

IP VALUATION



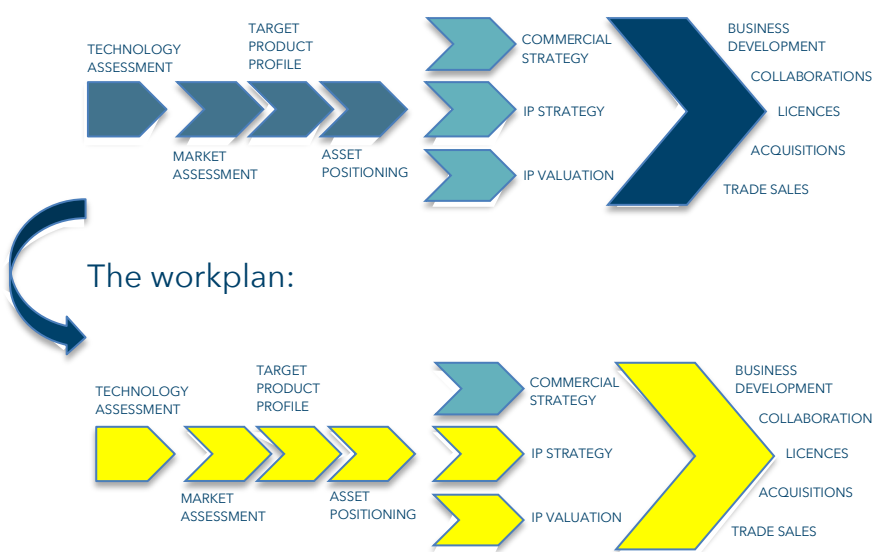
DISPUTE RESOLUTION - FREEDOM TO OPERATE LICENSING

Many biotechnology products are generated using multiple technological processes. This is especially true of plant-based transgenic products. Consequently, many IP rights may be required by the developer to ensure commercial freedom to operate.

We were recommended to our client by a major international law firm that was handling their dispute. The client, a US biotech company, alleged that their IP rights were being infringed by a UK organisation that was in field trials with plants genetically transformed to produce high-value oils. The products would have applications in a multi-billion dollar segment of the global food market. The parties had been in dispute for quite some time over the value of the freedom to operate licence to be granted to the alleged infringer by the IP owner.

Our role was: first, to provide an independent valuation appropriate to the situation; and second, to advise on structuring the settlement deal. There were some subtle aspects of patent law to be addressed in coming up with a credible valuation as there were deficiencies in parts of our client’s patent estate. The valuation was further hampered by the fact that there were no precedents for the commercial exploitation of the plant oil involved so there were no published commercial data.

We are accustomed to carrying out IP valuations on early-stage products, often in circumstances where the patents are still pending. This expertise was used to arrive at a valuation and deal structure to the satisfaction of our client and the dispute was finally settled.



CASE STUDY NOTES

Disputes can be emotional, with the parties in danger of becoming intransigent. The solution here required independent expertise, able to provide a sophisticated but logical IP valuation outcome that made sense to both parties.

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