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# Protective Intellectual Property Services, LLC



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MAXIMIZING THE VALUE OF CURRENT AND FUTURE PRODUCTS AND SERVICES THROUGH  
 STRATEGIC INTELLECTUAL PROPERTY (IP) MANAGEMENT AND COMMERCIALIZATION<sup>SM</sup>

TRANSLATING TECHNOLOGY INTO THE LANGUAGE OF BUSINESS<sup>SM</sup>

December 2007

Clients and Friends and the many of you who are both,

With this issue of the PIPS IP newsletter we are celebrating the beginning of its second year of publication. We hope that it has been of value to you and will continue to be so. If you have any comments or suggestions, please send them to [suggestions@protectiveipservices.com](mailto:suggestions@protectiveipservices.com).

This month, we are highlighting an article by SummitPoint Management entitled ***“Risks to Consider When Purchasing Technology-based IP for Securitization”***. This article should be of interest to technology owners, investors, bankers and practitioners as it points out the many things that can affect the value of technologies.

According to some experts, over 85% of the market valuation of the S&P 500 is currently represented by intangible assets. At the same time, fewer than 3% of all patents actually generate royalty income. Savvy investors appreciate the fact that IP can be more than just a legal claim on ingenuity and have capitalized on the emergence of IP, particularly those that are technology-based, as a distinct and marketable asset class. However, as the technological, legal, economic, and business environments of intellectual property are constantly changing, purchasers of technology-based IP must be able to accurately assess, price and control risk.

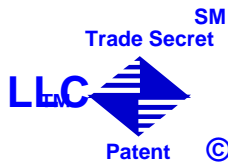
This article is focused on the risks associated with the purchase of intellectual property (“IP”) and will provide transaction evaluators and originators with a working list of risk-influenced items to consider when reviewing opportunities involving the purchase of IP, specifically in cases where the source of the asset’s value is derived from commercialization, re-commercialization, and assertion. It is intended to assist practitioners identify and assess these risks, make better-informed investment decisions, and achieve their transaction goals.

[Click here for the complete article from SummitPoint Management.](#)

PIPS helps companies protect their current and future products and services by identifying their IP; providing strategic IP services and non-legal IP protection assistance; providing part-time IP management services; and in-licensing of technologies the company needs but doesn’t have and out-licensing of technologies the company has but doesn’t need. PIPS also translates technology into the language of strategic partners, financial sources, legal advisors and other non-technical business people that need to understand the company.

Disclaimer: PIPS is not responsible for the content of the articles in this newsletter, nor for the results of any decisions based on them.

If you would like to be added to the PIPS mailing list, please send an e-mail to [info@protectiveIPservices.com](mailto:info@protectiveIPservices.com) with “ADD” in the subject line. To be removed from the PIPS mailing list, please send an e-mail to [info@protectiveIPservices.com](mailto:info@protectiveIPservices.com) with “REMOVE” in the subject line.



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Please visit [PIPS' web site](#) for more information about PIPS, its services and capabilities. PIPS works directly with idea-based companies and/or with their attorneys.

Please contact PIPS to discuss your situation in a [free, confidential](#) consultation.

We appreciate your feedback at [suggestions@protectiveIPservices.com](mailto:suggestions@protectiveIPservices.com).

## USPTO

### CLAIMS AND CONTINUATIONS REGULATIONS

#### Va. Court Blocks New Patent Rules

Forbes - NY,USA

AP 10.31.07, 3:14 PM ET A Virginia court on Wednesday granted glaxosmithkline plc's request for a preliminary injunction blocking the US Patent and ...

#### Court Blocks Patent Office From Instituting Controversial Rules

InformationWeek - Manhasset,NY,USA

The USPTO says the rules are intended to speed up reviews, but critics say they would limit patent protection. By Paul mcdougall A federal judge on ...

#### New Patent Rules on Hold

Drug Discovery & Development - Rockaway,NJ,USA

New rules designed to improve patent quality and the effectiveness and efficiency of patent examination scheduled to go into effect on November 1 were ...

#### The US Patent Office Touts Its Telework Success

InformationWeek - Manhasset,NY,USA

By KC Jones The US Patent and Trademark Office is criticized for plenty of things, but failure to institute telecommuting isn't one of them. ...

#### Leaders of the Trilateral Patent Offices Sign Memorandum of ...

ag-IP-news Agency - Amman,Jordan

The focus of the Trilateral Conference was to address global workload challenges resulting from growth and complexity of patent applications and to identify ...

#### Patent office says wait time likely to grow

Reuters - USA

By Diane Bartz WASHINGTON (Reuters) - The US Patent and Trademark Office is rejecting more patent applications but the waiting time for all decisions is too ...

#### Patent Office Backlog Grows in 2007

Houston Chronicle - United States

2007 AP WASHINGTON — The US government examined a record number of patent applications in fiscal 2007, but the backlog of submissions awaiting action also ...

#### Patent Office Claims Record Productivity Levels

InformationWeek - Manhasset,NY,USA

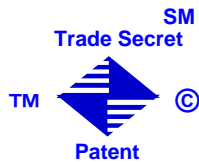
The patent office says it reviewed 362227 patent applications, and its appeals board upheld decisions 69% of the time. By KC Jones The US Patent and ...

## COURTS

#### Canon wins patent suit over recycled ink cartridge

Reuters - USA

T: Quote, Profile, Research) won a patent lawsuit



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against a recycled ink cartridge supplier as the Supreme Court on Thursday dismissed an appeal against a ...

## DOMESTIC

### 2008 ELECTION – CANDIDATE POSITIONS ON IP

#### [Edwards would remove some drug patent protections](#)

Reuters - USA

By Scott Malone LEBANON, New Hampshire (Reuters) - Democratic presidential hopeful John Edwards said on Tuesday he would consider taking away patent ...

#### [RIAA, MPAA urge pro-copyright vows from presidential candidates](#)

CNET News.com - San Francisco, CA, USA

For some, that commitment will be a function of the economic significance of intellectual property. For others, that commitment will be about the power of ...

### CONGRESSIONAL PATENT REFORM

#### [Editorial: Patent reform crucial to valley](#)

Nuevo Mundo - CA, USA

Weak patents are too easy to get and too hard to overturn. Litigation abuse is rampant, fueled by patent "trolls" who sue bigger companies for exorbitant ...

#### [Beware patent reform](#)

San Francisco Chronicle - CA, USA

The Patent Reform Act now up for vote in the US Senate is but the latest blatant example of how Goliaths are wielding their power to smother innovation. ...

#### [NAM salutes work on Intellectual Property Enforcement Act](#)

Reliable Plant Magazine - Tulsa, OK, USA

"We commend Senator Patrick Leahy, chairman of the Senate Judiciary Committee, for introducing the bi-partisan Intellectual Property Enforcement Act of 2007 ...

#### [Patent Reform Stalling in Senate](#)

PC Magazine - USA

A new lawsuit against Google is only the latest of many since the House approved patent reform in September. by Roy Mark While patent reform legislation ...

#### [Battle erupts over proposed patent changes](#)

Arizona Republic - Phoenix, AZ, USA

InPlay's intellectual property portfolio includes about 30 patents, some of which the company acquired when it bought out other firms. ...

#### [Overview of the Patent Reform Act of 2007](#)

IP Currents September 2007

The folks at Phosita have written up a multi-part overview of the patent reform act of 2007.

Part 1: [overview of the patent reform act of 2007](#)

Part 2: [Patent Reform Act - Part Deux](#)

Part 3: [And Now for Something Completely Different...Patent Reform Act 2007, Part Three](#)

#### [State patent rankings: Delaware first, but California still leads](#)

EETimes.com - USA

The study, "US-Based Global Intellectual Property Creation," which ranked state, university and corporation patent application filings in 2006 and 1998. ...

#### [Mo. ranks No. 32 for international patent applications, IL is No. 17](#)

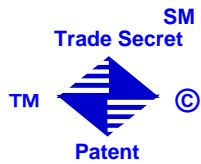
Bizjournals.com - Charlotte, NC, USA

According to a release, the rankings were based on Patent Cooperation Treaty (PCT) patents versus those submitted only to the US Patent and Trademark Office ...

#### [NanoDynamics Inc. to Investigate Intellectual property ...](#)

AZoNano.com - Nanotechnology News Feed - <http://www.azonano.com>

NanoDynamics Inc. announced today it has established an agreement with Greenberg Traurig, LLP to investigate intellectual property (IP) partnerships in the nanotechnology sector. The agreement expa...



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## [Hearing: Examining US Government Enforcement of Intellectual ...](#)

By Webmaster

The Senate Committee on the Judiciary has scheduled a hearing on "Examining US Government Enforcement of Intellectual Property Rights" for Wednesday, November 7, 2007 at 10:00 am in Room 226 of the Senate Dirksen Office Building. ...

## [Weakened patent protection ultimately will cost lives](#)

phillyBurbs.com - Philadelphia,PA,USA

Congress is currently considering the most significant reforms to the patent system in more than five decades. While there is room for improvement in our ...

## [Patent Law News](#)

By Dennis Crouch Intellectual Property Law - Justia... - [http://blawgsearch.justia.com/category.aspx?catid=1871\\_](http://blawgsearch.justia.com/category.aspx?catid=1871_)

EDTexas Not Waning: Patent Troll Tracker provides more stats in response to my post suggesting that the "magnetism of the Eastern District of Texas may be beginning to wane." (Of course, TT's work looks to the...

## [Microsoft hopes to patent 'automatic goodbye messages'](#)

Register - London,England,UK

By Cade Metz → More by this author Microsoft is trying to patent automatic goodbye messages, including "Have a great afternoon!" and "Ciao, Harry!" ...

## [Trade-mark Decision: Perfumebay vs. eBay](#)

By Richard Stobbe IPblog | Intellectual Property in Canada - <http://www.ipblog.ca>

The question is whether the trade-mark PERFUMEBAY is confusingly similar to EBAY for online sales of perfume. Yesterday after a lengthy battle, the court came down in eBay's favour. eBay Inc. secured broad protection for its ...

## [Nigeria: Piracy Hampers Economic Growth - AGF](#)

AllAfrica.com - Washington,USA

He said unless the crimes are checked, they are capable of causing economic crisis, as they could dampen investments in the intellectual property-based ...

## [Chariman of DOJ Task Force on Intellectual Property Releases ...](#)

By Todd(Todd)

It's clear that the Department of Justice has gotten serious about domestic and foreign intellectual property crimes. Just how serious, however, is proven by statistics released in the Chairman's statement: ...

## [Patent Law News](#)

By Dennis Crouch Patent Law Blog (Patently-O) - <http://www.patentlyo.com/patent/>

Intellectual Ventures plans to spend \$2 billion over the next several years on patent rights. The 'non-producing entity' has been largely shut-out from US university technology transfer deals because many universities and is now ...

## [INTERNATIONAL](#)

### [Patent company takes on Wi-Fi industry](#)

ZDNet UK - UK

A "technology licensing" company called Wi-LAN has sued 22 of the biggest names in wireless networking over alleged patent infringements. ...

### [Canada: Trade Alert: WTO Challenge To China's Intellectual ...](#)

Mondaq News Alerts (subscription) - London,UK

... a panel to review China's measures concerning the protection and enforcement of intellectual property rights, including trademarks and copyright. ...

### [Extending copyright carries complications](#)

The Daily Yomiuri - Osaka,Japan

For example, proponents of the extension said Japan's protection period should be set at a level suited to intellectual property produced in the United ...

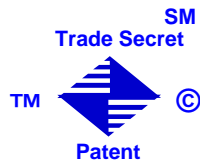
### [WHO health chief urges fast action on cheap drugs](#)

Reuters South Africa - Johannesburg,South Africa

But developing countries and health activists argue the WHO, through the IGWG, has every right to involve itself in issues of intellectual property when ...

### [China: Recent Developments And Routes For Enforcing Intellectual ...](#)

China's growing population of over 1.3 billion potential consumers, coupled with their rapidly growing disposable income, is becoming a huge



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marketplace for products protected by intellectual property laws (IP).

## [Indian centres drive US patent rush](#)

Economic Times - Gurgaon, Haryana, India

After all, patent filings from the research and development (R&D) hubs of MNC centres in India have been de rigueur. But the extent of technological prowess ...

## [Intellectual Property Piracy: Perception and Reality in China, the ...](#)

By Shiril Kennedy Docuticker - <http://www.docuticker.com>

This article is intended as a counterpoint to the all-too-frequent portrayal of China as the world's leading violator of intellectual property rights. In fact, by many measures, China, taken as a whole, is not the leading violator. ...

## [More changes to the UK Patents Act coming](#)

By David (Ilanah) IPKat - IP news and fun for everyone - <http://ipkitten.blogspot.com/>

To put it more simply, UK patent law is being aligned with the various new and changed provisions in EPC2000 (the IPKat version is available here), including those relating to medical use inventions, post-grant amendments (the new ...

## [World's patent system needs reform, experts say](#)

Inquirer.net - Philippines

The expert also warned the conference, which brings together the heads of intellectual property offices from around the world, about the dangers of piracy. ...

## [Chinese Customs Announces IP Infringement Summary](#)

By Daily Dose of IP Intellectual Property Law - Justia... - <http://blawgsearch.justia.com/category.aspx?catid=1871>

According to the China Economic Net article (link below), Chinese customs authorities uncovered nearly 2000 individual cases of intellectual property infringement in China during the first nine months of 2007. Specific examples of such ...

## [European Companies Unhappy With China's Business Climate](#)

Wall Street Journal - USA

Intellectual property issues also loom large. Half of the companies surveyed don't intend to set up

research-and-development centers in China for fear of ...

## [China says rethink of IPR needed for energy saving](#)

Reuters UK - UK

By Lindsay Beck BEIJING (Reuters) - Rich countries must rethink intellectual property protection on energy-saving technology if costs of such technology are ...

## OTHER

### [Thomson Scientific Releases New Data on Emerging Economic Markets](#)

CNNMoney.com - USA

Using Derwent World Patents Index (DWPI), Thomson Scientific's comprehensive database of global patent documents, expe analyzed the number of patent ...

### [Thomson Scientific Broadens Chinese Patent Coverage in Derwent ...](#)

CNNMoney.com - USA

Thomson Scientific is the first patent information provider to offer weekly comprehensive coverage of all Chinese Utility Model Registrations in English. ...

### [Patent by numbers](#)

CNET News.com - <http://www.news.com/>

IEEE Spectrum's roundup of patent stats.

### [Protect Your Intellectual Property](#)

Does your enterprise have intellectual property? You might not think so, but it probably does. Intellectual property is made up of copyrights (books, software or music), patents (inventions) and trademarks (symbols or logos). ...

### [Intellectual Property Being Lost Due to Undefined Business Processes](#)

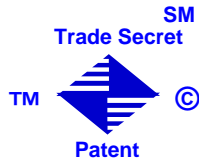
Market Wire (press release) - USA

The Enterprise Strategy Group (ESG) survey is detailed in a brief titled "Extending Intellectual Property Protection Beyond the Firewall," sponsored by ...

### [Data loss-prevention efforts stymied by poor processes](#)

NetworkWorld.com - Southborough, MA, USA

Yet 42% of the organizations polled said intellectual



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property is classified in multiple departments,  
meaning there is no one standard set of policies and

...

## [In Defense of Intellectual Property](#)

Acton Institute - Grand Rapids, MI, USA

by David H. Carey One reason why intellectual property in some new technologies may appear to be unlike other forms of property lies in its indefinite

...

## [Patent Sales - A New Marketplace](#)

TechLINKS (press release) - Atlanta, GA, USA

and the benefits of owning a patent portfolio. Many have taken the time, effort and expense to work with patent attorneys and the United States Patent and ...

## [Business Strategy IS Intellectual Property Strategy](#)

IP Currents September 2007

Posted on Financial Aspects of Intellectual Property by Ron Carson.

"IP assets are increasingly recognized as key business assets. The management of IP assets is no longer a discretionary function, nor solely the domain of the legal department. It has become a pillar of corporate strategy. If you are reading this, you probably already know that IP is important." This blog takes a view that IP strategy actually is the same as business strategy in many ways.

## [Ending the Intellectual Property Frenzy](#)

Inside Higher Ed - Washington, DC, USA

Universities frequently spend considerable time (and enrich plenty of lawyers) worrying about the intellectual property implications of collaborations with ...