

EMPLOYING ANALYTICS TO DRIVE RESULTS

June 25, 2019



TOPICS:

- Overview
- Core IP Analytics Groupings
 - Patent preparation/maintenance- Rachel Smith
 - Portfolio Strategies- Tiffany Fidler
 - Enforcement/Monetization strategies- Sangeeta Gandhi Shah
- Q&A

PATENT PREPARATION AND MANAGEMENT

RACHEL SMITH

ANALYTICS-BACKED PROSECUTION

- Examiner Metrics may be used to guide prosecution decisions
 - Appeal v. RCE
 - Interviews
 - Appeal Forwarding Fee

ANALYTICS-BACKED PROSECUTION

Examiner Report

AYRES, TIMOTHY MICHAEL

JURISTAT

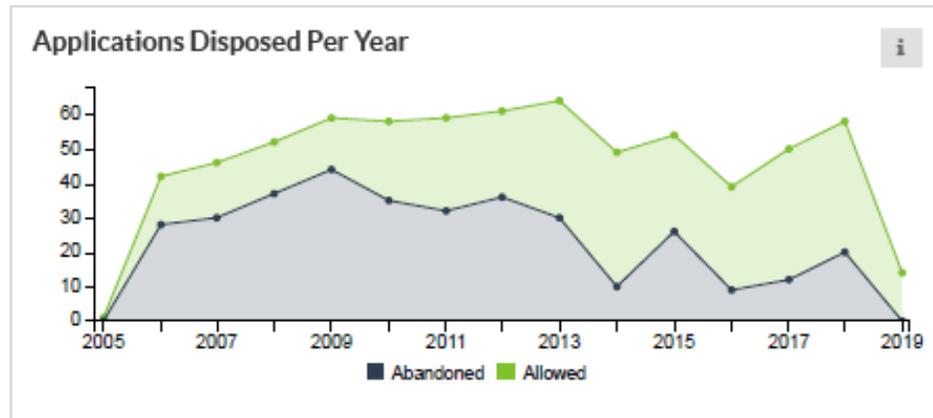
Filters ▾ Filing Date Disposition Date Art Unit Class Assignee Firm Other

Start Year: End Year:

Examiner Details i

777
Filed Applications

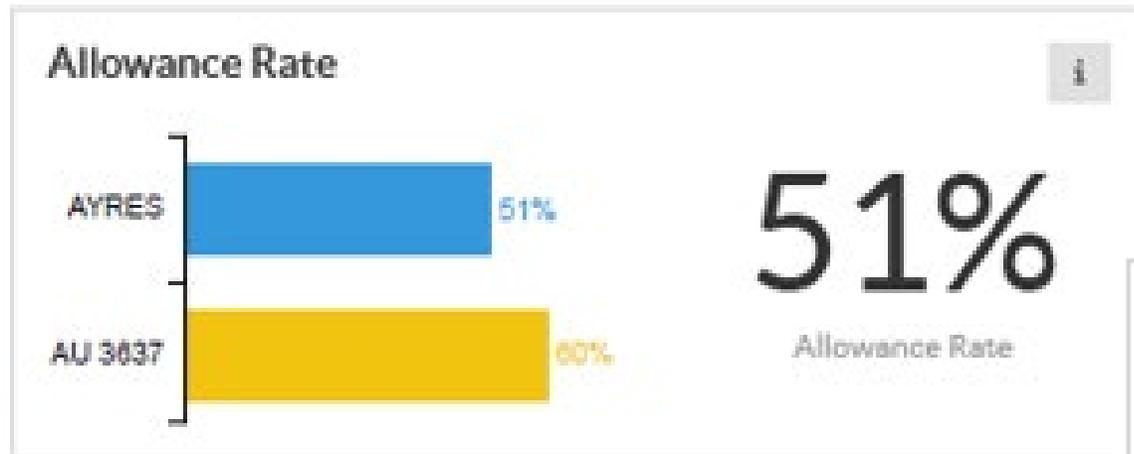
Name AYRES, TIMOTHY MICHAEL
Title Examiner
Phone 571-272-8299
Last Activity Apr 2, 2019
Art Units 3637, 2661
Current SPE TROY, DANIEL J
Experience Over 10 years



Average Number Of Months Between Key Events i

| | | | | |
|--|--------------------------------------|--|--|--|
| 20.6 Filing to First Office Action | 35.6 Filing to Disposition | 1.4 RCE to Office Action, NOA or ABN | 33.9 Notice of Appeal to PTAB Decision | 6.7 Notice of Appeal to Non-PTAB Disposition |
|--|--------------------------------------|--|--|--|

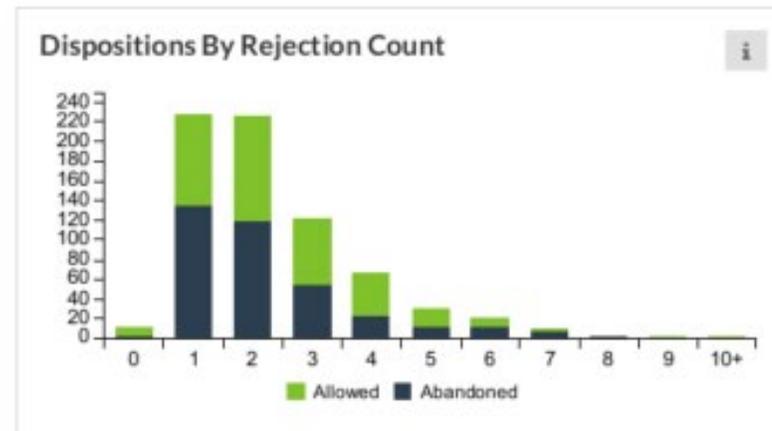
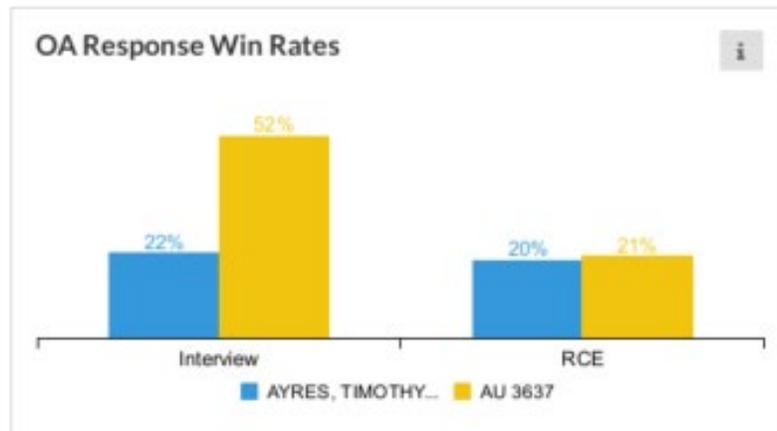
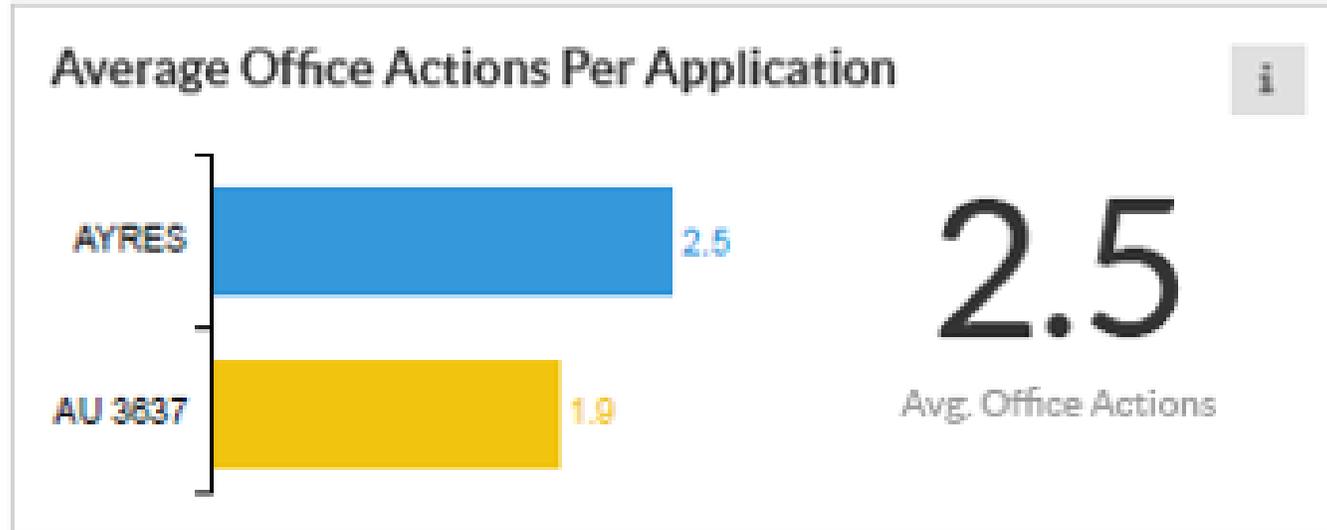
ANALYTICS-BACKED PROSECUTION



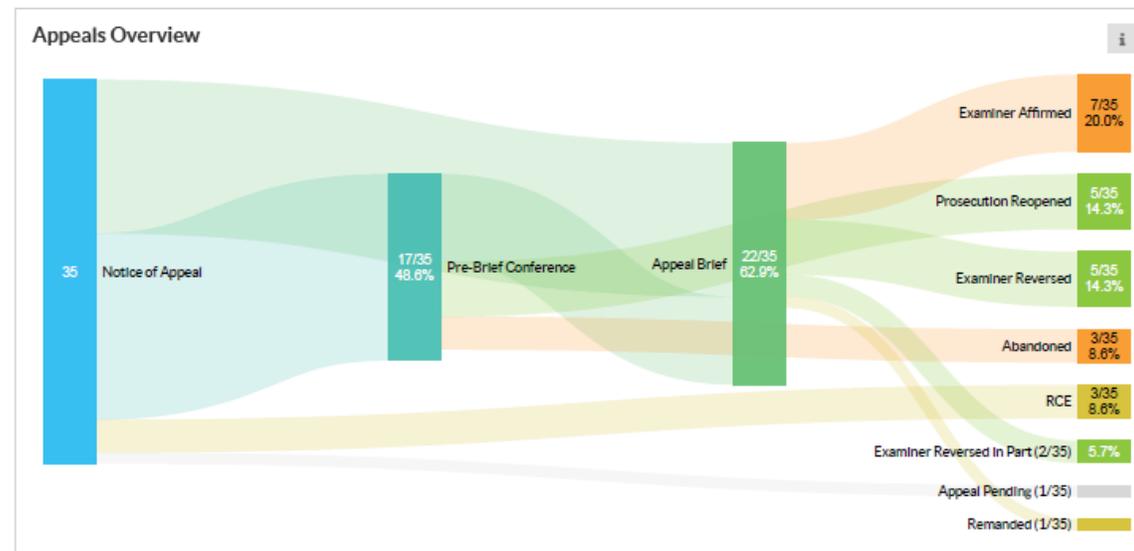
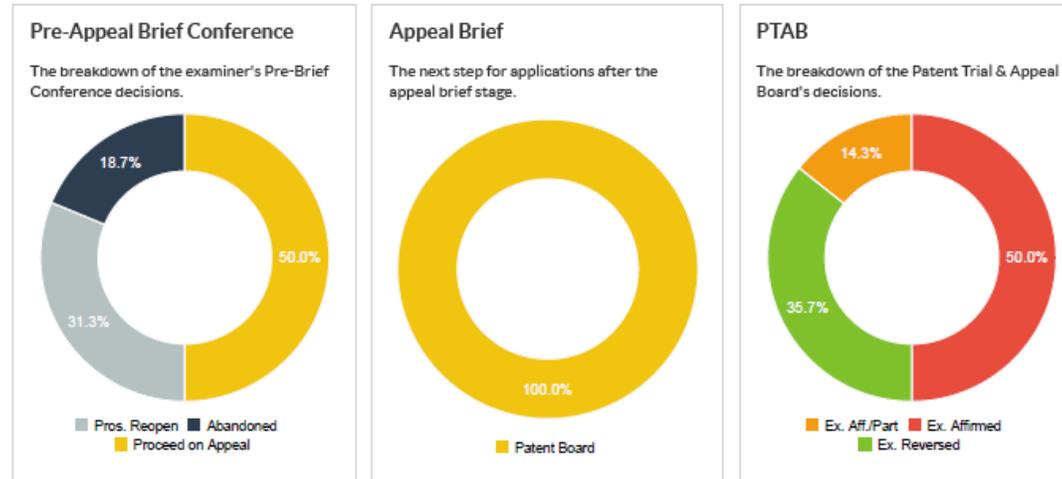
Effect Of Interview On Allowance Rate i

| | Examiner | Art Unit |
|----------------------------------|----------|----------|
| Allowance Rate Overall | 51% | 60% |
| Allowance Rate with Interview | 69% | 77% |
| Allowance Rate without Interview | 48% | 54% |

ANALYTICS-BACKED PROSECUTION



ANALYTICS-BACKED PROSECUTION



ANALYTICS-BACKED PROSECUTION

CAUTION CAUTION CAUTION



FIRM AND CLIENT ANALYTICS

- Analytics may be used to
 - Compare outside service providers
 - Allowance rates
 - Average actions to disposition
 - Claim change from issuance to allowance

ASSIGNEE STUDY

| Firm | Applications | Allowance Rate | Months to Disposition | Office Actions | Ind. Claim Change | Dep. Claim Change |
|----------|--------------|----------------|-----------------------|----------------|-------------------|-------------------|
| Our Firm | 260 | 94% | 21.3 | 1.7 | 0.1 | -2.1 |
| Firm A | 172 | 92% | 27.9 | 2.3 | 0 | -0.6 |
| Firm B | 117 | 77% | 24.6 | 1.8 | 0 | -1.1 |
| Firm C | 73 | 82% | 26.1 | 2.1 | 0 | -0.5 |
| Firm D | 73 | 94% | 24.4 | 1.5 | 0.1 | -1.5 |

ASSIGNEE STUDY

| Firm | Applications | Allowance Rate | Months to Disposition | Cost per Claim | % Claim Change | |
|----------|--------------|----------------|-----------------------|----------------|----------------|------|
| Our Firm | 260 | | | 0.1 | -2.1 | |
| Firm A | | | | 2.3 | 0 | -0.6 |
| Firm B | | | 24.6 | 1.8 | 0 | -1.1 |
| Firm C | | 82% | 26.1 | 2.1 | 0 | -0.5 |
| Firm D | 73 | 94% | 24.4 | 1.5 | 0.1 | -1.5 |

CAUTION CAUTION CAUTION

ASSIGNEE STUDY

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FIRM AND CLIENT ANALYTICS

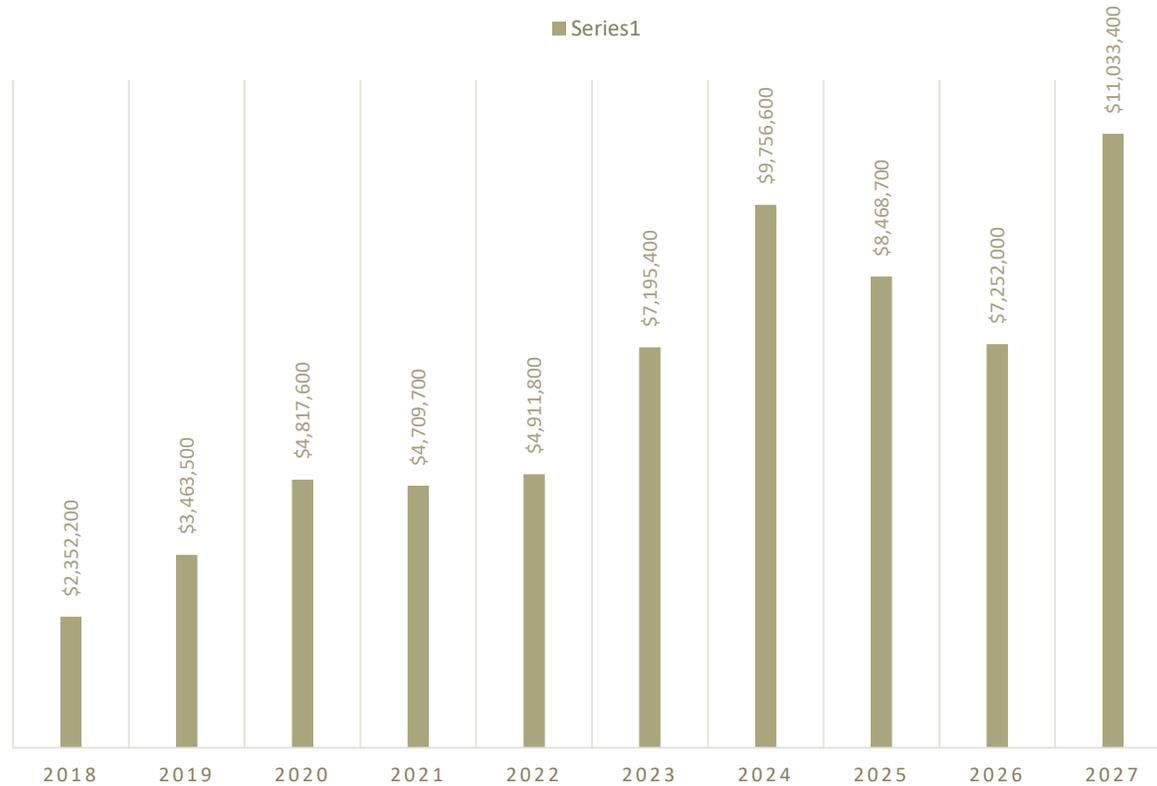
- Extenuating circumstances may lead to varying statistics across clients and firms
 - Amount of foreign prosecution corresponding to the US case
 - Country of origin
 - Technologies that differ across firms

USING ANALYTICS TO REVIEW MAINTENANCE FEES

- Analytics may be used to
 - Review competitor trends
 - Identify abandonment rates by technology class
 - Review your portfolio to identify higher value patents
 - Number of citations

USING ANALYTICS TO REVIEW MAINTENANCE FEES

COMPANY A 10 YEAR MAINTENANCE DATA



PORTFOLIO MANAGEMENT

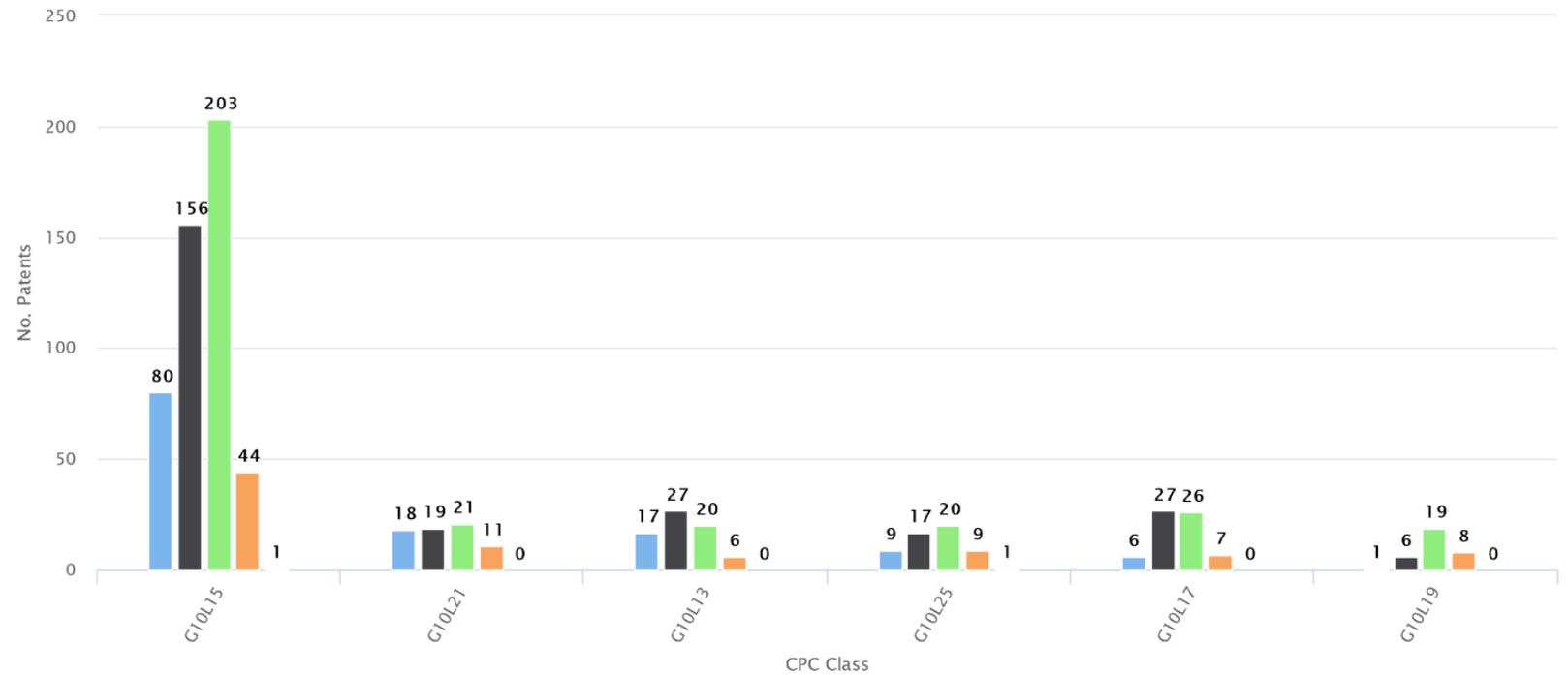
TIFFANY FIDLER

BENCHMARKING, LANDSCAPING, AND ANALYSIS

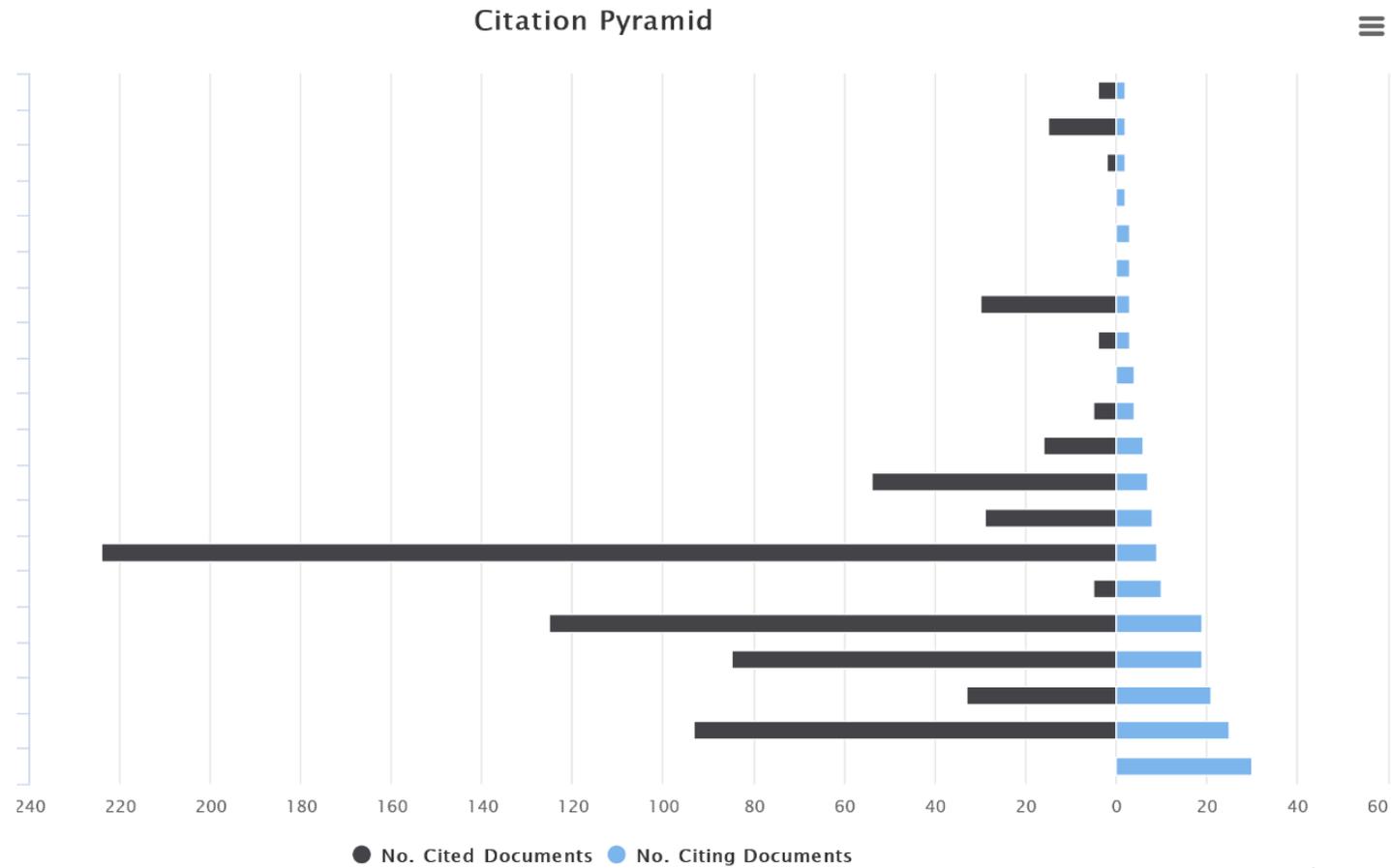
Own Portfolio

Known Competitor
Benchmarking

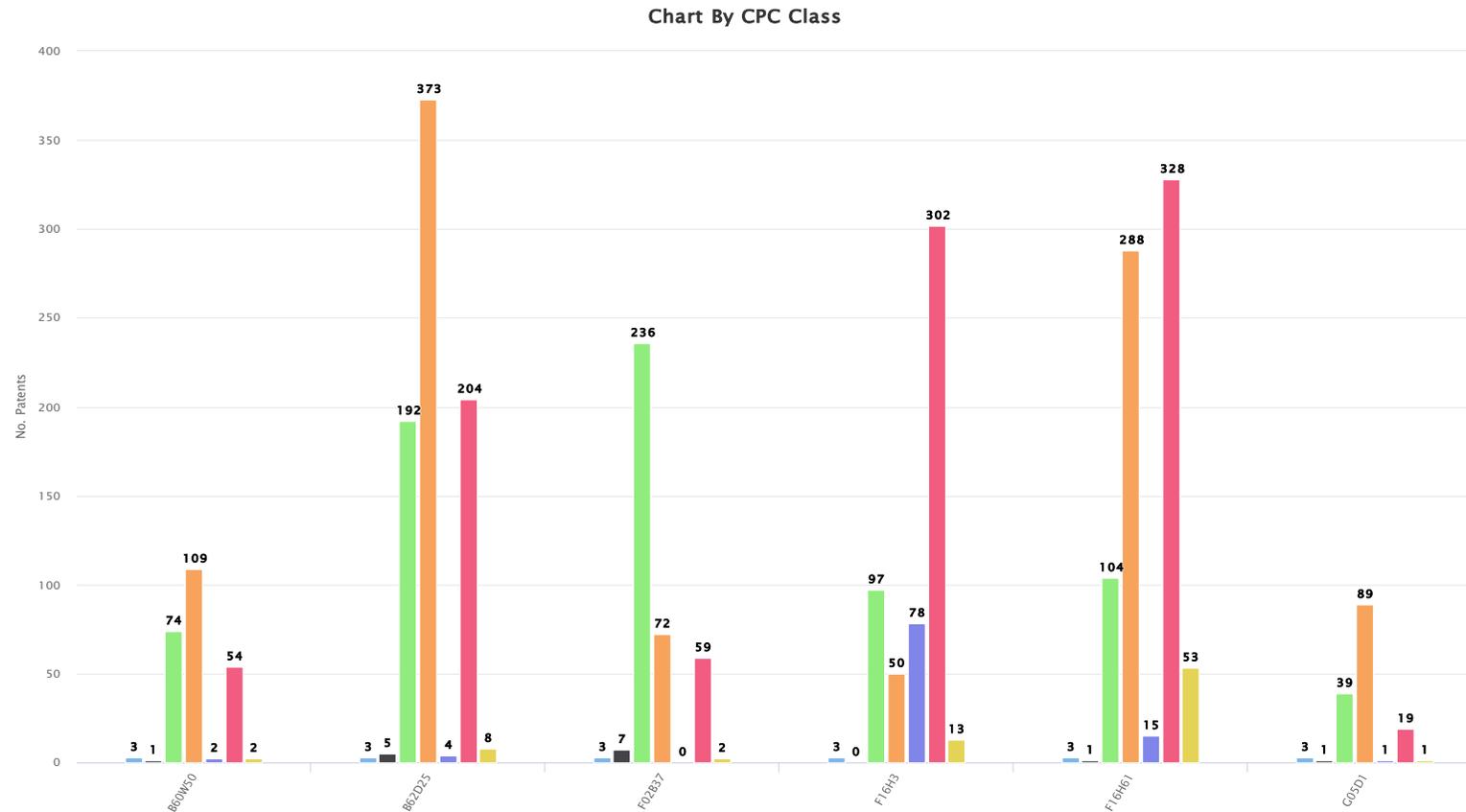
New Competitor
Identification



CITATION PYRAMID



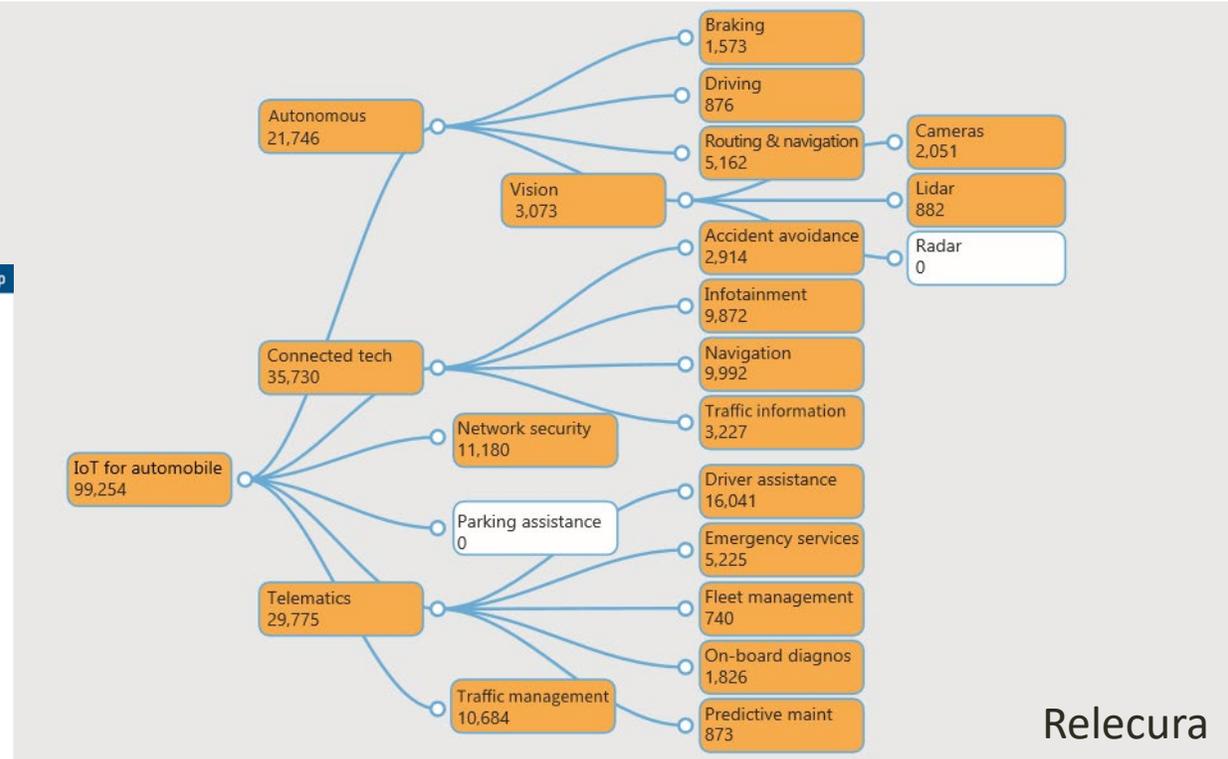
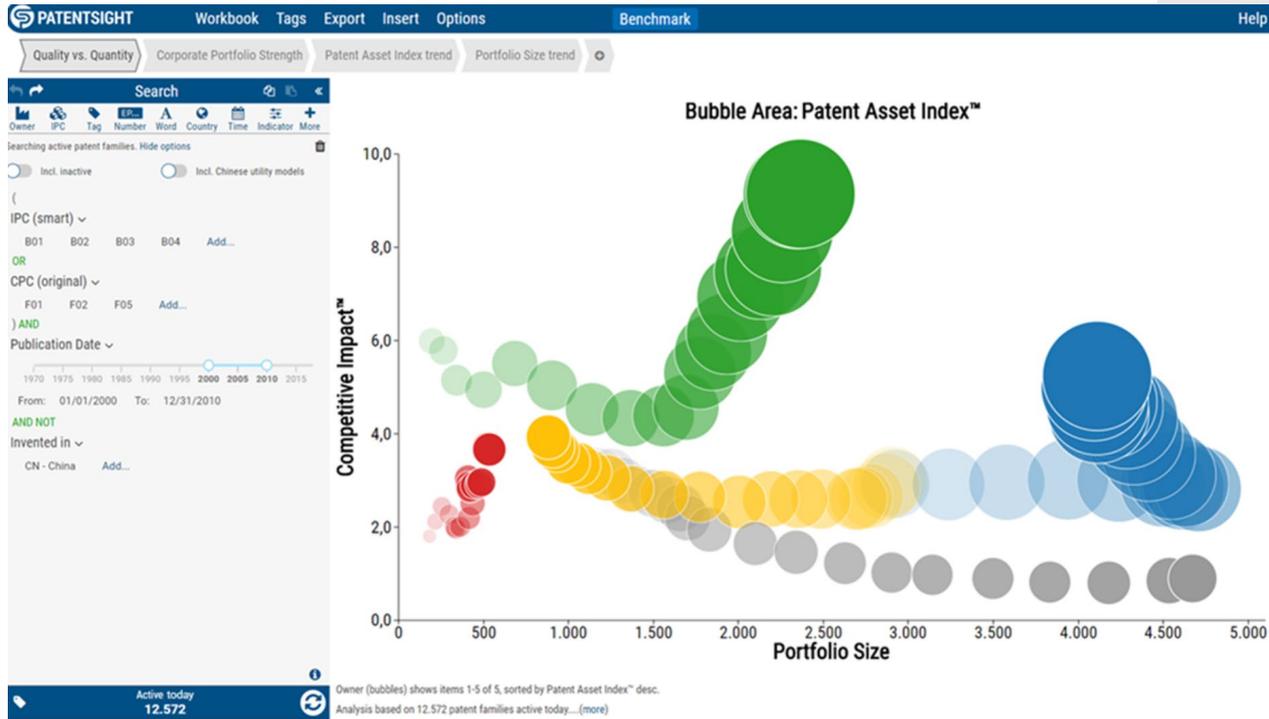
TREND IDENTIFICATION AND MANAGEMENT



Grants vs abandonments by technical area

Source: www.AcclaimIP.com

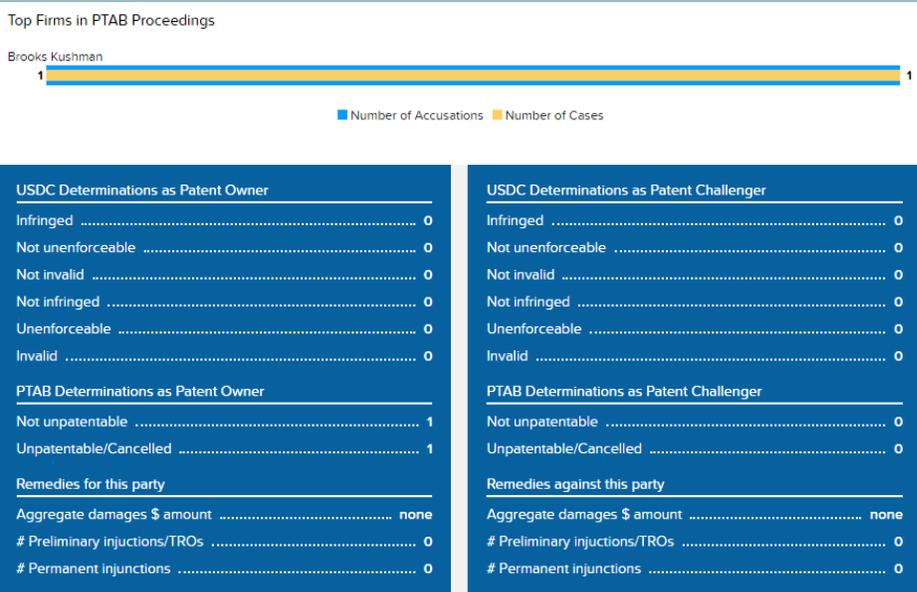
VISUAL MAPPING



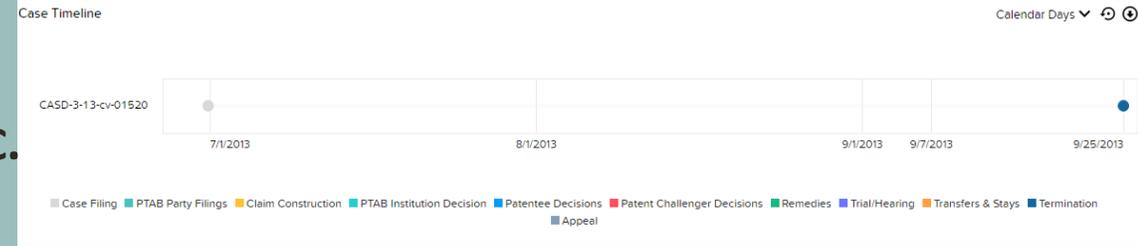
ENFORCEMENT/ MONETIZATION STRATEGIES

SANGEETA GANDHI SHAH

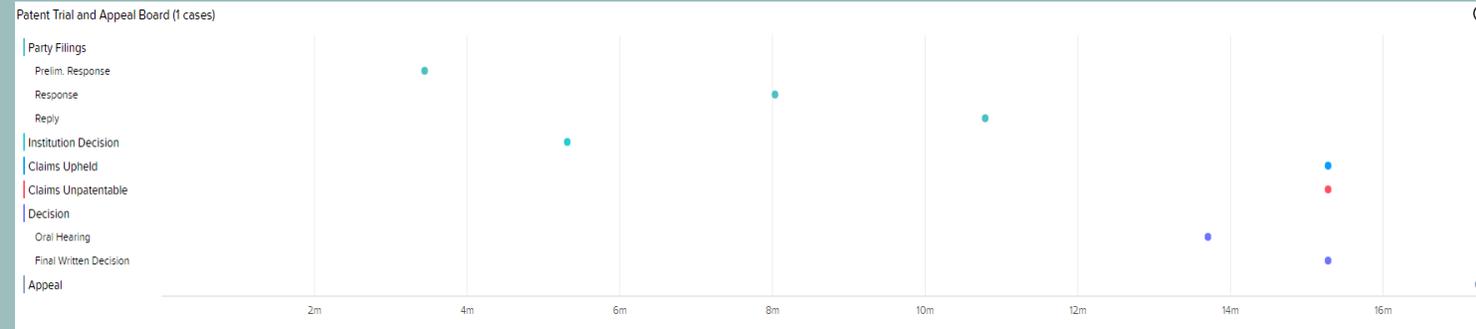
Background/Pendency



Ameranth, Inc. v. Domino's Pizza LLC.



GKN Automotive LTD. v. JTEKT Corporation

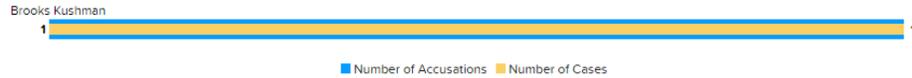


Ford Global Technologies, LLC v. New World International Inc et al TXND-3-17-cv-03201



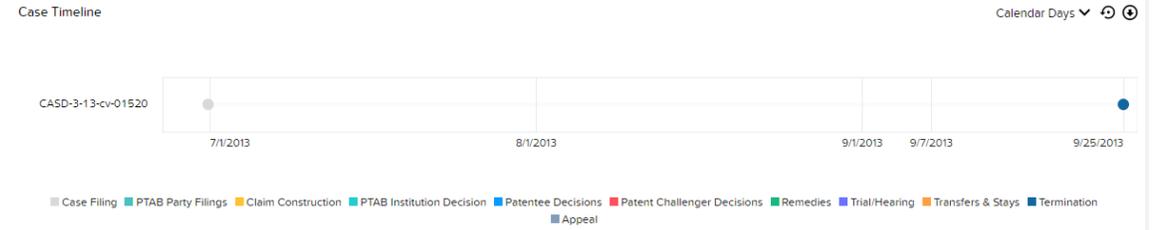
BACKGROUND/PENDENCY

Top Firms in PTAB Proceedings

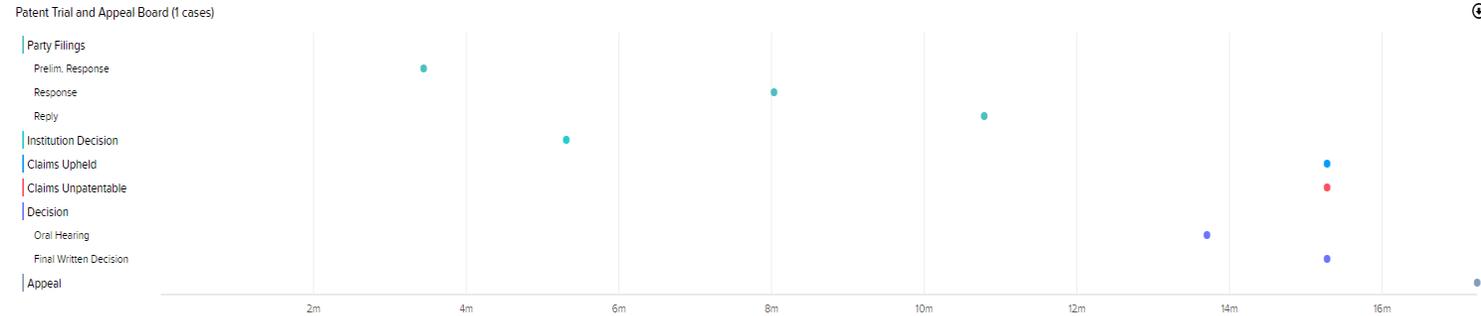


| USDC Determinations as Patent Owner | | USDC Determinations as Patent Challenger | |
|-------------------------------------|------|--|------|
| Infringed | 0 | Infringed | 0 |
| Not unenforceable | 0 | Not unenforceable | 0 |
| Not invalid | 0 | Not invalid | 0 |
| Not infringed | 0 | Not infringed | 0 |
| Unenforceable | 0 | Unenforceable | 0 |
| Invalid | 0 | Invalid | 0 |
| PTAB Determinations as Patent Owner | | PTAB Determinations as Patent Challenger | |
| Not unpatentable | 1 | Not unpatentable | 0 |
| Unpatentable/Cancelled | 1 | Unpatentable/Cancelled | 0 |
| Remedies for this party | | Remedies against this party | |
| Aggregate damages \$ amount | none | Aggregate damages \$ amount | none |
| # Preliminary injunctions/TROs | 0 | # Preliminary injunctions/TROs | 0 |
| # Permanent injunctions | 0 | # Permanent injunctions | 0 |

Ameranth, Inc. v. Domino's Pizza LLC.



GKN Automotive LTD. v. JTEKT Corporation



MOTION OUTCOME/RULINGS

Lexis Advance Research

campaign finance

Search Everything

Client: None

History

Help

More

Select Category: Cases 3,300

Results for: campaign finance

37: Citizens United v. FEC | Supreme Court of the United States | 2010-01-21 | 558 U.S. 310

Buckley v. Valeo
 Supreme Court of the United States | Jan 30, 1976 | 424 U.S. 1

Overview: The Federal Election Campaign Act of 1971's expenditure ceilings violated the First Amendment because they imposed a more severe burden on freedom of political expression and association than did the Act's limitations on financial contributions.

... ELECTIONS §1 Presidential election **campaigns** -- public **financing** -- federal statute -- Headnote: [43] The dollar ...

... Amendment liberties, and (2) the statutory system for public **financing** of Presidential **campaigns** was an impermissible intrusion by the government into the traditionally ...

... return) be paid over to a fund for the public **financing** of Presidential election **campaigns** ... is not unconstitutional for failing to permit taxpayers to designate ...

... to treat all declared Presidential candidates the same for public **financing** purposes; nor does the Constitution require the establishment of **financing** the office of ...

Context Judge

Enter the name of a judge

Client: None

History

Help

More

Richard Seeborg
 California Northern District Court - (2010 - Present)

Overview Analysis Related Material

Creates Report

Motion Outcomes Citation Patterns

Filters Class Action

Motion Outcomes from Richard Seeborg's cases

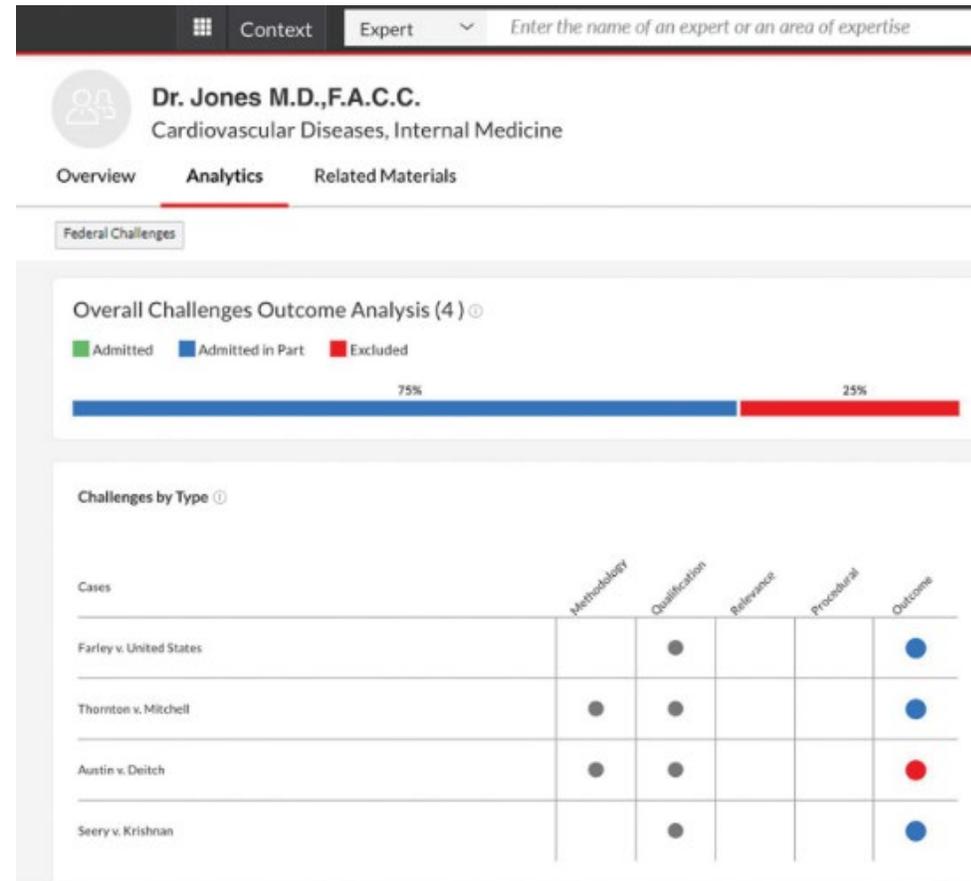
| Motion Name | Granted | Partial | Denied | Total |
|--------------------------------|---------|---------|--------|-------|
| motion for certification | 17% | 8% | 49% | 36 |
| motion-to-dismiss | | | | 28 |
| motion-to-strike | | | | 15 |
| motion for fees | | | | 7 |
| motion for summary judgment | | | | 8 |
| motion for leave | | | | 8 |
| motion for remand | | | | 7 |
| motion-to-compel | | | | 6 |
| motion for clarification | | | | 5 |
| motion for judgment on the ... | | | | 5 |

28 cases where Richard Seeborg ruled on a motion for certification

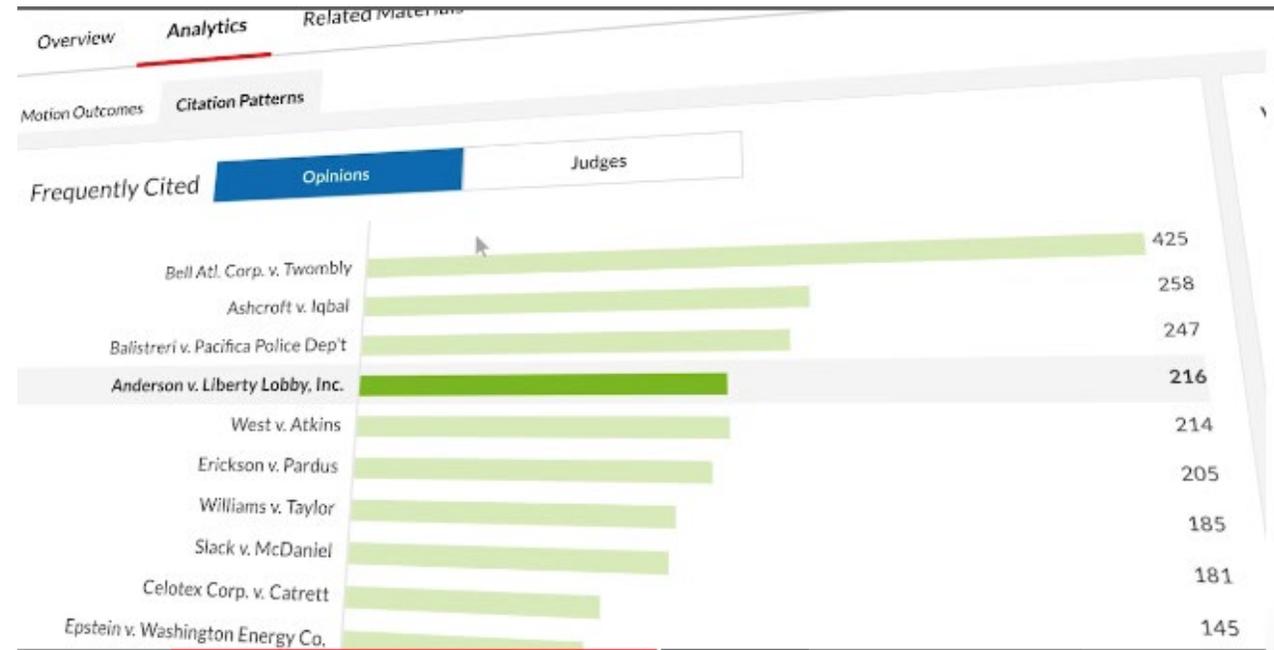
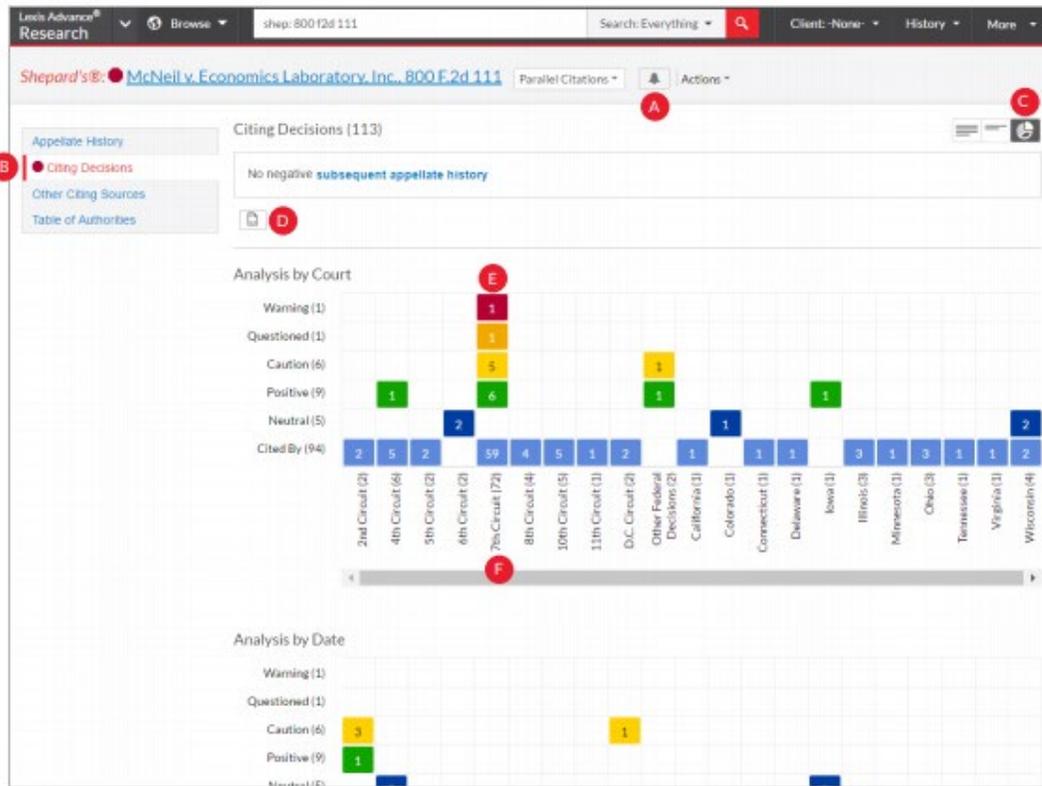
- Strong v. C & H Sugar Co.**
 United States District Court, California Northern | 2018-09-04 | 2018 U.S. Dist. LEXIS 131276
Motion Outcomes: motion for certification - granted under granting plaintiff's unopposed motion for (1) conditional certification (2) preliminary approval certifying class.
- Davis v. Elec. Arts**
 United States District Court, California Northern | 2018-08-27 | 2018 U.S. Dist. LEXIS 173825
Motion Outcomes: motion for certification - denied The second motion for class certification is denied.
- Avendano-Ruiz v. City of Sebastopol**

EXPERT WITNESS

- Create dossier of potential experts
- Super-vetting
- Minimize risk of Daubert challenges

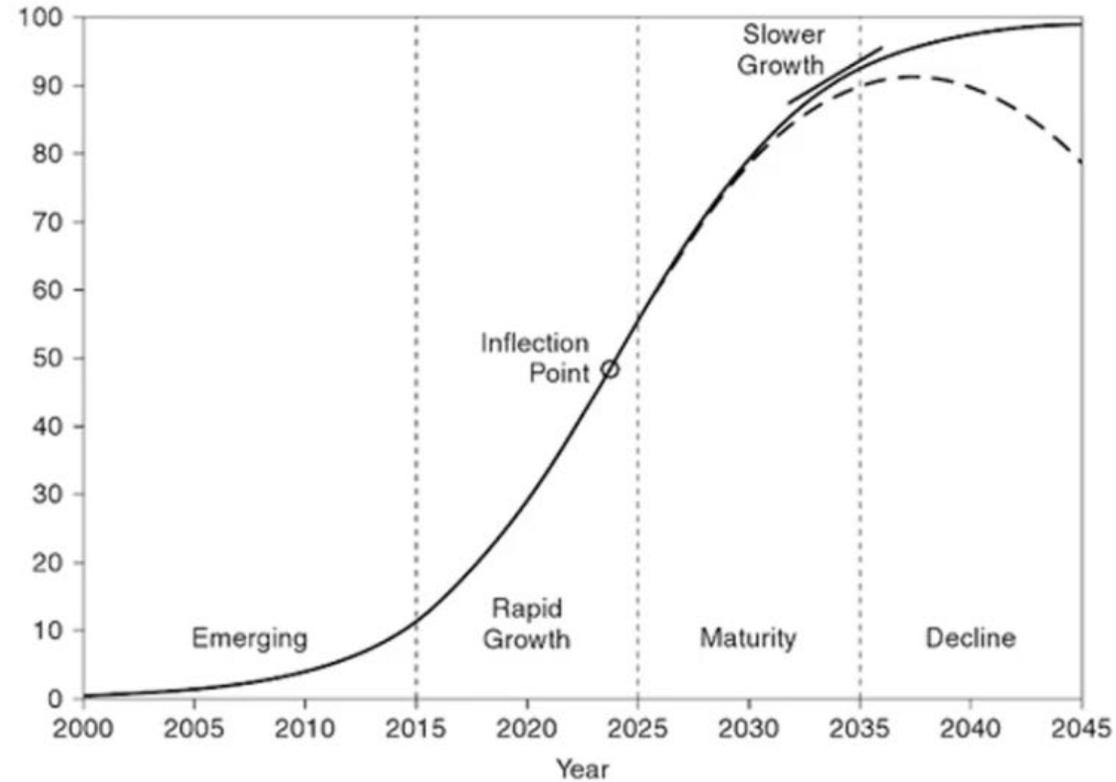


CITATION PATTERNS



EMERGING TECHNOLOGIES

Technological Emergence

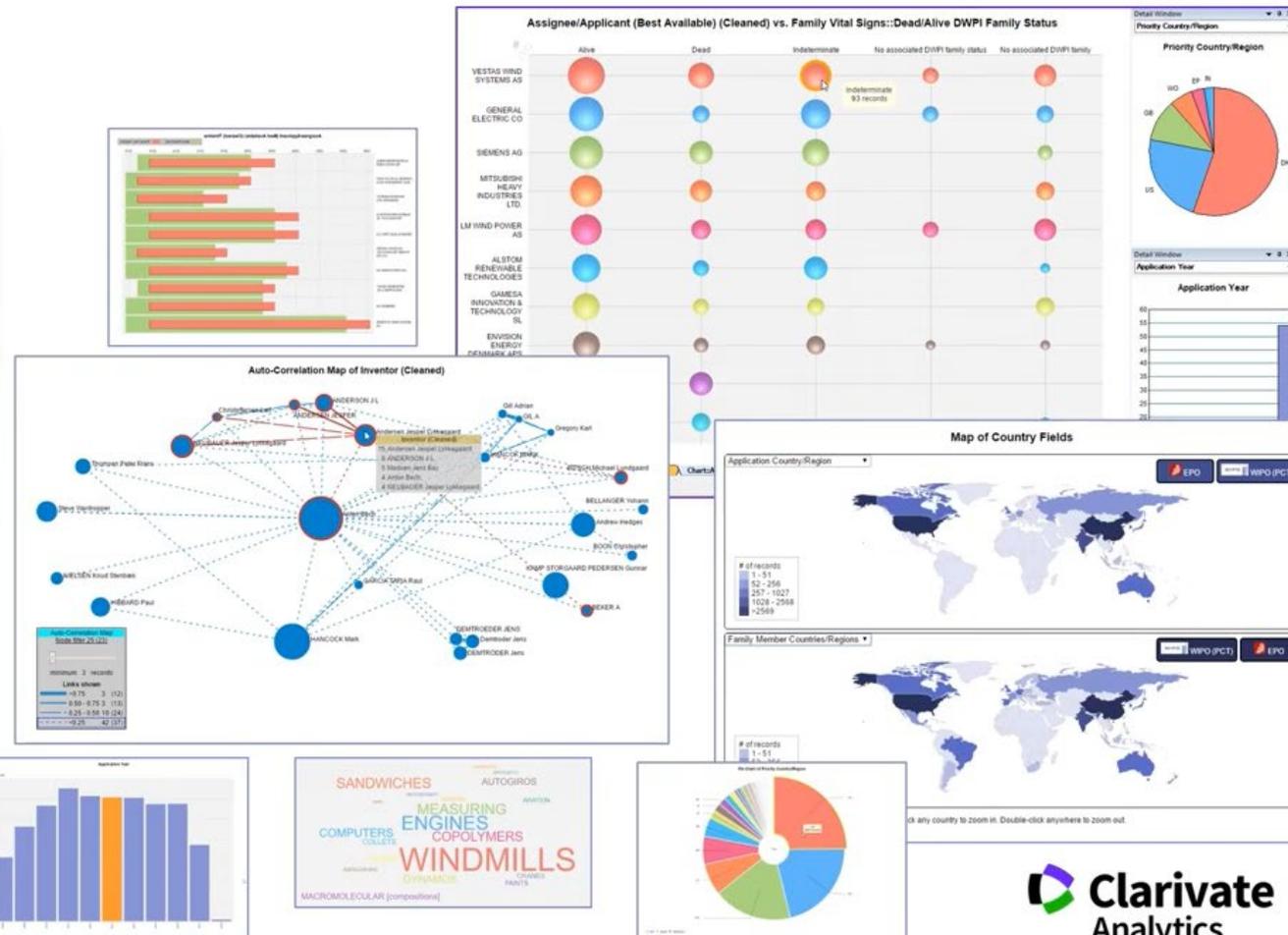


Derwent
Powering IP Innovation

 **Clarivate**
Analytics

PATENT ANALYSIS TOOLS

A New Era in Reporting



Derwent
Powering IP Innovation

Clarivate
Analytics



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Co-Chair Patent Prosecution

