הפקולטה לניהול ע"ש קולר אוניברסיטת תל אביב

Coller School of Management Tel Aviv University

The Leon Recanati Graduate School of Business Administration

1231.3928.01 – Development and Use of Patents as a Strategic Business Tool

Summer Semester – 2017

Section	Day	Hour	Exam date	Lecturer	Email
01	*	17:15-20:45	As posted on the list of exams	Adv. Gershon Panitch Seth	gerson.panitch@finnegan.com

* The course will take place from Sunday through Thursday (23/7/17 – 27/7/17) from 17:15 to 20:45 hrs.

Course Units

1 course unit = 4 ECTS units

The ECTS (European Credit Transfer and Accumulation System) is a framework defined by the European Commission to allow for unified recognition of student academic achievements from different countries.

Course Description

This is a crash course in patent strategy geared to strategically-minded business people. Some companies spend fortunes on patents and end up with little value. Others develop and use patents with a level of strategic precision that enables them to boost their valuation by many multiples. In this course, we will focus on what business people need to know in order to align their patents with their long term business strategies, and with the goal of affirmatively using patents as a mechanism to propel valuation.

Course Objectives

Upon completion of the course, the student will be able to:

1. Understand the fundamentals of patents, copyrights, trademarks, and trade secrets, with particular focus on the operation of patents, and how patents can be used as a driver of valuation.
2. Appreciate that all patents are not created equal, and have a framework for understanding how to obtain patents that advance a company's business goals.

3. Recognize risks associated with infringing the patents of other companies, and possess a basic understanding of the mechanisms available to kill competitors' patents.
4. Understand how to cost-effectively implement a successful IP program in a company.
5. Possess a basic understanding of IP due diligence and how a target company can best position itself for exit or investment.

Evaluation of Student and Composition of Grade

Percentage	Assignment	Date	Group Size/Comments
100%	Multiple choice final exam	Last hour of class 27.7.17	

* According to University regulations, participation in all classes of a course is mandatory (Article 5).
* Students who absent themselves from classes or do not actively participate in class may be removed from the course at the discretion of the lecturer. (Students remain financially liable for the course even if they are removed.)

Course Assignments

Required reading noted in course outline below.

Grading Policy

In the 2008/9 academic year the Faculty instituted a grading policy for all graduate level courses that aims to maintain a certain level of the final course grade. Accordingly, this policy will be applied to this course's final grades.
Additional information regarding this policy can be found on the Faculty website.

Evaluation of the Course by Student

Following completion of the course students will participate in a teaching survey to evaluate the instructor and the course, to provide feedback for the benefit of the students, the teachers and the university.

Course Site (Moodle)

The course site will be the primary tool to communicate messages and material to students. You should check the course site regularly for information on classes, assignments and exams, at the end of the course as well.
Course material will be available on the course site.
Please note that topics that are not covered in the course material but are discussed in class are considered integral to the course and may be tested in examinations.

Course Outline*

Class	Date	Topic(s)	Required Reading	Submissions
1	23.7	Introduction to Intellectual Property- Fundamentals Every Executive Needs to Know; A Deeper Dive Into Patents	Trademark, Patent, or Copyright? http://www.uspto.gov/trademarks-getting-started/trademark-basics/trademark-patent-or-copyright	
2	24.7	Introduction to Patent Strategy including three case studies; Use of patents as a driver of valuation	Jackie Hutter, *Strategic Patenting Part 1: Why So Few Patents Create Real Value*, IP ASSET MAXIMIZER BLOG (Jan. 24, 2014), http://ipassetmaximizerblog.com/strategic-patenting-part-1-why-so-few-patents-create-business-value/.	
3	25.7	Due Diligence: How to Check the Strength of a Company's Patents Defensive Patenting Considerations and Procedures to Minimize Litigation Risk	Gerson S. Panitch, *Patent Law: Strategic Due Diligence*, NAT'L L.J., May 15, 2000, http://www.finnegan.com/resources/articles/articlesdetail.aspx?news=29775e8d-0cbd-425f-9ab9-c59956fd1f24.	
4	26.7	Asserting and Attacking Patents How to Implement a Successful Company IP Program	Betsy D. Gelb & Gabriel M. Gelb, *An Unlikely Marketing Lesson from Patent Lawyers*, HARV. BUS. REV., Nov. 25, 2014, https://hbr.org/2014/11/an-unlikely-marketing-lesson-from-patent-lawyers.	
5	27.7	Monetizing IP Final Exam	n/a	

*Subject to change

Required Reading

Noted in course outline above.

Recommended Reading

Betsy M. Gelb & Gabriel M. Gelb, *An Unlikely Marketing Lesson from Patent Lawyers*,
HARV. BUS. REV., Nov. 25, 2014, https://hbr.org/2014/11/an-unlikely-marketing-lesson-from-patent-lawyers.

Deepak Somaya, *Patent Strategy and Management: An Integrative Review and Research Agenda*, 38 J. MGMT. 921, 1084-114 (2012), http://sjbae.pbworks.com/w/file/fetch/93336426/Somaya%20(2012).%20Patent%20strategy%20and%20management%20an%20integrative%20review%20and%20research%20agenda.%20JOM.pdf.

Fiona M. Scott Morton & Carl Shapiro, *Strategic Patent Acquisitions,* 79 ANTITRUST L.J. 463, 482 (2014), http://faculty.haas.berkeley.edu/shapiro/pae.pdf.

Deepak Somaya, David J. Teece & Simon Wakeman, *Business Models and Patent Strategies in Multi-Invention Contexts*, IVEY BUS. J., Sept.-Oct.2012, http://iveybusinessjournal.com/publication/business-models-and-patent-strategies-in-multi-invention-contexts/.

Jackie Hutter, *Strategic Patenting Part 1: Why So Few Patents Create Real Value*, IP ASSET MAXIMIZER BLOG (Jan. 24, 2014), http://ipassetmaximizerblog.com/strategic-patenting-part-1-why-so-few-patents-create-business-value/.

Gerson S. Panitch, *Patent Law: Strategic Due Diligence*, NAT'L L.J.,
May 15, 2000,
http://www.finnegan.com/resources/articles/articlesdetail.aspx?news=29775e8d-0cbd-425f-9ab9-c59956fd1f24.

Ken Otterbourg, *The Bloody Patent Battle Over a Healing Machine*, FORTUNE MAG. (Oct. 30, 2012, 9:00 AM), http://fortune.com/2012/10/30/the-bloody-patent-battle-over-a-healing-machine/.

Additional IP Litigation and Licensing Sources:

Michael C. Elmer & C. Gregory Gramenopoulos, *Global Patent Ligation: How and Where to Win* (2014)

Brunsvold, *et al.*, *Drafting Patent License Agreements* (7th ed. 2012)