



Intellectual Property Law

Q I Have Filed For Patents On My Key Products. Is That Sufficient?

A Most people look to patents as a way to protect their products, but such defensive patenting is only a partial patent strategy. Of course, businesses need to keep others from misappropriating their products and the inventions on which they are based. More often than not, however, competitors can and do adopt alternative technologies. Savvy users of the patent system understand the value of having an offensive patent portfolio. Simply put, offensive patents are designed to block competitors. In most instances, there is no need to make and test the invention if you can adequately describe it

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in your patent application. You may wish to brainstorm with your IP counsel on the following topics: How might competitors design around your patents? What new products or technologies are they likely to develop? What key methods, features, tools, or building blocks will competitors need in the next several years? Do those competitors have patents that you need to access? By periodically evaluating these issues and filing strategic offensive patents, you can be in a position to block competitors, generate licensing revenues, respond to threats of infringement and cross license to gain access to needed intellectual property.

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