

Future-Proofing Your Patents: Strategic Tactics for Anticipating and Protecting Future Innovation

Written by:

Martin Schweiger

Expert for AI Patent Drafting, AI Keynote Speaker
and Founder of Schweiger & Partners

Skepticism About Patents for Non-Existent Inventions

When someone wants to file a patent for something that does not yet exist, even as a proof-of-concept or simple simulation, I become skeptical. My concern is whether we are wasting money on this patent application. I have seen many useless patents in the past, often encouraged by government incentives to increase patent numbers. This led to the exploitation of the system.

Issues with Forecasting Future Technologies

Another area I distrust is forecasting future developments and patenting potential future technologies based on past trends. This approach seems like wishful thinking, and patent attorneys should avoid it.

Creative Patent Drafting

However, patent attorneys need to be creative when drafting patents. We must consider not only current inventions but also potential future developments. Skillful predictions can help protect inventions in the future, giving patent owners an advantage in the technology race. We will discuss how AI and computer technology can help write better patents with a broader and future-oriented scope of protection.

The Meaning of “Strategic Patent Tactics”

Strategic Patent Tactics are deliberate approaches used by individuals or companies during the patent drafting and filing process to maximize the strength and breadth of their intellectual property (IP) rights. These tactics aim to:

- **Protect Innovations:** Ensure that current and future innovations are safeguarded from competitors.
- **Extend Market Exclusivity:** Broaden the scope of a patent to cover various versions of an invention, prolonging market exclusivity.
- **Prevent Infringement:** Draft patent claims to make it difficult for others to design around them without infringing.

These strategies are known as “prevent being invented on top of,” “prevent being circumvented,” and “prevent being blocked for the future.”

Strategic Patent Tactic #1: Preventing ‘Being Circumvented’ with Broad Claims and Divisional Patent Applications

Specific patent claims can allow competitors to "build around" a patent. For example, a narrow patent claim for the "Epilady" allowed competitors to achieve the same result without infringing the patent. To counter this, innovators must draft patents with broad claims that cover various iterations and applications of the core technology.

We will show how AI and computer technology can help write patents with broader claims. We will also explain how to prosecute these broad claims, as examiners often require more discussion. We will demonstrate how to prepare patent applications for filing divisional or continuation applications. This allows one narrower version of the initial application to proceed to grant while discussing broader claims in the divisional application.

This approach shows the public that there is a patentable invention and retains broad claims for later. Such a patent family can be challenging for competitors regarding Freedom-to-Operate evaluations. We will also cover how to protect product variations that lack unity over prior art. Patent laws allow filing applications with multiple inventions but not granting claims in one application if they belong in separate applications.

Another strategy applies to patents for "selection inventions" in pharmaceuticals or materials science. These inventions are defined by parameter ranges that provide technical effects. We will show how to claim broader parameter ranges without overdoing it.

Strategic Patent Tactic #2: Securing Value Chain Dominance to Prevent ‘Getting Invented on Top Of’

When a patent describes a core technology, it is essential to forecast its potential applications. Competitors might "invent on top of" these patents, controlling their subsequent uses and locking the original inventor out of the market. To avoid this, companies must examine the value chain and identify downstream opportunities for patenting.

We will show how AI and computer technology can help write patents that protect not just the invention but also its downstream integrations, ensuring control over the technology's lifecycle.

Strategic Patent Tactic #3: Forward Patenting to Avoid Future Blockades

The third tactic addresses the risk of “getting blocked for the future.” Sometimes, a company innovates a product only to find the technological landscape claimed by competitors’ patents. Forward patenting is a visionary approach where a company patents future-oriented technologies in advance. This anticipates the next waves of innovation and secures patents early to avoid being fenced out by competitors.

How to Apply Strategic Patent Tactics When Drafting Patents

Applying these strategic patent tactics is not easy for ordinary people or patent attorneys. It is about envisioning the future trajectory of technology and aligning patent strategies with it. R&D technicians, patent attorneys, and marketing & sales people must collaborate closely. They need to understand the technology deeply and have a clear vision of its potential evolution.

Modern Patent Drafting Robots can help identify the appropriate language for broad claims, starting from picture claims. However, a lot of human wisdom and insight into upcoming technologies is necessary to develop the creativity needed for drafting patents that prevent “Getting Invented on Top Of” and “getting blocked for the future.” While these strategies may not become the norm soon, it is important to be aware of them. We will show what is possible today with patent drafting robots.

Conclusion

When crafting patent applications, it is critical to have a forward-looking approach. Companies must strategize with the future market in mind. As technology advances, proficiency in drafting patents is essential. This skill safeguards current innovations and secures the liberty to develop new ones. In the competitive realm of technology, the capacity to anticipate and plan for future developments is essential to maintaining a leading position

Preparing for the Future with our RPD Workshop

As technology advances, mastering the art of anticipation in patent filing becomes essential. The Generative AI/Robot Patent Drafting (RPD) Workshop: “Litigation-grade and Prophetic Patent Drafting” Edition, scheduled for 19th July 2024, offers a unique opportunity to enhance your skills in this area. This online workshop will provide live demonstrations on litigation-grade and prophetic patent drafting, guiding you through the process of using a patent drafting robot starting from an invention disclosure.

Why Attend?

- **Exclusive Demonstrations:** Experience firsthand how tools from our partners, from initial invention disclosures to complete patent applications.
- **Expert Guidance:** Learn the ins and outs of Litigation-grade and Prophetic Patent Drafting drafting from expert professionals.
- **Networking Opportunities:** Connect with like-minded professionals and join our Robotic Patent Drafting Network, offering a plethora of advantages for your business environment.
- **Professional Certification:** Receive an RPD (Robotic Patent Drafting) certificate upon completion.

Event Details:

- **Date:** Friday, 19th of July 2024
- **Pricing:** Starting at \$399. This investment includes access to all sessions, network opportunities, and a professional certification.
- **100% Money-Back Guarantee:** We are confident in the value of this workshop. If you feel that we haven't met your expectations, we offer a full refund.

Time Zones:

- CEST: 10:00 AM to 5:00 PM (Berlin, Paris, Rome, Prague)
- GMT: 9:00 AM to 4:00 PM (London, Dublin, Lisbon)
- PST: 4:00 AM to 11:00 AM (Los Angeles, San Francisco, Seattle)
- EST: 7:00 AM to 2:00 PM (New York City, Miami, Boston)

Join us to stay ahead in the ever-evolving landscape of international IP litigation and equip yourself with the knowledge and tools to protect your innovations and secure your market position for the future.

[Sign Up for the RPD Workshop](#)