Strategizing for Effective Portfolio Management in the Advent of AI

IP Law & Management Institute
Think Tank

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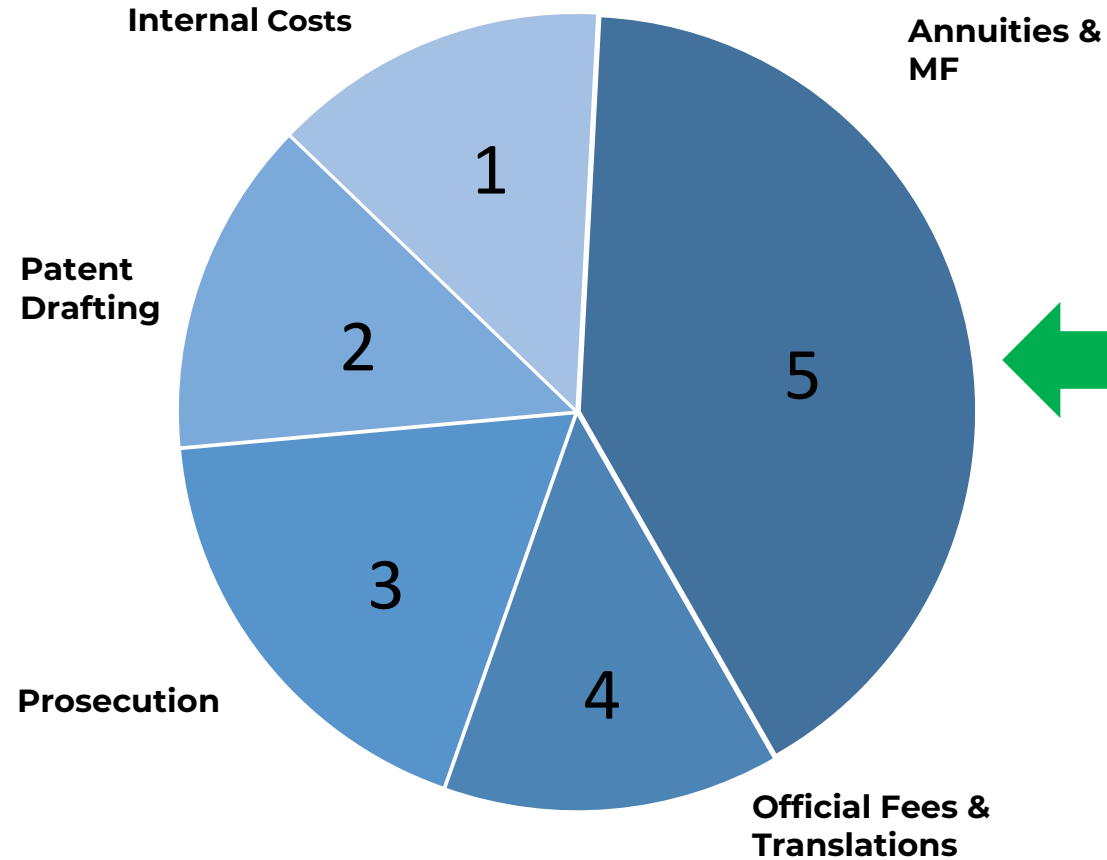
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Usual Discussion. . .

Internal Costs

Patent Drafting

Prosecution

Official Fees & Translations

Annuities & MF

1

2

3

4

5

None of these are new or due to AI and are sound strategies to reduce your patent spend while increasing quality

Optimize Drafting Costs

(Reduces 1, 2, 3)

Reduce Prosecution Churn

(Reduces 3 & 4)

Use Early Indicators for Fast Break Patenting

(Reduces 3 & 4)

Align Patenting Decisions with Business Goals

(Reduces 4 & 5)

Cull Non-Strategic Assets Aggressively

(Reduces 5)

Does AI Change the Game?
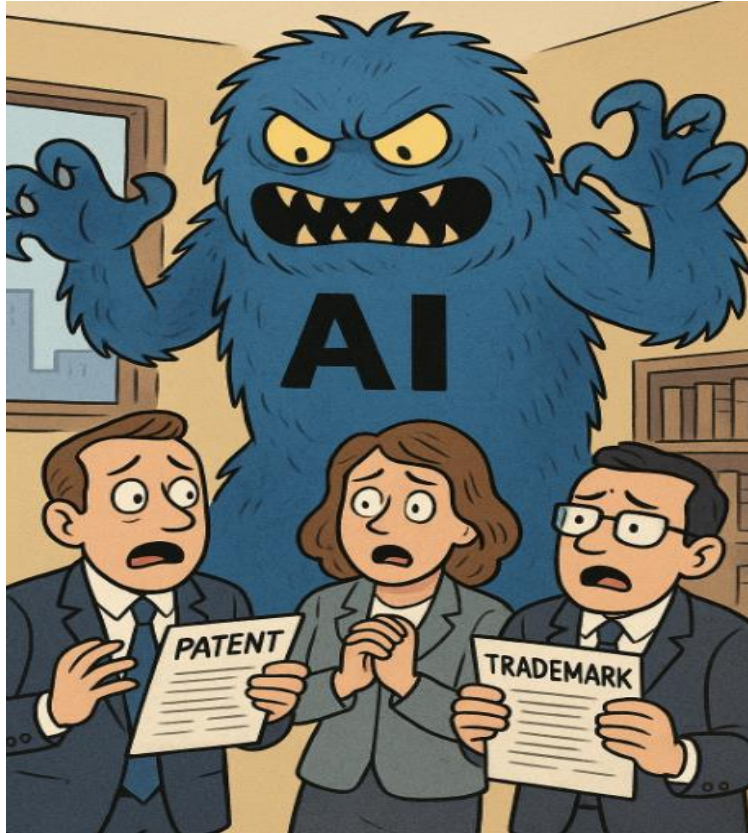
- Don't fall for the hype

- Marketing promises to produce the best results, the best content with the best safeguards but the realities are falling short

- Potential to help is there . . . but for AI to be useful, it has to actually solve YOUR problem

- It's an opportunity to become more efficient

What We Have Done With the Opportunity

- Mapped workflows

- Identified areas for improved efficiency thru technology, staffing, vendor, or process changes

- Built multidisciplinary evaluation team, including security and compliance experts

- Considered whether to buy, build, or collaborate with a partner on solutions

- Set up a task force to evaluate tools

- Forced vendors into financial models that makes sense for adoption and change management

- Implemented training, productivity goals
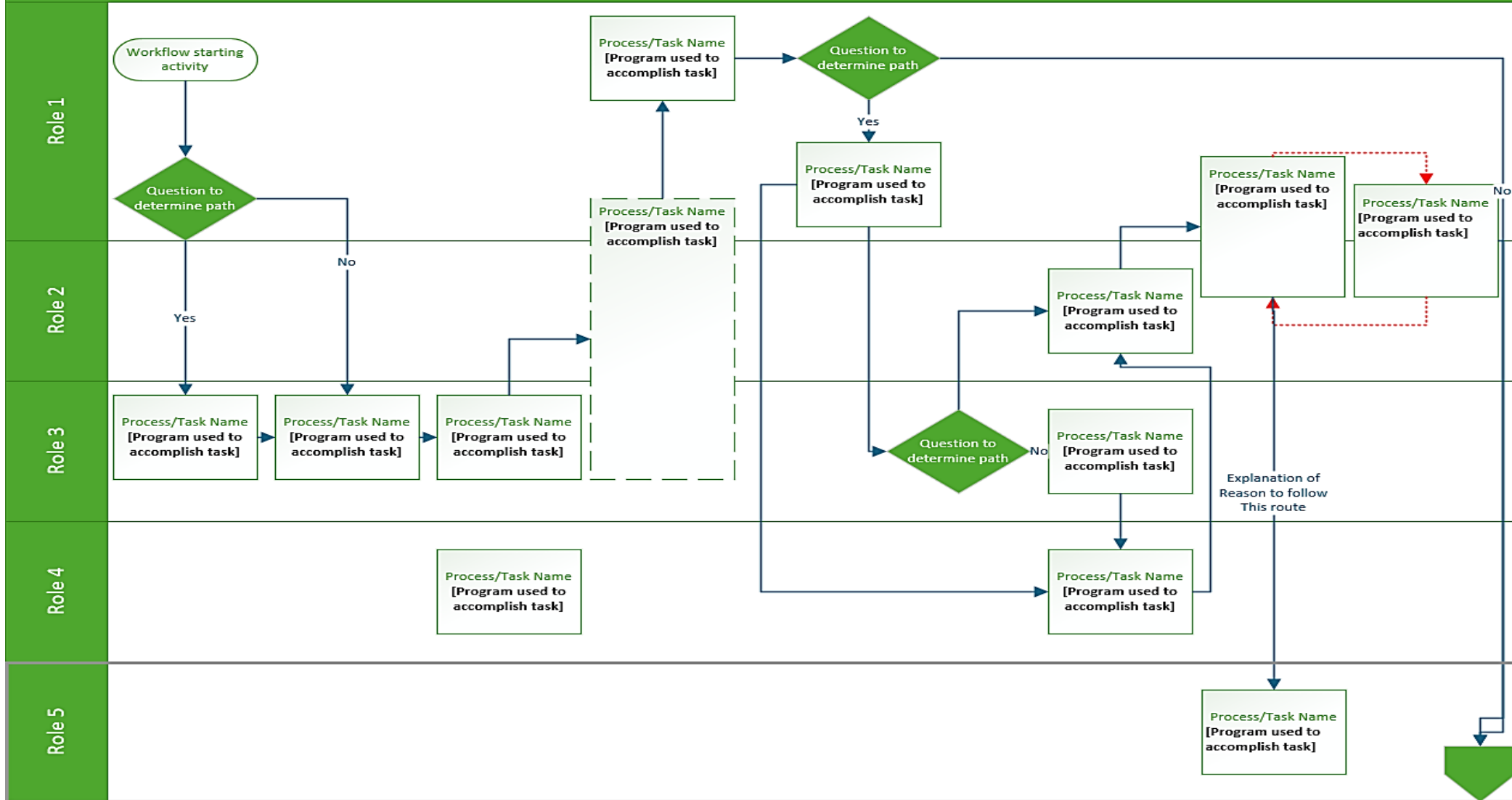
Security, Data Protection & Compliance
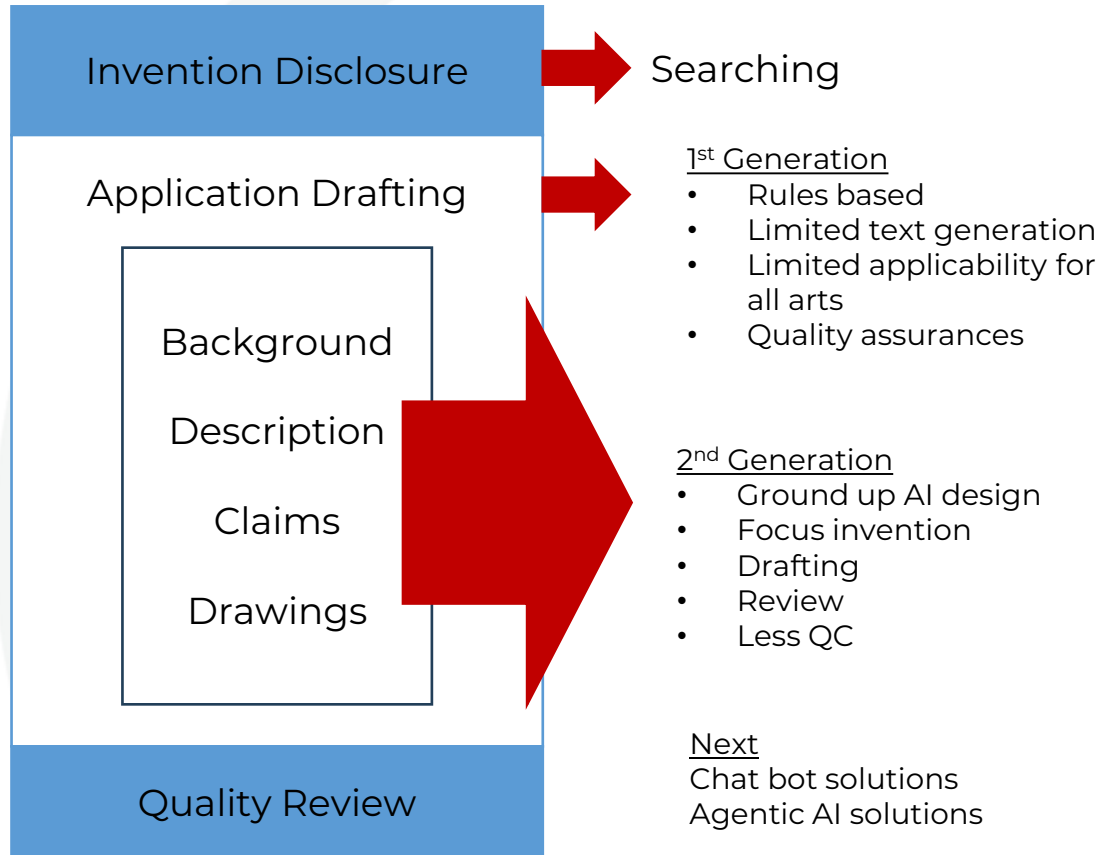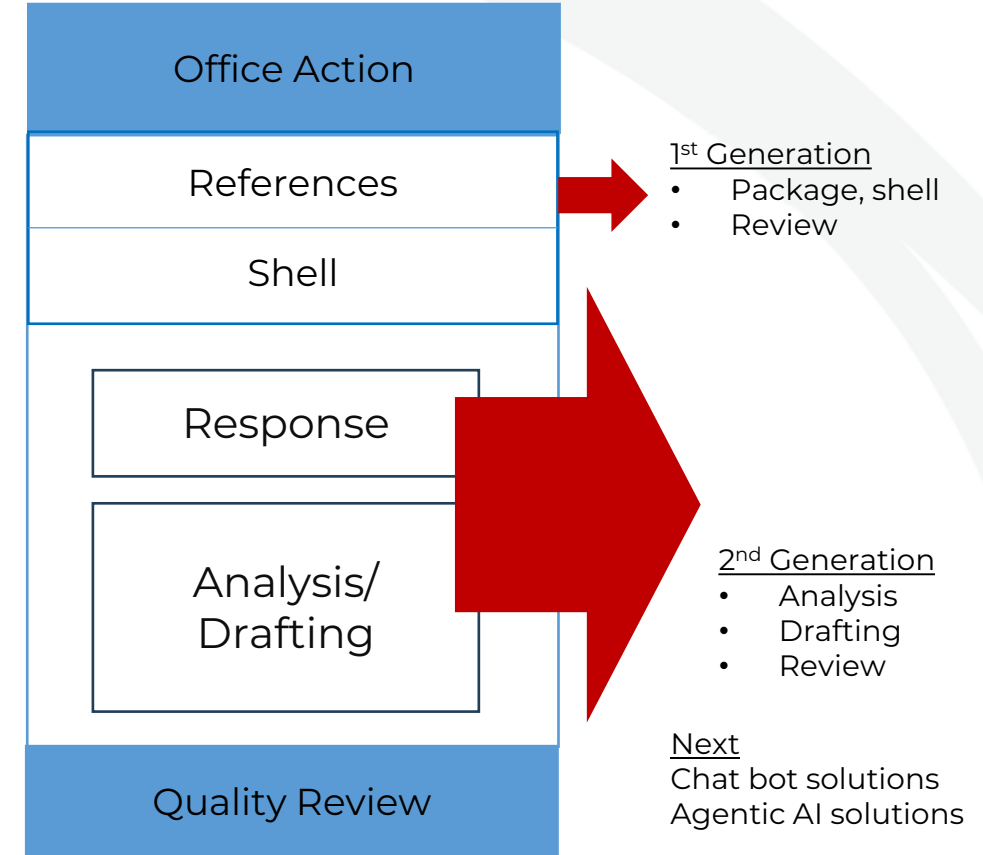
Security Area	Examples of What to Look For
Certifications	**SOC 2**, **ISO 27001**
Data Encryption	AES-256, HTTPS, encrypted storage
Access Controls	Role-based, MFA, audit logs, SSO
Penetration Testing	Regular, independent, documented
Privacy & Data Use	No data sharing/training, clear ownership
Incident Response	Documented plan, notification procedures
Data Residency	Compliance with GDPR, CCPA, etc.
Integration Security	Secure APIs
Contractual Protections	DPAs, indemnity, exit/data return clauses

What Are We Seeing: AI Tools Still Works in Progress

PREPARATION

| Invention Disclosure | → Searching |

Application Drafting →

1st Generation
- Rules based
- Limited text generation
- Limited applicability for all arts
- Quality assurances

- Background
- Description
- Claims
- Drawings

→

2nd Generation
- Ground up AI design
- Focus invention
- Drafting
- Review
- Less QC

Next
Chat bot solutions
Agentic AI solutions

Quality Review

PROSECUTION

Office Action

References

Shell

→

1st Generation
- Package, shell
- Review

Response

Analysis/ Drafting

→

2nd Generation
- Analysis
- Drafting
- Review

Next
Chat bot solutions
Agentic AI solutions

Quality Review

Not suited for new folks because they do not know how to evaluate what AI puts together. Experienced eyes are needed even more.
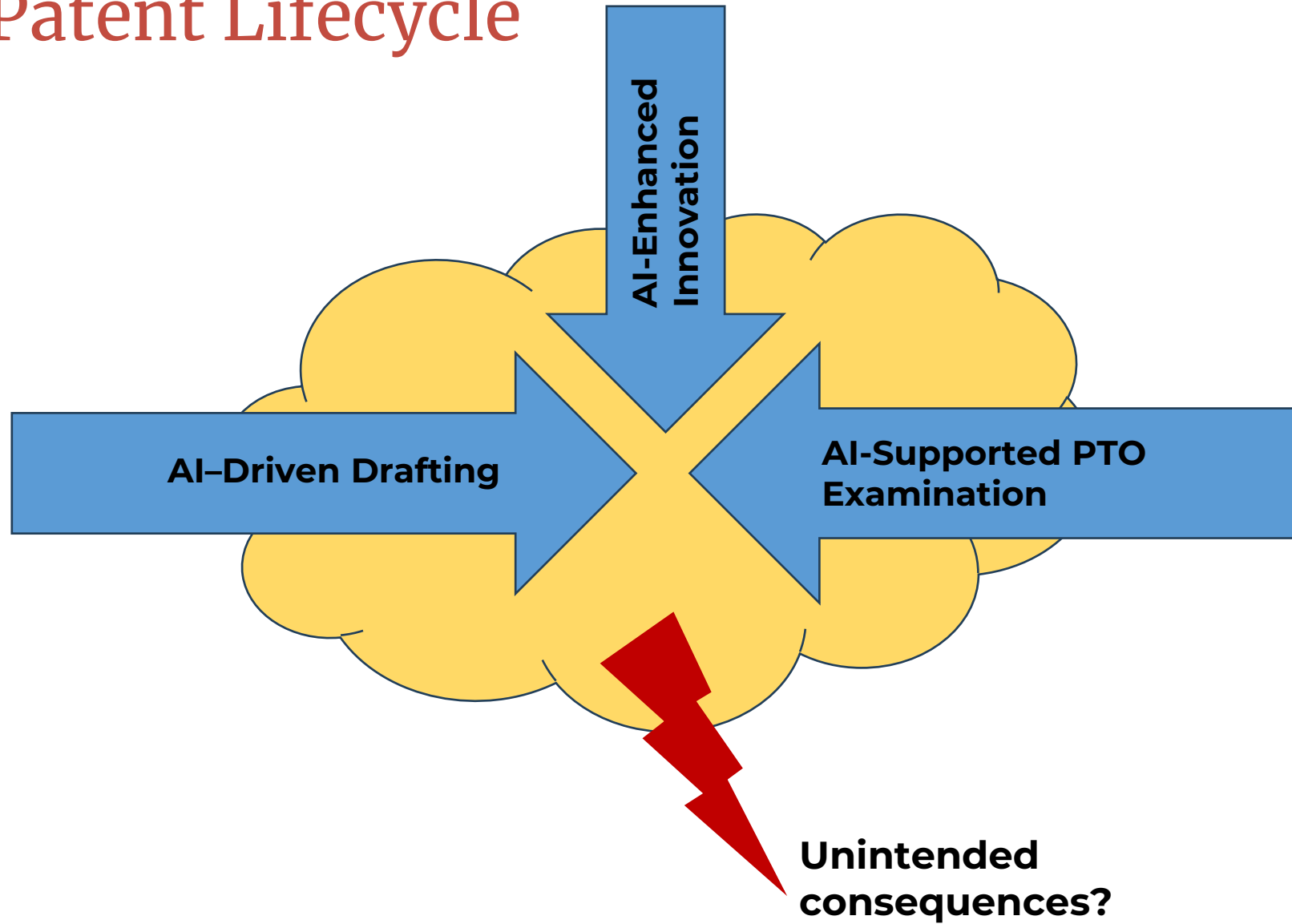
What We Are Seeing: Litigation Tools

- Infringement detection – heavy area of development, with lots of marketing promises; more difficult challenge because reviewing current internet data that is not detailed enough to determine infringement

- Claim charts
  - Patent searching for patentability has some strong tools
  - Quick claim charts for marketing purposes
  - Detailed claim charts that would go straight into a brief . . . Nah.
- Legal research – Lexis AI . . . great to drill or answer specific questions
- Discovery and doc review tools
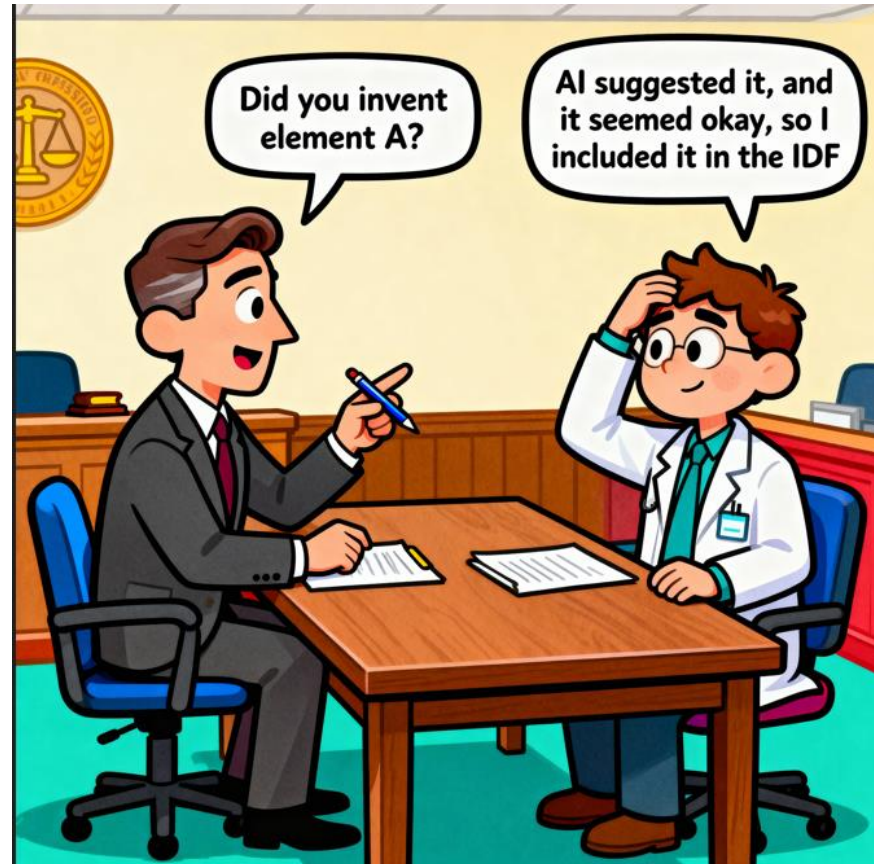
AI – What's the Potential Savings Impact?

	Initial Possibilities	**Eventually**
Prep	5%	20-30%
Pros	5-10%	20-40%
Litigation (sans discovery tools)	3-5%	7-10% (Gen 3???)
Process Flow	Not there yet	20%+

AI–Infused Patent Lifecycle

AI-Enhanced Innovation

AI–Driven Drafting

AI-Supported PTO Examination

Unintended consequences?

What Does the Inventor or Patent Attorney Depo Look Like?

Summary

- Don't believe the hype – there is no magic button tool that will solve your process flow or portfolio management challenges
  - Identify the problems and THEN evaluate the solution (technology, staffing, process, etc.)
  - Align use of new tools and approaches with long-term growth strategies, risk tolerances, and client needs
- AI IP tools are still piecemeal solutions with differing levels of sophistication along the development curve, but they are rapidly evolving
- For adoption, there is a steep learning curve for folks to use and incorporate into workflows
- Pricing models are based on traditional licensing that is not conducive to adoption

QUESTIONS AND ANSWERS?

Q + A

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