



STRATAGEM

STRATAGEM INTELLECTUAL PROPERTY MANAGEMENT LIMITED

Welcome to the Stratagem IPM newsletter

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Last year was another busy year for Stratagem in our core areas of pharma, biotech, medical devices, diagnostics and drug delivery, but we have also been expanding our client base outside the life sciences for example in the oil industry, non-medical devices and decontamination. We have also greatly increased our international business.

At the end of January, our Chairman, Laurence Jenkins, will retire after seven very successful years at the helm! Laurence has been a pillar of strength since Stratagem was first founded, providing a wealth of experience and advice over the years and I am very sad to see him leave. The Stratagem team's warmest thanks and best wishes go with him.

Dave Roberts kindly agreed to join us as Chairman Elect in November 2007 and will take over from Laurence as Chairman in February. Dave has spent 40 years in the Intellectual Property world and was Senior Vice President at GlaxoSmithKline plc until 2007. Dave is a non-executive Director on the Steering Board of the UK IP Office and has sat on many professional committees, including Chair of the IP Policy Committee of EFPIA and ABPI. We are very pleased to welcome him to Stratagem and look forward to a long and successful relationship. Dave's varied professional career biography can be found on our website www.stratagemipm.co.uk.

We are delighted to congratulate Dr Jonny Wood on becoming a qualified UK Patent Attorney and European Patent Attorney in the latter part of last year.

Towards the end of 2007, the US Patent Office set out to introduce amongst others, stringent new rules around the filing of continuation applications, which caused considerable consternation in the UK. Stratagem took immediate action to protect its clients' portfolios. After pressure from industry and other quarters including a law suit, these plans have yet to be implemented, but we remain ready to enter the fray again if they progress.

Following a number of requests, Stratagem is now providing an IP process audit service to review effectiveness of processes in internal patent departments. Further details of this will be included in our next newsletter. All initial enquiries should be directed to Nicola Baker-Munton.

This year, Stratagem is sponsoring the BIA Fledgling Club – a newly created forum for start-up companies in the biotech industry. This is an exciting opportunity which will allow us to assist many more small companies in getting their IP strategies correct from the outset.

We have successfully completed a year-long transfer recordal project on behalf of one of our clients and now have considerable experience in global assignment and licence recordal which seems to be benefiting in increasing number of clients as they acquire and licence IP, merge or change their company name.

Lastly, our website is currently under development and we hope to have a new, updated site ready for the Spring.

Here's to a prosperous 2008 for all!

Nicola

BEWARE OF ROGUE TRADERS!

Abigail Twitchen

Please be aware of two known routes through which rogue businesses try to extract money from unwary rights holders:-

Unofficial Trade Mark Registers - On publication of your trade mark application, your contact details become public and this provides a means for rogue traders to send out official looking requests for payment of money to secure registration of your mark in unofficial Trade Mark Registers. The fees are not excessive (normally less than \$500) and the payment requests look like invoices and may easily slip through to Accounts Departments who know that you are protecting your trade mark and think this is part of the process.

Domain Name Registration –Seemingly well intentioned domain name registration companies call or email you advising that they have received a request to register a domain name similar to your brand. They are kindly ringing you to offer you the chance to register the names instead. In this case the costs are minimal (often less than \$100) so it may seem to be an easy resolution to buy the domain name rather than run the risk of it falling into the hands of another. Invariably, however, no other company exists, but you end up spending money on a domain name of no value to you.

Please always contact Stratagem if you receive such approaches, or any other contact that appears unusual, and we will be happy to set your mind at rest as to whether they are genuine or not.

**Why not call one of the Stratagem team to discuss?
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TO EVERY THING THERE IS A SEASON – INCLUDING ENDGAME STRATEGIES

Many of Stratagem's clients are start-up and/or SME businesses who set out with the longer-term aim of exploiting their technology and related intellectual property (such as patents, designs, trade marks, domain name and know-how) through the route of finding an eventual larger partner to develop and commercialise their technology further by way of a licence or trade sale.

Rather like selling a property, there is an optimum point in the extent of development and associated costs and use of resource below which one is unlikely to receive the optimum return on investment, and beyond which the increments in return are minimal in comparison with the extra expenditure. The optimum return and extent of development depends largely on the nature of the technology and the perception by the target partner of the degree of risk and the necessary future spend of money and resource to commercialise and market the relevant product or service.

For example in the pharmaceutical or health care actives sectors, one is unlikely to get take-up by a larger partner without at least Phase I clinical trial demonstration of efficacy, as the perceived risk and future spend will be too high.

On the other hand in the light engineering sector, especially if one has a

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batch production prototype, one will be able to extract minimal further return by trying to develop through to a marketable prototype before or while negotiating with the target partner. Although the perceived risk is relatively low, the partner will expect to have to go back almost to the drawing board, and to make many changes, e.g. to optimise the materials or construction, and/or to convert the product for line production.

There is also more than one possible end-game strategy; for example we have clients who have a licensee to bring in revenue while looking for an eventual trade sale.

Please contact Stratagem if you would like to discuss or receive advice on any such strategic matters, and we will be happy to help in any way we can. We can bring the advantage of having in the past sat on the other side of the fence in the licensing-in and acquisition arms of just such larger target partners.

**Why not call one of the Stratagem team to discuss?
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For further information and advice contact us at

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