# Building A Powerful U.S. Patent Portfolio

New York | Paris | Seoul | Washington DC

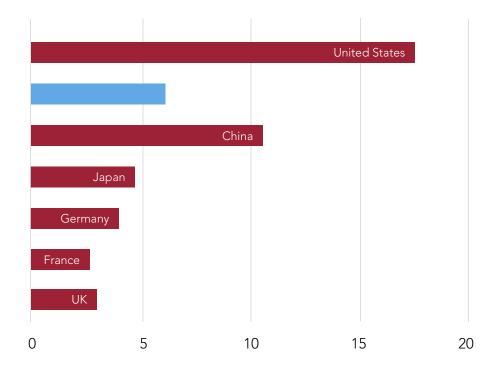
**COHEN & GRESSER LLP** 

# Agenda

- Why and What?
- Two Critical Components of a Strong Patent Portfolio Strategy

## Why Create A Patent Portfolio

2014 GDPs (\$USD trillions) Compared to U.S. IP Market



# Why Create A Patent Portfolio

Components of S&P 500 Market Value



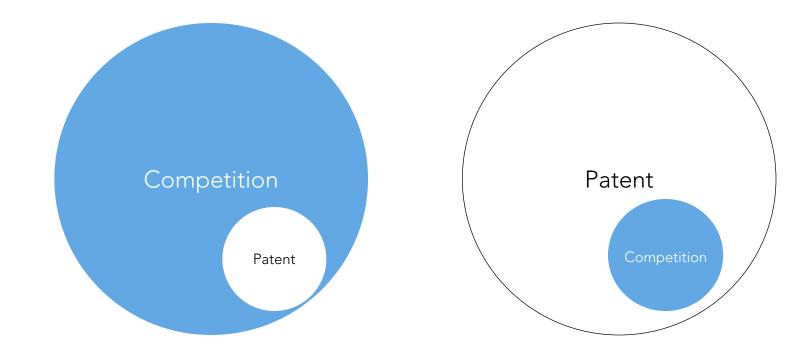
# Why Create A Patent Portfolio

Sample Adjudicated Patent Damages Awards, 1995-2014

Year	Plaintiff	Defendant	Technology	Award (\$M)
2009	Centocor Ortho Biotech Inc.	Abbot Laboratories	Arthritis drugs	\$1,673
2007	Lucent Technologies Inc.	Microsoft Corp.	MP3 Technology	\$1,538
2012	Carnegie Mellon University	Marvell Technology Group	Noise reduction on hard drive circuits	\$1,169
2010	Mirror Worlds LLC	Apple Inc.	Operating system	\$626
2005	Cordis Corp.	Medtronic Vascular, Inc.	Vascular stents	\$595
2004	Eolas Technologies Inc.	Microsoft	Internet browser	\$521
2011	Bruce N. Saffran M.D.	Johnson & Johnson	Drug-eluting stents	\$482
2014	Massimo Corp.	Philips Electronics N. Am. Corp	Device measuring blood oxygen levels	\$467

# The right to exclude others from making, using, selling or importing 35 U.S.C. § 271

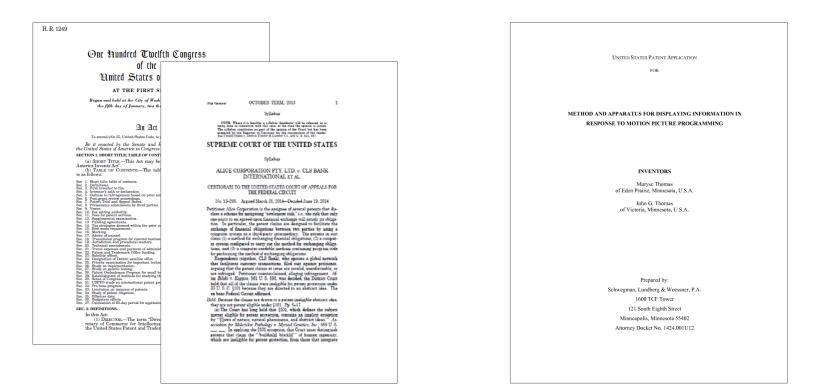
# What Rights Does A Patent Grant Barrier to Entry



# Agenda

- Why and What?
- Two Critical Components of a Strong Patent Portfolio Strategy

#### Two Critical Components

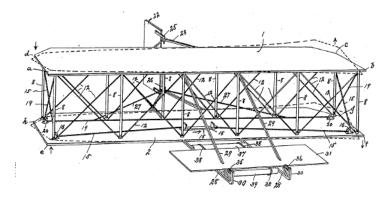


Validity

Adequate Claim Coverage

# Validity Criteria for Patentability

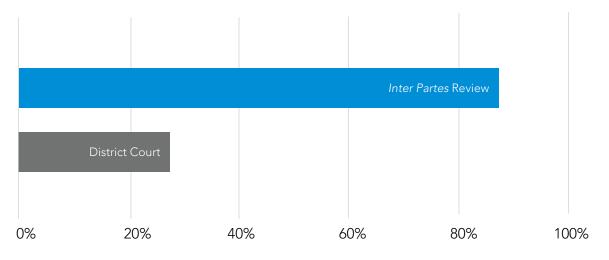
Novel Non-obvious



U.S. Patent No. 821,393

Post Grant Proceedings

## Validity Exemplary Effectiveness of Post Grant Proceedings



Inter Partes Review Partial and Complete Invalidity Win Rate

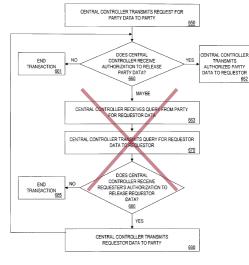
Source: Patent Trial and Appeal Board Statistics, 1/31/2016, www.uspto.gov/sites/default/files/documents/2016-01-31%20PTAB.pdf

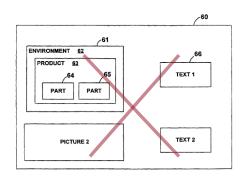
Source: Docket Navigator, 2015 Year in Review, home.docketnavigator.com/year-review/

# Validity Non-patentable Subject Matter

- Laws of nature
- Physical phenomena
- Abstract ideas

Alice Corp. Pty. Ltd. v. CLS Bank Int'l, et al., 134 S.Ct. 2347 (2014)



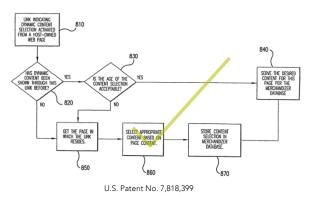


U.S. Patent No. 5,884,272

U.S. Patent No. 7,606,739

### Validity Computer Based Patents Still Viable

- Claims directed to overcome a problem specifically arising in the realm of computers
- Utilize prosecution and litigation counsel



## Adequate Patent Coverage Three Recommendations

ets United States Patent Thomas et al.		um Patent No.: US 8,468,565 B um Date of Patent: Jun. 18, 201		
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(*) in	miner Maryae Thomas Victoria, MP (185) John G. Thomas, Victoria, MP (185)			
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iets.	Prior Publication Data	Primey Luminer - Data Pealaton Accinet Examiner - June K Lin		
1.5	396642211691.33 Col. 30, 3869	(74) Amorany. Again. or Firm - Schwaptone Landberg. Womanne, FA.		
	Related U.S. Application Data	(S7) SINTEGET		
No	estimation of application No. 10397-048, Blat on at 21, 2003, effects a continuation of application is PCT1280220500 (Bud on Sep. 21, 200).	(17) ADTRUCT Disclored larsin, is various anthrobuscie, see methods an approxima incorporating, among other likings, for concept or using, in prediction by without listication, traditionally non- transity.		
(1) 14 (2) 15 (2) 15 (3) 15 (4) 15 (4	60° 500° (2000,01) 500 7273 (2000,01) 60 7273 (2000,01) 60 97 Tandicatha Nearth 60 97 Tandicatha Nearth	and a second		

	Unite Carmel	d States Patent et al.	US06089473B1 (10) Patent No.: US 6,389,473 B1 (45) Date of Patent: May 14, 2002
(54)	NETWO	RK MEDIA STREAMING	5,404,446 A 41995 Bowater et al
(75)	Investors	Sharon Carmel, Tow Daboosh, both of Giv'ataşim; Ell Relfman, Risbon le Zion; Naffall Shani, Ziv Elizaz, both of Tel Asiv; Brow Glasberg, Kalan; Edan Ayal, Kir: Solor, all of (IL)	5,641,632 A 111,1998 Genel et al
(73)	Assignee:	Geo Interactive Media Group Ltd., Givatayin (II.)	(57) ABSTRACT
(•)	Notice:	Subject to any disclaimer, the term of this patent is estimated or adjusted under 35 U.S.C. 154(b) by 0 days.	A method for real-time broadcasting from a transmitting computer to one or more effect computers over a network including providing at the transmitting computer a data stream having a given data rate, and dividing the stream into
		09/275,783	a sequence of nlices, each slice having a produternized date
	Filed:	Mar. 24, 1999	size associated therewith. The slices are encoded in a corresponding sequence of files, each file having a researc
(30)		ign Application Priority Data	tive index, and the sequence is uploaded to a server at an
		(IL) 123819	upload rate generally equal to the data rate of the stream
	US.CL		such that the one or more effect computers can download the secondary over the person's from the server at a download
(58)	Field of 5	kmrch	sequence over the pervors from the server at a downlow, rate generally equal to the data rate.
(56)		References Cited	41 Chains, 11 Drawing Sheets
(30)		S. PATENT DOCUMENTS	Microfiche Aroendix Included
	5,287,334 A		(2 Nicrofiche, 138 Pages)
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(12)	Unite Kotliar	d States Patent	(10) Patent (45) Date o		US 8,763,712 B : Jul. 1, 201	
(54)	IIVPOM SYSTEM GENER/	C AIRCRAFT FIRE PREVENTION WITH ADVANCED HYPOXIC GTOR	4,156,180 A 4,681,692 A 4,997,736 A 4,996,514 A	121985 71987 21889	Manatt Cleans et al. Lamberture et al. Segiverne et al.	
(75)	loventor:	Iger K. Ketliar, New York, NY (US)	5,063,753 A 5,220,799 A		Woodniff Linement al.	
(73)	Assignce	Firepass Corporation, New York, NY (US)	5,273,344 A 5,308,382 A 5,388,413 A	51994 21995	Velkwein et al. Provad Mejor et al.	
(*)	Notice:	Subject to any disclaimer, the term of this patient is extended or adjusted under 35 U.S.C. 154(b) by 96-days.	5472,480 A 5548,995 A 5730,780 A	3 1998	Gust, Jr. Broth, III	
(21)	Arri, No.	13420,315			timed)	
	Filet	Mar. 14, 2012		KIN PATE 62.015 BJ	NT DOCUMENTS \$1309	
(65)		Prior Publication Data	10 WO WO 95	37176	11 1296	
	US 20124	1222873 Al Sep. 6, 2012	0	THER PU	BLICATIONS	
	Continuat filed on Ju continuati filed on M	dated U.S. Application Data inn-in-part of application No. 11/153,948, al. 19, 2005, now Pat. No. 53,141,649, and a on-in-part of application No. 122079,224, Int. 24, 2008, new abandened.	"A Bonefit Analysis for Nitrogen Institut of Alexed Fast Tash Against Closed Fire Exploration", Final Report, DOT EAAAR097. Office of Avairum Research, NTES, Springfold, VA 607 KJs, 11 pages (Dec. 1999). (Continued)			
(51)	Int. CL A62C 2/9	(2005.01)	Prinary Examine	- Steve	liner	
	USPC	169/05; 169/37; 169/46; 169/61; 169/82; 244/129/2; 96/134; 95/96			Firm - Orrick, Herrington	
(58)	USPC See applie	Javdifestion Search 	(hypoxic) air for protection; the sys production of hyp	rvention sy the fael to ten does n oxic air, w	FRACT sten provides oxygen deplets ink and/or cargo comparine t employ compressed air for d hich allows to save energy in react on the certh atmospher	
	3,813,514 A 3,948,636 A 4,378,920 A		20	Clains, 2	Drawing Sheets	
		N		•	12 16	

Control Prosecution

#### Envision Future Technology

Open Application

Patent Due Diligence Checklist



- ✓ Write a Quality Patent Application
- ✓ Build IP Portfolio that Increases Valuation
- ✓ Manage Litigation Risk
- ✓ Keep IP Organized

Employee Agreements

✓ Independent Contractor Agreements

✓ Non-disclosure Agreements

✓ Patent Assignments



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