

Patent PR

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In recent years, discussion of patent law issues has spread beyond the practitioner and academic communities into the public square. This is due, in large part, to heightened mainstream media coverage of high profile patent litigation such as *NTP v. Research in Motion* (the Blackberry case), *Association for Molecular Pathology v. Myriad Genetics*, and the smartphone patent wars. These cases capture the public attention because they have ramifications for a large number of consumers or touch on hot-button issues like gene patenting and the rights of patent “trolls.” As such, media coverage of these stories and popular reaction to them can have a bearing on patent policy and may put pressure on technology firms enforcing their patent rights to protect their reputations. This new level of public attention to patent issues has emerged as patents continue to be extremely valuable assets to technology firms. In addition to the inherent value of patents, patent-related developments and milestones can provide important signals of innovation, success, and value to investors and the market and can act as warning signals to competitors. It is not surprising, then, that technology firms generate a large volume of public relations material around patent matters, frequently in the form of press releases. This study is the first, of which the author is aware, to examine the subject matter technology firms are communicating when they generate PR content concerning patents.

This study analyzes a set of 414 patent-focused press releases generated by patentees, or their licensees, from 2008 to March 2013 and catalogs the subject matter contained therein. It offers a taxonomy of patent-focused PR content and calculates the relative proportions of patent PR relating to (1) prosecution; (2) litigation; (3) transactional matters; (4) post-grant procedures; (5) patent-related honors/accolades; (6) patented or patent pending products; and (7) ANDA patent challenges. Within each top-level category, this study calculates the relative proportion of second-level subject matter categories. In the patent prosecution category, for example, this study calculates the proportion of press releases involving, *inter alia*, (a) patents granted; (b) Notices of Allowance issued; (c) applications filed; (d) applications pending; and (e) responses to office actions filed. Within the patent litigation category the largest proportion of press releases relates to settlement of litigation, perhaps reflecting the reality that most patent cases settle but also suggesting that firms may believe it more beneficial to report early resolution of patent litigation than enforcement activity or court victories. This study also analyzes patent PR by industry and finds, *inter alia*, that pharmaceutical firms generate the largest proportion of press releases, a finding consistent with the importance of patents to the pharmaceutical industry. The data presented in this study enable us to determine which patent-related events technology firms believe are important to highlight and provide a foundation for subsequent inquiries into how patent PR may affect public opinion of patents and patentees.