

The Patent Lawyer

GLOBAL REACH, LOCAL KNOWLEDGE

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Femtech: the next big technology boom

Sarah G. Hartman, Partner at Brown Rudnick, evaluates the long-overlooked gap in the healthcare market surrounding women's health and how the next big technology boom is about to change women's lives for good.

**Japanese
"Amicus Curiae"**
Page 14

An illustration on a blue background showing several white, stylized human figures standing in a row. Above them are several light blue speech bubbles, suggesting communication or dialogue.

**The Hungarian
patent regime**
Page 18

An aerial photograph of a city, likely Budapest, featuring a prominent, ornate cathedral with a tall spire and a river in the background.

**Deep tech
start-ups**
Page 33

A detailed illustration of a complex, multi-layered mechanical or electronic device, possibly a microchip or a sensor array, with various components and wires.

An interview with Komprise's co-founder & CEO, Kumar Goswami

Kumar Goswami sits down with *The Patent Lawyer* to give key insight into the value of patenting and patent strategy for start-ups based on personal experience from setting up a data management company.

Komprise is the industry's only multi-cloud data management-as-a-service that frees you to easily analyze, mobilize, and access the right file and object data across clouds without shackling your data to any vendor. With Komprise Intelligent Data Management, you are able to know first, move smart, and take control of massive unstructured data growth while cutting 70% of enterprise storage, backup, and cloud costs.

Kumar Goswami is the co-founder and CEO of Komprise. He is a serial entrepreneur with over 20 years' experience founding and running startups with successful exits as well as experience in executive management in large enterprises. He really enjoys advising young companies.

Securing a patent for a new technology can be crucial to a startup's launch and development and should be a priority. What was behind your decision to pursue a patent for your Transparent Move Technology™ and how has the decision helped to differentiate your company early in its life cycle?

We were building a new team and a new product with some excellent contributors in storage product software. They knew patents from their prior large companies, and Komprise's founders had produced patents in startups we were principals in before. So while furiously producing new software with new ideas, we had a sense of when the right time was to shift gears and patent the most noteworthy aspects of our invention.

The value of a patent for Transparent Move Technology (TMT) is that it lends credibility to the story we were telling investors, employees, customers and partners. It means our approach has real technical merit – not a small thing among Silicon Valley companies. We developed



Kumar Goswami

something truly unique and we knew a patent would distinguish our solution from hungry competitors, which it indeed has, and it's a building block for future innovation and patents.

I read an interview you gave in which you were asked to share some things you wish you would have been told prior to leading Komprise. One part of your response referred to the idea that a company, especially early on, shouldn't worry about someone stealing their idea. Does this run counter to the importance of securing a patent or can those viewpoints exist simultaneously?

No, I think it's in line with what I said. If your idea is something one can steal after a general discussion, then maybe it's too simplistic and if it is that simple, why haven't others done it already? Whatever you are embarking on needs to have some heft to it. That said, if you come up with something novel, then you should also take the time to protect it. It's common business sense to do so.

That said, the most important factor in product is whether it is sellable. There is little point in patenting something that is not sellable, and for a startup there is little point in patenting something we could not actually build. So we definitely wanted to start with developing the software and building out an implementation that we could sell.

It was only after the big problems were solved that we went for the patent. This was helpful because we did the hard work to get to the top of the mountain and then knew exactly what to patent. Had we tried to protect each novel idea as it came up, we would have taken much more time, spent more money, and caused more confusion while patenting a number of inventions that were not in the end helpful to us.

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If your idea is something one can steal after a general discussion, then maybe it's too simplistic.
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Let's stay on the topic of lessons learned. Securing a patent can be a lengthy, costly process – two things (time and money) that most startups can ill afford to waste. What are some things you learned going through the patent process that might benefit other startups and startup founders?

The time of the team is the most valuable resource a young company has at hand. Anything they are doing that isn't their primary job is very expensive, so getting the knowledge from the team into a patent application needs to be efficient. For the TMT patent we had each inventor outline his or her portions, and then we reviewed, critiqued, and revised them all together. Then the team brought in the patent attorney, conveyed this extensive outline, and discussed the claims that could be defended by it.

Another lesson is that the provisional patent application approach is a great way to go. It's a lot less cumbersome and costs significantly less. You have one year from the time you file a provisional to pursue the full patent, which makes a huge difference if you're in the process of developing a key technology. The provisional approach also reduces your risk. If you decide over the course of the year that the patent wasn't worth pursuing, you can cut bait without incurring a large expense.

That makes sense. And yet, even the provisional approach carries a cost. How do you recommend a startup measure the ROI for pursuing a patent? What's the best way to determine whether the value will be worth the expense?

Everything about the company in the early days is about making the product. And the development of a sellable product must be the end goal. Developing and patenting innovations because they are patentable even though they are not required for the sellable product or an anticipated future version of the product is simply outside of the viable business model of a product-oriented startup. But if a significant innovation is required to make the product work, the decision becomes clear. Patenting that innovation, even defensively, meaning to make sure someone else doesn't patent it to block you, has positive ROI.

Also, the ability to say "patent pending" while talking with prospects and investors has significant value on its own and should definitely enter into the ROI calculus. Interestingly, the TMT name for Komprise's first patented technology came from marketing, not its inventors. This highlights even more that patents for a startup should be considered as a part of corporate strategy, not merely as IP protection.

I would recommend that one person, perhaps

“**A patent conveys technical value and merit for your idea, which goes a long way toward reinforcing your positioning.**”

the CTO, be designated as the point person on patents. This person is responsible for keeping the list of novel ideas, checking with others for anything new they have created, and bringing anything that is possibly patentable to the company leadership. The ROI conversation for each of the ideas can then take place.

The tech industry has a well-earned reputation for being fiercely competitive. Naturally this applies to patents, in the sense that the next great invention can completely disrupt a given industry, rendering older patents (and their owners) obsolete. Given this, how focused should founders be on pursuing new patents or updating existing ones?

The big tech companies create tons of patents, which they use as a negotiating tool. That's not the intent of most startups, including ours. We are creating patents for key components of our platform. Managing unstructured data at scale, which is what we do, is in many respects a green field. The massive onslaught of unstructured data (files and objects) is relatively new and not a lot of work has been done in this area. From that perspective, it is important. You don't want someone to come in and run off with your idea. But you also don't want to patent anything and everything. We are filing patents we think are critical to the business and the functionality we are providing. We think it's important to protect these ideas.

One more question. Considering how difficult it is for a company to secure a patent, how important (if at all) is it for a company to market said patent once it's secured? In other words, should companies spend time promoting patents or, in your opinion, is this type of achievement not particularly meaningful to customers, investors, etc.?

Patents are invaluable for credibility in sales and with investors because they demonstrate that you are solving real technical problems. A patent conveys technical value and merit for your idea, which goes a long way toward reinforcing your positioning.

¹ <https://www.komprise.com/use-cases/transparent-move-technology/>

Contact

www.komprise.com