



Intellectual Property Law

Q How can my company obtain value from its unused patent assets?

A In mature technologies, there is a ready market for either selling or licensing patents. For instance, large companies are often seeking to reinforce their patent portfolios for the purpose of adding leverage to their cross-licensing negotiations. Furthermore, patents relating to emerging technologies may be the subject of acquisitions by licensing firms, which often provide contingency royalties to the owner. Your company may also want to carry out its own licensing campaign, but recognize that such a course of action may require litigation to extract royalty payments. A

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patent attorney can analyze a patent portfolio and determine which patents among a collection of promising patents have the highest likelihood of being infringed, thus establishing their marketability. The attorney can further assist the client in creating a list of candidate companies that may have an interest in acquiring patent rights and in developing a strategy to seek payment for those rights. Lastly, the attorney can assist in negotiating the transaction. The key point is for management to realize the potential value of their portfolio and then to act on the potential of those "Rembrandts in the attic."

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