



Intellectual Property Law

Q I know that we should be obtaining patents on our products, but how do I determine which should be patented?

A One place to start is with an intellectual property audit of your business. This typically involves developing a checklist to identify the intellectual property that your company owns followed by an evaluation of the list to determine if any of your technologies should be considered for patent protection.

During the audit process, your company would look for technology that is new

and also brings value to the business. The more value it brings to your company, the more it should be considered for patenting. Also, when determining whether or not to patent a particular discovery, don't forget to focus on your competitors. While it can be important to obtain patents that cover only your products, remember that a patent grants an exclusionary

right. Patents only let your company stop others from making, using, selling or importing the patented technology. The more likely it is that your competitors will need, or want, to use the technology, the more it should be considered for patenting.

Once you have created a list of technologies to be considered for patenting, a committee should be formed to determine which of the technologies should undergo the process. Because of the time and expense in obtaining patents, it is important to consult an IP attorney with a specific background in the area of your technology to help in the selection of the most important technologies based on the factors that are appropriate for your business.

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