

Accelerating Intellectual Property

**West Virginia Business
Accelerator Bootcamp**

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Blanchette Rockefeller Neurosciences Institute

Introduction to KramerAmado

- Over 20 years of Intellectual Property experience
- Scientists and engineers
- Industry and USPTO experience
- Client focus

What is Intellectual Property?

- Intangible Assets
- Very valuable – think Google, Apple, Pharmaceuticals
- Hard to Protect
- Inventions, brands, know-how, software, formulas, customer lists, handbooks, institutional knowledge, etc.

Patents and Trademarks

- Patents protect inventions
- Trademarks protect brands
- Exclusive rights to owners
- No right to use
- Other types of protectable IP

Patents:

- Inventions:
 - Composition of Matter, Process, Method of use
- Exclusive rights
- Product differentiator
- Symbol of innovation
- Marketable instruments

Value of patents for startups

- 51% increase in sales growth*
- 153% increase in probability of IPO*
- 84% increase in acquisition likelihood*
- Freedom to disclose

**The Bright Side of Patents: USPTO/Office of the Chief Economist (2015)*

US Patent Basics

- First-to-file system
- Patentability search
- Provisional
- Utility
- Patent pending
- Patent grant
- Ownership
- Going global

USPTO for Startups

- Reduced fees
 - 1/2 fees for small business
 - 1/4 fees for micro entity (individuals making less than ~ \$150,000/yr.
- Track One
- Inventor Resources
 - <https://www.uspto.gov/learning-and-resources/inventors-entrepreneurs-resources>
- Inventors Eye newsletter

Case Study 1:

The Secret Sauce

- Invention: Herbal Extract (product and process) with significant efficacy gains
- Value: Key ingredient in \$100 M/year product
- Differentiator: Patent increases barriers to copying, allows for premium pricing

Case Study 2: Instant Credibility

- Client: Start-up needs patent fast to obtain financing
- Timing: 2-5 years to obtain patent normally. Using USPTO Track One, filed in June and allowed in November
- Reduced Fees: Large, Small and Micro-Entity
- Value: Patent used to obtain financing

Case Study 3:

Ownership

- Strategy: Obtain global patent portfolio
- Roadblock: Contractor files application on same invention
- Protection: NDAs, CDAs, assignments
- Value: Global patent portfolio obtained, sold to large pharmaceutical company

What is a trademark?

- Types of trademarks: words, logos
- Purpose
 - For registrants
 - For consumers
- Branding
 - TM symbol
 - ® symbol

Getting a trademark

- Pre-filing search
 - Can you use the mark?
 - Can you register the mark?
- Reduced fees
- Use and strategic timing

Contact

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