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OPENING STATEMENTS

A New Way to Look at Patents

One Panoramic Claim Map can be worth a thousand words.

—By Todd Stone

After prosecuting patents for more than 20 years, Steven Lundberg, founding partner of Schwegman, Lundberg & Woessner, a midsize IP firm of more than 80 lawyers headquartered in Minneapolis, has given in to his entrepreneurial urge. With the help of a software developer in nearby St. Paul, and more than half a million dollars invested by his firm, Lundberg has created ClaimBot, a software program that categorizes patents by their claims. The software took three years to develop, and Schwegman, Lundberg clients already swear by it. This month a separate company set up and owned by the firm's partners will start marketing the software to other law firms and to corporations.

As Lundberg says, "Most of what's in a patent is generic description, but it's the claims that tell you what the specific innovation is." ClaimBot illustrates detailed information about each patent claim on a chart, called a Panoramic Claim Map. The patents, divided up

Before our patents were in a stack of paper two feet tall, says a client. But with the map, potential licensees go "Ahh!"

into independent claims, are listed on a horizontal axis at the top, while the technical descriptions, called limitations, are listed vertically on the left side, creating a Bingo-like grid. One reads the map by starting with a patent claim at the top and moving down the column. Darkened boxes in the column indicate the attributes or limitations of the patent.

Lundberg says that by looking at all of a company's patent claims within one or more technologies on a single chart, one can see more clearly where strengths and weaknesses lie in the company's patent coverage. And since the ClaimBot software also can categorize patent claims for patent applications, clients with pending patents can decide to alter the language of the patent claims if the claims are too narrow in scope.

Schwegman, Lundberg client John Golle, president of Eden Prairie, Minnesota-based Safe Lites LLC, says that ClaimBot's claim map of his company's patents has been an extraordinary breakthrough. Safe Lites's revenue comes from licensing its patents for glow-in-the-dark safety gear and reflective signs. Golle printed Safe Lites's claim

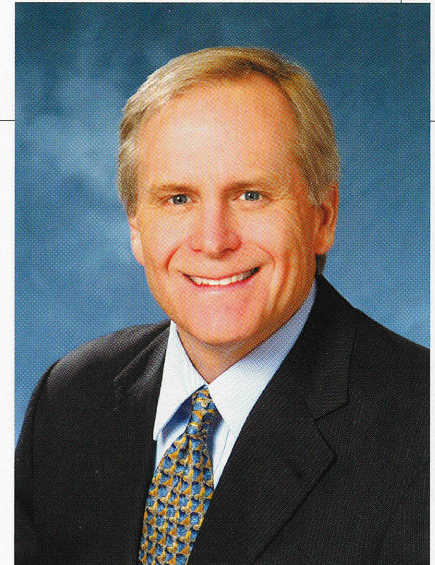
map on a 4-by-6-foot board and has it on display in his office conference room so prospective clients can see it clearly. "Before, we had our patents in paper form that would create a stack more than two feet tall," Golle says. "[Many potential manufacturer clients] wouldn't read through it, and you'd get a blank stare, but now they see the mapping and go, 'Ahh!' Now it's clear to them what we have."

Already, more than 30 of Schwegman, Lundberg's clients have had their patents "mapped" using ClaimBot.

The chief patent counsel of a Fortune 500 company (who didn't want to be named) says that the ClaimBot software is "quite useful" because its analysis of patents is so precise.

While the ClaimBot software ultimately eliminates the time that patent lawyers spend looking through clients' patents, trained patent lawyers are directly involved in the initial stage of entering the patent claim information into the system "because a computer can't read patent claims very well," says Lundberg. The firm will still offer "mapping services," which is the initial data entry billed to the client at a regular attorney hourly rate. But if a law firm or corporation would rather have their own in-house people do the data entry, they can license the software directly from Lucid Patent LLC, the company Schwegman, Lundberg has set up to avoid conflicts of interest. Lundberg says that the licensing fee structure has not been determined and may vary depending on the client and the client's needs.

Of course, ClaimBot is hardly alone among software products that aim to help manage and organize patent portfolios. But even a software maven like patent lawyer Leonard Diana of Fitzpatrick, Cella, Harper & Scinto is unaware of any existing product that organizes patents by their claims. Says Diana: "Looking at patents side by side could really be handy." ■



IP lawyer as software entrepreneur:
Steven Lundberg