

*Where the Action is: Using patent attorney practice locations to identify regional centers of commercially significant innovation*

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The study described in this paper uses the location and number of patent attorneys in a particular region as indicators of the volume of commercially significant innovation in that region. The article argues that the demand for patent attorney services roughly reflects the perceptions of innovators regarding the aggregate commercial significance of their patentable, non-obvious innovations. Over time, patent attorneys will respond to this demand by establishing practices in proximity to settings where innovators are producing commercially significant innovations so that the attorneys can easily interact with the innovators in preparing patent applications. Hence, patterns of patent attorney practice locations will track patterns of commercially significant innovation.

These patterns of patent attorney locations may provide better indications of the volume of commercially significant innovation emanating from various regions than the number of patents or patent claims associated with the regions. Since a given patent may cover several commercially significant features of an innovation, the number of patents from a region may not be directly proportional to the number of commercially significant, patentable innovations. The number of claims in patents from a region may come closer to measuring the number of significant features in the innovations covered by the patents since each important feature will typically be covered by one or more claims. Unfortunately, differences in drafting strategies from attorney to attorney may cause a particular type of commercially significant feature to be covered by one claim or several. Hence, claim numbers may not be proportional to the number of significant features of new innovations either.

The demand for patent attorney services -- as reflected over time in the number of patent attorneys located in a particular area to meet that demand -- should provide a better measure of innovators' perceptions of the scope of commercially significant, non-obvious advances emanating from that region. While these perceptions may be ill informed -- innovators may just obtain patents on advances that do not ultimately have much commercial potential -- if even a consistent fraction of the projections of innovators (or their corporate employers) about the commercial potential of their advances are correct, the volume of patent attorney services rendered in an area should still be proportional to the volume of commercially significant, non-obvious advances emanating from that region.

This paper describes a pilot study using this type of analysis of patent attorney locations. It focuses on patterns of patent attorney practice found in California, using these patterns to identify several hot spots of commercially significant innovation. It also examines some of the regional features of these areas to suggest why these settings appear to promote or support commercially significant innovation at a greater level than other similarly situated areas. The article describes the use of Global Positioning System

(GPS) software to both analyze and illustrate patterns of patent attorney practice locations and their relationships to other community characteristics.

Overall, the aim of this study is to present a new tool for the analysis of innovation. Through the use of patent attorney practice patterns, the study seeks to gain indirect but highly valuable evidence of typically hidden innovation characteristics. In particular, the study seeks to demonstrate that patent attorney practice patterns can identify regional centers supporting intense work on patentable innovations and settings in which innovators and their corporations have high expectations about the commercial value of advances emanating from their innovative activities.