

COMMERCIAL IP STRATEGY

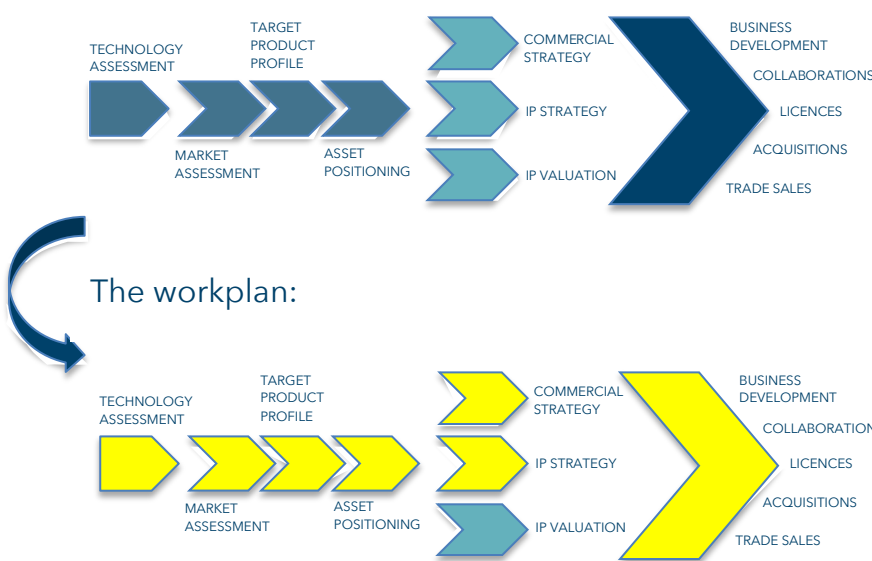


ADDING DEPTH AND LONGEVITY TO AN INTELLECTUAL PROPERTY PORTFOLIO

Our client has a well-established patent portfolio with broad claims covering the development of improved drugs for cancer and immune disease treatment. We were asked to examine the IP portfolio and identify any gaps and opportunities for development as the company was moving into a more overtly commercial phase of its operations.

We were able to identify where new claims could be written and added to pending patent applications, strengthening them. In a further stage of the same assessment we outlined a more strategic approach to the client’s patenting. The aim was to create several patent claims, dispersed over a number of patent families, which would be capable of protecting the most valuable assets. By deploying the claims in different patents we could add depth to the IP position.

Finally, we worked with our client to develop means of adding longevity to their patent position through anticipating future developments in drug design. This approach would read onto existing patent applications and would be extended to creating patent positions and claims in advance of ongoing scientific and clinical developments. This not only ensures long patent life overall but that the strategy keeps the IP aligned firmly with the commercial goals of the company. Once patents drift away from commercial strategy they lose their commercial value, at least in the intended setting. In this case, over 450 additional potential claims were identified that could be filed within about 15 patent families. In addition, 3 new patent positions were identified that would anticipate clinical development events.



CASE STUDY NOTES

Some drugs are protected by over 100 patents. This follows from a strategy of extending IP life where possible, and adding depth (i.e. the number of parallel patents) to dissuade challenges from competitors.

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