



## Delivering a bespoke Freedom to Operate program

### The client

A large consumer goods company.

### Solution elements

RWS IP Research: Freedom to Operate program delivery

### The challenge

Our client is a global consumer products corporation. They needed a robust program for evaluating potential infringement risks in all key territories before their goods hit the shelves.

The company had an existing infringement program in place, which was overseen by outside counsel. The law firm was responsible for commissioning research to identify those cases most likely to cause concern. The firm was then required to provide their opinion within three to four weeks.

To meet consumer demand, the client operates a 'fast to market' business model, clearing hundreds of products and product features each year. With high volumes and tight deadlines, a coordinated approach was essential.

Cost control was also a critical element of the program. The cost of individual work orders needed to be both clearly defined and highly economical.

Furthermore, the standard of the work was a key consideration for the client. With hundreds of matters per year, the quality of the research needed to be high and aligned to the identified risk level.

### The solution

In consultation with both the client and their principal outside counsel, we established an initial Freedom-to-Operate (FTO) patent search program.

We put processes in place that reduced the research phase to a maximum of three weeks. Interim reports were provided to assist outside counsel to meet the timeline.

"With the initial program proving a success, it was expanded to encompass other business units...In consequence, order volumes surged."

**Key benefits for the client**

- Devised and delivered a successful FTO program
- Reduced the research phase to 2-3 weeks
- Resulted in a surge in order volumes

We also provided a broad range of territory options based upon active markets and grouped them according to region.

With the initial program proving a success, it was expanded to encompass other business units and outside counsel law firms. In consequence, order volumes surged just as the need for ever tighter deadlines became apparent. The client was delighted with the improved FTO program, but now needed the same solution delivered more quickly and at even higher volumes.

We worked closely with key stakeholders on the client side, including in-house and outside counsel, to create an improved FTO program structured to their precise goals. The program now provides:

- **Refined core territorial coverage** to focus on critical markets, maximizing cost efficiency and timely delivery. This included development of in-house native-language Chinese search resources. Standard searches are now conducted and reported within five to seven working days.
- **Fixed pricing** that aligns resources to an acceptable risk profile.
- **A bespoke search protocol** designed to identify a lean set of results focused on identifying key threats. This enables outside counsel to provide cost-effective opinion to the client. It also serves to identify disclosures in the public domain, indicating a potential right-to-use for the target product or product feature.
- **Online delivery of results** through our AOP Connect portal. This provides a secure and confidential method to make search requests and view results. Research data in AOP Connect can be tagged according to a client-defined taxonomy, enabling more efficient analysis. Studies can also be archived, so that intelligence can be leveraged for future projects.
- **Regular client meetings** to review the quality of the program.



## Delivering a bespoke Freedom to Operate program

The program had in-built measures to drive continuous improvement, ensuring we continue to exceed client expectations.

Alongside the core FTO strategy, we have also assisted the client by running State-of-the-Art (SotA)/Landscape studies in support of ongoing product development efforts. An invalidity search program has also been put in place to enable rapid stress testing of any troublesome rights identified.

### About RWS IP Solutions

RWS is the world's leading expert in IP research, patent translations, foreign patent filing and database services.

For over 60 years, RWS has led the industry and helped more than 10,000 clients protect and enforce their IP rights around the world. We can help you:

- Ensure the highest quality patent translations
- Cut costs and save resources
- Simplify and streamline

### About RWS IP Research

RWS has the largest pool of IP researchers in the world, combining a team of in-house subject matter experts with a Crowd of over 40,000 skilled researchers.

Our crowd works on a highly cost-effective 'contest' pricing model. This means you could have dozens, even hundreds of researchers working for you, with complete budget confidence.

Every study is managed by our team of skilled research managers who, in addition to years of research experience, have advanced educational degrees.

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