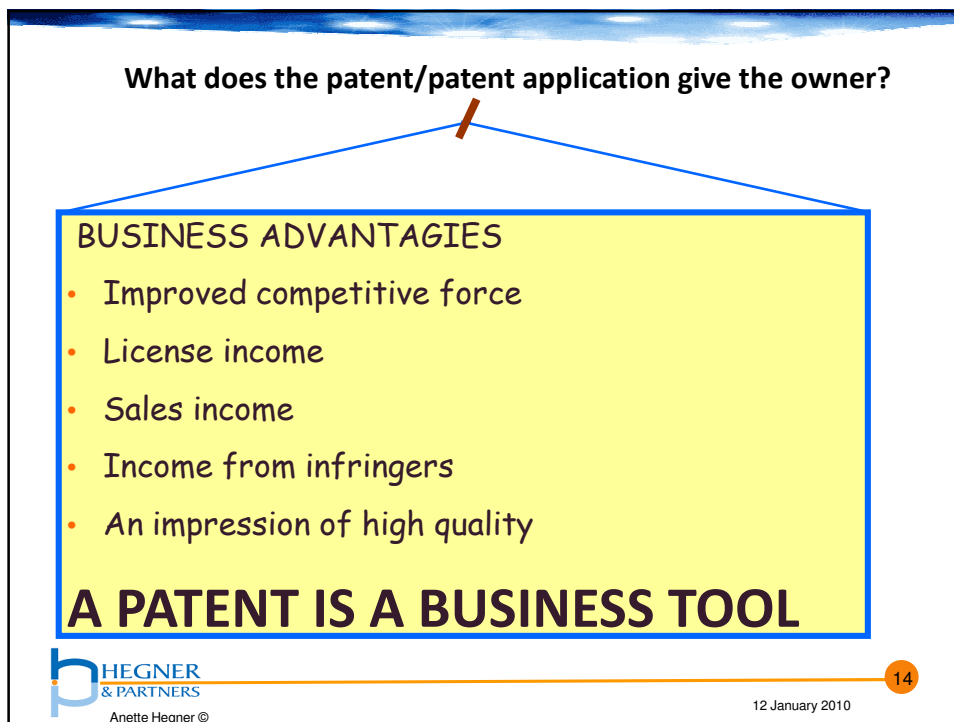
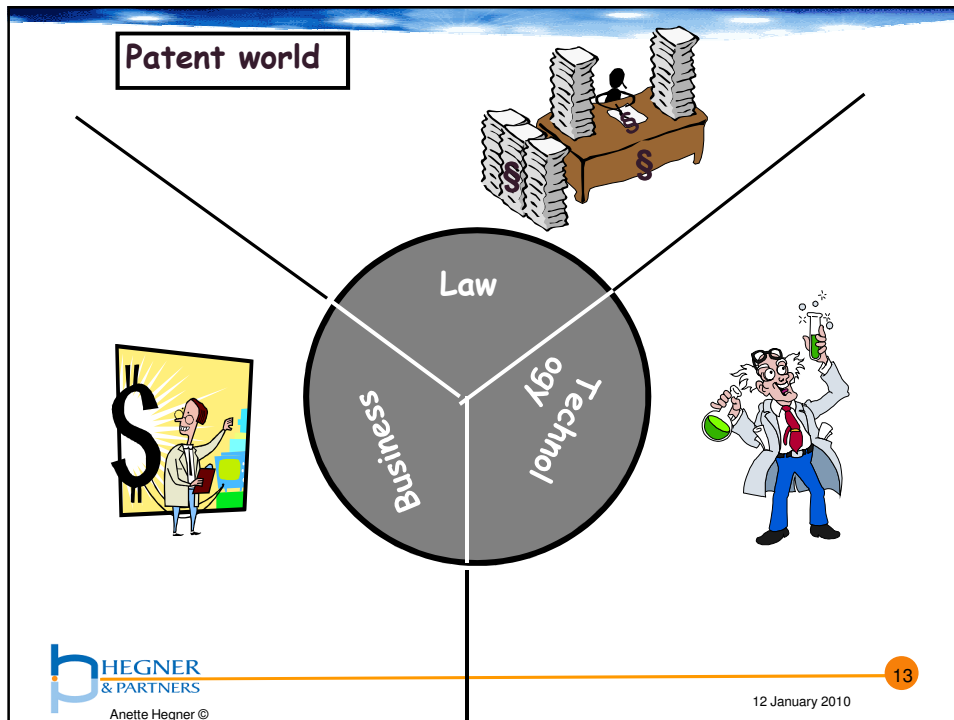
Money makes the world go around!

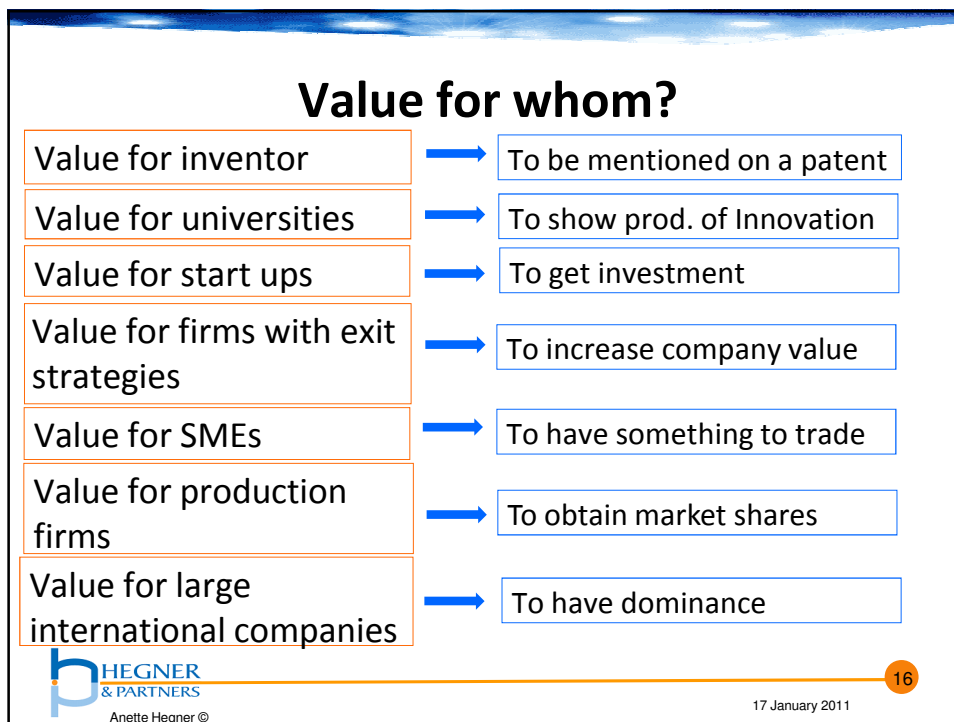
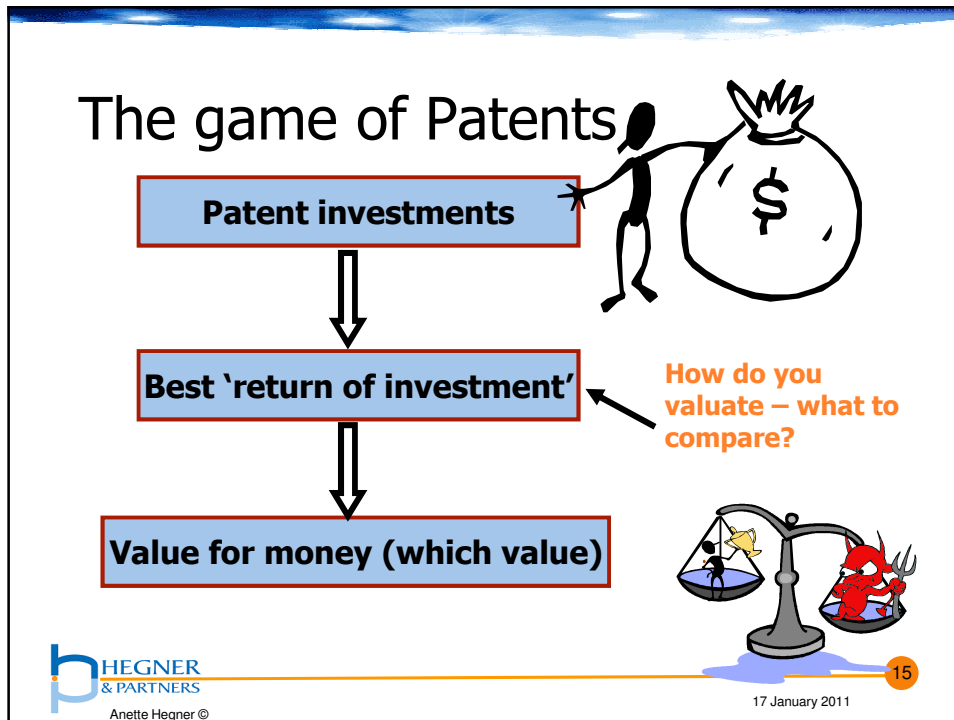


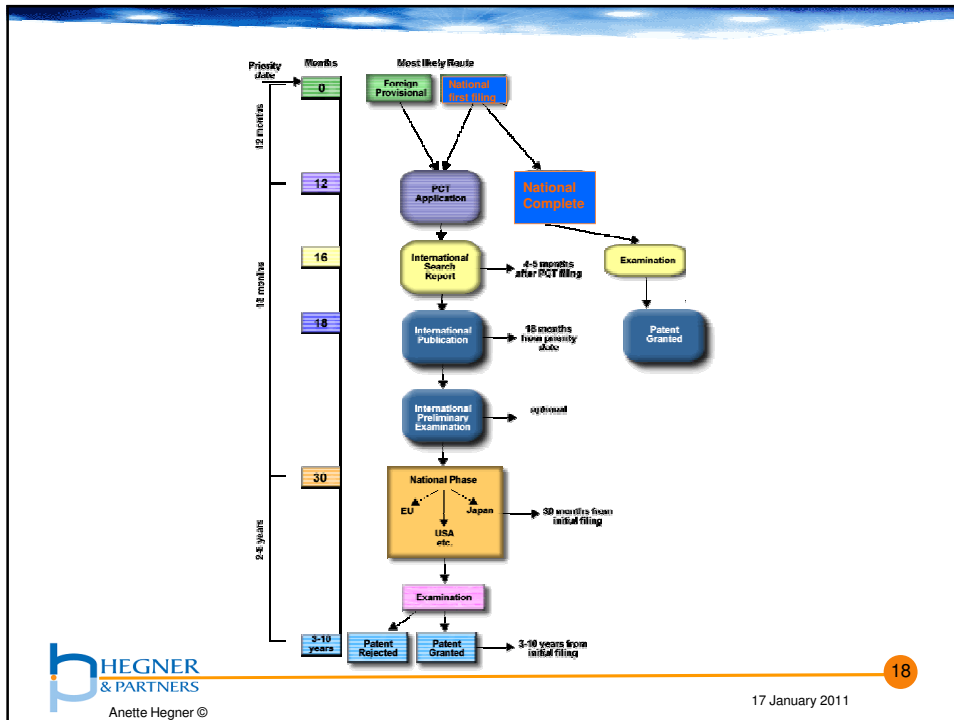
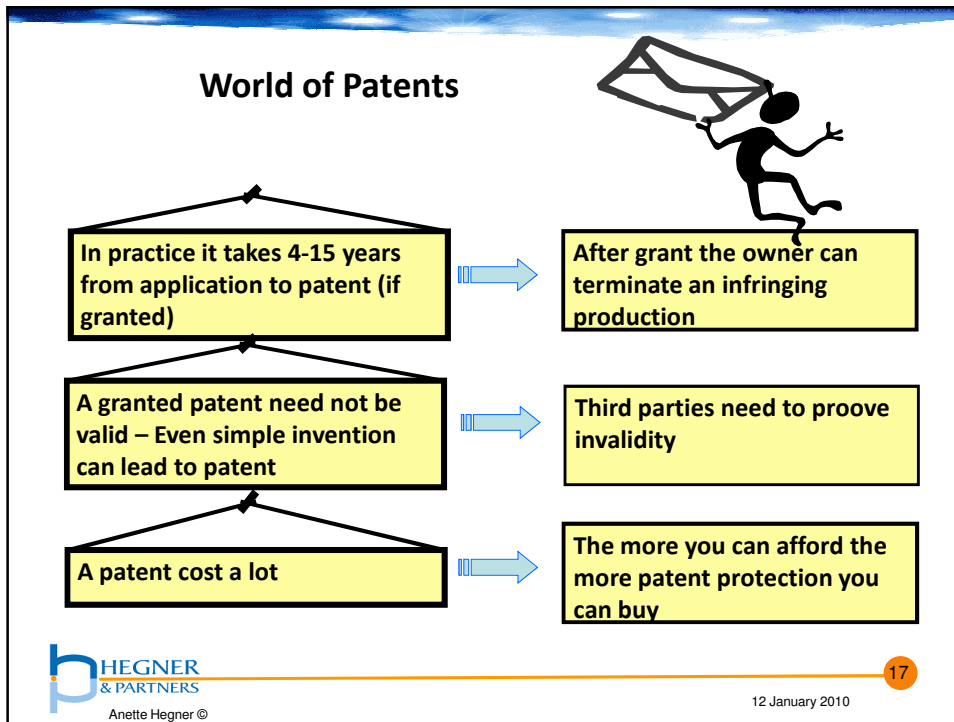
<p>The CEO/CFO</p> <p>The Board</p> <p>The Investors</p>	}	<p>Wish it to be there</p> <p>Do not read and understand it.</p>
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Patent investments?




Our patents



Competitors Patents

For many companies –
freedom to operate is what matters



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Patent investments?

Freedom of operation

↔


Area of dominance

Competitors Patents

Our patents

THE LIMITING FACTOR

COST



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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

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The cost of patents?

COST → En patentfamilie
EP(alle), JP, CN, US

Costs/year, Million Ddkr.

Year	Cost (Million DDKr)
2006	0.08
2007	0.08
2008	0.08
2009	0.15
2010	0.08
2011	0.85
2012	0.05
2013	0.05
2014	0.05
2015	0.05
2016	0.05
2017	0.05
2018	0.05
2019	0.05
2020	0.05
2021	0.05
2022	0.10
2023	0.10
2024	0.10
2025	0.10
2026	0.10

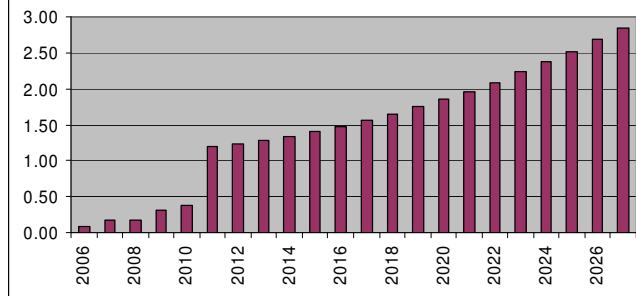
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The cost of patents?

COST → En patentfamilie
EP(alle), JP, CN, US

Accumulated costs, Million Ddkr.



The game of patents?

There must be a winner!

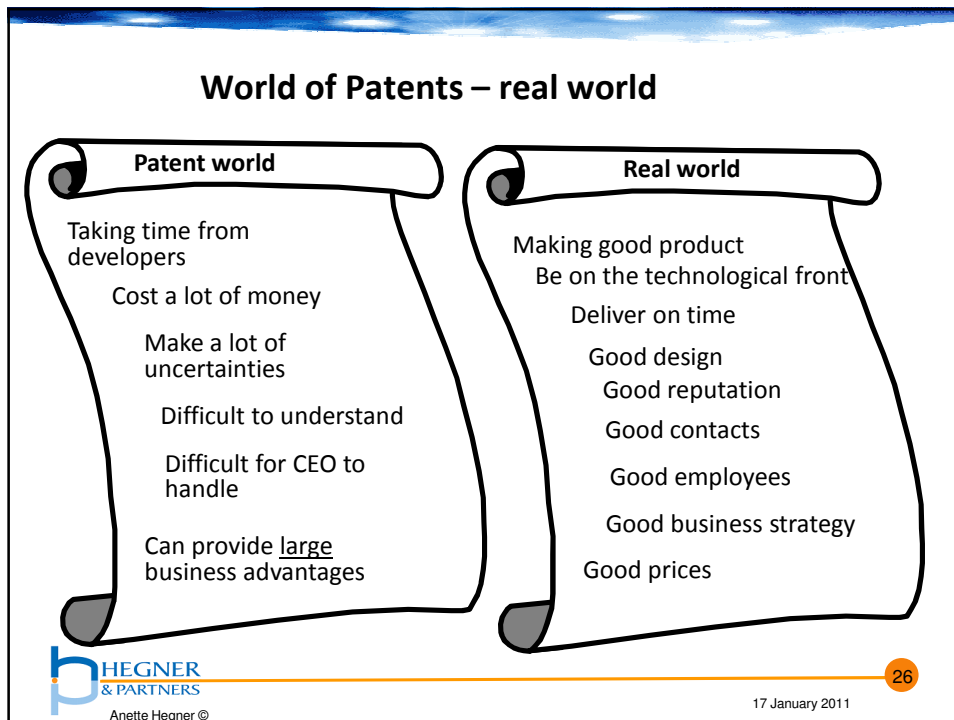
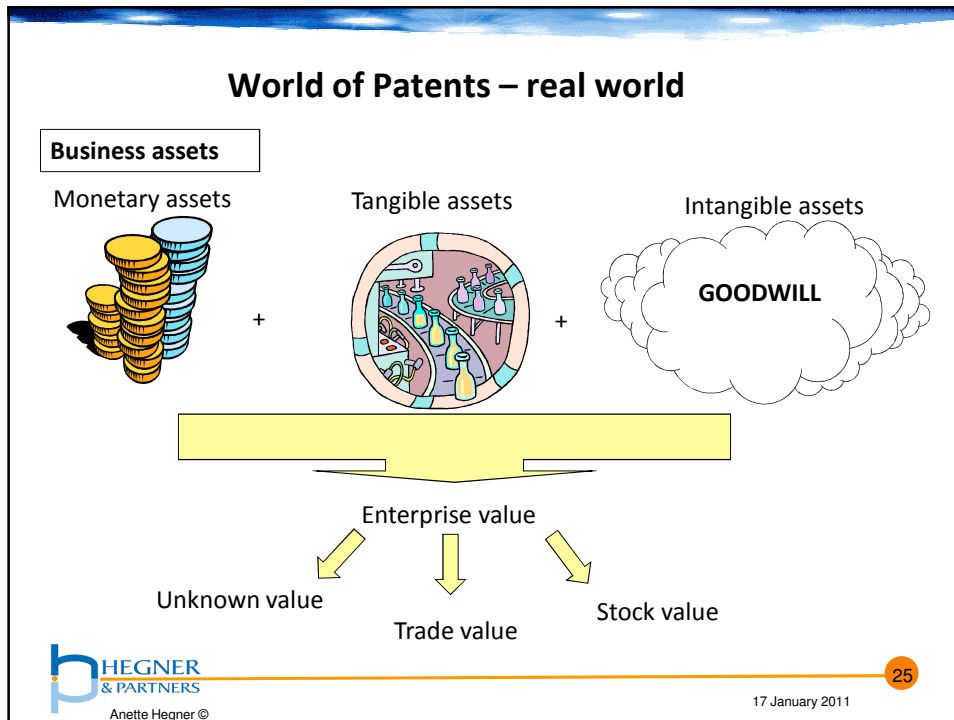
Opfindelse

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

This way to the gold!!

We must protect our research investment

Equal size! Good - then we keep the peace.



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

