

BRYN AARFLOT

EST. 1947

Creating value through IP™



Bryn Aarflot

– in a nutshell

- 75 years in the IP business
- Recently merged with Protector IP
- 65 highly experienced colleagues
- 20 patent attorneys
- 13 attorneys-at-law
- Extensive industry background
- We offer all IP-services (IP One Stop Shop)



Internationalization and the role of IP ... summarized



Checking
3rd party-IP

Freedom to
operate (FTO)

Freedom to operate (FTO) – an example



- Norwegian product X to be manufactured in China
- No upfront trademark FTO analysis
- Chinese party protected the same mark in China
- Norwegian company needed to pay a high lump sum to be allowed manufacturing in China

A common business model with simple equations

Cost for protecting trademark + prosecuting the case	<	Likely revenues from successful prosecution
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Expenses for a settlement	<	Cost for rebranding / law suit
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FTO in practice ...

1. Define the markets, relevant product/process/use and the business strategy
2. ~~Develop/adapt search strings~~
3. Evaluate the tech environment
4. ~~Extract main prior art (often 10-20 relevant hits)~~
5. Evaluate the documents/hits
6. Business decision (go/no-go, risk mitigation strategies, licenses, oppositions, ...)

FTO examples ... 2 technology areas ... («tech environment»)

Telemedicine, telehealth, telecare



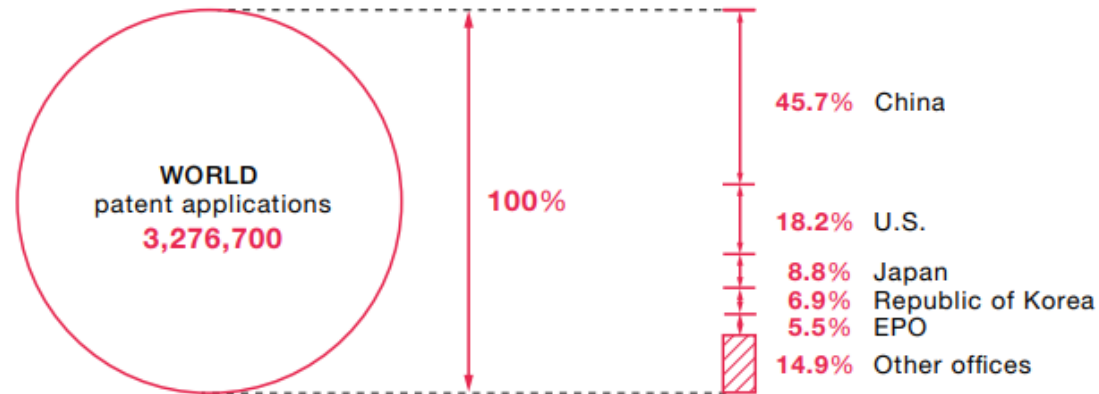
Solar wafers



Where is the competition ...? (example patents)

The top five offices accounted for 85.1% of the world total

4. Percentage shares of total patent applications by the top five offices, 2020



EPO is the European Patent Office.

Source: WIPO Statistics Database, September 2021.

Statistics global patent activity (telemedicine or telecare or telehealth)

- 4th Feb. 1959 to 15th Sep. 2022
- 63 years, 7 months, 11 days
- 62 Jurisdictions
- 1,345 Assignees

Summary Details

[Not Named]

TAC=(telemedicine or telecare or telehealth)

19 September 2022 at 08:22:19 BST

Executed PatBase Search

Patents:	4,629	(85.2%)
Other:	400	(7.4%)
Utilities:	295	(5.4%)
Designs:	109	(2%)

Patent Type Breakdown

1,670

Patent Families

Families in this result set

1,605

Applications with

Grants

Granted applications in this result set

4,180

Applications

Applications in this result set

5,433

Publications

Publications in this result set

55,628

Forward Citations

Total Citations

77,426

Backward Citations

Total Citations

Alive: 57.8 %

Dead: 42.2 %

Statistics global patent activity (sun or solar and wafer)

- 6th Dec. 1921 to 11th Nov. 2022
- 100 years, 11 months, 5 days
- 79 Jurisdictions
- 4,274 Assignees

Summary Details

[Not Named]

16 November 2022 at 05:31:14 GMT

TAC=(((sun or solar) and wafer)) and PRD<=202210

Executed PatBase Search

Patents:	22,675	(80.1%)
Other:	1,592	(5.6%)
Utilities:	3,764	(13.3%)
Designs:	268	(0.9%)

Patent Type Breakdown

10,174

Patent Families

Families in this result set

11,136

Applications with

Grants

Granted applications in this
result set

20,938

Applications *

Applications in this result set

28,299

Publications

Publications in this result set

145,169

Forward Citations

Total Citations

173,469

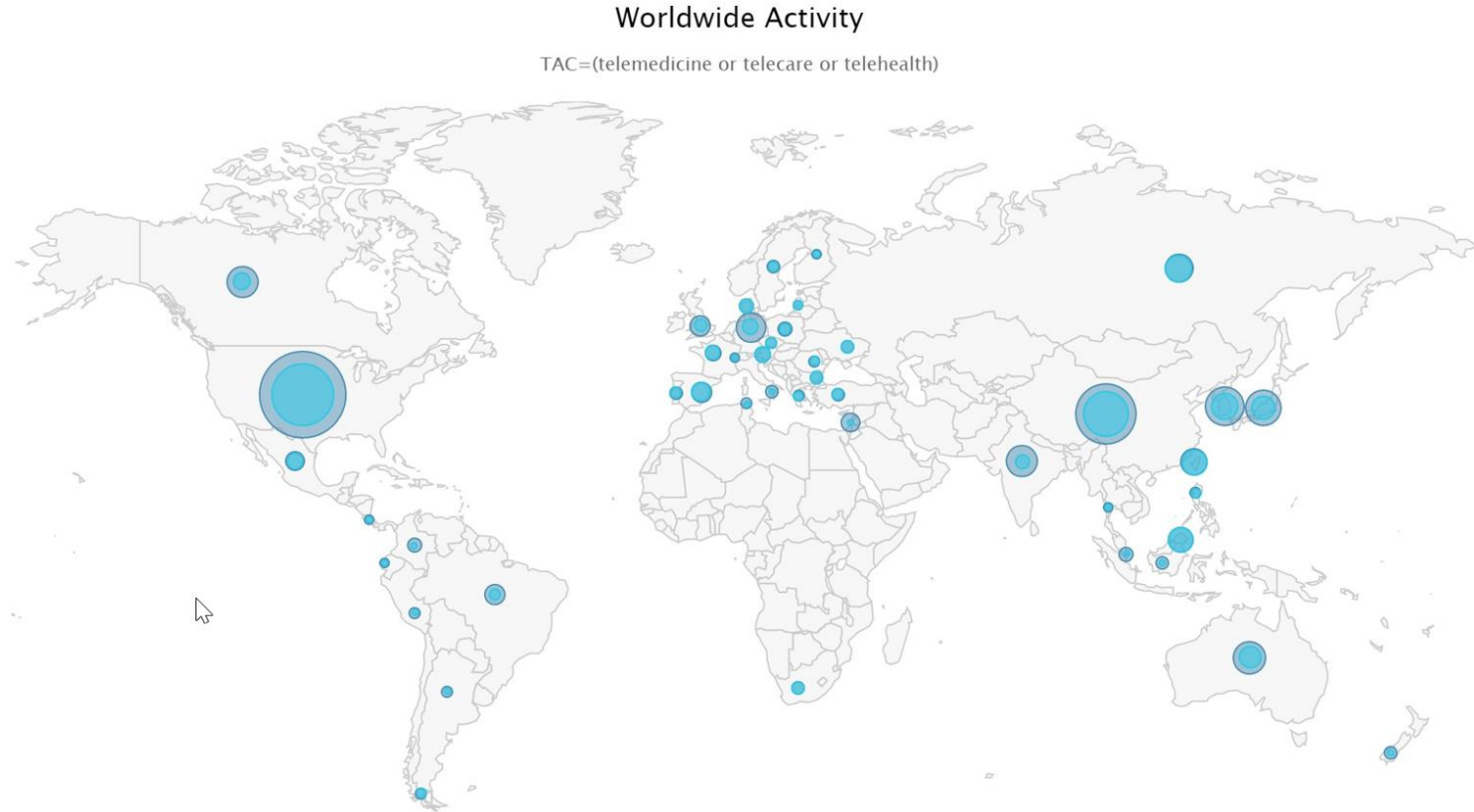
Backward Citations

Total Citations

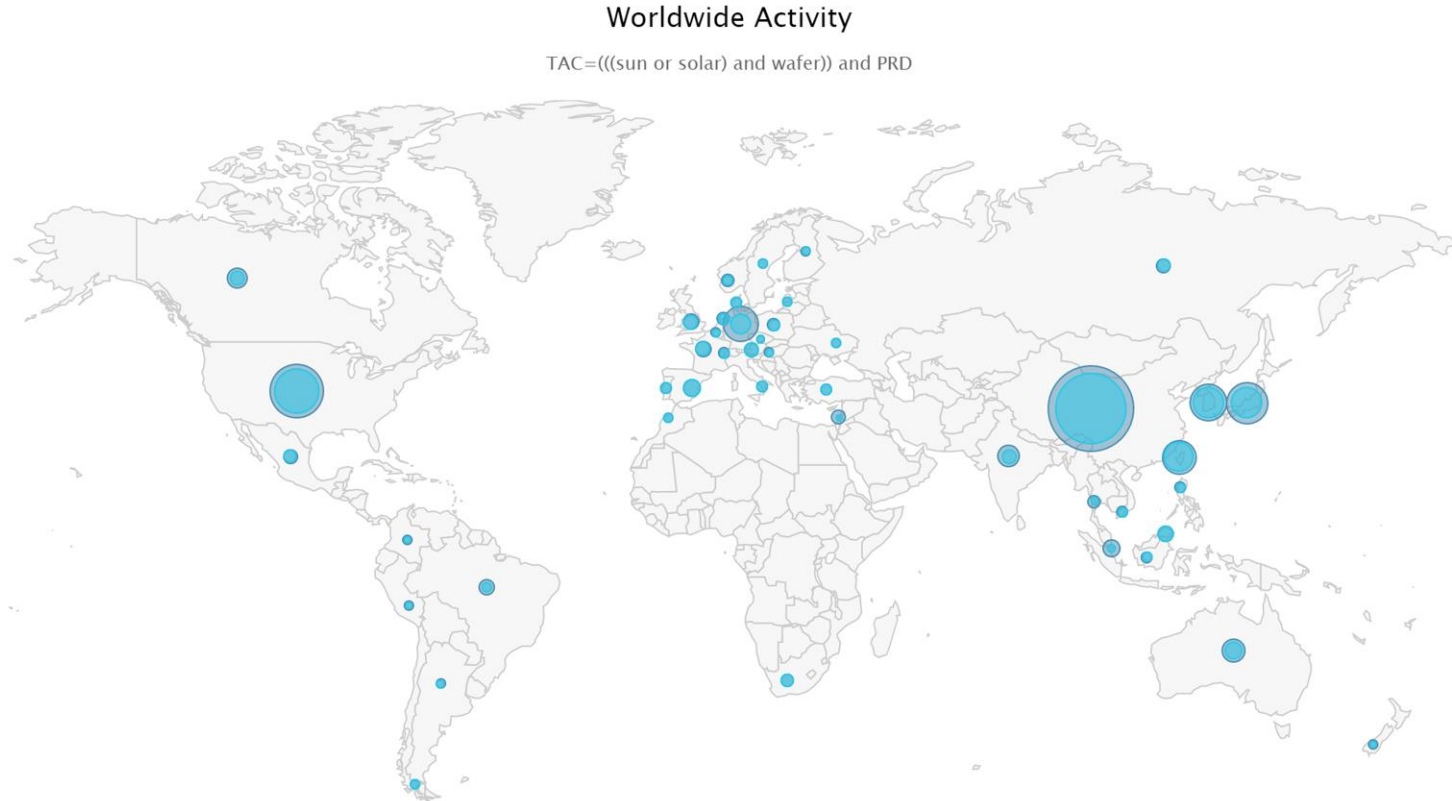
Alive: 48.1 %

Dead: 51.9 %

Statistics worldwide patent activity (telemedicine or telecare or telehealth)



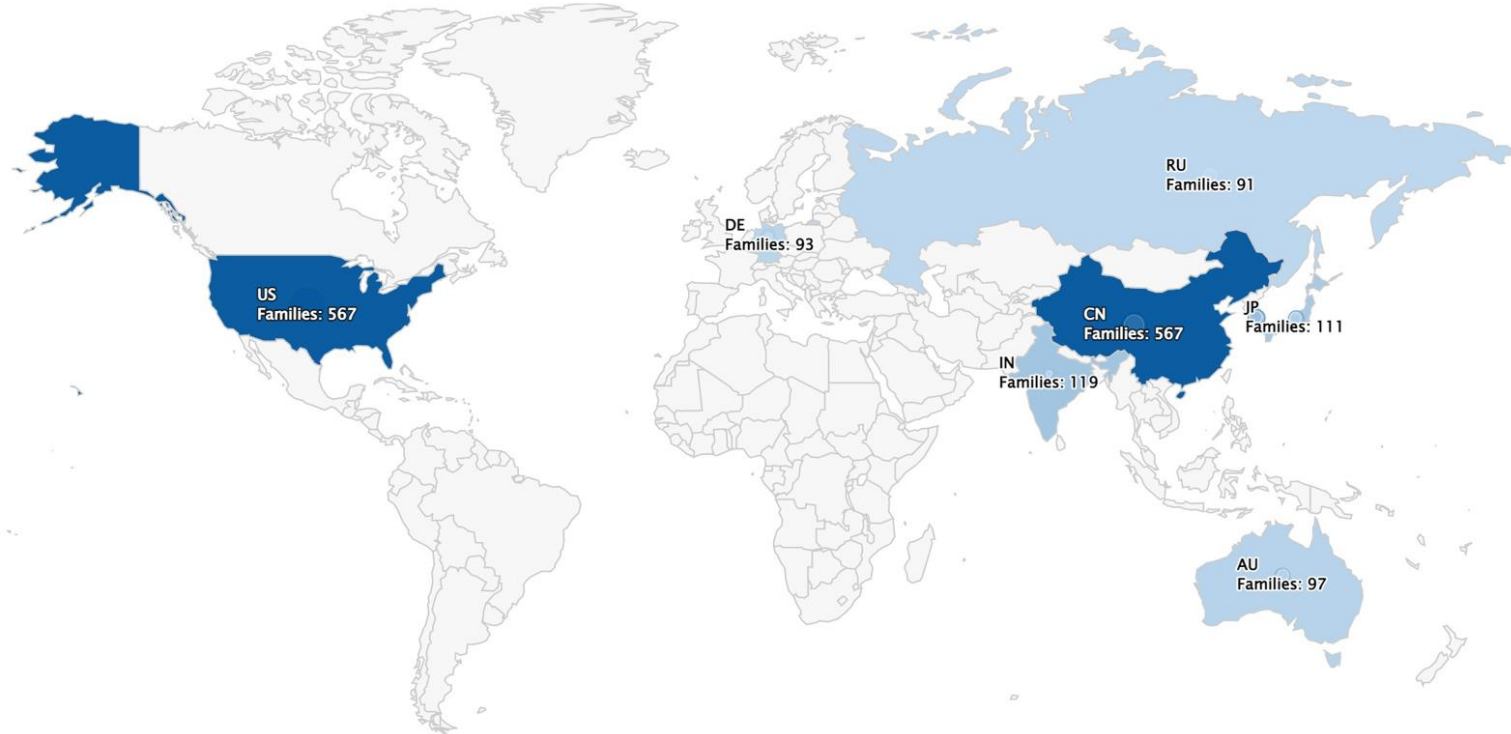
Statistics worldwide patent activity (sun or solar + wafer)



Statistics – 10 most important countries (telemedicine or telecare or telehealth)

Top 10 Jurisdictions by Families, Applications & Grants

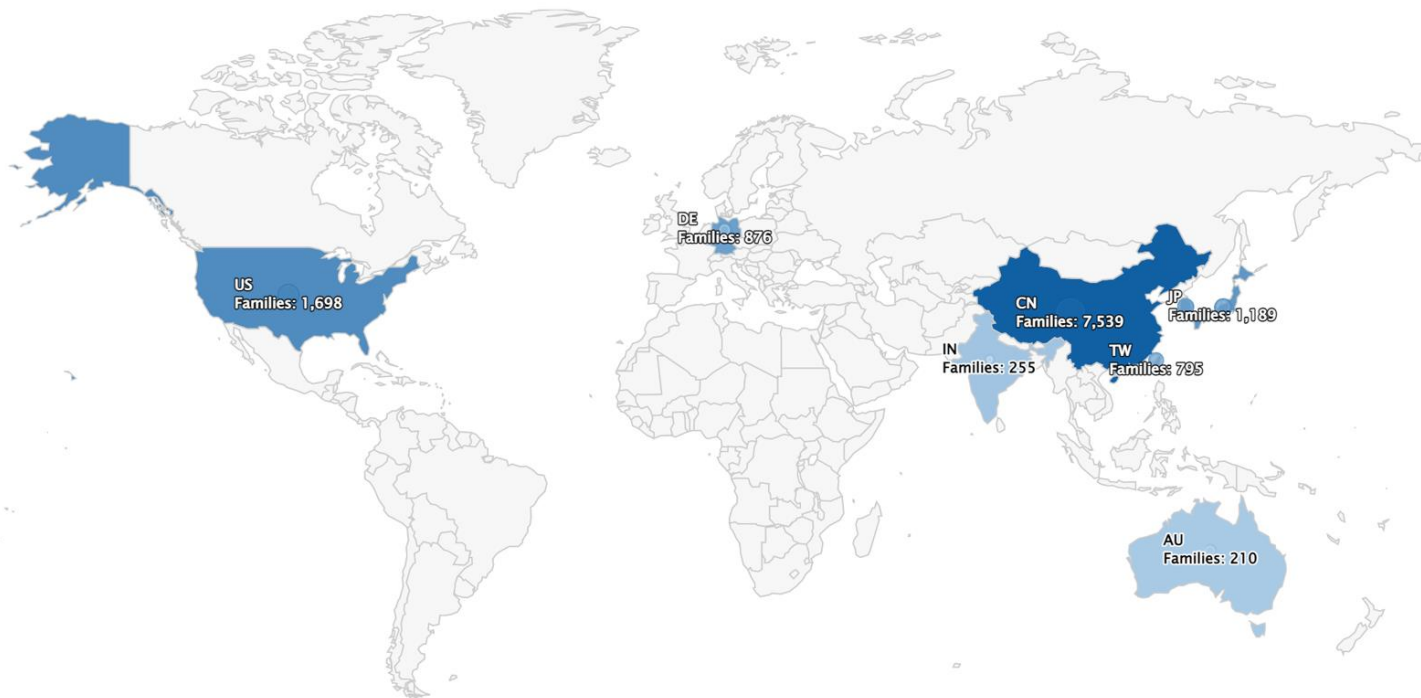
TAC=(telemedicine or telecare or telehealth)



Statistics – 10 most important countries (sun or solar and wafer)

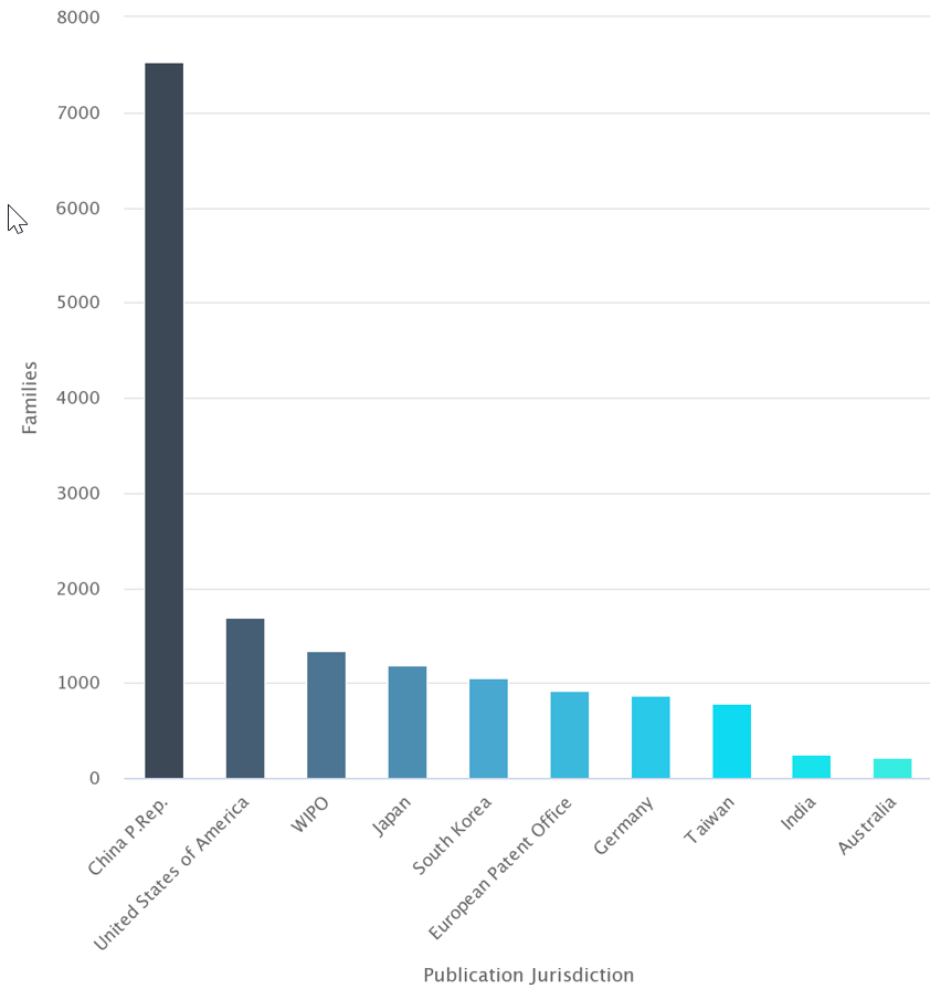
Top 10 Jurisdictions by Families, Applications & Grants

TAC=(((sun or solar) and wafer))



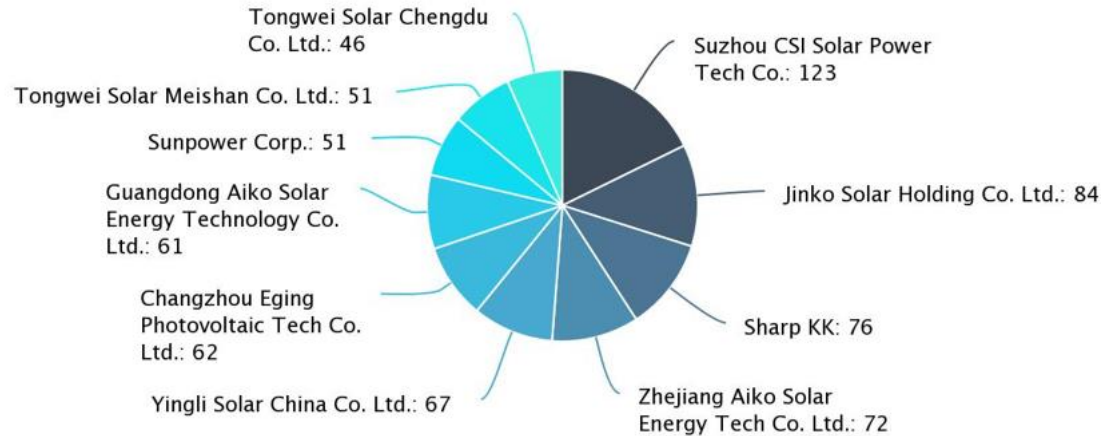
Top 10 Publication Jurisdictions by Family*

TAC=(((sun or solar) and wafer)) and PRD<=202210

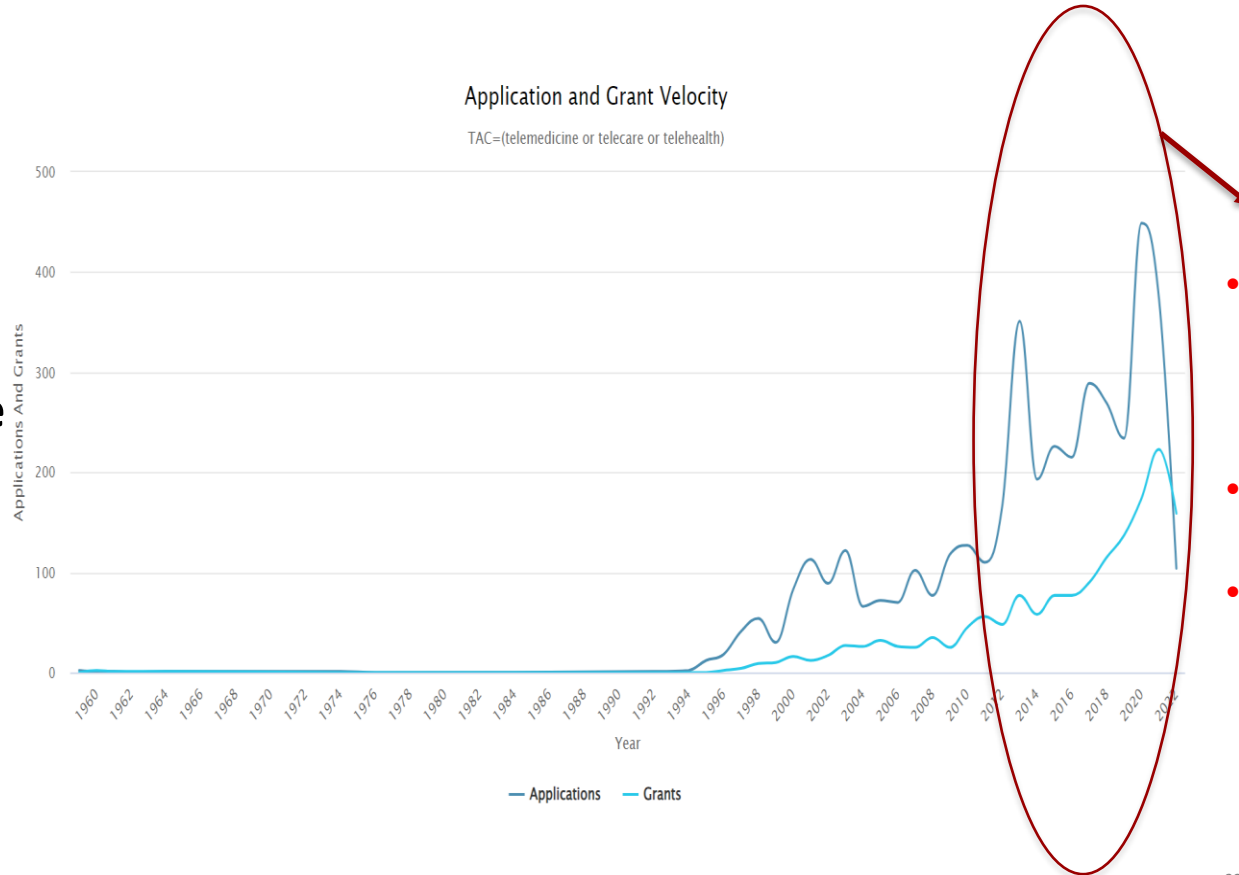


**Statistics worldwide
patent activity (sun or
solar and wafer)**

Competitors or partners? (sun or solar and wafer)

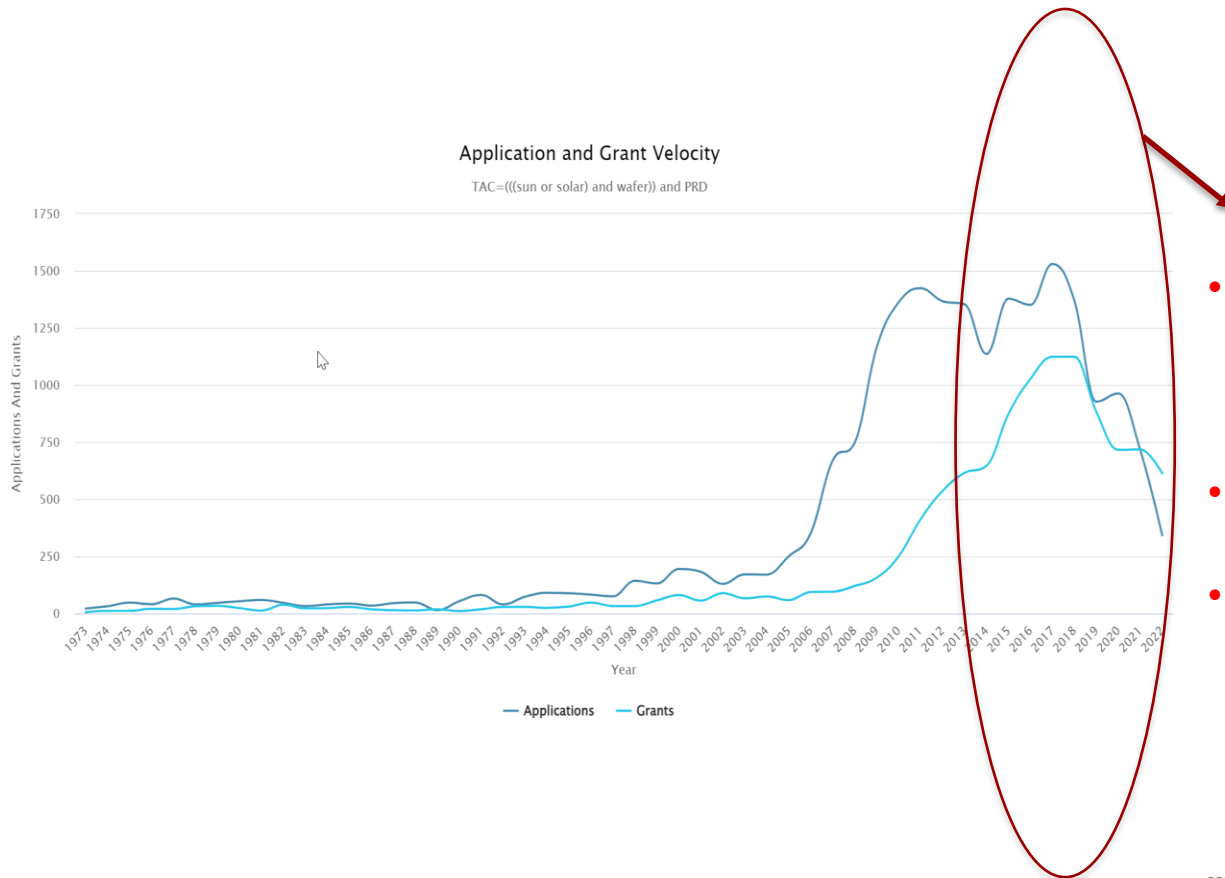


Patent statistics, global filings 1998 - 2020 (telemedicine or telecare or telehealth)



- Most of the patent families in the last 10 years
- Valid until 2033-2040
- Increasing trend

Patent statistics, global filings 1998 - 2020 (sun or solar and wafer)



- Most of the patent families filed from 2006
- Valid until 2026-2040
- Decreasing trend



... therefore ... pay attention to 3rd party IPR (not only your own)!

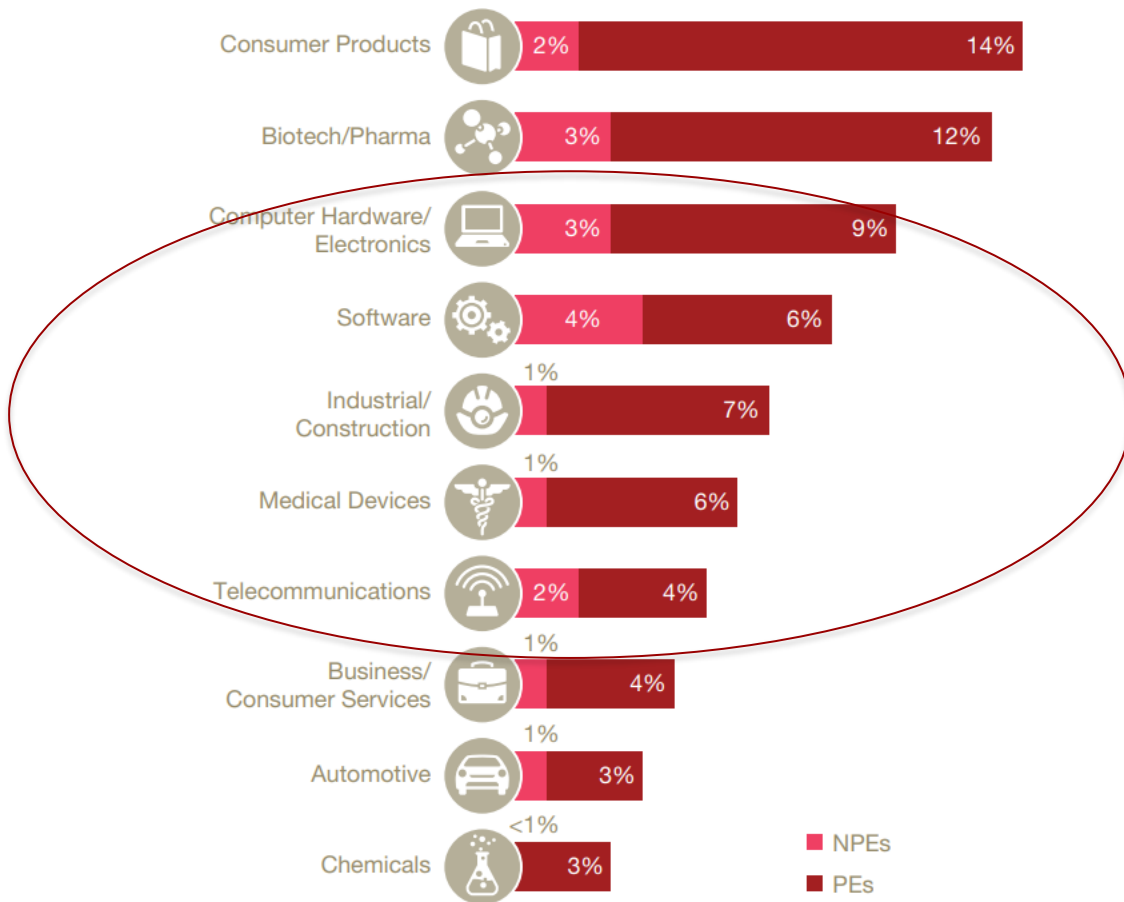
- You are not alone
- You need freedom to operate – product, process, use + business strategy
- Make sure to perform regular searches
- If 3rd party IPR is identified:
 - Ignore?
 - Licence?
 - Change own product/process or strategy?
 - Oppose/invalidate?
 - Sue with own IP?

... because if you don't ...Patent damages – Example USA - Median damages award: NPEs vs. PEs (\$M)



+ your own expenses for a law suit/action

Example USA - Distribution of cases: Top ten, most litigious industries: 1998-2017



... examples of recent IP-actions in the telehealth field

- **June 15:** American Well Corp. sues Teladoc Health Inc.
- **June 16:** A Massachusetts U.S. District Court threw out the lawsuit and invalidated the patent itself.
- **October 20:** Teladoc Health Inc. sues American Well Corp. for patent infringement
- **July 22:** Teladoc Health Inc. and American Well Corp. settle the case
- **Dec 21:** MDSave files lawsuit against three entities, Sesame, Green Imaging, and Tripment, claiming they infringed upon several of its patents.
- **May 22:** MDSave and Green Imaging settle the case ...

... examples of recent IP-actions in the solar energy field

- **Nov 20:** REC files patent infringement lawsuit against Q CELLS in U.S. courts
- **March 21:** Nextracker settles solar equipment patent infringement lawsuit
- **August 21:** SolarEdge and Hogan Lovells destroy another of SMA Solar's patents
- **Oct 21:** Hanwha Q-Cells and Hoyng ROKH Monegier win cross-border injunction against Longi (Rotterdam District Court – effect in nine European countries)
- **Oct 21:** ITC finds that Canadian Solar did infringe on Solaria's shingled solar module patents

How to handle all that?

... apply an IP value chain perspective

IP START™

Grunnleggende kartlegging av bedriftens IP, hvor det overordnede spørsmålet er:

Hva har vi av avtaler og annen IP i bedriften, og hva bør komme på plass for å sikre videre vekst?

IP BOOST™

Fra kartlegging til strategi. Utarbeidelse av en helhetlig IP-strategi for bedriften, hvor det overordnede spørsmålet som blir besvart er:

Hvilken IP-strategi passer best for å oppnå mine forretningsmål?

IP CONTROL™

Utarbeidelse av interne retningslinjer, hvor det overordnede spørsmålet er:

Hvordan kan vi sikre at alle ansatte i bedriften gjør alt riktig for å sikre IP-verdier i bedriften?

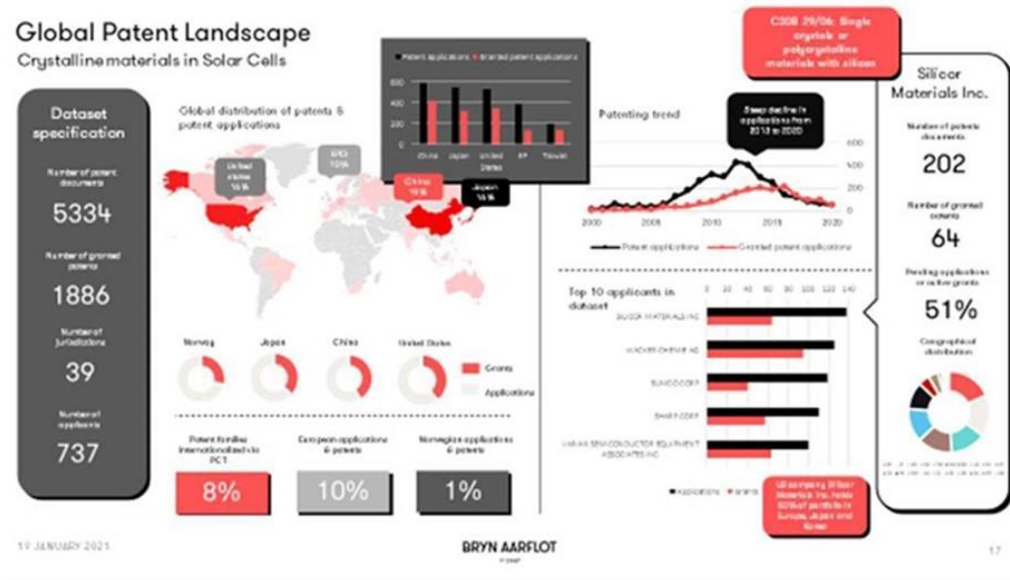
IP SCOUT™

Konkret handlefrihets-analyse tilpasset en aktuell problemstilling, hvor det overordnede spørsmålet er:

Utgjør mine konkurrenters IP-rettigheter en fare for mitt prosjekt og hvordan kan jeg unngå disse?

Apply databases (example: BAA Analytics)

- Analysis tool with tailor-made searches for each company
- Periodically and automated reports
- Examples:
 - Freedom-to-operate
 - Competitive analysis
 - Patent trend monitoring



Public tools (don't despair)

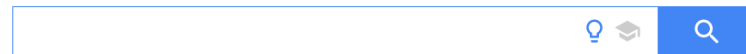


 Eksempel: Shell eller sykkel

 Varemerke (518 194)

 Patent (241 909)

 Design (27 849)



☐ Include non-patent literature (Google Scholar)

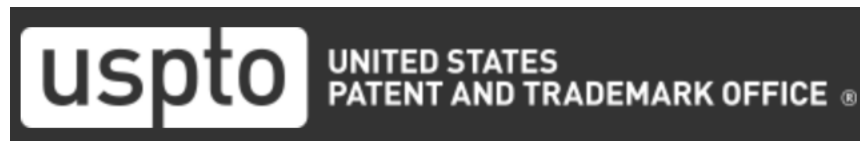


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Patent Search and Analysis

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Feel free to get in touch for a proactive IP-dialogue

Alexander Bjørnå

abj@baa.no

+47 991 53 346



baa.no

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