IP Protection and Ownership

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Overview

- Protecting Your Assets Through IP
- Protecting Your IP Assets Through Contracting
- Strategic IP Monetization & Enforcement Efforts
- Playing Defense

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Protecting Your Assets Through IP

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Types of Intellectual Property

PATENTS

TRADE SECRETS

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Patents

- **What:** Right to EXCLUDE others from making, using, offering to sell, selling, or importing the claimed invention
  - Country-specific: U.S. patent allows you to exclude others from infringing in the U.S.
- **How:** Must file application with the U.S. Patent & Trademark Office and show through "examination" the invention is:
  - Useful process, machine, manufacture, or composition of matter
  - Patentable subject matter - not a law of nature, natural phenomena or abstract idea
  - Novel (new)
  - Non-obvious (a non-trivial advance)
- **Term:** 20 years from filing (but there are adjustments!)

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Why Invest in Patents?

- Obtain a legal monopoly over invention.
- Distinguish product features/functions as innovative.
- Generate licensing revenue.
- Show potential investors company is serious about innovating and protecting and monetizing its IP
- Serve as "prior art" to block others' patents.
- Discourage competitors from enforcing patents against you.
- Gain leverage in cross-licensing negotiations.
- Increase leverage in settlement negotiations ("our patents/technology pre-dates your asserted patent")

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