

# Advice for Physician Inventors

A look at the criteria by which industry will judge your invention.

BY PAUL GIANNESCHI

**D**eep down you know you have a fantastic device concept that provides both improved patient care and clinical outcomes while reducing procedural costs. Yet for some mysterious reason, the device companies aren't lined up to take on your new project. Why you ask?

As a physician inventor, it is important to understand what drives device companies to pursue new product opportunities. Generally speaking, all decisions revolve around a few important considerations—market potential, intellectual property protection, organizational focus, resource allocation, market appeal, and risk tolerance. Each of these points—and how they are viewed by a potential suitor—plays an important role in the decision-making process. As a result, understanding these key concepts and a device company's needs will not only improve your odds of success, but may also help you maintain your sanity as you set out to commercialize your next device venture.

## MARKET POTENTIAL

The best way to attract the attention of a potential suitor for your new device concept is to address the unmet needs of a large, profitable market segment. Let's face the facts—all device companies are for-profit entities, and as such, focus on the bottom line. You can command a great deal of attention if your project has the promise of driving substantial sales volume and profits. Focus your efforts on those projects that have significant market potential, rather than on scarcely used orphan products. Smaller market, niche devices do have a place if they can fill a void in a company's product offerings, or if they offer excellent synergies with their existing business.

## INTELLECTUAL PROPERTY PROTECTION

Intellectual property protection can be the single most

important step you take in the process toward commercialization because patents afford an acquiring or licensing company protection from competitive attacks and product poachers. The value of a key patent to a device company can never be overstated. As evidence, the device industry has witnessed numerous patent litigation cases with millions, and in some cases, billions of dollars at stake as companies wrangle over minute details in an attempt to prevent or gain access to certain technology rights.

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Inventors should seek the broadest patent claims possible along with geographic coverage in the key medical device markets around the world. Patent counsel will advise clients

on the specific language contained in an application, yet it is usually left up to the inventor to decide where to seek protection. At a minimum, obtain coverage in all of the larger device markets, such as the US, European Union, and Japan. The value of a product could be diminished in the eyes of a would-be suitor if patent protection were limited in geographic scope. Remember, your potential partner is probably not interested in sharing your technology with competitors and would consider it an unpleasant experience to be exposed to "copy cat" products in key lucrative markets.

## ORGANIZATIONAL FOCUS

A company's product focus can have tremendous influence over the direction of their new product development efforts. Most companies seek opportunities that allow them to leverage key organizational strengths and have limited interest in product segments outside these areas. Target those companies that market products addressing similar market needs or complimentary devices. They will often have greater appreciation for your technology and, based upon their in-depth, first-hand knowledge, more interest in your project. Keep in mind that focus within a company often changes with leadership and evolving market trends.

Remain open-minded regarding potential partnerships—you never know who might be your new best friend.

### RESOURCE ALLOCATION

Regardless of a company's size, all have finite resources. This fact, coupled with an abundance of physician inventors beating a path to device companies' new product review committees, forces each company to prioritize its list of opportunities. Resources to fund new projects are generally allocated based upon the earning potential of a project (see Market Potential). Because companies have limited development resources, opportunities do exist for devices developed outside of an organization. As device companies continue to grow in size, it has become quite common for them to supplement their own development efforts and new product pipelines by distributing, licensing, or even acquiring externally developed technologies.

### MARKET APPEAL

"Cool quotient," "wow factor," or "high cool factor?" Call it what you like, but we all know and remember those products that have "it" the first time we see them. A unique, clever, and simplistic approach to problem solving always gets noticed and often funded, and the device world is no exception. Although it is difficult to coach an inventor on the merits of a product's "wow factor," if a solution to a problem can bring a smile to the face of its audience, then it is safe to say that the invention has that special something, and you can bet device companies will notice too!

### MANAGING RISK

Just like a gambler at the racetrack, all device companies want a sure bet. An idea scribbled on the back of a cocktail napkin simply won't cut it—you must prove your concepts have merit if you wish to find a receptive audience. Device companies don't like unanswered questions—it makes them nervous. As a rule, the further you take your technology through the product development cycle, the greater its value. What should you focus on? Start with quantifying the market size and potential of your project, as well as protecting your intellectual property. Other important steps include engineering, prototyping, and testing your concept.

Although some of these steps might seem daunting, with the proper guidance, these and other developmental stages will both improve your chances of attracting a potential suitor and add value—good news for the project and the inventor. Regardless of what happens, don't get discouraged. Although it might take some additional effort, options always exist for the persistent, creative, and open-minded. ■

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