The Modern FTO Framework

Strategies for Connected, Risk-Reduced Innovation

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Our Mission:

To pioneer the industry standard for digital freedom-to-operate management.

Clearstone FTO is a purpose-built patent clearance management platform that:

► Accelerates patent clearance review by more than 30-40%.
► Increases collaboration and transparency through a modern, easy-to-use web platform with configurable access controls.
► Captures and memorializes patent analysis to build institutional knowledge and retain historical work product.

Thank You
Our Panelists

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Agenda

- The Digital Review: a modern FTO framework for legal and R&D collaboration
- Protecting attorney-client privilege and work product through environmental controls
- Automated competitive monitoring strategies
- Leveraging historical work
Poll 1
The Digital Review

The new standard for digitally transformed freedom-to-operate and patent clearance investigations.

1. Identify Subject Matter of FTO
2. Conduct Patent Search
3. Review Patent Claims
4. Loop in Technical Experts
5. Resolve Final Determinations
6. Report Risk Assessment to R&D
The Digital Review

A structured FTO review process for efficient knowledge-sharing, communication, and collaboration, all while preserving attorney-client privilege.

- Multiple levels of stored functional patent analysis
- Instantly accessible historical analysis for every patent ever reviewed
- Tribal knowledge → *Explicit knowledge*
- Point-in-time connections between claims, products, and decisions
The Digital Review

The high-level view:

1. FTO Request from R&D
2. Scope Meeting
3. Perform FTO Review
4. Implement Risk Mitigation Response
5. Revisit FTO at Next Milestone
The Set-Up

1. Identify Subject Matter of FTO
   - Understand and define product and feature details that are the subject of the analysis
   - Create product record in digital system

2. Conduct Patent Search
   - Perform patent search using integrated search function or with other tools
   - Create a new digital review that contains the search results
The Initial Review

Review Patent Claims

- Review patents and capture claim-by-claim analysis
- Mark first-pass determinations with structured, functional statuses
- Use claim text highlighting and annotations to record non-infringement and invalidity positions
- Flag items for technical review
Get Input From R&D

Loop in Technical Experts

- Invite technical experts to the digital review with role-based access profiles
- Technical experts see a focused view of information and flagged items to efficiently respond to requests and queries
- Collaborate in real-time and in parallel, eliminating hand-off delays
Synthesize and Resolve Results

Resolve Final Determinations

- Review input from technical experts and make final assessments
- Consider risk mitigation options such as designing around, non-infringement and invalidity positions, licensing, etc.
Report and Implement

**Report Risk Assessment to R&D**
- Communicate "go" or "no-go" decisions, workarounds, next steps, whether to involve other parties
- Capture final dispositions in central digital system
- Note areas to revisit in future
Poll 3
Protecting Attorney/Client Privilege

A/C privilege anxiety is centered around the impossibility of containing patent commentary in disparate places:

What’s possible with a centralized FTO system? All communications are contained in a single environment that can be reviewed and monitored by attorneys.

- Email
- Instant messages
- Chats
- Excel files
- Word docs
- PowerPoint decks
- Text messages
- Written notes etc.
Embedded Competitive Monitoring

Patent data is more available and processable than ever.

Set alerts to monitor competitor activities

- PAIR and EPO alerts for new allowances and grants
- Legal status alerts for grants, lapses, and continuity of rights
- Automated search updates for new publications by subject matter or owner
- Family alerts for portfolio monitoring

Create dedicated reviews for these tasks and assign responsible individuals.
Leverage Historical work

A centralized system enables instant access to a patent’s entire analysis history.

- Leverage prior analysis
- Maintain consistent legal positions
- Avoid duplicative work
Thank you

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