

**OPENING
STATEMENTS**

THE Q FACTOR

Small firms get high marks for patent quality.

Quality patents come from small places. At least that's the conclusion of the annual patent-quality survey conducted by PatentRatings LLC of Newport Beach, California. PatentRatings looked at patents that issued in 2003 in six categories—biotechnology, chemistry, electrical, medical, computer and software, and mechanical—and ranked them for quality. The company uses a computer model to examine patents and gives them an Intellectual Property Quotient (IPQ). Like an intelligence quotient score, the IPQ has an average score of 100. PatentRatings identified the firms that prosecuted patents with the highest IPQs in each category.

Two firms were mentioned on five out of the six lists: Los Angeles's Blakely Sokoloff Taylor & Zafman and Minneapolis's Schwegman, Lundberg, Woessner & Kluth.

Blakely Sokoloff, whose core business is electrical engineering and computer science prosecution, handles patents for Intel Corporation and Sun Microsystems Inc., according to Mark Watson, who manages the firm's Denver office. The 73-lawyer firm prosecuted 747 computer and software patents that issued last year, with an average IPQ of 154.9. If the firm were a person, in other words, it would be a genius, but only at prosecution. Blakely Sokoloff does not handle that many litigation matters.

Only three large, full-service firms made it on these lists: San Francisco's Morrison & Foerster, Chicago's McDermott, Will & Emery, and Boston's Hale & Dorr. Otherwise, the top scorers belonged to small and midsize IP firms—some staffed with big-firm refugees. Schwegman, Lundberg's founders, for example, came from Merchant & Gould. Both name partners at Boston's Clark & Elbing's left Fish & Richardson. The five-year-old firm ranked first in the biotech category. One of the firm's clients, Acambis, Inc., of Cambridge, Massachusetts, has a vaccine against the West Nile virus in clinical trials.

Some IP firms, such as Washington, D.C.'s Howrey Simon Arnold & White, were conspicuously absent from the list. Partner Q. Todd Dickinson says the ratings are not all that valuable. He is critical of PatentRatings's use of the forward citation criteria, which is the number of times a patent is cited in subsequent patents. Some patent examiners "have a particular patent they may use as their favorite specification and will cite it again and again in certain arts where the

MOST MENTIONS 2003

Blakely Sokoloff	5
Schwegman, Lundberg	5
Antonelli Terry	4
Fitzpatrick, Cella	4
McDermott, Will	3
Morrison & Foerster	3
Oliff & Berridge	3
STAAS & HALSEY LLP	3
Beyer Weaver	2
Knobbe, Martens	2
Myers Bigel	2
Sterne, Kessler	2
Trask Britt	2

same kinds of issues come up. That may not be a more valuable patent; it just may be very broad in the specifications," Dickinson says.

PatentRatings founder Jonathan Barney says the study is "completely objective" and looks at 50 different factors for each patent. Whatever its limitations, the system is certainly better, Barney says, than other rankings, which simply list how many patents a firm collected in a year. "Your numbers may be up there, but the value you are creating for clients may not be that high. We are looking at who is creating the most value for the clients." —Victoria Slind-Flor

METHODOLOGY: PatentRatings, of Newport Beach, California, evaluates patent quality with a computer model and a premise. The premise is that patent owners are more likely to pay maintenance fees to the U.S. Patent and Trademark Office for a valuable patent. The model predicts which patents will be maintained based on objective criteria that correlate with maintenance of older patents. The model, for example, examines the number of claims in a patent; the more claims, the higher the maintenance rates. Shorter claims tend to make better patents, because fewer words translates to broader protection. The opposite holds true for the written specification—longer is better.

OPENING STATEMENTS

ELECTRICAL PATENTS

Rank	Firm	# of Patents	IPQ
1	Fitzpatrick, Cella	852	141.1
2	Blakely Sokoloff	366	138.7
3	McDermott, Will	315	133.5
4	Schwegman, Lundberg	191	132.8
5	Trask Britt	136	131.9
6	STAAS & HALSEY LLP	159	131.0
7	Seed I.P. Law Group	85	129.5
8	Oloff & Berridge	533	128.8
8	Knobbe, Martens	130	128.8
10	Fleshner & Kim	135	128.5

MECHANICAL PATENTS

Rank	Firm	# of Patents	IPQ
1	Blakely Sokoloff	202	126.1
2	Dunlap, Coddling	117	124.7
3	McDermott, Will	320	119.0
4	Fitzpatrick, Cella	257	117.2
5	Oloff & Berridge	718	115.6
6	Morrison & Foerster	133	114.8
7	STAAS & HALSEY LLP	124	114.1
8	Sughrue, Mion	1,104	112.7
9	Antonelli Terry	279	111.0
10	Armstrong, Kratz	457	110.7

COMPUTER/SOFTWARE PATENTS

Rank	Firm	# of Patents	IPQ
1	Blakely Sokoloff	747	154.9
2	Gates & Cooper	87	146.9
2	Fitzpatrick, Cella	559	146.9
4	Schwegman, Lundberg	197	146.2
5	Lee & Hayes	82	143.9
6	STAAS & HALSEY LLP	411	141.8
7	Antonelli Terry	520	141.5
8	Sterne, Kessler	62	140.0
9	Beyer Weaver	150	139.9
10	Fenwick & West	67	139.6

STAAS  HALSEY LLP

For over 32 years, Staas & Halsey LLP has specialized exclusively in intellectual property, including patents, trademarks, copyrights, trade secrets, and related licensing and litigation.

Intellectual Property Attorneys

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20001

Tel 202.434.1500

Fax 202.434.1501

<http://www.staasandhalsey.com>