

How to get the best technical Expertise for IPR Matters in Patent Acquisitions, License Negotiations and Litigations

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Effective management of your organization's Intellectual Property (IP) is a critical component of success. Companies that develop new and inventive ideas use patents as a source of revenue or to maintain a unique advantage. While royalty payment for external IP may be unavoidable, active management keeps costs to a minimum.

Since 2004, Hillebrand Consulting Engineers GmbH ("Hillebrand") has established a unique track record of providing expertise in all stages of the IP management process in the mobile telecoms sector. It has successfully helped manufacturers reduce costs payable to external IP holders. It has assisted IP holders in realizing the maximum benefit. Hillebrand has experience in all types of telecoms related IP issues in the context of litigations, license negotiations and patent acquisitions. It treated issues related to the ETSI IPR Policy; patent portfolio assessments; royalty negotiations for patent portfolios; assessment of non-patent based IP portfolios, such as software code; and support for fully fledged patent litigations.

Our consultants have considerable experience in all stages of IP negotiations, both for assertion and defence. As a first stage we provide assessments of the technical and commercial strength of an intellectual property portfolio and its relevance to a particular product line. During this stage Hillebrand quantifies the technical and commercial quality of the portfolio, in a way that is tailored to the needs of the client. This assessment methodology takes into account whether patents are likely to be applicable to specific products, whether they are essential to standards, and whether they are valid and enforceable.

Our reports are not the result of mechanical keyword searches and citation counts, but benefit from the extensive technical judgement and industry experience of consultants at Hillebrand, many of whom have taken leading roles at major handset manufacturers, network equipment suppliers and operators worldwide. Hillebrand consultants have participated in and frequently chaired relevant standardization meetings. They know the participants, are familiar with the organization of data on the servers of Standards Developing Organisations (SDOs),

and can reconstruct the complex genesis of specifications. The reports benefit from their deep hands-on experience of technical design and management.

The portfolio evaluation can be used to assess the quality of a given portfolio either as basis of a litigation strategy, to challenge an excessive royalty request, to justify a particular royalty level or to value a portfolio prior to acquisition. Accurate technical assessments at this early stage can save considerable amounts of money and lead to a more positive outcome for the client.

As negotiations proceed, Hillebrand consultants are able to provide detailed technical evaluations for individual patents which are relevant to the client's products and any appropriate standards. Based on their intimate experience of the major industry standards and product development, our consultants provide reports which indicate whether the patent would apply to the products and standards in question; or would survive an invalidity action. Detailed reports provide a basis of technical fact which allows the client to assess the likely outcome of an infringement claim. This is often sufficient to produce a satisfactory settlement thus avoiding the need for costly litigation.

When litigation or arbitration cannot be avoided, consultants from Hillebrand have experience of providing technical consultancy throughout the case, in conjunction with a number of leading patent law firms. Hillebrand has experience of the patent case lifecycle, including provision of testifying experts who produce technical expert reports and stand cross examinations.

An extract of the impressive list of manufacturers and network operators as well as law firms that have called on our expertise to guide them through a patent case can be found at www.hillebrand-ce.com

Hillebrand provides a unique and comprehensive technical service in intellectual property which allows organizations in mobile telecoms to achieve maximum benefit from their IP assets; to minimize royalty costs; and to settle IP negotiations early and favourably.