

[FORUMS](#) ▼ [ABOUT US](#) ▼ [PRESS](#) [CAREERS](#) [CONTACT](#)

HOME / NEWS / CONSERO NEWS / CORPORATE COUNSEL: PHARMA AND BIOTECH GETTING IN THE POST-GRANT IP GAME

# Corporate Counsel: Pharma and Biotech Getting in the Post-grant IP Game

Originally Published in [Corporate Counsel](#) | January 26, 2015 | By Lisa Shuchman

## WHAT OUR ATTENDEES ARE SAYING

loved Great overall experience. The one-on-one meetings were more productive than the traditional “Expo” format.

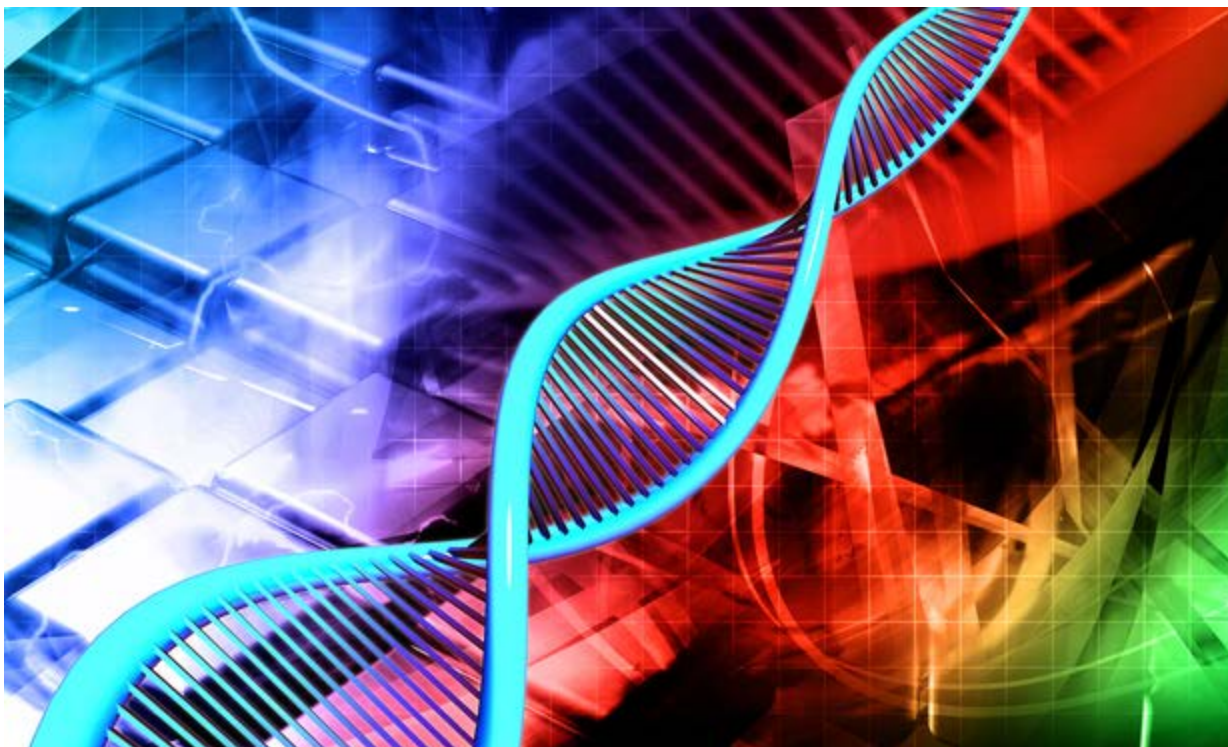
## UPCOMING FORUMS

[Procurement & Strategic Sourcing Forum](#)

[Customer Experience Forum](#)

[Corporate Compliance & Ethics Forum](#)

[Financial Services & Insurance Litigation Forum](#)



By now it's well-known that the post-grant proceedings implemented with the America Invents Act have had a huge impact on the patent practices of companies in the technology and electronics fields. But the proceedings also have significantly altered the patent strategies used by in-house lawyers in the pharmaceutical and biotechnology sectors, according to a new survey.

The 2015 edition of Consero Group's "IP Pharmaceuticals & Biotechnology Data Survey," which is being released today, found that 78 percent of chief IP officers said the AIA has changed their approach to the patent process. In 2013, only 59 percent said this was true.

In the new survey, co-sponsored by CDS Legal and CPA Global, 68 percent of the chief IP officers also said the AIA had made the processes for post-grant review and *inter partes* review more complex.

These patent review procedures, which are used to challenge the validity of issued patents, have been a popular tool for technology companies to challenge patents held by competitors and patent trolls. But they only recently have been used in the pharmaceutical sector.

According to the U.S. Patent and Trademark Office, as of Jan. 22, only 8.6 percent of AIA petitions filed came from biotech and pharma so far in fiscal year 2015. In contrast, 62.4 percent of petitions filed came from the electronics and computer sector. **But back in early September**, biotech and pharma petitions made up only 5.7

---

## LATEST TWEETS

Consero's CEO [@pmandell](#) writes: Creating The Right Culture For Startup Success [@Entrepreneur #startup #startupculture](#) <http://t.co/kdZoa9oiPI> about 2 minutes ago from [Twitter Web Client](#)

Procurement 2020 & beyond with [@LPL](#) [@RTI\\_Intl](#) [@BloominBrands](#) & Bi-Lo Holdings [#ConseroProc](#) about 39 minutes ago from [TweetDeck](#)

---

## RECENT NEWS

percent of the total, and the numbers for the sector may be growing.

The Consero survey also found that 72 percent of chief IP counsel at pharmaceutical and biotechnology companies do not believe metrics provide a useful and accurate measure of the value of IP to the business. Furthermore, only 30 percent said they employ metrics to assess the value that the company's IP generates.

"This is somewhat surprising, as many companies are taking a more sophisticated approach to managing their IP by using metrics," said Paul Mandell, Consero's founder and chief executive officer. "But this doesn't seem to be so popular among chief IP counsel at pharma and biotech companies."

Metrics can be used to analyze what percentage of a company's patents is generating revenue, for example. And they can help determine the annual cost of managing patents.

Additional findings of the survey indicate that:

- » Almost 80 percent of chief IP counsel in the field said their companies have licensing agreements with institutions of higher education.
- » About 83 percent reported that R&D is performed in-house.
- » Approximately 78 percent said they are pursuing merger and acquisition opportunities in order to enhance their patent pipelines.

In 2013, that the M&A figure was only 55 percent. But as more companies confront the end of their patents' exclusivity, they have been seeking mergers—sometimes even with producers of generic drugs.

"The landscape for pharma and biotech companies is changing fast, with new court rulings about patentability and [U.S. Food and Drug Administration] decisions having a big impact," Mandell said. "For their chief IP officers, it's a busy time."



[Entrepreneur: Creating The Right Culture For Startup Success](#)

---

[Corporate Counsel: Pharma and Biotech Getting in the Post-grant IP Game](#)

---

[Seventy-Eight Percent of Chief IP Counsel for Pharmaceutical & Biotechnology Companies Say America Invents Act Has Changed the Patent Process, Consero Survey Reveals](#)

---

[Above The Law: New Survey Of In-House Counsel Provides A Ray Of Sunshine For Law Firms](#)

---

[Entrepreneur: The 3 Secrets to Building An All-Star Startup Team](#)

---

[Corporate Counsel: Survey: In-House Litigation Chiefs Feel the Budget Heat](#)

---

[Thirty-Four Percent of Chief Litigation Officers Say Internal Teams Have Grown in Past Year, According to Consero Survey](#)

---

[Corporate Counsel: A GC who saw the power of metrics builds a career around them.](#)

---

[Consero 2015 Procurement & Strategic Sourcing Forum to Explore Strategies for Identifying & Extinguishing Risk](#)

---

[Only 15 Percent of European Customer Experience Officers Have Effective Tools to Measure Social Media ROI, According to Consero Survey](#)

---

## UPCOMING FORUMS

Procurement & Strategic  
Sourcing Forum

*Jan. 25–27, 2015*

Customer Experience Forum

*Mar. 15–17, 2015*

Corporate Compliance  
& Ethics Forum

*Apr. 26–28, 2015*

Financial Services & Insurance  
Litigation Forum

*May 3–5, 2015*

## WHAT OUR ATTENDEES ARE SAYING

g  
ed  
Great overall experience.   
one-on-one meetings wer  
more productive than the  
traditional “Expo” format.

## LATEST TWEETS

Consero's CEO @pmandell  
writes: Creating The Right  
Culture For Startup Success  
@Entrepreneur #startup  
#startupculture  
<http://t.co/kdZoa9oiPI> about 2  
minutes ago from Twitter Web  
Client

## CONTACT US

### Consero Group LLC

4915 St. Elmo Ave., Ste. 100  
Bethesda, MD 20814

**T** (202) 595-9300

**F** (202) 595-9301

[info@consero.com](mailto:info@consero.com)

---

### Consero Group Ltd.

5 Fitzwilliam Square East  
Suite LG1, Dublin 2

**T** +353 (0)1 905 9401

[info@consero.ie](mailto:info@consero.ie)