

Providing Formal Opinions



Coller IP provides a range of formal legal opinions to clients, tailored to meet specific needs. One of our clients, for whom we have delivered a range of patent and trade mark attorney services, is an innovative company developing a strong and growing IP portfolio to protect its technology and to secure its routes to market. Our client was preparing for a major fund-raising round and needed to meet requests from potential investors.

The patent portfolio is a major part of the company's assets and is critical to commercial success, so it was important to understand the strengths and robustness of the portfolio in a challenging market.

In putting together a strong case for investment, our client needed clear and formal patent attorney opinions under strict confidentiality. We objectively assessed:

- the quality of our client's portfolio of patents and patent applications (a so-called 'Validity Opinion'); and
- the potential risks of our client infringing the patents of other companies (a 'Freedom-to-Operate' Opinion).

Both types of opinion require thorough searching of previously published patent documents to find patents that cover similar inventions, along with a thorough technical and legal analysis of their claims.

We were able to demonstrate in our Validity Opinion that the client's patents and applications were robust and well-differentiated from pre-existing patents and other publications. It also enabled us to identify where there was scope to further strengthen our client's patent portfolio.

The Freedom-to-Operate Opinion showed that there were no identified risks of infringement, although it did reveal some competitor patent applications that require surveillance until these applications have undergone the official examination process.

The combination of these opinions provided strong evidence for investors of the robustness of the portfolio and an understanding of IP risks.

The information emerging from the searches and analysis contributed to a thorough management review of the portfolio as our client continued with its technology development. It highlighted also where additional patent filings were recommended to maintain an edge over competitors, and in some cases to block them from entering into our client's market space.

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