

Foreign Patent Filing

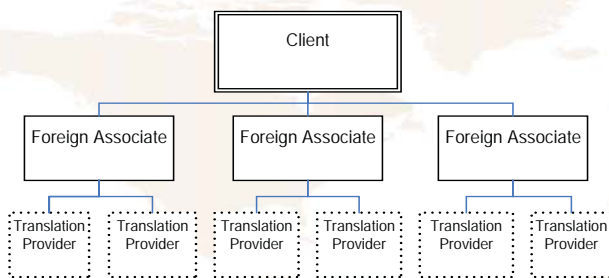
When a patent is to be filed with a foreign patent office, the corporate legal department must work through an attorney admitted to practice before the office in question, either on the staff of a foreign affiliate or, most commonly, a member of a law firm retained by the corporate legal department or its stateside attorney. In all these cases, the foreign associate manages the interaction with the patent authority, including (typically) the translation of the original patent into the local language. The same system applies to filings under the Paris Convention and to those in the national phase. This allows for rapid turnaround on language-related comments or questions, but can leave the original filer with unanswered questions about the cost or even the specific content of the ultimate filing.

There is another way to handle foreign filings—a way that ultimately will provide more benefit and lower costs for the firm and its clients. This approach involves obtaining translation services directly from a translation company, one chosen on the basis of linguistic and subject matter expertise and a background of working with in-country legal teams to handle country by country filing formalities. This gives the end customer better transparency for the costs and better control of the whole process.

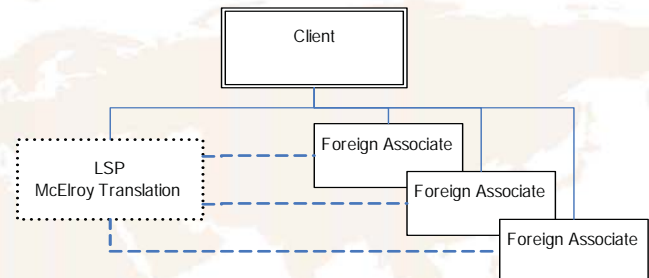
THE MCELROY APPROACH

McElroy Translation shifts control from foreign associates back to you.

It's straightforward. McElroy works with your foreign associates to provide an accurate, properly formatted (according to the foreign patent office's strict guidelines) translation on time or ahead of schedule, while effectively putting control over translation costs (as well as control of the translated text itself) back in the corporate legal department's hands. Here is the difference shown graphically:



Foreign Associates Controlled Process



Corporate Legal Department Controlled Process

MCELROY'S VALUE AD:

- **Cost** – McElroy curbs costs. With McElroy working directly with your legal department, markup fees from foreign associates are eliminated. Additionally, McElroy uses translation memory (TM) and glossaries to limit translation costs, especially when the legal work may involve multiple foreign associates in a given jurisdiction.
- **Confidentiality** – McElroy's systems are all protected by firewalls, documents are delivered through our secure FTP site, translators are required to sign nondisclosure agreements and McElroy will sign the required nondisclosure agreements proposed by the firm.
- **Consistency** – By using TM, building glossaries, and assigning a project manager as your single point of contact, McElroy is able to maintain a high level of quality consistently throughout the scope of your project. This is especially important when managing a large patent portfolio.
- **Capacity** – Whether your patent ranges from a few pages to be filed in a single country to hundreds of pages to be filed in multiple countries, McElroy can get the job done and has the experience to back up that claim.
- **Communication** – McElroy's experience and responsiveness in working with a variety of foreign associates contribute to better communication with the end customer, who can thus be more confident that the level of patent protection afforded by the foreign filing is equivalent to that in the original jurisdiction.

MCELROY'S PILOT PROGRAM

Some customers have expressed an interest in "piloting" this centralized approach to translation outside of their normal set of foreign associates. This would allow them to gauge the success of the program independent of the degree to which current associates support the change. To that end, McElroy has identified legal firms in select jurisdictions who are eager to demonstrate the strengths of this approach. They agree with McElroy that the choice of legal representation and the choice of language services vendor need not be collapsed into a single option. Once the strengths have been demonstrated, we are confident that the approach will be successful with any foreign associate.