

Intellectual Property Guidance for the Medical Devices Industry

In the crowded and competitive medical device field, what do you need from your intellectual property law firm?

- Nimble, cost-effective patent filings
 - Complete patents that are strong in litigation
 - An understanding of what different countries allow to be patented
 - A view into openings in the competitive landscape
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Schwegman, Lundberg & Woessner, P.A. (SLW) is experienced in creating patents that give you the coverage you need, protect you from taking actions you don't want to take and work in the international landscape.

We Patent Both Devices and Methods

We know that many companies are seeking to patent unique methods of using existing devices. This entails clearly detailing the novelty of the method and the clinical studies that support it. SLW's practice of filing very complete patents helps support method patents and makes all our patents more likely to stand up to litigation.

For companies operating internationally, the ability to patent a method varies by country. In the U.S. and Australia you can patent a method of medical treatment, but in Europe, China and Japan, you can't. Our international expertise means that we can advise you on the best ways to get coverage and the risks of various markets.

Targeted Patents

The best medical devices patents allow you to protect your inventions without having to sue doctors who may inadvertently infringe. Not only do you not want to have to sue your end customer, but in the U.S. you can't recover damages from doctors because the law states that they should be able to practice medicine without fear of being sued for patent infringement.



Freedom to Operate

Before you invest in designing a new product or method, you want to make sure that it's not going to infringe on existing patents. SLW's Freedom to Operate services and our ability to create detailed, flexible claim maps means that we can show you what the landscape looks like today – and quickly update this view as your invention changes in development. Knowing the landscape and seeing how changes to your invention can benefit or harm you, can also save considerable money in the design process.

We are also thoroughly experienced in helping clients qualify for the 271E1 patent exemption that allows you to infringe a patent while developing a product. We understand how the process works and help you avoid common pitfalls, like filing too soon and locking yourself out of working on the product.

Aligned with FDA Approval

As you're working to patent your method or product, you're often simultaneously working on obtaining FDA approval. You might not be aware that cross communication can occur between the FDA and the United States Patent Office. You need to make sure that you're presenting the same information to each. This can be difficult if individuals inside your company are using different timeframes and information sources. At SLW, we understand how the approval and patent processes interact and can ensure that everyone is getting the most complete information.

Our Expertise

With a bench strength of 40 attorneys, our medical devices team knows how to start strong and end successful. Many of our attorneys have come to us from research and development in the medical devices field and we have a medical doctor on staff as well. They hold advanced degrees in engineering and have worked on patents including: Implantable drug delivery devices, Monitors, Pacemakers, and Stents and shunts.



For more information,
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