

Cooley

Patent Evaluation Form: If and Where to File

Value of Patent Application

- Does the patent cover a critical technical aspect and is it a potentially significant impediment to competitors? _____

1 = not critical
5 = completely blocks

- How broad are the patent claims? _____

1 = very narrow
5 = broad applicability
(beyond initial field of use)

- Will it be easy to detect infringement of the patent? _____

1 = difficult to detect
5 = easy to detect

.....
Total Value of Patent Application _____

- If the patent covers a method or process for making a product that will be imported into the United States in some form, add 2 to the total value calculated above. If not add 0 to determine:

Aggregate Patent Value _____

Value of Protection in Various Countries

- Identify each country in which you expect to commercialize your invention
- Identify each country in which a competitor is likely to offer a competing product or perform an infringing process
- Identify each country in which manufacturing is likely to occur

- For each of the countries identified in response to items A-C, assess the following three factors:

1. Rate the country on size of market for the invention _____

1 = very small
10 = large

2. Rate the country on strength of anticipated competition _____

1 = weak competition
5 = strong competition

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Total value of protection in that country _____

Overall Assessment

For each country, calculate an assessment value that can be compared to estimated costs for filing and prosecuting the application in that country.

Aggregate Patent Value + Total Value of Protection

Categorize the application with respect to each country using the following scale: _____

Strong candidate for filing in the country: 22 – 30

Moderate candidate for filing in the country: 13 – 21

Poor candidate for filing in the country: 5 – 12
