

**OPENING STATEMENTS**

**THE Q FACTOR**

PatentRatings annual take on who prosecutes the highest quality patents.

**S**mall firms have dominated PatentRatings LLC’s annual patent-quality survey since we started publishing this list in 2003. Newport, California-based PatentRatings looks at patents in six categories—biotechnology, chemistry, electrical, medical, computer and software, and mechanical. Using a computer model, the company gives the patents an Intellectual Property Quotient (IPQ). Like an intelligence quotient, the IPQ has an average score of 100 [see “Methodology”]. Here we publish PatentRatings’s list of the firms that procured the patents with the highest IPQs in 2004.

Once again, Schwegman, Lundberg, Woessner & Kluth was mentioned in five categories. The Minneapolis-based firm is small—about 70 lawyers—but it has grown quickly since its 1993 founding. In October 2004 the firm opened a San Jose office staffed by two former partners from Blakely, Sokoloff, Taylor & Zafman. Blakely tied Schwegman for most mentions, but the firms share more than list space. Both count Intel Corporation as a client.

Schwegman has expanded into a space opened up by the many larger IP firms that have folded or merged out of business in recent years. While IP litigation migrated to general practice firms, prosecution has dispersed. Take Myers Bigel Sibley & Sajovec, for example. The firm (mentioned in four categories) was founded in 1997 by 16 lawyers from Bell Seltzer, a Charlotte, North Carolina, boutique, who opted not to go with their firm to Alston & Bird. The 28-lawyer Myers now represents a number of North Carolina clients, as well as out of state companies like Samsung Corporation and BellSouth. Founding partner Mitch Bigel says general practice firms approach his firm from time to time with the argument that a big firm can “cross sell” its services. “But we don’t want to cross sell,” Bigel says. “All that does is create conflicts.” Besides, he adds, “We’ve got a good reputation, why would we want to get saddled with that horse?” —Emily Friedlander

**MOST MENTIONS 2005**

<b>Blakely Sokoloff</b>	<b>5</b>
Schwegman, Lundberg	5
Myers Bigel	4
Mattingly, Stanger	3
Antonelli, Terry	2
Beyer Weaver	2
Dorsey & Whitney	2
George O. Saile & Associates	2
McAndrews, Held	2
Robinson Intellectual Property	2
Sterne, Kessler	2
TraskBritt	2
Wells St. John	2

**METHODOLOGY:** Not all patents are created equal. That’s the idea behind PatentRatings LLC, a Newport Beach, California, company that rates patent quality. The company, founded by a former partner at Irvine, California’s Knobbe, Martens, Olson & Bear, evaluates patents with a computer model and a premise. The premise is that patent owners are more likely to pay maintenance fees to the patent office for a patent that is valuable. The model predicts which patents will be maintained based on objective criteria that correlate with maintenance of older patents. The model examines, for example, the number of claims in a patent—the more claims, the higher the maintenance rates. Shorter claims, on the other hand, tend to make better patents, because fewer words translates to broader protection. The opposite holds true for the written specifications—longer is better. Finally, the model looks at a patent’s forward citation rate—the number of times other patents make reference to the patent in question. The more times a patent is mentioned, the higher that patent’s maintenance rate.

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### MEDICAL

Rank	Firm	# of Patents	% of Total	IPQ
1	Basch & Nickerson	13	81	152.8
2	Schwegman, Lundberg	61	10	141.1
3	Mayer Fortkort	15	21	140.6
4	Myers Bigel	10	2	134.5
5	McAndrews, Held	23	12	132.1
6	Crompton, Seager	37	52	131.6
<b>7</b>	<b>Blakely Sokoloff</b>	<b>16</b>	<b>1</b>	<b>129.2</b>
8	Martin & Ferraro	15	71	129.1
9	Pauley Petersen	28	22	128.3
10	Foley & Lardner	35	3	128.0

### BIOTECH

Rank	Firm	# of Patents	% of Total	IPQ
1	Swanson & Bratschun	27	52	149.6
2	Senniger, Powers	34	23	142.7
3	Hale and Dorr*	28	27	133.6
4	McDonnell Boehnen	91	31	133.1
5	Davidson, Davidson	24	16	129.3
6	King & Spalding	18	34	129.0
7	Sterne, Kessler	86	25	125.4
8	Seed Law	106	28	125.1
9	Carella, Byrne	19	83	124.8
10	Schwegman, Lundberg	39	6	124.1

\*Now Wilmer Cutler Pickering Hale and Dorr

### CHEMICAL

Rank	Firm	# of Patents	% of Total	IPQ
1	Schwegman, Lundberg	80	13	138.3
2	Wells St. John	162	49	137.9
3	TraskBritt	139	32	136.3
<b>4</b>	<b>Blakely Sokoloff</b>	<b>104</b>	<b>8</b>	<b>131.9</b>
5	Mattingly, Stanger	33	10	130.3
6	Robinson Intellectual Property	43	30	129.4
7	George O. Saile & Associates	144	48	128.6
8	Myers Bigel	89	21	127.4
9	Antonelli, Terry	145	13	122.7
10	Trop, Pruner	33	13	121.1

### COMPUTER/SOFTWARE

Rank	Firm	# of Patents	% of Total	IPQ
1	Lee & Hayes	111	86	148.7
2	Schwegman, Lundberg	173	28	148.1
<b>3</b>	<b>Blakely Sokoloff</b>	<b>714</b>	<b>52</b>	<b>148.0</b>
4	Sterne, Kessler	108	31	140.0
5	Dorsey & Whitney	133	29	139.6
6	Beyer Weaver	178	34	138.5
7	Jenkins & Gilchrist	60	33	138.3
8	Mattingly, Stanger	135	42	138.3
9	Myers Bigel	104	24	137.7
10	Perkins Coie	60	21	137.5

### MECHANICAL

Rank	Firm	# of Patents	% of Total	IPQ
<b>1</b>	<b>Blakely Sokoloff</b>	<b>198</b>	<b>14</b>	<b>125</b>
2	Beyer Weaver	95	18	116.9
3	Staas & Halsey	191	19	112.9
4	Oloff & Berridge	669	37	112.4
5	Antonelli, Terry	207	19	109.6
6	Fish & Richardson	336	24	109.3
7	Fitzpatrick, Cella	265	16	109.2
8	McDermott Will	316	22	109.0
9	RatnerPrestia	106	25	107.9
10	Morrison & Foerster	157	25	107.7

### ELECTRICAL

Rank	Firm	# of Patents	% of Total	IPQ
1	TraskBritt	140	32	165.6
2	Wells St. John	73	22	158.9
3	Schwegman, Lundberg	198	32	150.7
4	George O. Saile & Associates	81	27	145.8
<b>5</b>	<b>Blakely Sokoloff</b>	<b>341</b>	<b>25</b>	<b>144.7</b>
6	Myers Bigel	89	21	142.2
7	McAndrews, Held	54	28	140.6
8	Dorsey & Whitney	75	16	140.4
9	Robinson Intellectual Property	81	57	139.4
10	Mattingly, Stanger	94	29	138.4

Source: PatentRatings LLC, patentratings.com