



IP PRAGMATICS

Patent Landscape and Freedom to Operate Analysis

Background & Objectives:

A Norwegian SME biotechnology company asked IP Pragmatics to undertake an analysis of the patent landscape surrounding their technology field in order to identify potential freedom to operate constraints. The company wished to use this information to inform itself of potential third party patents which it would need to licence in order to bring its own technology platform to market in the US and Europe; and in doing so to also identify potential downstream business partners.

Approach:

IP Pragmatics used a range of proprietary and subscription patent databases and landscape analytical tools to perform a qualitative evaluation of the patents that define the client's technology field. This allowed the company to understand and visualise through patent landscape maps and other analytical tools key attributes relating to their technology/business sector. In particular this analysis identified more than 25 key granted and pending patents, which related most closely to the company's own patented technology and components thereof.

Further analysis of the claims within the related third party patents and pending applications identified those patents which the company will require a licence under in order to bring its own products to market in key geographic territories, as well as a number of patents for which other strategies (such as using alternative genetic components) could be used to work around the potential freedom to operate constraints.

Result:

The client was provided with a report that detailed the overall patent landscape surrounding the company's proprietary technology platform. The report identified a number of third party patents, which could be problematic in respect of freedom to operate in different geographic territories and in consultation with the client these patents were analysed in further detail.

The outcome from this further analysis has been the identification of a clear in-licensing and/or partnering strategy, which the company can adopt in order to ensure it can bring products to market using its core technology platform.

The company has since retained the services of IP Pragmatics to assist with its ongoing business development activities and to help secure the necessary in-licensing or other partnerships in order to bring its products to market in the future.