

# New Ways to Monetize IP

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## Resource constraints force LLNL to seek alternatives



- Over a thousand active issued patents that remain unlicensed
- Under the new Contractor (since 2007), fees to maintain patents doubled
- Unlicensed patents get more intense scrutiny before paying fees
- Need to be more aggressive in ascertaining licensability



## Alternatives have to consider legal constraints . . .



- Fairness of Opportunity (Public Notice)
- Business Plan
- Government-retained License
- March-in Rights
- Periodic Reporting
- Export Control Laws, et. al.

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## . . . and business constraints



- Limited Lab resources
  - No cash upfront fees for auction services
    - Need to operate on contingency basis
  - No paid-market research services
    - Rely on providers' market research capabilities
    - Lab cannot endorse market numbers
  - No litigation budget
- Cannot risk more than the anticipated revenues from the license

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## Should labs do this?

### PROS

- Additional revenue
- Additional market research
- Additional advertising
- Additional market leads

### CONS

- Upfront costs (?)
- Risk of public inquiries
- Risk of no sale

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## Questions for the Panel

In discussing your “New Ways to Monetize IP”:

- What unique benefits does it bring to the marketplace? To tech transfer? To the lab itself?
- How flexible is it to meet the legal and business constraints facing the lab?
- How does your company benefit from this new alternative?

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