

OCEAN TOMO

# PATENTMARKING<sup>TM</sup> NOTIFICATION



Ocean Tomo, LLC, the Intellectual Capital Merchant Banc<sup>TM</sup> firm, created the PatentMarking<sup>TM</sup> notification system. It is a virtual marking service and a system designed to support companies' management and maintenance of their patent-to-product information in conformance with the newly enacted America Invents Act.

The Ocean Tomo PatentMarking<sup>TM</sup> notification platform (patent pending), is the first and only system supporting corporate management with patent marking data by providing companies with a single searchable repository for storing their patent-to-product related information. The platform allows companies to cost effectively maintain and share information on the patented innovations contained within each of their marketed products or services.

Historically it was simple to mark patent numbers on individual products; today the logistics of marking can present an extremely challenging situation given the number of patents used in any given product, the size of the product itself and the rapid change in features or construction.

Traditional marking of products or brochures is cumbersome and expensive. Online marking allows for efficient updates and integrates the ability to search across patent numbers, licensees or products. Ocean Tomo's PatentMarking<sup>TM</sup> notification platform supports corporate management of patent marking data through annual subscriptions.

Manufacturers of patented products can now uniformly stamp [www.PatentMarking.com/company/product](http://www.PatentMarking.com/company/product) on either the physical product or its brochure to inform the market its proprietary nature. Customers, potential competitors and the public generally can identify specific patents used in products by visiting the Ocean Tomo PatentMarking platform.

Major global commercial markets, including the United States, require that patented products be "marked" with the relevant patent numbers in order to give constructive notice to the public of inventions. Such a requirement is beneficial to reduce the incidence of patent infringement. Failure to mark may prohibit the patentee from obtaining back damages prior to giving actual notice to the infringer (e.g., by way of letter or the filing of a complaint) and may even result in liability for under-management of corporate intellectual property assets.

Traditional marking of physical products and brochures is cumbersome and expensive. Recent changes to 35 U.S.C. Section 287(a) introduce the ability to virtually mark products. Online marking allows for efficient updates and integrates the ability to search across patent numbers, licensees or products. The Ocean Tomo PatentMarking platform is the first and only system of its kind, acting as a searchable portal for all patent information actually offered for sale.

**Ocean Tomo PatentMarking notification is free to the public providing three categories of data:**

- Observed, provided generally by registered users;
- Validated, provided by Ocean Tomo or a trusted affiliate organization; and
- Reported, provided by the product manufacturer or service provider (the "Reporter") under a subscription agreement with Ocean Tomo.

Reported data is considered to be a representation of the Reporter (subject to terms and conditions) and as such replaces all related Observed and Validated information.

# Reporting Company Subscription Benefits

## COMPANY DATA CONTROL

As a subscriber, you control all company-related marking data. All previous Observed and/or Validated entries attributed to your products and services are moved under your control and no new outside Observed or Verified entries can be made.

## DECREASED MARKING OVERHEAD COST

Passage of the America Invents Act authorizes products to be virtually marked by a legend pointing to a specific PatentMarking notification URL. This allows for all marking to be maintained online, removing the need to update products and/or marketing materials with patent information.

## REAL-TIME CHANGE LOG

Reporting companies maintain a change log of their marking activities with the ability to download detailed reports on patent and product entries.

## BULK DATA UPLOAD

The PatentMarking system has been created to permit the upload of large quantities of patents and products from a central Excel file. Individual consulting options are also available to assist Reporting companies map patents to products.

## MARKING CHANGE NOTIFICATIONS

Setup alerts to notify internal chain of command of product patent marking changes. Manage marking related workflow to be sure any changes are appropriately communicated to project task leaders, including research, marketing and manufacturing.

## PATENT EXPIRATION ALERTS

Customize alerts based on patent expiration dates, making it possible to alert all internal staff of upcoming marking related issues.

## About Ocean Tomo

Ocean Tomo, the Intellectual Capital Merchant Banc™ firm, provides companies with financial services related to intellectual property and intangible assets including financial expert testimony, valuation, strategy consulting, patent analytics, investment advisory, innovation management consulting and transaction brokerage.

Our Opinion, Management, and Advisory Services are built upon more than three decades of experience valuating intellectual property in the most rigorous of venues – State, Federal and international courts. Our financial, market and technical experts provide a unique understanding of the contributory value of proprietary innovation. This is the cornerstone of our business. This insight permeates every practice and client engagement.

Collectively, Ocean Tomo professionals have:

- Executed over 1000 engagements involving IP worth in excess of \$10 billion;
- Successfully closed transactions where disruptive technology played a key role, with cumulative value in excess of \$750 million;
- Conducted over 300 valuation engagements and 500 financial damages expert testimony engagements.

Ocean Tomo assists clients – corporations, law firms, governments and institutional investors – in realizing Intellectual Capital Equity® value broadly defined.



## CONTACT

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Mr. Malackowski draws from his experience as a board member of multiple early stage companies overseeing venture capital investments as well as his tenure as an entrepreneur-in-residence with one of Chicago's leading private equity firms to advise operating company clients seeking to diversify their R&D efforts. Mr. Malackowski works with firms of all size to capture, guide and protect emerging third party innovation.



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