

## Innovation Management and Strategic IP Capture

### Why capture and qualify IP?

It is argued that over 80% of a company's value is attributed to intellectual property (IP), which means these assets are highly important to capture, catalogue, qualify and protect to create real Enterprise Value. As such, implementing effective operational processes to continuously capture new IP and identify the best candidates for formal protection is an important strategic step to fully harness the value of your innovation process.

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### Why an effective IP capture process is needed

Considerable and continuous investment is needed to support an innovative R&D team of skilled people and it is important to make sure their goals and inventive output are on-point within your relevant market(s). An effective Innovation Management & IP Capture process is needed to protect this investment in R&D by identifying inventions and skilfully selecting the ones that warrant formal protection.

A problem facing many small and medium-sized enterprises (SMEs) is a lack of time and internal resources to conduct novelty or market relevance searches on incoming inventions. This can leave IP decision makers in the dark as to which IP strategy would be best for each invention.

Should you formally register inventions and protect them with patents? Would they be better protected as trade secrets? Or should you defensively publish your inventions to reduce your competitors' patent filing potential?

Without the right information in hand to make informed decisions, there could be devastating effects further down the line. For example, if inventions aren't qualified for novelty, your pending patents could ultimately be shot-down or severely limited in scope by examiners – after a significant amount of cash has been spent drafting and prosecuting them. This is a serious waste of company resources and can lead to a negative perception of patents from the Board / shareholders and a fall in IP portfolio value. Similarly, if patents were filed for inventions that were not analysed for current/future market applicability, you may find yourself with a patent portfolio that has little real value if the technology is never adopted, or if the scope of protection no longer matches the features of your product.

### Working with R&D to strategically capture IP

It is the job of an IP professional (internal or external) to liaise with the R&D team(s) to make sure IP is effectively captured. A framework should be put in place to make sure your team knows what they are doing has value and that IP capture and protection can contribute significantly to the broader goals of the business.

In general, the R&D process begins when a technical or business problem is identified. From there, ideas to solve the problem are hypothesised, then innovations are developed to find commercially-focused succinct solutions to the problem. Any resulting inventions should then be identified and specific implementations of important inventions should then be detailed (as outlined below). In each step of the process, the solutions to the problem become more refined and better defined with the relevant commercial, business and technical aspects being considered.



### Educate R&D team about IP

Too often, researchers in R&D departments do not realise they are “inventing” when solving a particular problem and do not necessarily even see themselves as “inventors” per se, but it is important to recognise problem solving is the source of most patentable inventions. IP education for inventors is an important first step in the Innovation Management process and can be delivered by the IP Manager or an IP Adviser. The aim should be to cover the basics of understanding what may be protectable, keeping good notebook records and the importance of considering the state of the art – no one wants to spend time, effort and money reinventing the wheel.

## Stimulate ideas & innovation

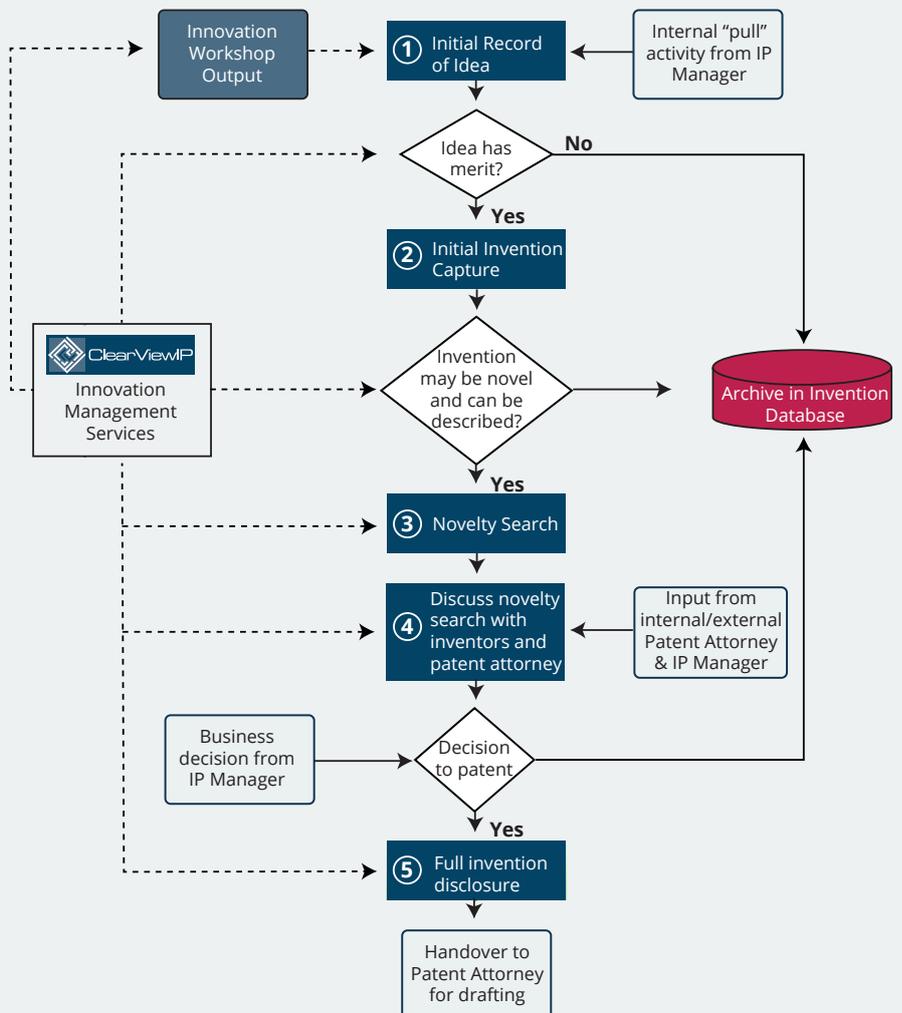
If a company wishes to make their mark, or “land-grab”, in a particular technology area by increasing their patent filing output in that space, then Innovation Workshops are a good way of stimulating inventors to innovate within, or design around particular technologies. Having an IP professional in these innovation sessions keeps the focus on identifying patentable inventions, assessing commercial/strategic value and capturing the necessary implementation details.

## Describe and enable inventions

To determine whether an invention is potentially patentable, the invention needs to be described in enough implementation detail, such that a novelty search can be conducted and a Patent Attorney can give a legal opinion on whether it is likely to be inventive over the prior art. Further alternative implementations of the invention can then be hypothesised and described in a full invention disclosure, once a decision to patent has been made.

### ClearViewIP’s innovation management solution

1. **Initial record of idea** — inventions are added to the invention tracking system, either as output from an Innovation Workshop or as a “pull” activity from the IP Manager
2. **Initial invention capture** — a short meeting with the inventor(s) generates sufficient information for a quick assessment of likely novelty, to determine business value and capture the key aspects of the invention
3. **Novelty search** — assesses the prior art position and provides information for a patent attorney to position the state of the art in the patent application, the invention is also ranked for various technical and business attributes
4. **Invention decision form** — documents the discussions with inventor(s) to further confirm the novelty position and ClearViewIP’s recommendation, which allows the IP manager and patent attorney to make a decision to proceed with patent filing, or not
5. **Full invention disclosure** — ClearViewIP captures the full details of the invention, including implementations, by having further in-depth discussions with the inventor(s), this ensures an efficient filing process, with less patent attorney resource time required



Between each main step, if the invention is not deemed novel, inventive or the business need to protect with a patent changes, the invention can be archived in an invention database – which effectively acts as a comprehensive trade secret database; defensive publication is also another option for these inventions, to prevent competitors filing on them.

## ClearViewIP's innovation management service

We provide outsourced Innovation Management services to several of our clients, which are tailored to meet each client's specific needs. Our experienced team of Consultants and Analysts can work closely with your inventors to capture and qualify their output to make sure you really know what your best inventions are. Some of the reasons to outsource your IP capture needs to ClearViewIP include:

- We provide a fit for purpose filing strategy to support your business objectives and budget
- You will have access to dedicated IP searchers, that are highly trained and proficient at finding relevant prior art
- We have access to the leading IP databases to provide comprehensive searching capabilities
- Our team includes Certified Patent Valuation Analysts (CPVAs), who can quickly spot the value in your innovations
- You will get access to a team managed by world-class IP strategists (including IAM 300 nominated)
- Bespoke service – you can choose to have a more hands-off approach and let our team leader run the process, or opt to oversee the process yourselves and be closely involved in each step
- We have helped companies build world class portfolios that have resulted in multimillion dollar IP deals and trade sale exits in the hundreds of millions

We have a long-term relationship with one of the word-leaders in smart prediction technology, SwiftKey, who have this to say about our service:

“We have used ClearViewIP's Innovation Management services for some time to support SwiftKey's IP-related goals. They have an excellent team of IP Consultants and Analysts that support us by effectively and efficiently capturing new ideas from our inventors, and then critically analysing them for novelty and market relevance. This enhances our ability to decide which inventions have the most value to our business, so we can continue to strategically grow, maintain and protect our world-class IP portfolio in the predictive text space.”

Gareth Jones,  
Head of IP at SwiftKey

## Benefits for IP Manager/CIPO

- Quickly identify quality inventions coming from your inventors – enabling you to make more confident strategy decisions and improve the quality of your patent portfolio
- Increase the value of your patent portfolio by only filing inventions that are more likely to be novel and have market relevance
- Save money on patent drafting costs – only file what will really strengthen your portfolio
- Improve metrics and reporting on the quality of inventive output – e.g. R&D Return on Investment
- Demonstrate how seriously your company views IP by putting the proper processes in place to capture and protect the best inventions
- Manage fixed costs – outsourcing effort-laden parts of the process can keep fixed costs low and internal teams “right sized”



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### About the Author

Robin has experience working with clients throughout the IP lifecycle – from managing innovation capture processes, to delivering detailed patent landscapes/competitive analysis reports and assessing IP monetisation options. He also undertakes a number of other consulting roles at ClearViewIP including: patent mining strategy for acquisition, identifying licensing opportunities, IP due diligence and patent valuation. Robin advises clients on IP matters in a range of high-tech fields including: audio/video streaming, telecoms, consumer electronics, mobile apps, mHealth/telehealth and medical devices.