



Patent Intelligence for Innovators, Inventors, Makers and More – *Video Transcript*

Module 2: Key opportunities to use patent data for innovation intelligence

Instructor: Nasreen Bakht Brady, IP Attorney, Senior Product Manager, Entrepreneur

There are many ways to use patent data throughout the innovation process. We'll discuss some of the most common ways, including the traditional and expected uses that link closely to getting, avoiding, or enforcing patents. Then we'll highlight a variety of less expected opportunities throughout the innovation process that don't necessarily link closely to patenting.

Traditional times to use patent data

Let's start with the most obvious, expected ways to use patents data. When you're pursuing a patent as part of your protection strategy, naturally you search through patents and applications to make sure your idea is new and inventive enough - patentability search.

Similarly, another common use is to search patents to determine whether there might be patents in your way, or freedom to operate. Searching patents to assess patentability and freedom to operate are smart to consider early in the process.

Making this change, can make a big impact because you want to be aware of potential big blockers early to avoid wasting resources and to have options available. Even minimal quick and easy searching early enough, instead of progressing an idea and invention until it hits an IP review committee, can make a big difference. It can provide the flexibility to morph an idea to one that is more protectable by patents, especially in areas where copying would be relatively easy. It can lead to more products being well-protected, better grant rates, and sometimes even better tech - it provides many layers of benefits and also an easy cost savings to calculate and capture in a very fast and real way. If you can find easy ways to gain early knowledge of potential blockers, that's a very good thing.

Assessing patentability and freedom to operate are both very patent-centric, and other expected or traditional times using patents comes into play are for preparation and prosecution - drafting applications and the filing and back and forth with patent offices, and of course for granted patents, using patent data is critical when enforcing or defending specific patents and for maintenance decisions.

These traditional uses make sense - use patent data to inform patent-centric decisions. But what else can you gain from patents? There are dozens and dozens, maybe even hundreds of distinct questions that can be answered or informed by using patent data.



Let's consider the high-level opportunities throughout the innovation process, and by the end of this course, you should be able to identify distinct opportunities within your organization or individual process where gaining patent intelligence is worth the effort.

Less expected opportunities to use patent data throughout the innovation process

Innovation is high priority across industries and across the globe. Invention incentive programs have been popular for some time. But as companies seek to fill the idea funnel with more, faster, smart and efficient vetting is critical.

Which problems to work on

Evaluating which problems to work on or which ideas are the right ones for you or your company to work on is multifaceted, and using patent data can help you understand the current state of the art and its evolution, who the players are in the space, whether a space is fresh and new with vast room for innovation or mature, crowded, and filled with potential blockers, stagnant or active? Litigious or not?

Patent intelligence can be a critical aspect to consider when selecting and allocating resources to areas with high potential for high impact – the best chances of being developed and utilized for commercial success that aligns with business goals and strategy, offensive and defensive.

Remember that at this early stage, you may be ahead of products in the market, or if there are products in the space, understanding the potential for improving on existing technology or disrupting the space may be best understood from patent data. As we'll discuss later, patents are not products, but they are evidence of effort and investment and clues for intention.

Build, buy, license, or partner?

For similar reasons, using patents can be extremely useful for deciding whether to build, buy, license, or even partner as an efficient means to an end. You can find potential licensable technologies, start-ups to acquire, or universities to partner with. You can even use patent data to understand your internal expertise and whether you have the expertise within your organization or need to look elsewhere.

For large organization, patents can help make sense of your own internal expertise. It's not always easy to know what different teams are working on or what expertise exists within your organization. Sometimes you can look at this information and learn that your organization doesn't have the right resources needed to support your plans or goals, so building isn't a viable path.

Similarly, you could discover opportunities for efficiencies. For example, you can discover that multiple teams may be working on the same thing or similar things without knowing it. Believe it or not, patents may hold a more accurate representation of internal experts or can be used to keep track of and measure expertise and performance of internal employees.



Maximizing on innovations

Innovating and R&D is expensive, so maximizing on your innovative technologies is important. The robust nature of patents make them prime to help uncover new areas and ways to apply your technology that may not have been originally imagined. Patents span industries and technologies new and old. Use patents to explore tangential spaces or even completely unexpected applications for your technology, which could develop into new products or potential licensing dollars. Similarly, you could target specific areas to look for fast and efficient ways to enter a space of interest with your existing technologies.

Benchmarking

Knowing your own relative weaknesses and strengths compared to competitors is important, and comparing patent portfolios is one way to benchmark yourself without applying bias toward your company and its products you know inside and out vs your competitors, which may not be so well-known. Bias could go either way – maybe you've drunk the Kool-Aid, or maybe you're privy to the warts. Also, comparing patent portfolios may highlight a new area where a competitor is active which you've not considered or simply a gap or weakness of yours.

Find and evaluate opportunities

Benchmarking might lead to looking for opportunities to strengthen your position, another time patent intelligence can provide answers. You can look for potential partners or targets for acquisition, and if you find one, you can simulate a merger and compare pre- and post-M&A landscapes.

Mergers and acquisitions are big decisions, and patent intelligence can help find potential targets, provide clarity on the value and assets of the target, and help show what the landscape would look like post-merger, not only for existing assets, but strength in tech areas that speaks to future potential.

Commercialization and protection strategy

Like the early decisions on what has the best chances for success, building a commercialization and protection strategy can also be well-informed by patents. Patents can provide keen insight into which markets to focus and in turn where to seek protection if filing patents. Considering crowdedness and who the other players in the space are may weigh heavily into building a strategy. As mentioned earlier, patent data may describe technologies that are not yet commercialized in any way, and patent intel could reveal areas or players to research more comprehensively. And, as patents are legal documents, they naturally help in assessing risk and threats. But like many decisions, and especially developing strategy, patents, nor any single source of intel alone, will provide a full picture. Patent intelligence can play an important role in helping to know as much as you can about other companies and especially if your company strategy is generally risk averse and/or in an industry with heavy patenting practices.

Competitive Intelligence

Competitive intelligence can be a powerful ongoing activity. Monitoring and analyzing patent activity can provide insight into competitors' intentions with new innovations.



Understanding their norms can highlight unusual and new activity. Imagine your main competitor all of sudden starting filing patents in Brazil when they've never previously filed a patent in South America. What might that mean? There are many things available to watch for when monitoring patents, so the possibilities are vast. Many organizations have multiple teams and functions doing competitive intelligence for a variety of purposes and including patent intelligence as part of an organization's overall CI can help many teams.

There are a lot of ways to track a competitor using patent data. Here's one you might not expect - security interest in the legal events on a competitor's patents might be a sign of financial difficulties. In a particular instance, a couple months after spotting the security interest, the competitor was acquired. That might have been the first thing that popped up on the radar or maybe it could have confirmed a guess. As we'll see later in the course, patents are so data rich, so there are many opportunities to look for and detect signals in the noise.