



The **GREAT DEBATE:** *The* Changing Face of IP

IP Value: What's It Worth?



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■ **Panelists:**

- Alexander Arato – Vice President, Associate General Counsel, CA, Inc.
- Valerie Calloway – Chief Intellectual Property Counsel, Polymer Group, Inc.
- Jeannie McCarver – Associate General Counsel, U.S. Bancorp
- Renee Rymarz – Senior Counsel, Global IP-Patents, Kraft Foods, Inc.
- Michael Whitehead – Chief Counsel Intellectual Property, The Lincoln Electric Company

■ **Moderators:**

- Paul Hunter – Partner, Foley & Lardner LLP
- Jonathan Spivey – Partner, Foley & Lardner LLP



The Value of IP

- One Size Does Not Fit All
- Deciding how to decide
- IP budget
- Approach to valuing/maintaining IP assets



Considerations when determining value of IP:

- Type of company – business model/business plan (approach to licensing in/out)
- What are the contents of IP portfolio?
- How is IP budget determined?
- Should IP align with product revenue? Should it be included in capital expenditure approval process?



IP Budgets

- **Determining the Appropriate IP Budget:**
 - Business type/model/goals
 - Licensing/IP income
 - “Needs” vs. “Wants”
 - Effects of globalization
 - Training/Compliance with IP requirements
- **Defending the Proposed IP Budget:**
 - Protect R&D investments
 - Competition/race to market
 - Message to industry
 - Trademarks protection – use it or lose it
 - Licensing/Joint Developments
 - IP Department could be a profit center
 - IP could be barrier to market entry



Procuring and Maintaining IP Assets

- Comprehensive vs. Key Assets
- IP assets for defensive measures
- Merger and acquisition potential
- International business



Enforcement of IP Assets

- Patent
- Trademark
- Copyright
- Trade Dress
- Trade Secret



Enforcement of IP Assets

- International Considerations:
 - Enforcement strategy
 - Potentially favorable/unfavorable forums
 - Foreign counsel



Budgeting for IP Litigation

- Managing Litigation/Outside Counsel:
 - Costs/types of activities
 - Budget, cap, billing cycles
 - Expectations
- Type/Size of Case:
 - < \$100,000
 - \$100,000 - \$1,000,000
 - > \$1,000,000