IP Audits:
Driving by the Rear-View Mirror

THE NECESSARY EVOLUTION TO PROACTIVE, BUSINESS-ORIENTED INTELLECTUAL PROPERTY MANAGEMENT SYSTEMS

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Introduction

It has become increasingly important for companies to keep track of the extent, quality, and use of their intangible assets as well as to have processes and procedures in place to create, inventory, perfect, and use intellectual property (IP) rights associated with those assets. Investors and creditors of companies must have a reliable mechanism to determine ownership, scope, and status of the intellectual property rights. Companies should protect their business against the unauthorized use of third-party intellectual property rights to reduce risks of costly litigation. One mechanism that helps address these issues is an intellectual property audit, which is the subject of this chapter.

Intellectual Property Is Important

As the world transitions to a knowledge-based economy, intellectual property assets are increasingly recognized as key business assets. Estimates vary, but experts believe between 70 and 90% of the market value of publicly traded companies is attributed to intellectual property. Moreover, investment vehicles, such as the Ocean Tomo 300 Patent Index\(^1\), have demonstrated that companies with comprehensive intellectual property portfolios outperform other companies in terms of market valuation.

Consequently, the management of intellectual property assets can no longer be considered a discretionary function, nor is it solely the domain of the legal department. It has become a core component of business strategy. Intellectual property has a material impact on the valuation of publicly traded companies. What’s more, according to a recent study by PricewaterhouseCoopers (PwC); over 80% of executives believe the importance of intellectual capital to the value of their companies will increase over the next three to five years.\(^2\)

But Intellectual Property Is Frequently Mismanaged

One of the primary objectives of publicly traded companies is to enhance shareholder value. If intellectual property can be attributed to somewhere in excess of 75% of the value of publicly traded companies, one would expect the alignment of intellectual property with a company’s business strategy to be a top priority for senior management. However, intellectual property remains a poorly managed asset. According to the same report by PwC:

- Almost 70% of executives believe intellectual property management is too often treated as a legal, not a strategic, issue.
- Over 60% of executives believe current accounting practices understate the value of intellectual property.
- Over 60% of executives believe that their companies could extract significantly more value from existing intellectual property and IP formation if they devoted more assets and attention to relevant processes.

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\(^1\) [www.oceantomo.com](http://www.oceantomo.com)

Why the Intellectual Property Dichotomy?

If intellectual property is so important, why is it so frequently mismanaged? The majority of executives believe a focus on short-term results inhibits the development of sophisticated processes for managing intellectual property. The majority of executives surveyed also believe that intellectual property management is too often treated as a purely legal issue at the expense of the larger-picture business strategy. Since companies already have docketing systems in place to handle the classic legal issues, the longer-term, more strategic issues are put off. The focus on short-term results causes intellectual property, and related corporate performance, to remain somewhat behind. In an increasingly competitive world fueled by rapid innovation, corporate consciousness of this dynamic is putting intellectual property closer to the center of the table.

A Step in the Right Direction:
An Intellectual Property Audit

An intellectual property audit is frequently the first step on the path toward aligning IP strategy with business strategy. It is the process through which a company understands the breadth and depth of the intellectual property assets it owns. It is the first step in understanding how these assets relate to the core business or understanding which assets do not contribute to the financial well-being of the company and unnecessarily consume valuable corporate resources.

What Is an IP Audit?

Depending on circumstances, an intellectual property audit can have a wide range of meanings. Generally speaking, an IP audit is an inspection of the intellectual property owned, used, or acquired by a business as well as a review of its management, maintenance, exploitation, and enforcement.

Companies spend millions of dollars tracking and managing their tangible assets: inventory, work in progress, real estate, equipment, computers, and so on—millions of dollars to manage just 15% of their corporate value. Just like tangible assets, intellectual property has to be identified, protected, and maintained. Arguably it is more important to take these steps with intellectual property assets as they account for a disproportionate share of a company’s value.

In addition to a simple inventory, the intellectual property audit helps to quantify the value of the intangible assets to the extent that such value depends on the legal right to those assets. The audit examines and evaluates the strengths and weaknesses in the procedures used to protect each intangible asset and secure appropriate intellectual property rights.

Where necessary, the audit provides tools to develop additional processes, make improvements to existing processes, and take corrective measures to help ensure capture of future intellectual property rights. The audit also provides tools and processes to help minimize issues involving third-party rights.

Why Do an Intellectual Property Audit?

Intellectual property must be managed. You cannot manage what you cannot measure. Therefore, you need to measure your intellectual property so you can, in turn, manage your intellectual property. The IP audit is the first step: It is how you start to measure your intellectual

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property. The IP audit enables a company to identify its IP assets and understand how they relate to the business of the company. The IP audit enables management to make decisions with respect to those assets. It helps the company understand whether rights have been or should be acquired for various assets, or whether they are or should be maintained. Similarly, the IP audit helps companies understand how their assets may best be exploited for the benefit of the company.

**Results of an IP Audit.**

At the end of an intellectual property audit, the company will have a detailed understanding of its IP profile at this single point in time—an IP snapshot, if you will. Depending on the nature of the particular audit, the resulting report may include:

- **Inventory issues.** A catalog of intellectual property assets, including disclosures, patents, trademarks, trade secrets, contracts, agreements, and so on.
- **Rights issues.** An understanding of rights that have been acquired, and whether they have been properly maintained; an understanding of those rights that have not been acquired and whether or not they should be.
- **Ownership issues.** Does the company have clear ownership over these assets? Has title been properly assigned by employees/consultants?
- **Infringement issues.** Are patents being used for which the company does not have rights?
- **Strategic issues.** Are these assets being properly managed and exploited in alignment with the strategic objectives of the company? Are there restrictions to their use?
- **Deficiency issues.** Are there patentable technologies currently not protected? Are there copyright and trademark registration applications to be filed? Are there affidavits of continued use of trademarks, maintenance fees to keep patents in force, and so on?

After an intellectual property audit, management maps its newly established inventory of IP assets, related issues, and opportunities to its strategic business objectives. This mapping exercise helps determine what actions should be taken in response to the audit findings. One approach to this mapping could be to divide the findings into three groups:

1. Assets that are important for current or future business of the company
2. Assets of potential value, but not to the owning company
3. Assets with no apparent value to anyone

In the first group, the company may have a collection of techniques, innovations, and ideas that are essential to the current and future products, services, and markets the company competes in. The company may find patents that competitors infringe and may seek royalty payments or defensively keep those competitors out of its markets.

In the second group, a company may find that it is paying to maintain a significant number of assets that are not relevant to its core business. Such patents could be abandoned, sold, or licensed for the financial benefit of the company.

The third group of “assets” represents the segment of the intellectual property portfolio that does not have value and should not be maintained in the future—a potential cost savings for the company.

As you can imagine, the results of the IP audit may add a new dimension to strategy discussions for both intellectual property and the business as a whole.
When to Do an Intellectual Property Audit

The overall importance of intellectual property assets to the business will have a bearing on the nature and timing of the audit. Where such assets are relatively unimportant to the nature of the business as a whole, it might be sufficient merely to confirm that registered IP rights are in good standing and are held in the name of the company. Alternatively, where the company’s principal business is heavily dependent on intellectual property, it may be necessary to conduct a more thorough assessment of the company’s IP portfolio and IP-based activities. Further, a particular event can create the need to perform an IP audit. Such events could include acquisitions, divestitures, investments, corporate restructuring, and others. Three scenarios for an IP audit are described.

General-Purpose IP Audit.

The general-purpose IP audit is probably the least strategic of the intellectual property audits to be undertaken. There are a number of situations in which one might embark on a general-purpose IP audit:

- Before establishing a new company—a start-up company needs to be aware of intangible assets it owns or needs to protect
- When an established business is considering implementing new policies, standards, or procedures relating to intellectual property
- When a business is considering implementing a new marketing approach or direction, or is planning a major reorganization of the company
- When a new person becomes responsible for IP management

The general-purpose IP audit frequently is meant to provide a baseline measurement or that snapshot in time so that records can be verified or progress can be measured over time.

Event-Driven IP Audit.

An intellectual property audit may be appropriate in response to a number of events or situations. As an example, an audit is appropriate before a significant acquisition of a technology or product. An event-driven IP audit is often called IP due diligence when done to assess the value and risk of a target company’s intellectual property assets. It can provide detailed information that may affect the price or other key elements of a proposed transaction. In fact, IP audits have been known to uncover details that have caused merger and acquisition transactions to be aborted. An audit is equally appropriate before entering into most financial transactions involving intellectual property, such as licensing, bankruptcy, IP disputes, and outsourcing.

An audit may also be performed in the early stages of a technology company’s formation to institute systematic procedures for protecting and perfecting intellectual property rights, particularly for core technologies. An audit may also be used at critical junctures in a company’s life cycle to ensure the continuing adequacy of such procedures and to detect defects therein.

An intellectual property audit is also appropriate in conjunction with development of a major new product, particularly if such product carries with it a demonstrable risk of infringement.

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4 Guriqbal Singh Jaiya, Director, Small and Medium-sized Enterprises (SME) Division, World International Property Organization (WIPO), presentation at the WIPO Asia Sub-Regional Conference on the Use of IP by SME Support Institutions for the Promotion of Competitiveness of SMEs in the Food Processing Sector, Lahore, Pakistan, June 5 and 6, 2007.


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of the IP rights of others. For example, the development of a “compatible” product often results in additional exposure to infringement claims. An audit may be necessary to institute, or to review the adequacy of, “clean room” procedures used in the development of such a product to reduce the risk of infringement of third-party rights.6

**Limited-Purpose Focused Audits.**

An intellectual property audit of limited scope may be initiated for a number of reasons, such as a change in the law governing those assets, or perhaps in response to employee turnover.

- **Change in the law.** A change or development in the associated IP law may require an audit to determine the extent of the effect on the rights provided to the portfolio as well as on the potential infringement rights of others. For example, the recent/pending (as of November 2007) rule changes in the United States affect the definition of a patent family and the number of claims that are allowed within a given family. When/if or in anticipation of these laws going into effect, a company should conduct an intellectual property audit to determine the effect of these new rules on its overall patent strategy.

- **Employee turnover.** In the case of company layoffs that will impact personnel in research and development or marketing, your company will want to know the intellectual property these employees have contributed, what they have had access to, and whether their employment contracts are up to date (especially if they are disgruntled employees).

**How to Do an Intellectual Property Audit**

For most intellectual property audits, a written plan should be prepared in advance. The plan should define the objectives, the particular areas of inquiry, the scope of the audit, the schedule, and the responsible parties. Obviously there is a lot more to consider in terms of the steps in an IP audit than is listed here. The details at that level are beyond the scope of this chapter.

**Objectives and Scope.**

The audit plan should spell out the objectives of the audit: What does the company hope to understand at the conclusion of the audit? What decisions does it hope to make? What information is required to make those decisions? What are the specific businesses, technologies, and markets that should be assessed as part of the audit?

**Document Checklist.**

The audit plan should include a list of the documents to be reviewed. This will likely include the obvious assets, such as patents, trademarks, trade secrets, and so on. However, it should include the less obvious agreements and documents that can affect the rights associated with these assets: license agreements, distribution agreements, employee and consultant agreements, journal articles, published papers, competitive analysis documents, marketing files, patents, lab notebooks, and so on.7

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6 Ibid.
7 Jaiya, presentation at the WIPO Asia Sub-Regional Conference.
Participants.

Define the personnel to be interviewed. This will depend on the objectives and scope defined earlier in the plan, but the likely list of candidates will include internal and external attorneys, brand managers, product marketing managers, engineers, human resource managers, contract administrators, and so on.

What Gets Included.

The next sections are meant to give you an idea of the breadth of assets that may need to be included in an intellectual property audit and the kinds of information that may be needed for each asset. The list is by no means complete, and you should seek the assistance of a qualified patent attorney. For illustrative purposes, the final section of this chapter includes a sample list of documents that may be requested in the context of an IP audit.

Intellectual Property Assets.

What exactly gets included in the IP audit depends on the objectives and scope of the audit itself. The audit may focus primarily on a specific set of related patents, disclosures, and trade secrets related to a technology divestiture or license agreement.

The first step is to develop an inventory of all of the assets the company owns. These assets can be placed into four broad categories:

1. **Patents.** Generally speaking, the IP audit should include patents, patent applications, and unfilled disclosures.

2. **Trade secrets.** This section should include processes, know-how, customer lists, supplier lists, and so on. A trade secret can be any formula, pattern, device, or compilation of information used in one’s business that gives an advantage over competitors who do not know or use the trade secret.

3. **Trademarks.** A trademark is a distinctive sign or indicator of some kind that is used to uniquely identify the source of its products and/or service from those of other entities, including competitors. A trademark typically comprises a name, word, phrase, logo, symbol, design, image, or a combination of these elements. The audit should include trademarks and service marks that are registered and pending, and those in use that qualify as common-law marks through existing use in commerce.

4. **Copyrights.** Copyrights can include source code, screen displays, program sequences, menu layouts, publications, audio recordings, images, photographs, and many other items that may need to be included.

Again, depending on the objective and scope of a particular audit, the exact list of items that should be included will vary. The preceding list provides only an indication of the varying nature of these assets.

Agreements.

In addition to the usual set of intellectual property assets, the audit should also account for contracts relating to IP. These contracts involve not only licenses related to IP, but also agreements with employees, contractors, partners, competitors, suppliers, customers, and distributors.

- **Licensing agreements.** Review all licensing agreements to ensure that the company is continually in compliance with the terms of such licenses and whether they further the current and future business plans of the company.
- **Assignment agreements.** Review assignments to determine whether the company was granted an assignment from every inventor or author of a work and whether the license was exclusive. Contact all licensors and assignors to determine whether any security interests or liens have been granted in the IP assets.

- **Employment and contractor agreements.** The audit should uncover provisions governing the transfer of the IP rights from employees or contractors to the company, including terms and conditions under which an independent contractor is allowed to use any copyrighted materials or rely on trademark association with the business. In addition, the audit should document clauses setting restrictions on the disclosure or use of confidential information during or after the completion or termination of the employment/contract as well as the extent, scope, and enforceability of noncompete and nonsolicitation provisions.

- **Joint venture agreements.** Failure to delineate which party owns the intellectual property involved in the venture will likely mean the joint venture owns them. Either party in such a case could exploit the intellectual property, including entering into licensing arrangements that bind the other party. Therefore, it is important through the audit to understand who owns the IP assets predating or created through the joint venture or collaboration. The audit should also determine which IP rights can be used by whom when the joint venture or collaboration ends.

Other agreements that may need to be included in the audit (again, it depends on the scope of your particular audit requirements) include:

- Design and development agreements
- Settlement agreements
- Franchise agreements
- Royalty agreements
- Marketing agreements
- Distribution/distributorship agreements

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### From IP Audit to IP Management

If intellectual property audits are snapshots in time, how frequently should they be undertaken? While a number of events can drive new IP audits of varying scope, the management of IP should be an ongoing practice and should become part of the corporate fabric. Just as companies develop varying personalities in their corporate culture, such as brand awareness, competitiveness, and innovativeness, they should similarly strive to make IP awareness a trait that spans all parts of their business all of the time. This is how companies evolve to more sophisticated levels of IP management, in which intellectual property is not something measured on a periodic basis but is in fact measured and managed on a daily basis.

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### Insufficient Approaches

Intellectual property has business implications at many points across the enterprise, and each of these points has a role to play in its management—from targeted innovation in research and development, to licensing opportunities in business development, to cost accounting and royalty tracking by business units. Traditionally, legal systems and processes do not address these issues sufficiently.
Docketing (Hope Is Not a Strategy and Docketing Is Not IP Management).

Docketing systems are good at helping companies to ensure that they take appropriate actions by required dates. They do not determine, however, whether these actions are sensible. For example, a company with hundreds of patents could be wasting thousands of dollars annually by maintaining patents that it does not use in its core business, but the docketing system does not care. It simply informs users that it is time to make certain payments.

Spreadsheets (A Great Way to Propagate Errors).

Spreadsheets often are used to try to make up for shortcomings in the functionality of docketing systems. Companies will try to track additional information about intellectual property. However, spreadsheets are error prone, difficult to share, and limited, and when used in conjunction with docketing systems, they can create a need for duplicate data entry. A study quoted in CIO Magazine found that, on average, four out of five spreadsheets contained errors. The article went on to describe a number of material spreadsheet blunders that cost the respective companies tens of millions of dollars.

Shared Directories (Cannot Handle Complex Relationships).

Shared directories on network servers sometimes are used in an attempt to overcome the inability of spreadsheets to be shared easily. Unfortunately, information kept in a shared directory requires a lot of maintenance in order to ensure that the data are current, and version control becomes a new problem. And although shared directories may be a convenient place to dump related bits of information, they are severely limited when it comes to handling key relationships, for example, between technologies and business units or between trademarks and products.

Stand-alone Databases (Costly, Inflexible).

Some companies have tried database programs in an attempt to improve on the limitations of spreadsheets and shared directories. However, these databases are not geared toward sharing data with a distributed workforce. They require extensive information technology resources and custom programming, and are expensive to modify as the business changes and grows.

None of the approaches or any combination of the tools described here suffices for the meaningful implementation of strategic intellectual property management. Consequently, many different spreadsheets, databases, and directories are deployed in different areas of the company in an attempt to address needs at a departmental level. This creates a nightmare scenario of disparate data silos, each with its own risks of data inaccuracies and none with the complete business-oriented picture of the company’s intellectual property assets.

A New Intellectual Property Management Paradigm

To deal with these shortcomings, industry consultants agree that companies must have IP management systems that:

- Sustain a repeatable process that spans multiple departments
- Can survive employee turnover

http://www.cio.com/article/131500/Eight_of_the_Worst_Spreadsheet_Blunders
- Manage key variables for multiple types of intellectual property
- Move beyond prosecution/maintenance tools to address business-level needs
- Continually track and share information within the company regarding known and emerging competitive technologies and organizations
- Track and manage IP-related opportunities and agreements

**Benefits of Intellectual Property Management**

Intellectual property management is not docketing. It is not accounting. It is not innovation. It is all of these things and more. A comprehensive IP management system will benefit the company in a number of ways; a few of which are briefly described below.

- **IP asset creation.** Capture new ideas and inventions more easily from anywhere in the organization. Readily evaluate, map, and rank these innovations. Prioritize expenditures on the most promising inventions and those that support the company’s business growth.

- **Reduce costs of third-party intellectual property claims.** Profile your products and business units. Know whether you have the freedom to operate in your markets. Profile competing IP portfolios, and use your own portfolio to defend against these third-party claims.

- **Build incremental value from product markets using intellectual property assets.** Use your IP to keep competitors out of your market and achieve higher margins. Accelerate innovation to deliver new value to the market faster.

- **Create incremental revenue streams from non-core assets.** Establish licensing programs for the assets that are not directly related to your core business. Just like underutilized real estate, underutilized intellectual property assets can be rented, sold, or used.

- **Create additional revenue through licensing of core assets.** In addition to licensing non-core assets, core assets can be licensed to new markets and new companies, thereby benefiting from new revenue streams in adjacent markets without the additional risk of direct market expansion.

- **Reduce costs of unused intellectual property assets.** If a group of assets is neither core to your business nor valuable to other companies, a viable strategy is to simply abandon these assets. Stop paying to maintain them.

- **Reduce new product development costs.** Knowledge of your intellectual property portfolio and of other relevant IP on the landscape can accelerate product development and time to market. Instead of reinventing the wheel, license it from someone else.

- **Evaluate the intellectual property assets of an acquisition or investment target.** An IP management system will give you the contextual framework within which to evaluate the technology fit of potential acquisitions.

- **Assess the business direction of competitors.** Patents in particular are applied for and published sometimes well in advance of a new product introduction. Profile competitor intellectual property portfolios in terms of the number and nature of the patents filed to understand their future business directions.
Software Solutions to Make the Job Easier

Collecting, collating, and managing such an extensive list of documents and records can be a daunting task. Fortunately, there are several software packages to manage these records and portfolios to help with a successful IP audit. Two main groups of these tools exist: those that

1. Take a predominantly legal/docketing perspective
2. Combine a business-oriented perspective with the legal requirements of IP management

Legal/Docketing Tools.

Many of the legal/docketing tools have a limited scope and a primarily legal matter management perspective, focusing on particular intellectual property considerations, such as trademark or patent searches, brand protection, domain name research, and so on. These legal-oriented packages provide IP management in the context of registration and renewals, royalties, licensing, conflicts, legal issues, IP laws, and other factors.

Business-Oriented IP Tools.

Some packages take a business-oriented approach to the management of intellectual property and attempt to manage not only the legal aspect of the IP portfolio but to manage these assets in the context of the business needs of the company. These programs include the Decipher™ IP management platform from Innovation Asset Group.

Described is a highly flexible package that molds to the particular business requirements of its users, Decipher addresses both the subtleties of IP asset management and its users’ real-world business objectives.

Intellectual Property is your company’s most valuable strategic asset. You should manage it accordingly. Align your IP strategy with your business strategy with Decipher.


Decipher integrates data from multiple sources across the enterprise, automates workflow and collaboration across departments, and provides real-time actionable intelligence about your portfolio.

With Decipher, you can categorize your IP portfolio in unlimited dimensions, such as business unit, technology area, product, law firm, and more. You can monitor key trends and statistics, such as growth in important technology areas, the relative age of portfolio segments, and recent activity by notable inventors.

With this intelligence, you can direct innovation or acquisition objectives, identify potential infringement activity and licensing opportunities, and identify non-core assets for out-licensing or off-loading.
Conclusion

Implementing an effective intellectual property management strategy involves adapting to business objectives and technology shifts while increasing IP awareness throughout the organization. To accomplish this, companies should align intellectual property with business objectives using the IP audit as a starting point.

Given the importance of intellectual property in the context of growing a successful business, the IP audit should in fact be only a starting point. Through the effort of the audit, processes, workflows, and checkpoints should be set up and managed throughout the enterprise. Intellectual property management tools such as those described can help institutionalize IP best practices.
Appendix

Intellectual Property Audit Information Checklist

☐ Records regarding pre-incorporation and the official corporate books from the date of incorporation including:
  ☐ Pre-incorporation written memoranda, agreements, diaries, other documents
  ☐ Articles of incorporation
  ☐ Organizational minutes
  ☐ Bylaws
  ☐ Stock subscription agreements
  ☐ Ongoing corporate minutes and resolutions

☐ Written business plan(s)

☐ Investor term sheets and agreements

☐ Current list of corporate officers, directors, and employees (including their titles and job description)

☐ All founder and employee IP assignment and transfer agreements

☐ Employment agreements, including any nondisclosure or non-compete (founders and employees)

☐ All written company policies, documents related to company rules and procedures, employee manuals, etc. (concerning employees as well as IP processes)

☐ List of all past and present service providers, including company accountants, attorneys, and other agents, such as public relations firms, trade show representatives, etc.

☐ Nondisclosure agreements

☐ Insurance agreements

☐ Agreements with third-party providers including:
  ☐ Security agreements
  ☐ Agreements for off-site printing, typesetting, publishing, ISP and web hosting, data backup or data security agreements; on-site agreements for maintenance, construction, remodeling, interior design, janitorial service, and all providers regular delivery of goods or services requiring office penetration (e.g., food, beverage, etc.)
  ☐ Building lease and related agreements
  ☐ List of utility service providers with access to premises (independently contracted or through landlord)
□ Patents:
□ Contact list of attorneys with patent files and information
□ Contact list of contributing personnel
□ Names of products that are subjects of current (pending or proposed) patent applications, and file locations
□ All written materials or (locations of same) containing information regarding potential disclosure of these products (marketing, data sheets, contracts and agreements, white papers, speech notes)
□ Location of all magnetic and other media containing information regarding these products (including backup locations and any related service agreements)
□ Accounting of all employee company-issued computers and disks
□ Policies for technical employees regarding a record of development (engineering notebooks, archived disks, tapes, etc.)

□ Employment/Consultant agreements:
□ A list of the actual date of hire for all employees for cross-referencing with the employment agreement
□ The file of all employee handbook receipt and acknowledgement forms
□ Consultant agreements with individuals working at the company’s facilities

□ All written and unwritten company policies related to company rules and procedures concerning IP processes, such as requirements to maintain engineering notebooks; security measures for employee access to confidential information from third parties; employee and contractor access to technical and creative development; and criteria for determining the level of access to trade secrets and confidential information

□ All written and unwritten policies and procedures regarding: backup of technical development; archival of technical development; disaster recovery plans; document retention; e-mail deletion

□ Insurance agreements, including indemnification provisions for directors and officers

□ Agreements with third-party providers including:
□ Security agreements
□ Lease of computer/technical equipment used for development or security
□ Agreements for ISP and web hosting, data backup, or data security agreements
□ Building lease and related agreements

□ Any conventional loan, lease, or other agreements in which a pledge of any company assets took place (This would include any pre-incorporation loans from any founders.)

□ Media policy (if separate from the employee handbook and if available)

□ Any company flowcharts (organizational, information technology–related, etc.)
☐ List of in-house software code developments, such as algorithms and procedures for protecting this form of IP (trade secret, patent, etc.)

☐ List of any portions of code acquired or utilized in the company’s programs obtained from third parties (structures, sequences, organizational aspects, interfaces, menus, configurations, input routines, subroutines)

☐ List of all proprietary database compilations and their sources

☐ List of any copyright registrations, if any

☐ Based on previous requests (and if available):
  ☐ Contact list of all lawyers with patent files and information
  ☐ Disclosure documents (white papers, speech notes). Add: PowerPoint presentations, calendars, brochures
  ☐ Accounting records of all company-issued computers, disks, and other technical tools used in development
  ☐ Records of returned equipment on termination of employment