



2017 IPO Corporate IP Practices Study

August 2017

Administered by
ipPerformance

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NOTES:

1. This is the fifth time IPO has conducted this survey. It incorporates many of the questions from IPO's 2006, 2009, 2011 and 2013 benchmarking surveys.
2. The survey was developed by IPO's Corporate IP Management Committee with the help of the IPO staff. We extend special thanks to Neil Kardos, Robert Williamson, Todd Reynolds, Jeff Fougere, Shawn Foster, Tom Beall, Dan Enebo, Colm Dobbyn, Joel Meyer, Ambar Nayate and Scott Weingust
3. The survey respondents were primarily Chief Patent Counsel and Chief IP Counsel with responsibility for patents and trademarks at their companies.
4. ipPerformance Group (ipperform.com) can provide additional analysis.

INTRODUCTION

Welcome to the IPO IP Management– *Benchmark Report*. This unique report analyzes data compiled from 82 companies.

SURVEY METHODOLOGY

- The survey respondents were those responsible for, or intimately knowledgeable about the intellectual property/patent department (e.g., chief IP counsel, IP manager, senior patent attorney).
- The survey included 81 questions.
- The survey was conducted as a digital online questionnaire.
- All of the data was collected between April 2017 and June 2017.

KEY FINDINGS

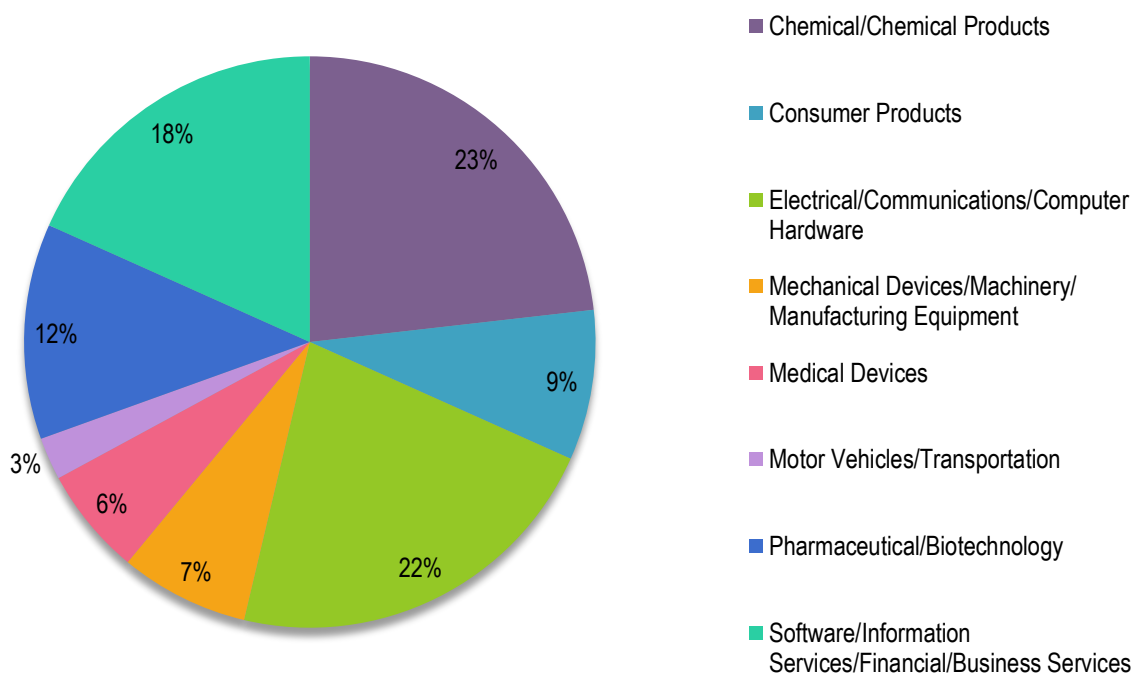
Among the findings that emerged from this research are the following:

- Industries with the greatest participations are chemicals, electrical, and software.
- Compared to 2013 study, in-house attorneys are spending a slightly higher percentage of their time on preparation and prosecution. (48%-2017 vs. 45%-2013)
- Eighty-three percent of companies indicated that the intellectual property (IP) department is responsible for running the patent committee.
- Forty-one percent of companies stated that they benchmark their IP programs.
- Thirty percent of companies indicated that the IP department is directly responsible for collecting licensing revenue.
- Fifty-eight percent of companies reported that they have a financial reward for inventors.
- Billing arrangements for preparing patent applications varied greatly among the participants. The most pervasive method that was indicated was the fixed-fee billing arrangement.
- Overall, participants indicated that their outside counsel is responsible for performing three tasks in the patent application preparation process. The three most popular activities included: drafting the patent application, interviewing the inventor(s), and filing the patent application.
- The most common (79%) activity participants outsourced offshore is patentability/prior art searches.

-
- Thirty-seven percent of companies stated that for inventions originating outside of the U.S., they always file in the US first.
 - Twenty-five percent of companies stated that their licensing income is greater than \$100 million.
 - Thirty-six percent of companies indicated that they license from non-practicing entities (NPEs).
 - Compared to 2013, there are increases in the number of patent agents, litigation attorneys, and other attorneys in IP groups, but a decrease in non-attorney professionals.
 - Compared to 2013, the 2017 average docket size reported is slightly higher.

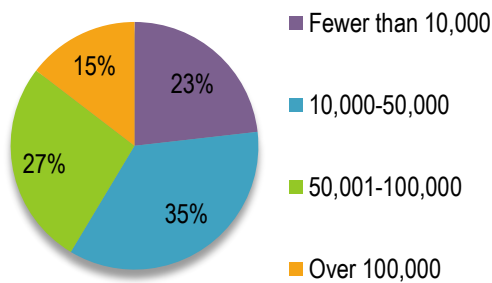
SECTION 1: ORGANIZATIONAL DATA

1. Identify the industry sector that most closely describes your company: (Companies 82)

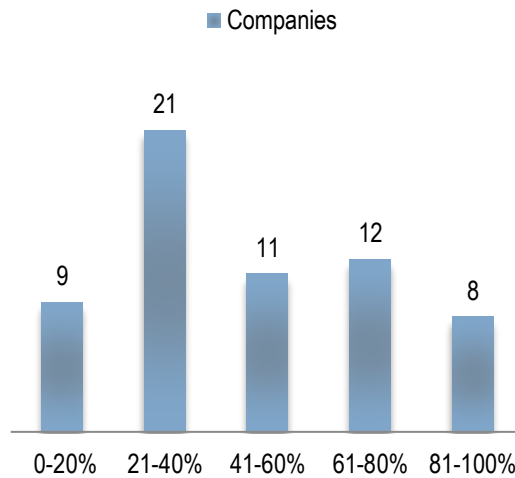


1A. COMPANY SIZE (EMPLOYEES)

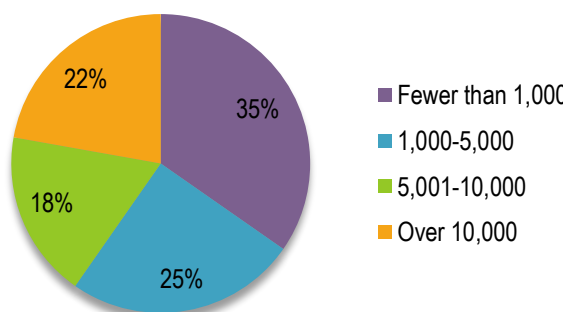
1. Number of total worldwide employees: (Companies 82)



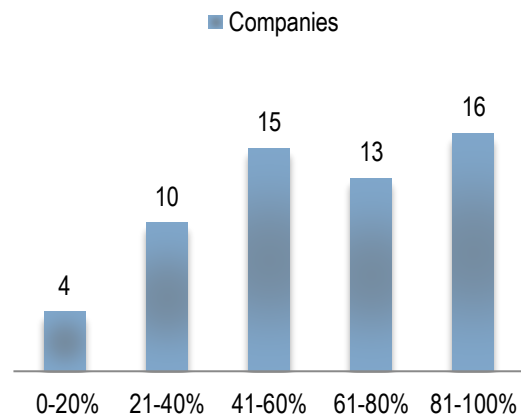
2. Percentage of employees in the U.S.? (Companies 61)



3. Number of total worldwide R&D employees: (Companies 72)

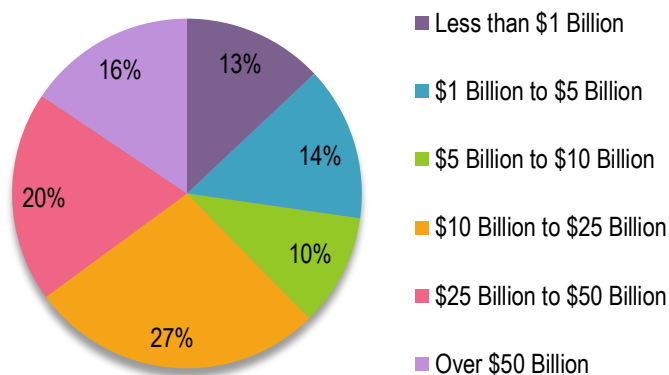


4. Percentage of R&D employees in the U.S. (Companies 58)

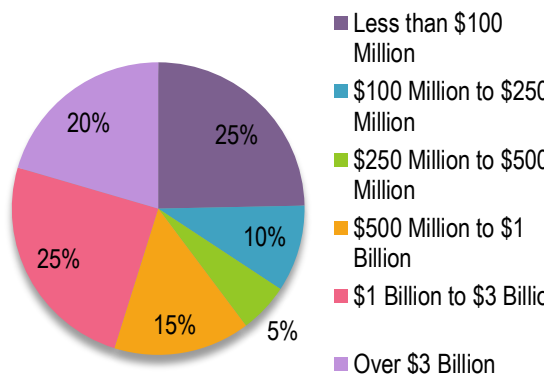


1B. COMPANY SIZE (FINANCIAL)

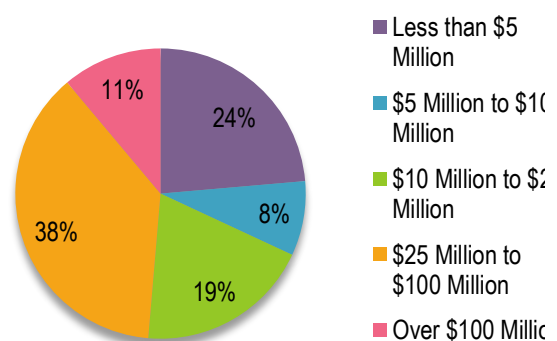
1. Last completed fiscal year revenue range: (Companies 77)



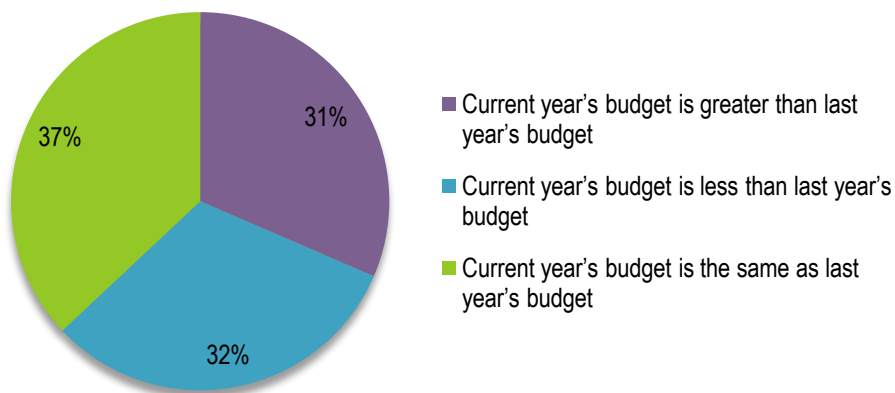
2. Last completed fiscal year R&D budget: (Companies 73)



3. Last completed fiscal year budget for Intellectual Property Department (including labor): (Companies 72)



4. How does your IP Department budget for the current fiscal year compare to last year? (Companies 73)



5. Percentage of the IP budget to the R&D budget: (Companies 53)

Mean: .06

Median: .04

6. Percentage of the IP budget to Revenue (Companies 55)

Mean: .01

Median: 0.002

SECTION 2 IP STAFFING

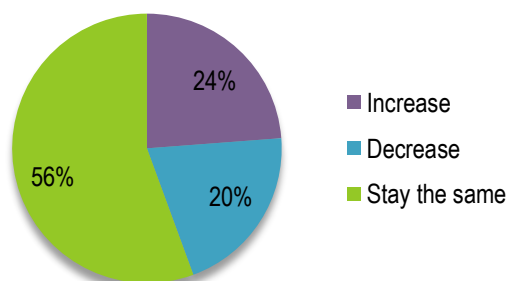
1. List the number of in-house full-time equivalent (FTE) worldwide IP professionals, reporting through the Chief IP Counsel, employed at the end of the last completed fiscal year: (Companies 63)

In-House IP Professionals	Average	
	Male	Female
Patent Attorneys	15.38	8.28
Patent Agents	5.23	4.39
Trademark Attorneys	1.07	1.33
Litigation Attorneys	1.98	1.51
Other Attorneys in IP Group	1.37	1.00
Other Non-Attorney Professionals	6.83	4.87

2. List the number of in-house FTE worldwide support staff, reporting through the Chief IP Counsel, employed at the end of the last completed fiscal year: (Companies 63)

In-house FTE: Support Staff	Average	
	Male	Female
Patent Paralegals:	0.70	4.27
Trademark Paralegals:	0.52	2.12
Litigation Paralegals:	0.23	0.62
Agreement Paralegals:	0.04	1.03
Docketing/Clerical Staff:	0.72	4.65
Secretaries/Administrative Staff:	0.52	7.53
Other:	0.54	2.46

3. During the next fiscal year, do you expect the number of in-house IP employees (professionals and support staff) to: (Companies 63)



4. How are most of your IP attorneys assigned? (Companies 66)



5. Identify the number of in-house attorneys/agents that carry a docket of patent applications (i.e., are responsible for drafting/ managing preparation and/or prosecution of U.S. / foreign applications): (Companies 61)

Mean: 20

Median: 11

6. Last fiscal year, what was the average docket size (number of applications) per in-house attorney/agent referred to in the previous question? (Companies 50)

U.S. applications:

Mean: 105

Median 64

Foreign applications:

Mean: 200

Median 122

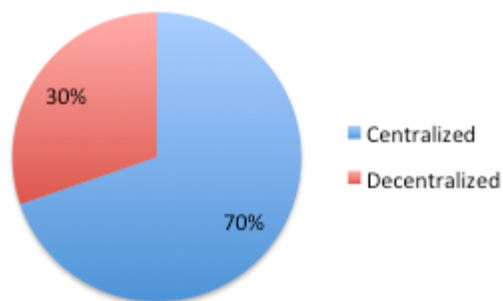
7. Estimate the percentage of time that the entire in-house attorney/agent staff spends on the preparation/prosecution docket (include time spent drafting, reviewing, and working with outside counsel, foreign associates, and inventors on substantive matters): (Companies 56)

Mean: 48%

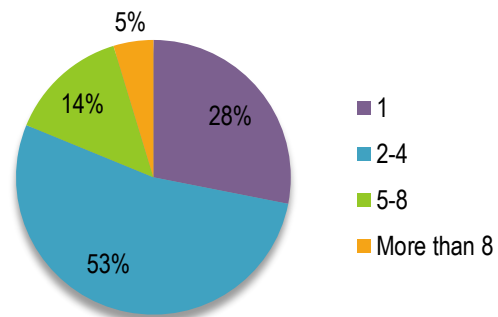
Median: 48%

SECTION 3 IP DEPARTMENT

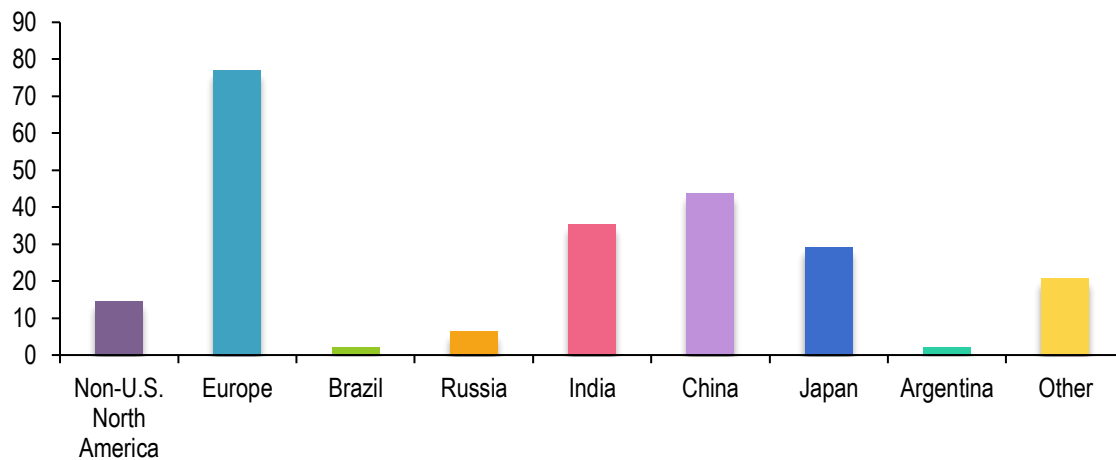
1. Are patent operations centralized or decentralized? (Companies 66)



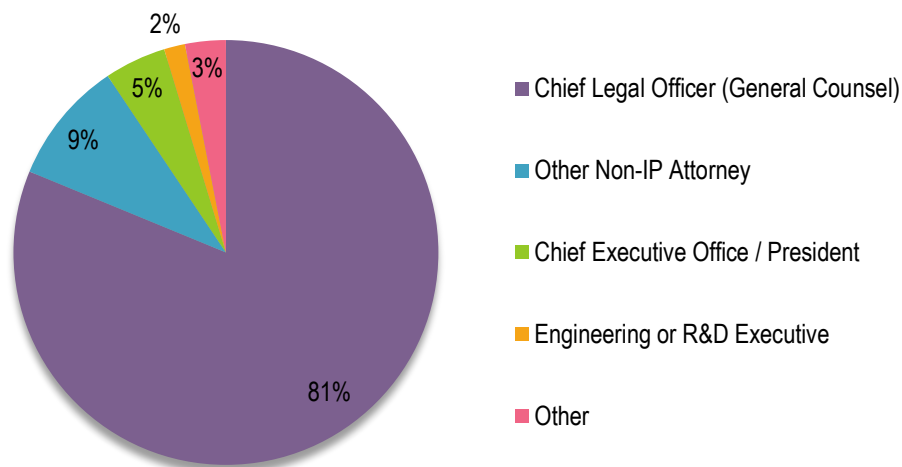
2. Provide the number of locations of U.S. IP operations: (Companies 64)



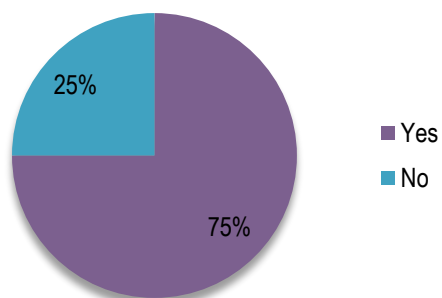
3. Select the non-U.S. regions in which IP operations are located (Percentages):



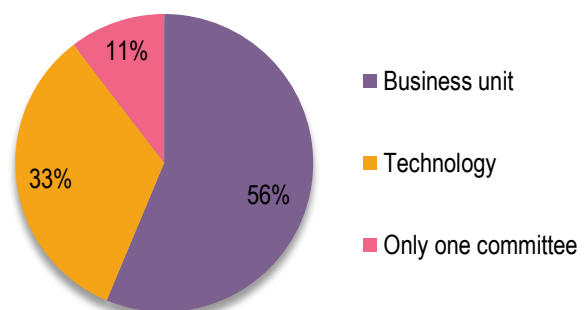
4. The Chief IP Counsel (or head of IP functions) primarily reports to: (Companies 64)



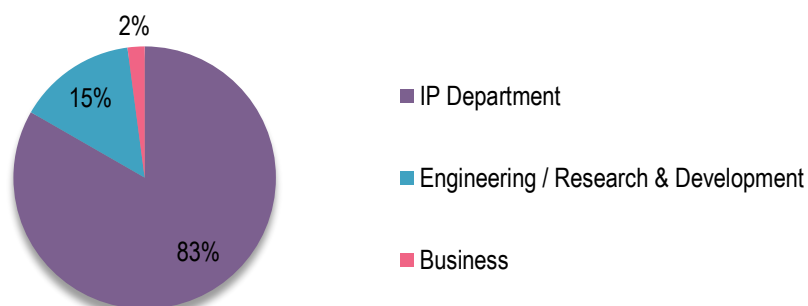
5. Does your company use patent committees to review invention disclosures and select disclosures for which to pursue patent protection? (Companies 64)



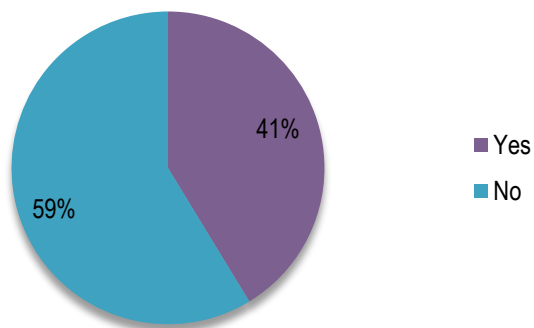
6. If your company uses more than one committee, identify how the committees are primarily organized: (Companies 48)



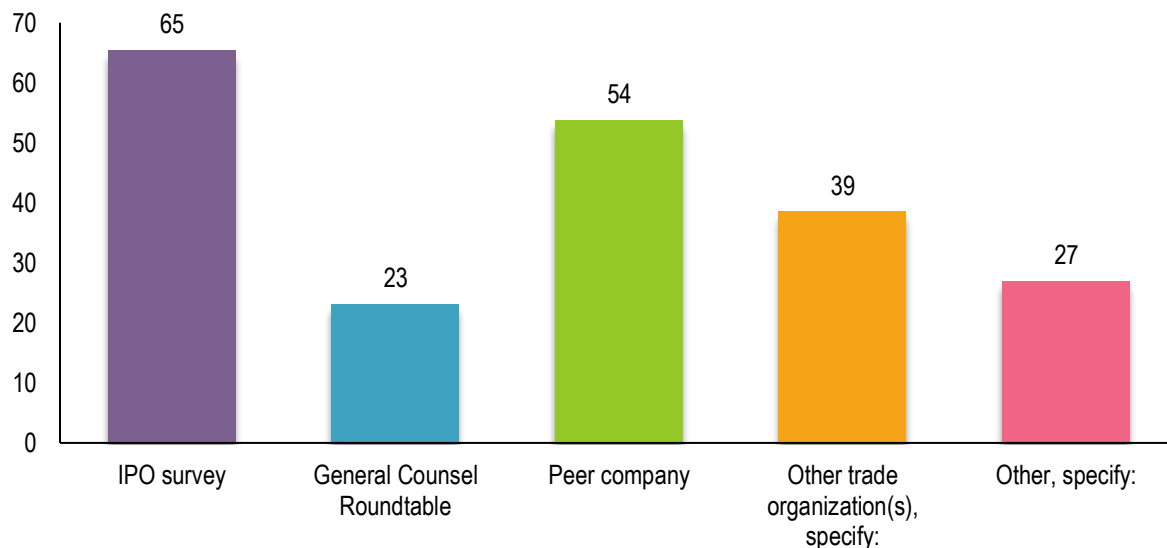
7. Where does the primary responsibility for running the patent committees reside? (Companies 48)



8. In the past fiscal year, did your company's IP department use external benchmarks to manage performance? (Companies 63)



9. What was the source of the external benchmark? (26 Companies) (Percentages)

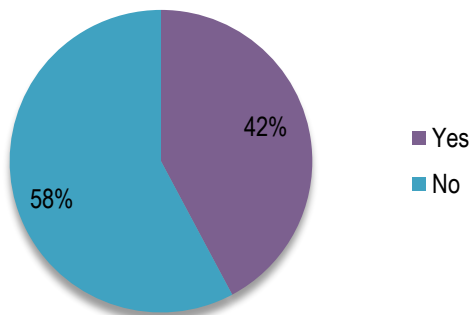


Other trade organization(s), specify:

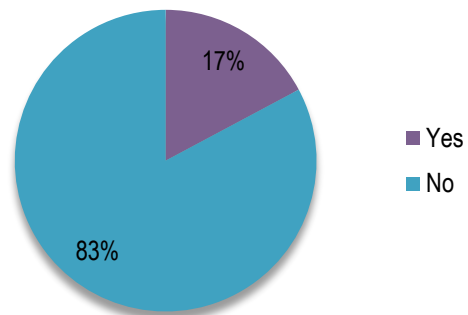
AIPLA
ACPC surveys
Interpat

ipPerformance Group
INTA
EP Survey, US Census Survey

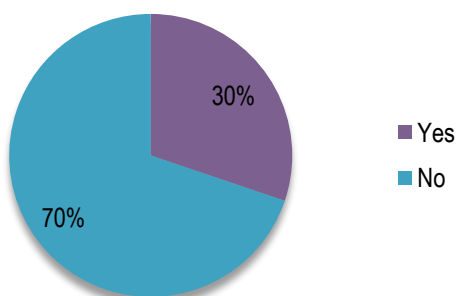
10. Was there an annual goal for the number of patent applications to be filed by your company? (Companies 64)



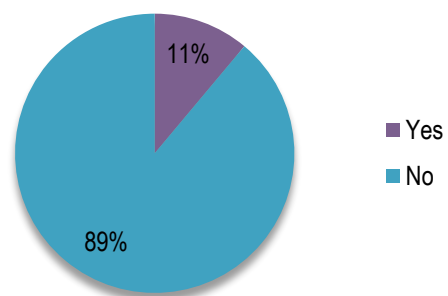
11. Was there an annual ceiling on the number of patent applications that would be filed by your company? (Companies 64)



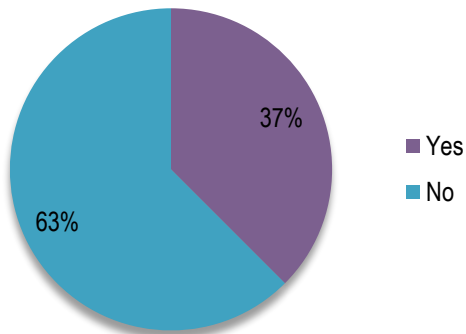
12. Is the IP Department directly responsible for generating and collecting IP licensing revenue? (Companies 63)



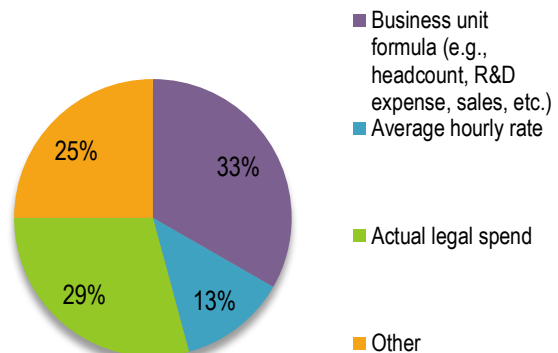
13. Is there another department that is responsible for generating and collecting IP licensing revenue? (Companies 18)



14. Does your company charge internal clients (business units, divisions, etc.) for in-house legal work? (Companies 64)

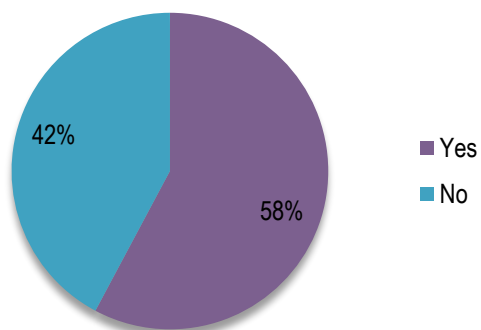


15. What is the charge based on? (Companies 24)



INVENTOR REWARDS AND RECOGNITION PROGRAM

16. Does your company have a financial reward (cash or stock) program for U.S. inventors? (Companies 64)



17. If you answered yes to the previous question, what is the reward for the following triggering events

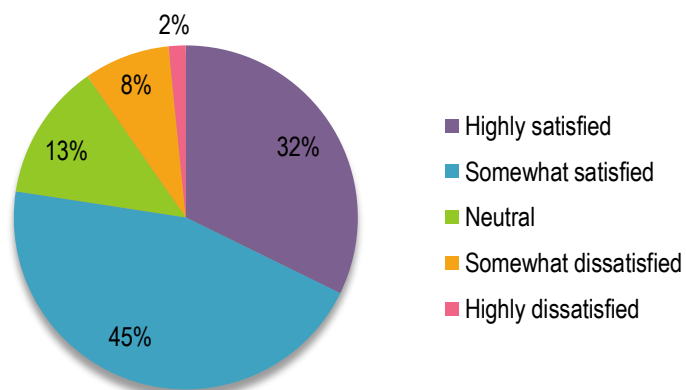
	Averages
Submission of an invention disclosure	\$154
Filing of the priority application	\$1,148
Issuance of first patent	\$1,018
Issuance of further patents	\$679

IP MANAGEMENT SOFTWARE

19. Please name the IP management software tools currently in use by your company. (e.g., docketing, document management, invention disclosure management, workflow management, etc.): (Companies 60)

Software Applications	Companies
Thomson IP Manager	10
CPA Memotech	8
CPI docketing	8
FoundationIP	7
Anaqua IP management system	6
Microsoft-SharePoint (document management)	4
Innography	3
FileSite	2
IPfolio	2
Lecorpio	2
Patricia	2

20. Please rate your satisfaction level with the IP management software tools currently in use by your company (Companies 62)



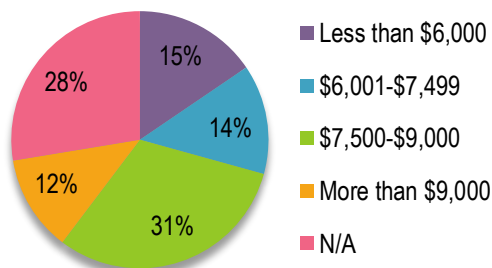
SECTION 4: OUTSIDE COUNSEL

4A. BILLING ARRANGEMENT AND COST FOR PREPARING PATENT APPLICATIONS

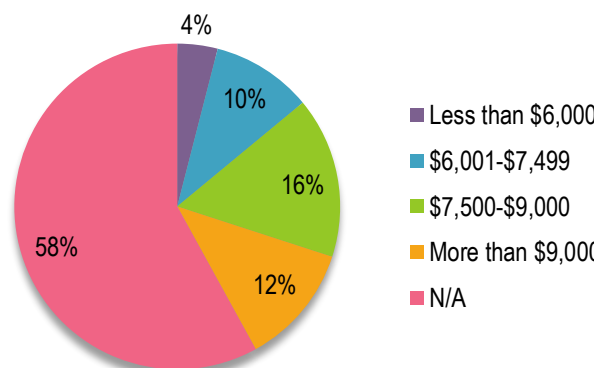
1. Billing arrangement and cost for preparing patent applications Identify, by percentage of use, the billing arrangements used with outside counsel in preparing complete patent applications for filing:

Billing arrangement	Average
Fixed Fee (per application)	80%
Hourly Rate with a Cap	59%
Hourly Rate	50%
Other billing arrangement:	51%

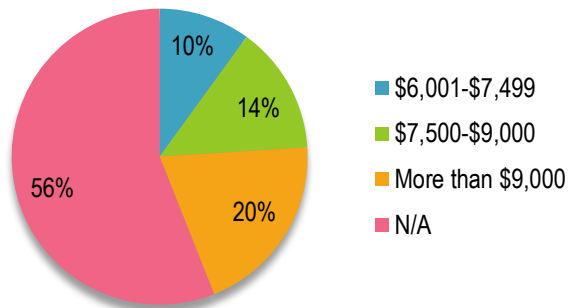
2. If using fixed fee arrangements for preparing patent applications, how much is the typical fixed fee amount? (Companies 58)



3. If using hourly rates with a cap for patent applications, what is the typical cap amount? (Companies 50)



4. If using hourly rates for patent applications, what is the average cost per patent application? (Companies 50)

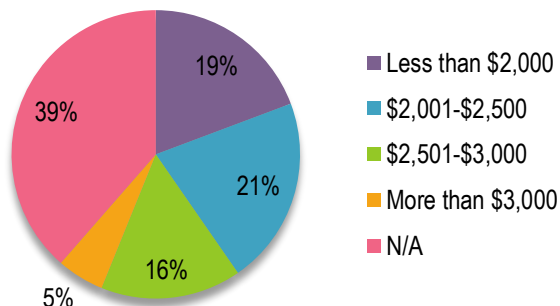


4B. BILLING ARRANGEMENT AND COST FOR PREPARING RESPONSES TO PATENT OFFICE ACTIONS

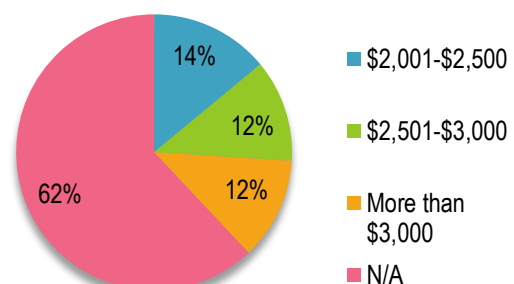
1. Identify, by percentage of use, the billing arrangements used with outside counsel in preparing responses to office actions during the prosecution of patent applications:

Billing arrangement: Patent office actions	Averages
Fixed Fee (per response):	70
Hourly Rate with a Cap	59
Hourly Rate	60
Other billing arrangement	25

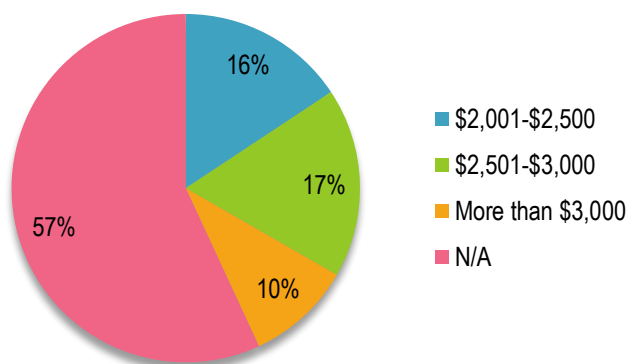
2. If using fixed fee arrangements for responses to office actions, how much is the typical fixed fee amount? (Companies 57)



3. If using hourly rates with a cap for responses to office actions, what is the typical cap amount? (Companies 50)



4. If using hourly rates for responses to office actions, what is the average cost per response? (Companies 51)



4C. BILLING ARRANGEMENTS FOR LITIGATION

1. Identify, by percentage of use, the billing arrangements used with outside counsel in litigation matters:

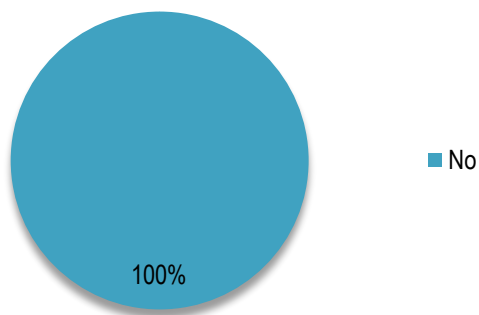
Billing arrangements for litigation	Averages
Hourly rate	71
Hourly rate not to exceed per task/litigation stage	55
Contingency	18
Fixed fee per task/litigation stage	50
Fixed or capped fee with results based incentives	38
Other, specify	0

2. Identify, by percentage of use, the billing arrangements used with outside counsel in litigation matters: - comments

Responses

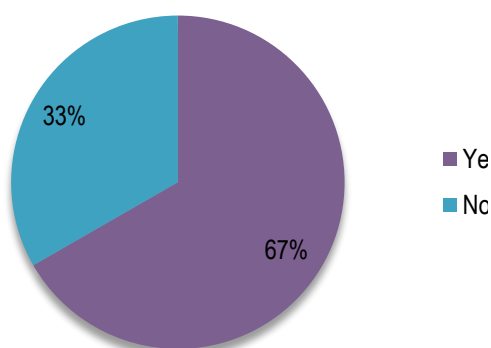
- Budget set before each litigation. Some fixed fee/contingent fee arrangements
- Close monitoring of spend
- Depends on the case, no statistics available
- Have a budget as a guide
- Have only encountered pre-litigation scenarios
- Specific budgeting for each stage required. If different, then approval required before invoicing.
- This depends on the case ... case by case.
- We use hourly rates with a negotiated discount percentage.
- Litigation matters managed by another department with IP support
- We have used a combination of hourly rate, and hourly rate not to exceed per task/litigation stage, about 80%/20%.

3. Has your company used litigation financing for IP litigation (Select all that apply.)? (Companies 55)

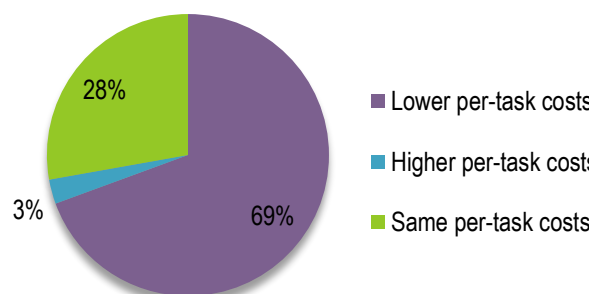


4D. ALTERNATIVE FEE ARRANGEMENTS (OTHER THAN HOURLY RATES)

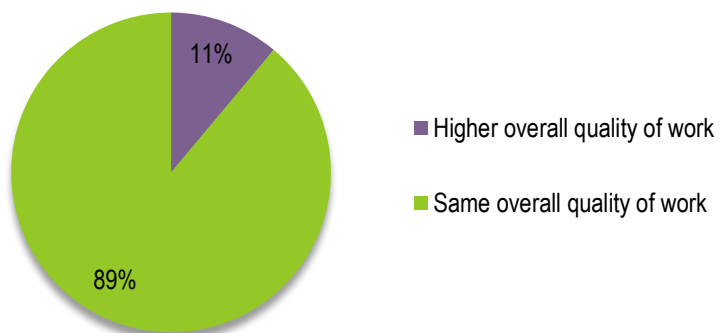
1. Have you adopted alternative billing arrangements? (Companies 57)



2. What has been the impact on per task costs? (Companies 36)

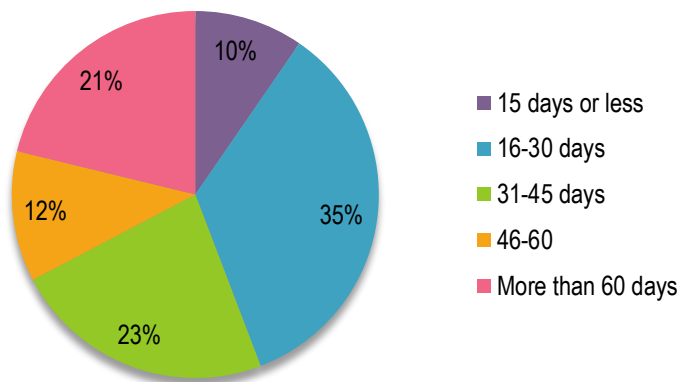


3. What has been the impact on overall quality of work? (Companies 36)

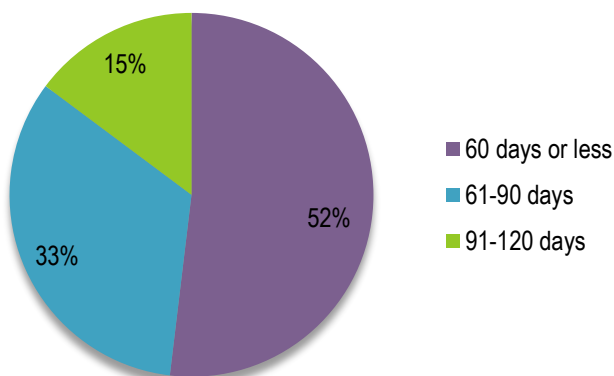


4E. TIMING FOR PATENT APPLICATION PREPARATION

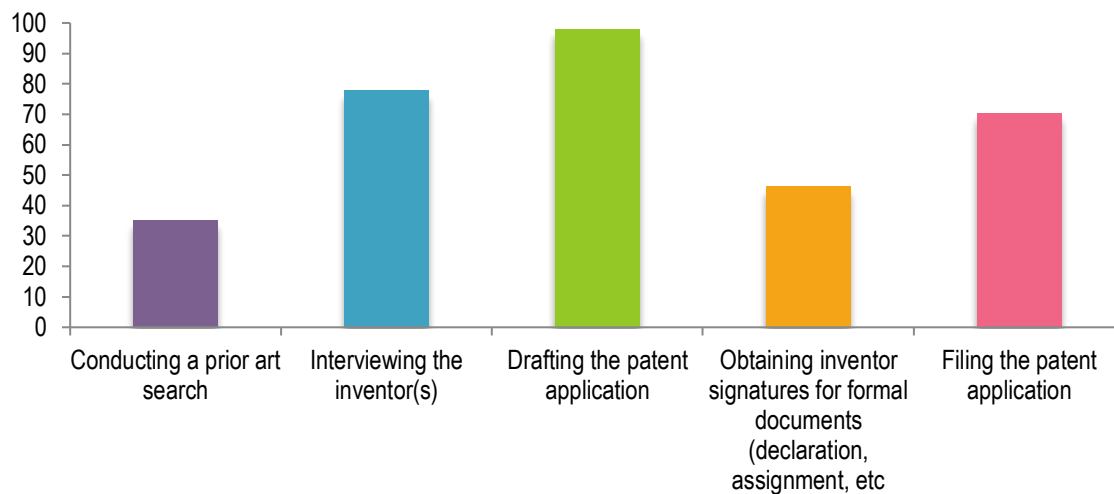
1. What is the average cycle time from time of invention disclosure submission to transmission of instructions to outside counsel for preparation of a non-provisional patent application by outside counsel? (Companies 52)



2. What is the average cycle time of outside counsel for non-provisional patent application preparation from the time outside counsel receives an invention disclosure to filing? (Companies 54)

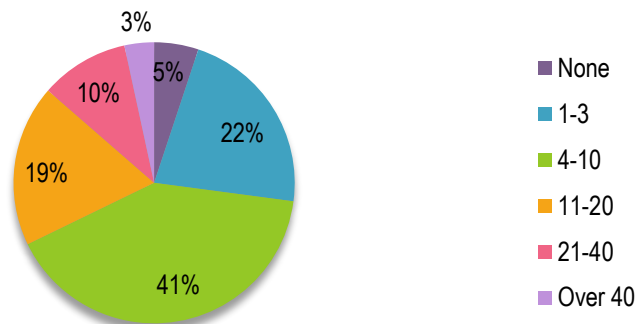


3. Which of the following is outside counsel responsible for performing in the cycle time indicated in the above question (Select all that apply.)? (Percentages)

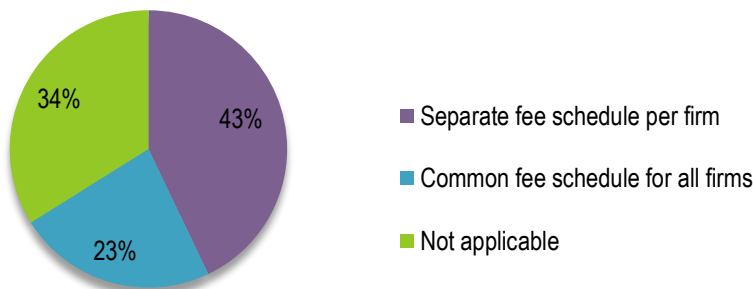


4F. OTHER OUTSIDE COUNSEL INFORMATION

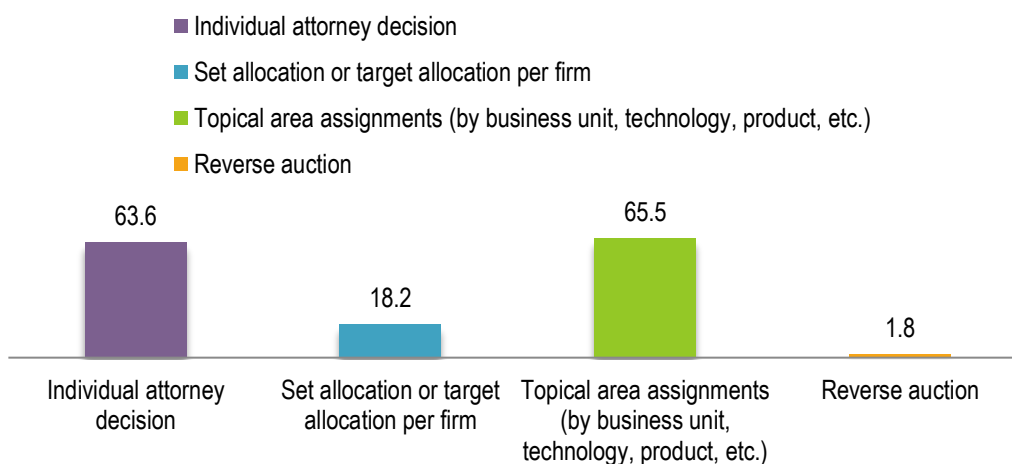
1. Indicate the number of law firms used by your company in the past fiscal year for patent preparation and prosecution of U.S. applications. (Companies 59)



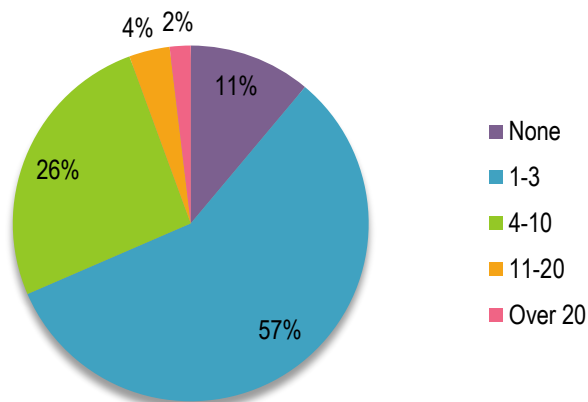
2. If you employ alternative fee arrangements with your U.S. firms, do you negotiate a separate fee schedule for each or do you set a common fee schedule? (Companies 56)



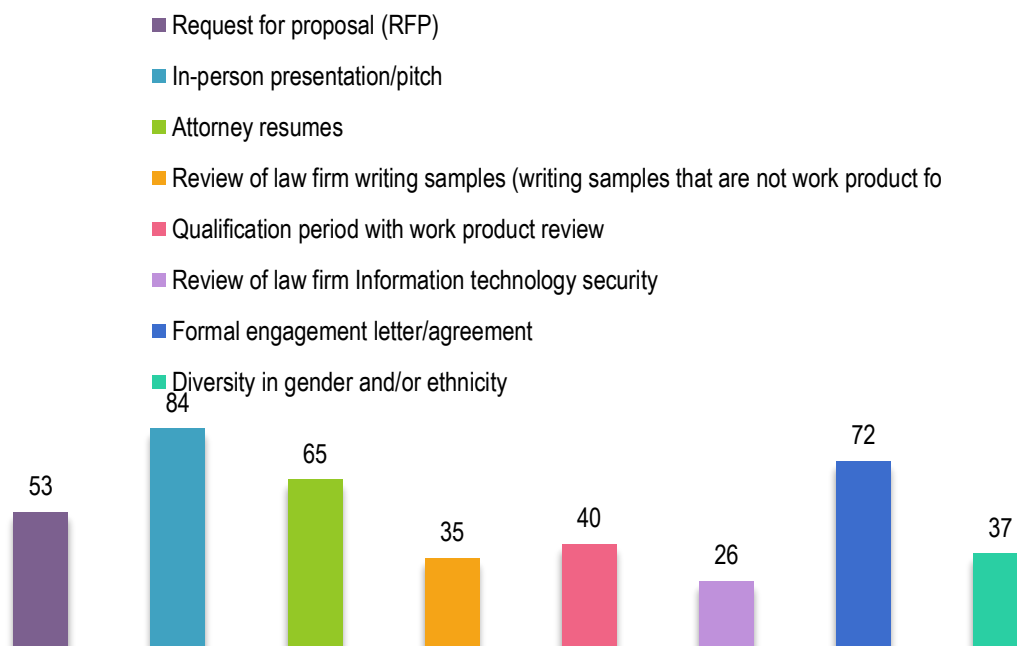
3. How do you allocate patent prosecution work to your U.S. firms? (Percentages)



4. Indicate the number of law firms used by your company in the past fiscal year for patent litigation and disputes in the U.S. (Companies 54)



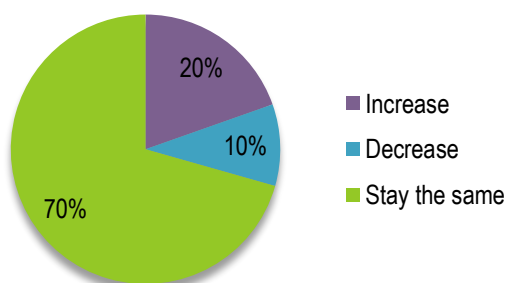
5. Which of the following factors does your company use to qualify new patent preparation/prosecution firms? (Percentages)



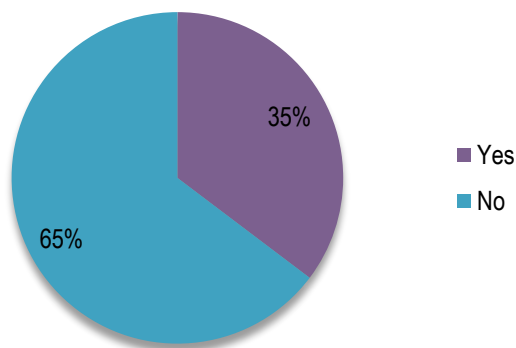
SECTION 5 OPERATIONAL DATA

	Mean	Median
1. During the last completed fiscal year, identify the number of utility patents owned by your company and in force in the U.S.	5052	2400
2. How many of those utility patents name at least one female inventor?	92	25.5
3. During the last completed fiscal year, identify the number of utility patents owned by your company and in force outside of the U.S.	9894	4269
4. During the last completed fiscal year, identify the number of invention disclosures generated by your company	1132	525
5. What is the filing approval rate for invention disclosures for filing a patent application for your company? (percentage)	35	34
6. During the last completed fiscal year, identify the number of original utility applications filed by your company	578	302
7. What percentage of utility patents originally filed in the U.S. were prepared in-house?	31	12

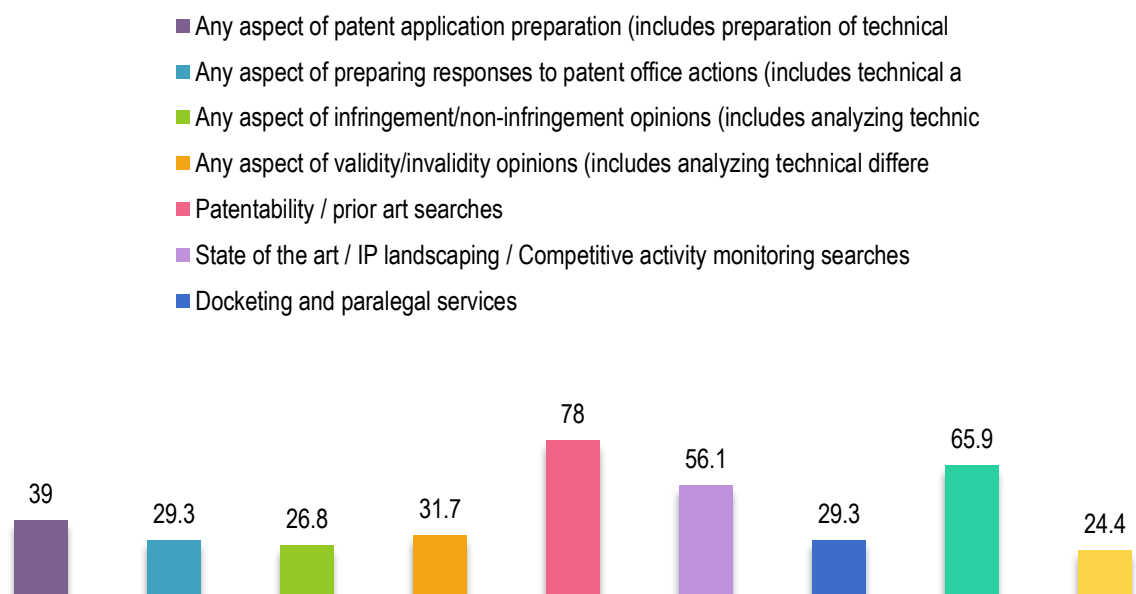
8. How do you expect the percentage of utility patents prepared in-house to change in the next 12 months? (Companies 61)



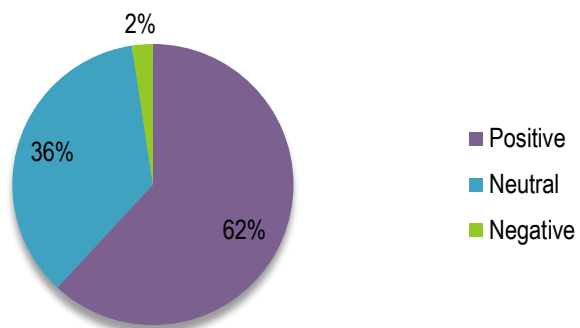
9. Does your company use data analytics (Examiner data, Art Unit data, etc.) to drive patent prosecution strategy? (Companies 51)



10. Has your company outsourced any of the following activities? (Note: Outsourcing means work done by non-employees outside the U.S. for the purposes of achieving cost savings or not increasing headcount, and does not include work done on foreign applications by foreign associates): (Percentages)

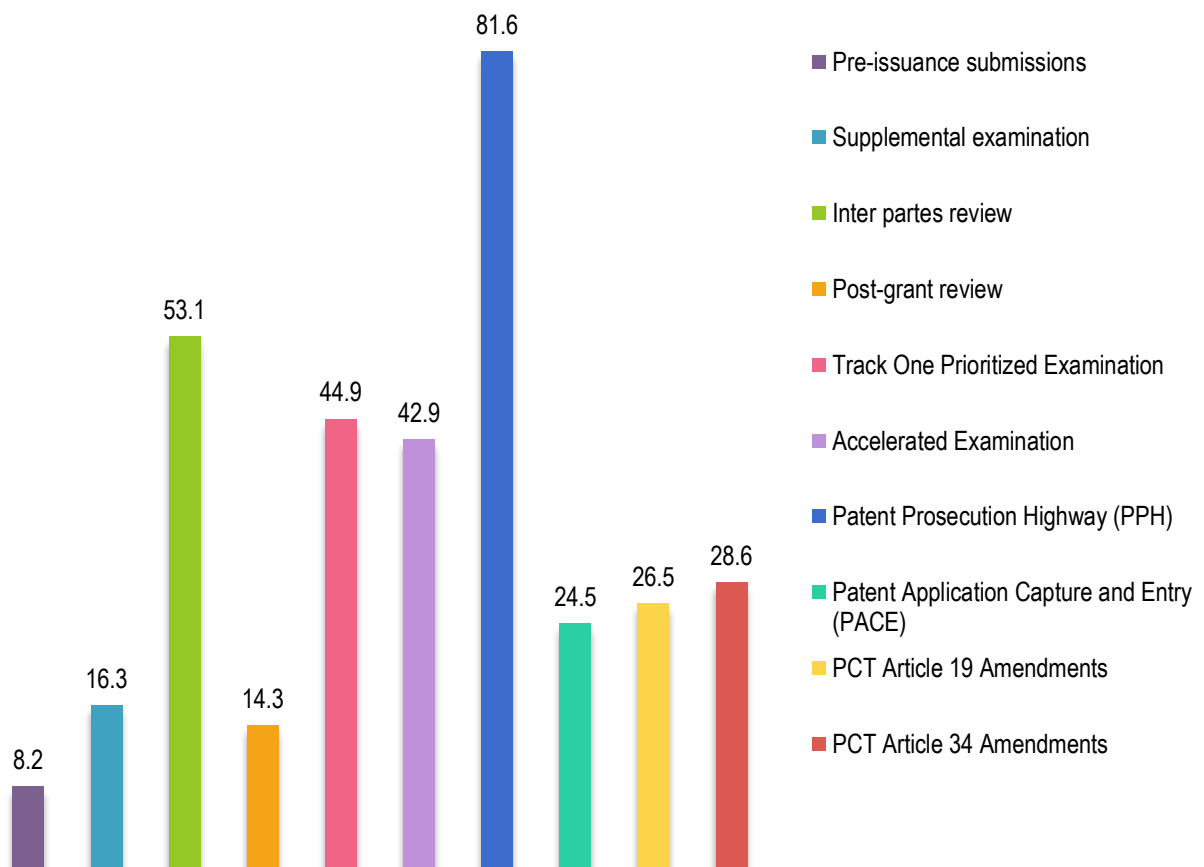


**11. If you outsourced any of the above tasks, rate your experience with outsourcing:
(Companies 42)**



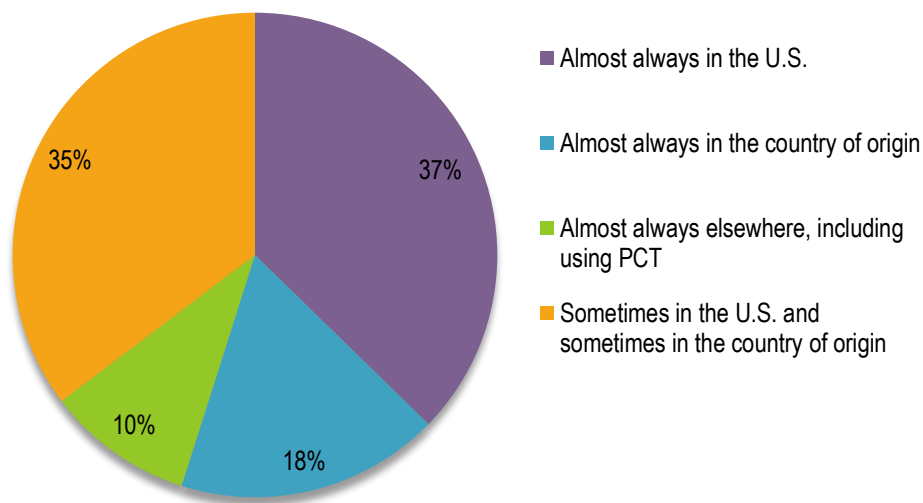
5A. UTILIZATION OF PATENT OFFICE PROCEDURES

1. In the past 12 months, has your company utilized any of the following patent office procedures? (Percentages)

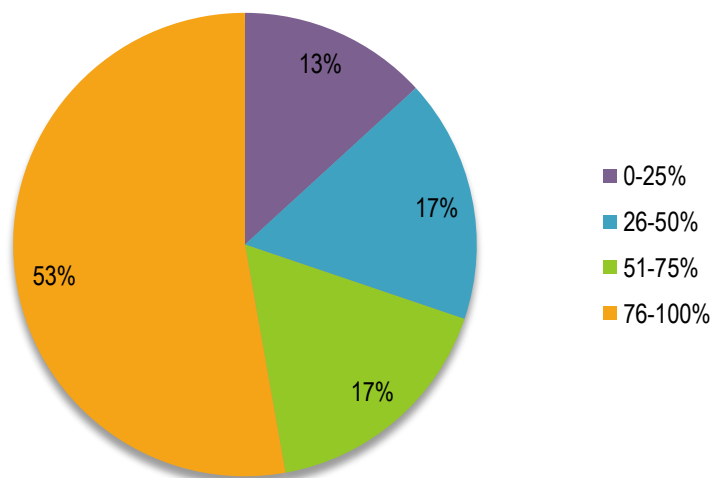


5B. FILING IN THE U.S. VS. FILING ABROAD

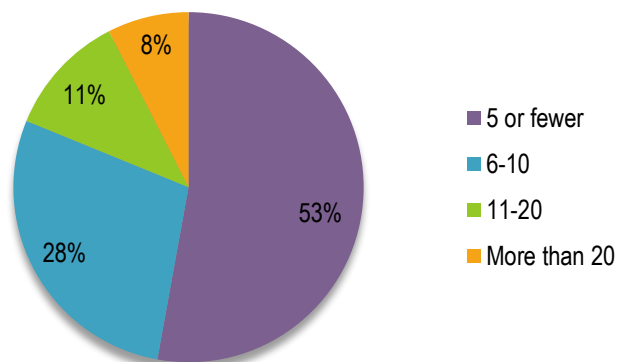
1. For inventions originating outside of the U.S., where does your company file first? (Companies 51)



2. For originally filed non-provisional U.S. utility applications, what percentage of those applications receive at least one foreign counterpart filing? (Companies 53)

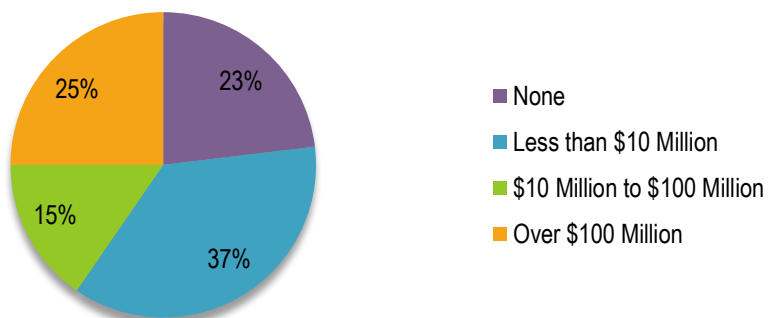


3. For applications first filed in the U.S. and also filed abroad, what is the average number of jurisdictions where corresponding filings were made? (Companies 53)



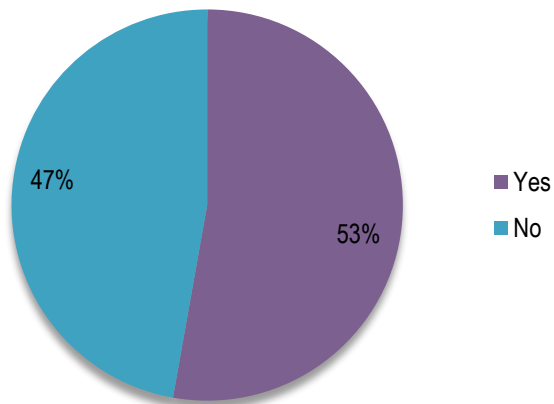
5C. LICENSING

1. Last fiscal year, how much licensing or IP sales revenue was collected by your company? (Companies 52)

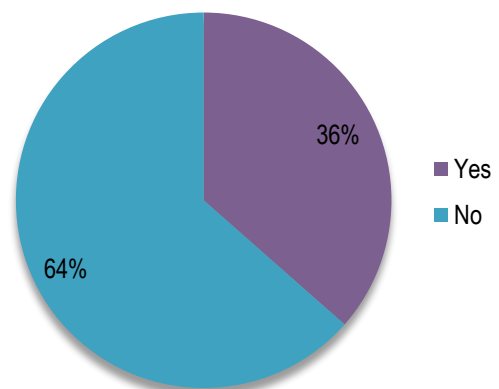


5D. NON-PRACTICING ENTITIES (NPES)

1. In the last fiscal year, were you a defendant in a patent litigation commenced by an NPE? (Companies 53)



2. Do you license from any NPES? (Companies 52)



Companies choosing to be listed as participating in this survey:

Accenture
Avaya
BTG International Ltd.
Caterpillar Inc.
Corning Incorporated
Dell EMC
Digimarc Corporation
E. I. du Pont de Nemours and Company
Ingenious e Brain Solutions
Koninklijke Philips N.V.
Mastercard
Micron Technology Inc.
Nielsen
Pfizer Inc.
Rolls-Royce
Takeda Pharmaceutical Company Limited
TE Connectivity
The Dow Chemical Company
The Procter & Gamble Company
United Technology Corp
WD
Xerox Corporation