Insights: Alerts

3 Takeaways - Alice & IEEE Patent Policy Changes: Identifying Techniques & Strategies to Maximize Value or Minimize Risk

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Kilpatrick Townsend's Rich Christiansen was the featured speaker at the recent ACC San Diego Technology Roundtable: Turning a Black Swan into a Golden Goose. He led a case-study discussion using the U.S. Supreme Court Alice decision and changes in Institute of Electrical and Electronic Engineer's (IEEE) Patent Policy to identify techniques and strategies for dealing with landscape shifts to maximize value or minimize risk in transactions.

The overview of the Alice decision and the IEEE Patent Policy set the tone for a lively discussion on identifying and seizing opportunities from unforeseen events to capture value in your transactions. Three key takeaways from the roundtable include:

- Limited involvement of an IP team at the end of a transaction ignores IP risks and opportunities and hampers development of transaction related IP assets.
- Post transaction brain drain compresses the timetable in which IP asset shortcomings can be remedied and integration of IP team in transaction effort facilitates IP issue spotting and remediation before brain drain.
- Idea harvesting efforts as part of transaction or immediately subsequent to transaction strengthens core IP assets and limits risk of future competition from key players from acquired entity