

**BDC - The Business Development Company GmbH located in Hochwald and Basel, Switzerland, specializes in technology transfer, business development as well as managing / handling intellectual property rights in Life Sciences.**

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## **Invention Evaluation**

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BDC offers universities as well as small and medium-sized enterprises to evaluate their inventions regarding patentability and commercial potential. As a result, an adequate protection strategy for the invention will be proposed.

In order to assess whether an invention complies with patent law, it is examined regarding novelty, inventive step and industrial applicability in the light of prior art retrieved from a state-of-the-art search. Particular attention is paid to the determination of feasible claim categories (product, method and use claims) and market criteria.

Evaluating an invention includes the following steps and aspects:

1. Preliminary analysis of the Invention Disclosure Form (IDF) submitted to BDC (i.e. formal analysis of existing rights, ownership, prior art, commercial potential, present and intended disclosures).
2. a) Preliminary search of prior art in public and commercial patent databases and evaluation of the identified patent documents with respect to the filed invention (please note that the preliminary search does not involve non-patent, scientific literature), and/or  
b) Optional out-sourced and professional in-depth search performed in public and commercial databases including patent and non-patent scientific literature.
3. Evaluation of the patentability and marketability of the invention based on the search results received by step 2a) and/or 2b) including, if necessary, personal communication with the client.
4. Compilation of an evaluation report proposing an adequate protection strategy.

In step 1, a formal assessment of the background of the invention will be done with regard to critical aspects which may block the client from filing a patent application and/or a successful commercial exploitation of the invention. In addition, an understanding of the disclosed technology will be developed to identify the key features of the invention and to set up a list of keywords.

With this list a preliminary search in public and commercial patent databases will be carried out in step 2 to get an overview of existing patent literature in the technical field of the invention. A more comprehensive search in public and commercial databases (also including non-patent, scientific literature) can be offered on demand. BDC will obtain client's consent before running

such a detailed investigation (approx. additional expenses have to be taken into account ranging, according to our experience, from about EUR 1'000 to EUR 2'000, VAT excl.).

By considering the technical aspects and identified prior art as well as estimating the market potential of the invention, an appropriate IP protection strategy will be proposed in Step 3. If necessary, the client will be contacted to discuss and clarify issues that arose during step 1 and 2.

In step 4 finally, the findings of steps 1 to 3 will be assessed and compiled in a written report of about 2 to 3 pages. Copies of the documents retrieved in Step 2a) and/or b) can be delivered on demand.

In the absence of a professional search or a thorough knowledge of third party rights the Invention Evaluation will not involve a freedom-to-operate opinion or an evaluation whether the invention is in strategic line with the client's business activity. The procedure described above, however, shall provide a sound decision support for an adequate protection strategy of the analyzed invention.

- **Costs:** EUR 2'000 to EUR 2'500 (excl. VAT and costs incurred for a professional search according to step 2b)
- **Duration:** approx. 4 weeks from the receipt of the IDF (depending, however, on the client's availability for follow-up queries and/or completeness of the documentation and does not include a professional search according to step 2b))

## Contact

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