

Opinions, Freedom to Operate, and Patentability Analysis

Rothwell Figg's Opinions, Freedom to Operate, and Patentability team works with clients on perhaps the most essential, yet challenging task connected with commercialization of intellectual property: strategy. By gathering and analyzing information to provide actionable advice, the team helps clients navigate through complex, dynamic, and high stakes landscapes. We help them map the road ahead, and decide whether and how to proceed.

Our opinions address issues ranging from freedom-to-operate to non-infringement, invalidity, patentability, and enforceability of patents and trademarks. They are the product of experience and judgment, and serve many purposes, but most critically they serve as guidance for clients making decisions with significant implications. By informing and guiding management, we help ensure that these decisions incorporate all the relevant factors and are made as advisedly as possible.

The process of preparing opinions begins with an open conversation to understand the client's business goals and situation. We factor this information, and potential liability, into determining the scope and nature of our opinions. We determine what kind of opinion would be most valuable, and right-sized, for each client, and communicate the rationale for our conclusion to the client. We then digest and synthesize large amounts of information, which we distill into informative and actionable advice.

Rothwell Figg provides reliable and reasonable opinions that withstand legal scrutiny. We help clients understand risks, possible exposure to liability, and avoid infringement. We also help clients understand what areas are available for patent protection, and chart a course for obtaining defensible patent rights.

Preparing opinions draws, first and foremost, on the team's strong technical expertise. Many of our attorneys have advanced degrees in technical fields and relevant industry experience. This enables us to begin our work with a baseline understanding of the scientific issues at hand, and come up to speed quickly. This capability extends to firsthand, working knowledge of a broad range of legal fields, including post-grant practice, litigation, and, of course, patent prosecution. Our opinions drive decisions: we effectively counsel clients on the full spectrum of options, with a firm grasp of third-parties' patents as well as their underlying technologies.

As practitioners, we meet critical deadlines. We use our technical and search experience to quickly produce reliable results, and work with clients and experts as needed to ensure that our searches and analyses are well-supported and comprehensive. Matters are personally handled by a dedicated, experienced attorney with a deep understanding of the client's business plans.

We use team resources to cover the full breadth of the project in-house rather than outsourcing or using inexperienced staff. We know that poorly-designed prior art searches result in weak or erroneous opinions, as does inexpert analysis, underestimating potential exposure, or worst of all, misconstruing the applicable law. Our work product is superior because we do it ourselves, and it's reliable because we are careful and thorough.

We also have global reach – we have experience with international patent prosecution and global IP management, including conducting freedom to operate searching internationally. Regardless of geography, technology, or complexity, we prepare opinions our clients can, and do, rely on for their most important decisions.