

COMMERCIAL STRATEGY



NANOTECHNOLOGY KNOW-HOW LICENSING CAMPAIGN

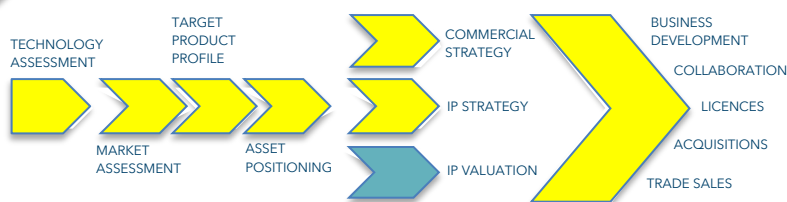
Know-how (K-H) is often considered to be a difficult asset class both to characterise and to license. Our client’s IP was mostly in the form of know-how. They had licensed-in patent rights in nanotechnology for drug delivery but had no patents of their own. They were using the nanotechnology in formulations to render bitter-tasting drugs more palatable and thereby improve patient compliance. They were in commercial negotiations with a major pharmaceutical company that was seeking rights for use with **all** drugs whose taste could be improved by being delivered *via* the nanotechnology constructs. At that time this would have applied to about 350 drugs. It was clear that the potential licensee would not develop 350 new nanotechnology products, so how could or client secure a deal and still maintain value in their own company?

First, we itemised and recorded all the client’s know-how, classifying it into three categories so that in future they could conduct exploratory discussions with a range of potential partners. Green denoted non-confidential K-H; amber, generally confidential; and red, specific K-H only to be divulged under the terms of a commercial deal or option. Second, we defined all the fields of use for the know-how; this would be the foundation for their licensing strategy. Third, we identified all the improvements the client had made over and above the technology disclosed in the patents under which they held their licences. Two new high-value patent positions came out of our know-how assessment.

The client was immediately able to broaden its business development campaign from one suitor to seven companies, each interested in different fields of use of the know-how.



The workplan:



**CASE STUDY NOTES**

Licensing know-how requires a sound understanding of how to deploy such rights commercially. Standard Operating Procedures (SOPs) are a rich source of know-how. Re-visit and update them regularly.

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