



# Capturing Your Intellectual Property Value

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Erik B. Flom, Ph.D, J.D.

Welsh & Katz, Ltd.

International Conference of Nanotechnology

Tuesday, November 9, 2004, Track A



# Intellectual Property Helps Nanotechnology Enterprises

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- Research costs money – IP protects that investment.
- IP provides an exclusive position, which protects your ability to earn.
- IP facilitates building a technological identity – the reputation of being the go-to company on a technology.



# Sources of IP

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- Employees
  - Agreements
  - Education and Retention
  - Incentives and Rewards
    - Employee
    - Supervisor
- Licenses
- Mergers and Acquisitions



# Sources of Revenue

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- Sell Product
  - Maintain a superior competitive position.
- License Others
  - To reach products outside your expertise.
- Transfer IP, either separately or in a merger or acquisition
- Cross-Licenses



# How Does IP Protect Or Not?

PATENTS	TRADE SECRETS
Can stop anyone.	Can stop thieves.
Definite, long, duration.	Indefinite duration.
Can disclose freely.	Can disclose only carefully.
New, useful, not obvious.	Economically valuable, not generally known.
If patent invalidated, licensing revenue stops.	If trade secret becomes public, licensing revenue may continue.



# What Is Nanotechnology?

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- The Patent Office created a category for Nanotechnology.
- Currently the Patent Office defines it as:
  - related to research and technology development at the atomic, molecular or macromolecular levels, in the length of scale of approximately 1-100 nanometer range in at least one dimension, and
  - that provide a fundamental understanding of phenomena and materials at the nanoscale and to create and use structures, devices and systems that have novel properties and functions because of their small and/or intermediate size.



# Types Of Patents

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- Provisional
  - One year to continue work.
- Utility Patent
  - Subject Matter (can have more than 1!)
    - Composition of Matter
    - Methods (e.g. making or using)
    - Apparatus
- Patent Cooperation Treaty
  - Reach the world; delayed reentry to U.S.



# How To Get Value From Patenting

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- Good Disclosure
  - Must work for multiple audiences.
- Good Claims
  - Different statutory classes
  - Claims of Different “shape” and “size”
    - Different Scope
    - Structure vs. Function
    - Special Purposes Claim Forms

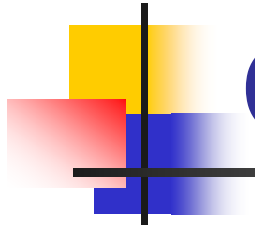




# How To Get Value From Trade Secrets

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- Every Patent Starts As A Trade Secret
  - General Foreign Rule – Absolute Novelty
  - Freedom For Incremental Patenting
- It Can Cover Non-Patentable Matter
  - Don't create your own competitors
- Non-Use Provisions Are Your Friend
  - As important as Non-Disclosure



# Conclusion

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- You can win by:
  - Finding all your value
  - Capturing all that you find
  - Exploiting markets or finding partners to maximize the reach of your IP