

Patent Strategy and Counseling

Rothwell Figg's Patent Strategy and Counseling team helps clients strategically protect and leverage their intellectual property as a way to maintain an edge in the marketplace. We do this by marshalling the information at hand about the client's technology, go-to-market, R&D pipeline activities, and market position. Our team then formulates strategies to help clients leverage their and others' IP in order to boost competitive advantage.

Specifically, our team utilizes a highly tailored approach that digs deep into each client's specific market position, competitive strategy, and business goals, whether the client is a first-mover or in a crowded market. While doing this, we strive to focus on the core problem at hand, and do not expend time on unnecessary or secondary issues.

There are many potential areas in which we help clients build a well-formulated patent strategy. These can include, but are not limited to, building national and international patent portfolios, strategically out-licensing IP and in-licensing third-party IP, helping establish strategic collaborations with third parties, determining what technology clients should seek to patent and what technology to maintain as trade secrets, analyzing competitor patent positions to determine freedom to operate and enforcement strategies, and other key tasks. We do some, or all, of this depending on what the client needs.

"Value," of course, is in the eye of the beholder. Different companies in different industries at different stages each have their own definition of that term. We take special care to understand what value means for each of our clients given their market status. For example, we have helped companies that are first movers in new markets seek and obtain patent rights on foundational technologies. This allows them to successfully leverage broad patent rights in licensing deals, valuations, and funding activities, increasing overall company value. We have also helped clients distinguish themselves in crowded, highly competitive markets by building their IP around novel and advantageous product features. This allows them to obtain protection and value based on core strengths and market differentiators.

We take pride in helping clients maximize the value of their IP by utilizing our deep experience in IP law and its application in various markets, while helping them avoid sometimes fatal consequences of not complying with draconian rules that are inherent in IP law in general, and particularly in patent law. We strive to help them navigate these issues so, for example, they do not have to explain lost rights to investors that would have been entirely avoidable with prior consultation with experienced patent counsel.

In guiding clients to a strong strategy, our team brings a number of assets to each engagement. We are a longstanding, IP, technology, and litigation specialty firm that possesses a rich interdisciplinary practice covering the full spectrum of IP practices and technical areas.

For example, our attorneys have routinely litigated patents, prosecuted patents, and licensed patents (i.e., handled the gamut of IP matters) over the past 50 years. In terms of technical expertise, our attorneys have undergraduate degrees, advanced degrees, and industry experience in a wide range of technical

areas.

We draw from this robust base of three-dimensional IP knowledge to provide patent strategy and counseling services to our clients. For example, when advising on patent protection or freedom to operate, we know the litigation implications of such activities because we have been on the other side litigating such matters. Also, we know the licensing or acquisition implications of decisions made in building a patent portfolio because we have been involved in deals that have lived or died depending on how a company built its portfolio. This perspective gives us the ability to provide premium services to clients.

Our moderate size is a distinct advantage and value-add for our clients. We offer personalized service, and exceptional responsiveness at a very reasonable rate. We pride ourselves on developing longstanding, close working relationships with clients.

The result, from a client's perspective, is an exceptionally efficient, experienced, and effective group handling the development and implementation of your patent strategy. By operating as a highly-integrated team that brings a wealth of experience, and consequently, judgment, to each client, we both understand the importance of developing a deep understanding of their strategic needs, and have the proven ability to put it into effect.