IP Strategy and Management

- Patents in portfolios

**Proposition:**
- "whole greater than sum of parts"

**Patent paradox:**
- patents obtained per $ ↑ as value of individual patents ↓
- If individual patents are of low value, is there an incentive to invent?

- n.9
Patent Portfolios and scale

- Scale effects
  - Ease subsequent internal innovation
  - Attract related external innovations
  - Avoid litigation (because others are bumped out of the market)
  - Improved bargaining position
  - Enhanced defensive patenting effects
  - Increased holder voice in political economy of patent system
  - Enhance efforts to attract capital

Patent Portfolios and diversity

- Diversity effects (like “any portfolio”)
  - Covered for uncertainty of technology, market movement, competitive response
  - Expanded R&D in related pathways (to the extent undertaking the R&D needs some possibility of exclusivity in IP rights)
  - Coverage in long-term uncertainty as to patent law
Patent Portfolios

- What does it mean for a portfolio to be well-crafted?

- Wagner & Parchomovsky
  - “more complex, costly and distributionally significant patent system”

- In Fisher framework
  - Where do portfolios fit into the analysis

Licensing Acquired Patents

- Risch
  - “trend of acquiring patents to license those already practicing the [invention]”
  - “concerns about the social benefits of the business model”

- Four stages of patent licensing
- Benefits of acquired patent licensing
  - Signaling
  - Freedom to operate
  - Competitive licensing
  - Changed licensing practices (to earlier licensing)

- In Fisher framework
  - Where does this fit into the analysis?