



# Challenges Facing Global Companies

## Litigation Problems Created by Backlogs

### ➤ Lack of Timely Clarification of IP rights

#### **Defensive**

- ✓ Can't clear patents that haven't issued
- ✓ Can't lock-down product designs without IP clearance
- ✓ Lingering risk of infringement & business interruption

#### **Offensive**

- ✓ Difficulty keeping competitors away from GE Innovation
- ✓ Preliminary injunction risk could be compromised
- ✓ Unpredictability of global enforcement

# Challenges Facing Global Companies

## Secondary Problems Created by Backlogs

- Uncertainty/risk in acquiring IP intensive companies
  - ✓ Hesitance to buy company if IP position is “uncertain”
  - ✓ Inability to agree upon price/deal given uncertainty
- Budget Issues associated with Long-Term Planning
  - ✓ Large build-up of future expenses
  - ✓ Exacerbated when backlogs begin to shrink
- Patent Portfolio Management
  - ✓ Prior art found is last-to-issue patent prosecution
  - ✓ Old cases are difficult (e.g., memories, interest, inventor access)

# Solutions to Backlog Problem

## Ways to Minimize Backlog Issues

- Take full advantage of accelerated prosecution
  - ✓ Accelerated Green Technology (US, UK, S.Korea)
  - ✓ PPH. . .from **selective** use to **aggressive** use
  - ✓ First Action Interview Program
  - ✓ Accelerating requests for examination
  - ✓ More PCT filings
- Employ Normal Acceleration Measures, e.g.,
  - ✓ Disclose all prior art, early interviews, draft for global compliance, reasonable claim sets, etc.