

Maximizing IP protection of lignocellulosic biofuel technology: Challenges and opportunities

Wendy E Lamson

Perley-Robertson, Hill & McDougall, Canada

Lignocellulosic biofuel patenting has experienced rapid growth in the last 15 years. Despite some recent downward trends, Cellulosic ethanol and biodiesel patenting have both increased roughly 7 times since 2003, and biodiesel patenting has increased by around 8 times. However, an increasingly crowded patent space poses challenges for start-ups and mid-size companies to secure patent rights in this emerging field. Added to this challenge is that US supreme court case law developments are not favorable to patentees. A small to medium size enterprise with limited resources, however, can build a winning patent portfolio in such an environment to attract investment by implementing a strategic patent strategy. A strategic patent strategy serves to carve out a niche that adds value to an organization rather than being a drain on resources. Such a strategy should be implemented at each stage of the patenting process, including invention mining, drafting and filing the patent application, and examination of patent applications. On-going culling of a patent portfolio to ensure alignment with business objectives is also necessary to extract maximum value. The protection of trade secrets, particularly in an era of increased reliance on digital information, should dovetail with developing a strategic patent portfolio.

Biography

Wendy E Lamson is a patent agent and partner at the firm of Perley-Robertson, Hill & McDougall. She has over 17 years of experience creating patent portfolios for Canadian companies, including a local Ottawa biofuel company. She is a published author on patent utility requirements and holds an LLM in Intellectual Property Law at Osgoode Hall Law School (2015) and a BSc in biochemistry from Simon Fraser University (2000). She blogs on various topics directed to helping inventors achieve success in patenting green technology at www.patentgreentech.com.

wlamson2002@yahoo.ca

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