

THE PATENT SCORECARD™ 2011 – LAW FIRMS

BY IPIQ ACQUISITION LLC

The Law Firm Patent Scorecard™ is a high-level evaluative tool for firms to gauge patent prosecution from a quality, technological strength and breadth of impact. The Patent Scorecard is a rating of patent activity through the lens of patent representation and combines a series of industry-standard metrics to arrive at a Technology Strength™ ranking for the year ending December 31, 2010. The Law Firm Patent Scorecard™ is compiled with natively filed patents, excluding those with a foreign priority. Considering that many of the patent quality metrics are dependent upon the characteristics of the patent that may be strengthened or weakened during the drafting and due diligence processes, IpIQ Acquisition considers this methodology as an effective means of comparison, as patents with a foreign priority have usually been drafted according to the requirements of a specific foreign jurisdiction.

Rank	Law Firm	Technology Strength™	Current Impact™	Science Linkage™	Innovation Cycle Time™	Patent Count
1	KNOBBE MARTENS OLSON & BEAR LLP	3503	3.017	15.82	11.6	1161
2	TOWNSEND & TOWNSEND & CREW LLP	2026	1.612	12.28	10.5	1257
3	FISH & RICHARDSON PC	1985	1.487	14.3	10.3	1335
4	BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP	1975	1.436	3.25	9.4	1375
5	SCHWEGMAN LUNDBERG & WOESSNER PA	1847	1.757	8.61	9.8	1051
6	MEYERTONS HOOD KIVLIN KOWERT & GOETZEL PC	1332	2.378	4.96	10.5	560
7	MERCHANT & GOULD PC	1298	1.639	5.6	9.9	792
8	LEE & HAYES PLLC	1246	1.629	4.5	7.8	765
9	BAKER BOTTS LLP	1232	1.815	5.43	10.3	679
10	WORKMAN NYDEGGER	1177	1.429	3.77	11.2	824
11	PATTERSON & SHERIDAN LLP	1078	1.725	3.68	9.8	625
12	WOODCOCK WASHBURN LLP	1044	1.606	11.13	10.3	650
13	STERNE KESSLER GOLDSTEIN & FOX PLLC	1031	1.642	16.02	11	628
14	FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP	992	1.363	9.62	10.8	728
15	HARNESS DICKEY & PIERCE PLC	922	1.003	3.54	14.4	919
16	K & L GATES LLP	915	1.739	12.3	10.6	526
17	FOLEY & LARDNER LLP	894	1.242	12.42	10.8	720
18	PERKINS COIE LLP	891	1.582	8.85	10.7	563
19	HICKMAN PALERMO TRUONG & BECKER LLP	890	2.293	2.56	8.2	388
20	WOLF GREENFIELD & SACKS PC	878	2.043	17.56	9.8	430
21	WEAVER AUSTIN VILLENEUVE & SAMPSON LLP	844	2.383	11.56	9.4	354
22	MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP	777	2.221	14.24	10.2	350
23	CANTOR COLBURN LLP	734	0.829	2.35	11.1	886
24	BRINKS HOFER GILSON & LIONE	729	1.326	6.87	11.8	550
25	FENWICK & WEST LLP	682	2.281	9.36	8.6	299

The Patent Scorecard 2011 | Law Firms includes U.S. utility patents represented by law firms that were natively filed, which is a subset of all U.S. utility patents they represent. This allows for analysis of patents that a firm initially drafted and removes firms that only provide local counsel. Firms with 75 or more natively filed patents in 2010 have been analyzed. All 2011 rankings and indicators are based on the data as compiled by ipIQ Acquisition™ for the 2010 calendar year. The leader within the top 25 in each indicator is highlighted in orange. IpIQ Acquisition™ continues to evolve its indicators as they advance the importance of Intellectual Property as the New Asset Class. To learn more about this Patent Scorecard please contact info@patentboard.com.

Patent Representation

What Patent Analytics Can Tell Us About IP Law Firms

BY IPIQ ACQUISITION LLC

In 2008 we introduced the Law Firm Patent Scorecard™ in response to an article on “How Law Firms Could Benefit from Patent Analytics”, which started with the simple question “Why Use Patent Analytics?” The article garnered much interest and discussion on the topic and we heard over and over from readers who needed a way to understand the strengths and weaknesses of specific law firms’ representation abilities. Building on indicators used in IpiQ Acquisition’s seventeen industry Patent Scorecards, we developed the Law Firm Patent Scorecard™ in order to provide a ranking of law firms that used Patent Analytics and combined qualitative and quantitative analyses.

Both prosecuting law firms and their prospective or existing clients can use Patent Analytics to quantify and qualify the IP assets that a law firm prosecutes. As patent attorneys move from their previously exclusive legal role of prosecuting and litigating patents into an expanding role of Intellectual Property business consultants, they must increase their IP sophistication to match growing client needs. Bibliometric tools that quantify and qualify patent assets are a vital aspect of providing IP value. Law Firms can use Patent Analytics to determine their own firms’ representation abili-

ties, including in-house division audits, as well as assess their patent representation against other firms. Similarly, potential or current clients can use Patent Analytics to understand the overall strengths of a law firm’s represented patents, gain insight into a law firm’s industry-specific performance and measure a law firm’s efficiency in both native and foreign jurisdictions.

In this article, we will look at the performance of firms in the 2011 Law Firm Patent Scorecard™, discussing changes from the 2010 Patent Scorecard and analyzing breakout performers along various indicators. Additionally, we will compare and contrast law firms that primarily specialize in native versus foreign filings.

SCORECARD OVERVIEW

The 2011 Law Firm Patent Scorecard ranks over 1400 unified law firms. Law firms are unified to account for structural changes such as mergers and divestitures. 340 of the unified firms had over 75 issued patents in 2010. Overall patent issued grew by 26%. and the percent of those patents that involved external agents remained at 54%.

A patenting entity’s patenting success is closely connected to the abilities of its law firm(s). About 330,000 patents were issued during the 2010 calendar year, 54% of which were represented by mid to large-size law firms with an established record of prosecuting Intellectual Property. Just over 179,000 of the issued patents were natively filed and of them, 43% were represented by the top 340 prosecuting law firms. Of those firms, two saw the most action with over one 1300 patents issued for each firms clients: Fish & Richardson PC (Fish) and **Blakely Sokoloff Taylor & Zafman LLP** (BSTZ), who rank third and fourth on the 2011 Law Firm Patent Scorecard™, respectively. BSTZ’s patents continue to be filed largely on behalf of Intel Corp. Fish represents over 150 clients including large technology firms, universities or research institutions.

The basis for the Patent Scorecard ranking is the bibliometric indicator Technology Strength™, a combination measure of quantity and quality that indicates the overall strength of a patent portfolio. Knobbe Martens Olson & Bear LLP (Knobbe Martens) maintains its top rank with the highest Technology Strength™.

Additionally, several firms have shown remarkable improvements in their scores since the 2010 Patent Scorecard. Meyertons Hood Kivlin Kowert & Goetzel PC improved 8 spots in the ranking due to growth in issuances and improvement in quality. K & L Gates LLP (K&L) also improved 8 spots due to strong growth in patent volume combined with an 11% improvement in Current Impact™. Two new firms joined the top 25: Wolf Greenfield & Sacks PC and Weaver Austin Villeneuve & Sampson LLP debut at 20 and 21 respectively.

Looking at a patent portfolio’s influence on the rest of the patent landscape, we see a mixture of top-ranked law firms as well as smaller, lower-ranked law firms. While Knobbe Martens has the highest Current Impact™ in the top 25, newcomer Weaver Austin Villeneuve & Sampson LLP is second with an impact rating 2.3 times the average, followed closely by Meyertons Hood Kivlin Kowert & Goetzel PC.

The top 340 law firms show a strong connection to core science as measured by Science Linkage™. Wolf Greenfield & Sacks PC followed closely by Sterne Kessler Goldstein & Fox PLLC lead the top 25 in Science linkage™ suggesting that the patents filed by these firms are more closely linked to core science. Large patent prosecutors such as Knobbe Martens and Fish as well as those with lower activity such as McDonnell Boehnen Hulbert & Berghoff LLP both rank well on scientific indicators.

Scientific referencing is one indication of a patent portfolio’s innovation, but we can look at a patent portfolio’s reliance on prior art as well. The average Innovation Cycle Time™ for the U.S. utility landscape in 2010 is slightly over thirteen years, which means that patents issued in 2010 cited prior art that was on average over thirteen years old. The average Innovation Cycle Time™ for patents represented by the top 200 law firms in 2010 is three years shorter. Lee & Hayes PLLC stands out even further with an average Innovation Cycle Time™ of just less than eight years, indicating that the patents represented by Lee & Hayes are building on newer technologies.

REPRESENTATION BY ORIGIN OF FILING

So far we have concentrated exclusively on natively-filed patents, U.S. utility patents that have priority in the U.S. and were not originally drafted for application in a foreign jurisdiction. We will now turn to a comparison of the top law firms by patent volume for natively or foreign-filed IP. Such a comparison can indicate whether a firm

Indicator Definitions

Technology Strength™ is a ranking measure to indicate an overall strength of the company’s patent portfolio holdings with a combined measure of quality and quantity.

Current Impact™ indicates the extent to which others are building upon a portfolio of issued U.S. utility patents as compared to the total set of utility patents.

Science Linkage™ indicates the degree to which a portfolio, or an individual patent, is referencing scientific publications.

Innovation Cycle Time™ indicates whether a patent or patent portfolio is building off newer or older inventions (art).

Patent Count equals the number of natively filed U.S. utility patents granted in a given year.

For more information visit www.patentboard.com

Natively-Filed Utility Patents -2010	
Agents	Utility Patents
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP	1375
FISH & RICHARDSON PC	1335
TOWNSEND & TOWNSEND & CREW LLP	1257
KNOBBE MARTENS OLSON & BEAR LLP	1161
SCHWEGMAN LUNDBERG & WOESSNER PA	1051
HARNESS DICKEY & PIERCE PLC	919
CANTOR COLBURN LLP	886
WORKMAN NYDEGGER	824
MERCHANT & GOULD PC	792
LEE & HAYES PLLC	765

Foreign-Filed Utility Patents -2010	
Agents	Utility Patents
OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT LLP	5050
SUGHRUE MION PLLC	3275
BIRCH STEWART KOLASCH & BIRCH LLP	2855
OLIFF & BERRIDGE PLC	2396
HARNESS DICKEY & PIERCE PLC	1778
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP	1351
FISH & RICHARDSON PC	1307
TOWNSEND & TOWNSEND & CREW LLP	1251
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP	924
MCDERMOTT WILL & EMERY LLP	879

focuses its efforts on the drafting process or as legal counsel for a patent filed with a foreign priority – or even specializes in both.

While most firms prosecute both foreign and natively filed patents in the US four firms are in the top 10 activity levels in both types of patents. Harness Dickey & Pierce PLC, Fish & Richardson PC, Townsend & Townsend & Crew LLP and **Blakely Sokoloff Taylor & Zafman LLP** can be found in the top 10 of both foreign and natively filed patents. This is a significant growth from last year where only Harness Dickey & Pierce PLC was found on both lists.

Oblon Spivak McClelland Maier & Neustadt LLP and Sughrue Mion PLLC continue to top the list based on foreign filing activity.

Not surprisingly, firms that focus more on Foreign Filed patents are prosecuting a larger volume of patents than firms that are more focused on the Natively Filed US patents. A substantial volume of patent representation in the U.S. is driven by the needs of foreign corporations to have local counsel in order to gain patent protection for their

products in the U.S. market. 57% of patenting entities in IpiQ Acquisition's Corporate Ownership Tree™ with patents issued by the USPTO in 2010 are headquartered outside of the U.S., it should come as no surprise that there is such a great demand for local U.S. counsel. Such an interpretation is bolstered by the percentages of the top six firms' represented patent portfolios that are foreign-filed. For Oblon Spivak McClelland Maier & Neustadt LLP (Oblon Spivak), 92% of the patents it represents are Foreign-Filed. The top four firms by Foreign Filing have this activity represent close to the ninety percent mark.

The ratios of foreign to overall filings for the top ten Natively Filed firms ranges significantly but all have over 50% of their work with Natively Filed patents except Harness Dickey & Pierce PLC at 34%. Lee & Hayes PLLC for example does 99% of their activity on Native US patents.

In general, foreign filings are a necessary component of business for all law firms. Since 67% of the patents issued in 2010 were foreign filings – patents drafted primarily for a foreign jurisdiction and sub-

sequently filed in the U.S. – it would make little sense for a law firm to forego the ability to act as local counsel for foreign clients and represent such a significant portion of the overall USPTO landscape.

SUMMARY

To return to the question “Why use Patent Analytics?”, we have looked at several ways in which Patent Analytics tools can qualify patenting differences and help both prospective patenting entities and law firms understand the representation value that IP law firms possess. The 2011 Law Firm Patent Scorecard™ is a high-level analysis of the best-performing law firms. Depending on a firm's or client's needs, however, a deeper analysis may be more relevant around specific indicators, specific technologies or client industries. In this difficult economy, Patent Analytics offer a vital perspective that can help maximize return on investment for clients and law firms alike.

Comments or questions please email: info@patentboard.com. 