

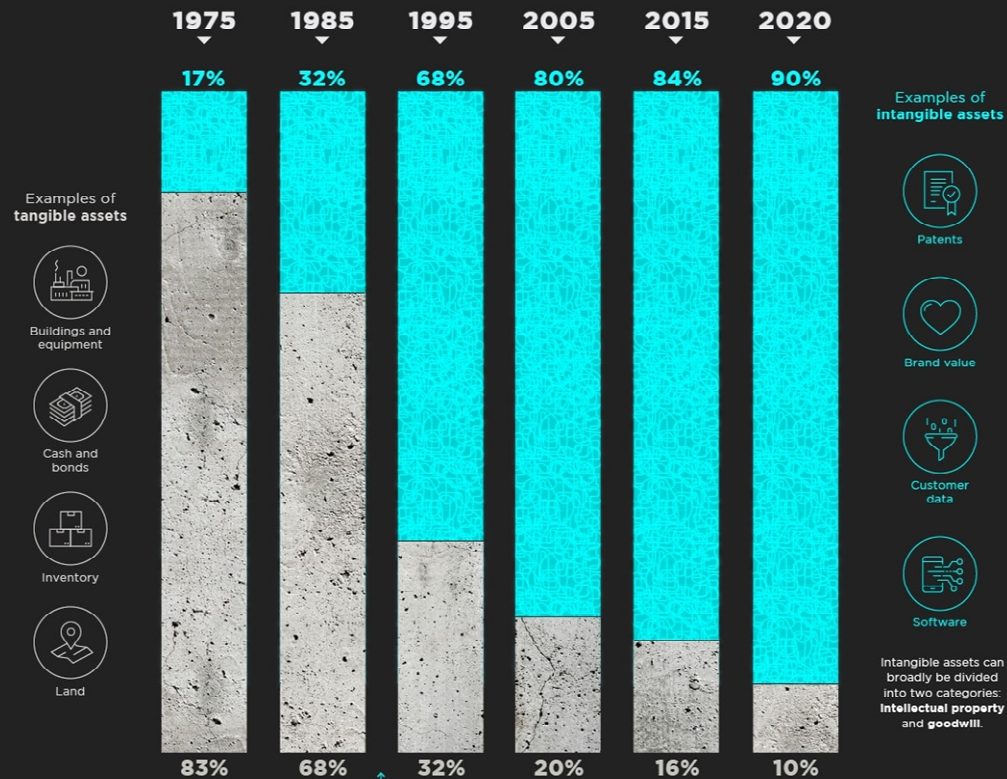
# Erfolgreiche IP-Strategien für akademische Spin-Offs

Ingrid Kelly Spillmann  
World IP Day 2021



**IST CUBE**

## TANGIBLE vs INTANGIBLE ASSETS

Intangible assets currently account for **90%** of the S&P 500's total assets.

The biggest shift occurred between 1985 and 1995.





Theranos closed a deal in December 2017 to borrow \$100 million from Fortress Investment Group LLC, a division of SoftBank, and the private-equity firm became its most important creditor. The deal gave Fortress a lien on all of Theranos's assets, including its portfolio of patents.

theranos



**Necessary IP Rights**



**Optimizing IP protection**



**Landscaping**



**Freedom to Operate**




# Do you have the necessary rights to IP? Licensing & Ownership

- Licensing rights (from the right owner)

# UMKC settles lawsuit with professor accused of stealing research, receives \$6.45M

By [CONNOR STEWART](#) > FEBRUARY 8, 2021 > In [NEWS](#) [UMKC NEWS](#)

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## Do you have the necessary rights to IP? Licensing & Ownership

- Licensing rights (from the right owner)
- Founders/employees/contractors - transfer of IP
- Confidentiality agreements



# AI startup accuses Facebook of stealing code designed to speed up machine learning models on ordinary CPUs

Neural Magic claims algos in social network's open-source compiler on GitHub look awfully familiar

Katyanna Quach Wed 11 Mar 2020 // 10:01 UTC

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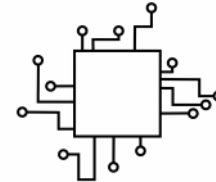


Court documents **filed** (PDF) in the District Court of Massachusetts last week claim that Neural Magic's first employee, Aleksandar Zlateski, breached the non-disclosure and non-competition agreement he signed when he joined as the company's technology director. Zlateski left to join Facebook and allegedly stole his former employer's secret algorithms to give to his new team.





# Optimizing overall IP protection





## Optimizing overall IP protection

- IP is more than patents
- Understand how different forms of IP apply to your business
- Proactive identification and filing approach



## Patent Landscaping

- **Know your competition**
- **Be inspired by your competition**
- **Stay one step ahead – look for gaps**



## Freedom to Operate

- **Third party patent search and analysis**
- **Code, especially open source**



## IP Management

- Decide who is responsible for IP within the startup
- Find a good patent attorney with expertise in the tech field and ideally international litigation experience
- Implement processes to secure IP protection (invention disclosures, trade secret records etc.)



# Theranos vampire lives on: Owner of failed blood-testing biz's patents sues maker of actual COVID-19-testing kit

And 3D-printed valve for breathing machine sparks legal threat

Kieren McCarthy in San Francisco Wed 18 Mar 2020 // 01:10 UTC

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Max Morse for TechCrunch, [CC BY 2.0](#)



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Danke schön!