

**WE
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WHAT
MOVES**



MANE'S INNOVATION PROCESS

CONFIDENTIAL

November 2017

CONTENT

01

What is the ComInnov?

02

ComInnov Process

03

Freedom to Operate Study

04

Patentability Study

01

WHAT IS THE COMINNOV?



WHAT IS THE COMINNOV?

Innovation, Valorization and Transfer Committee (ComInnov)

- ❖ **The ComInnov is defined as MANE's internal committee to capture, review, and promote all innovations in the MANE Group.**
 - ❖ Evaluates the added value of the innovation, confidentiality, interest, and priorities for the Mane Group or Region for a proposed innovation project,
 - ❖ Selects (validates) innovation projects to be ComInnov Projects
 - ❖ Decides on intellectual property related actions for all selected ComInnov Projects (including protection, sharing, grant of rights, licensing in and out),
 - ❖ Receives periodic updates on the progress of pending ComInnov Projects during ComInnov meetings,
 - ❖ Defines the rules applicable to ComInnov Projects for transfer, communication, diffusion to affiliates, customers or other partners,
 - ❖ Closes ComInnov Projects which are no longer active or of interest for MANE.
- ❖ **ComInnov meets every two to three months.**

Mane's ComInnov is a tool that enables global management of innovative projects and products.

WHAT IS THE COMINNOV?

<u>ComInnov</u> . Members Functions within the <u>ComInnov</u>	MANE J.: President of the <u>ComInnov</u> VP Innovation : <i>vacant</i> HANNETEL J.-M. : VP Technology Transfer										EXPERTISE AND DECISION: AGUADISCH Louis: Member - Fragrances CAMERINI Gérard : Member - Production GALLARDO Cyril: Member - Ingredients VERLAQUE Patrick: Member - Flavours				REGION MANAGEMENT: MANE S. : EMEA Region Director MANE M.: Americas Region Director LEYNAUD B.: Asia Region Director			
<u>ComInnov</u> Members managing a Category	Region	VERLAQUE P. FERNANDEZ L. A.				MANE J.	NEGRELLO C.	GALLARDO C.	MANE J.	HANNETEL J.-M.								
Innovation Categories		FLAVOURS				TOBACCO	FRAGRANCES	INGREDIENTS	BIOTECHNOLOGY & EXTRACTION	TECHNOLOGY								
		STRAT DEV	SWEET (Beverage, Dairy)	SWEET (Confectionary, bakery, Oral Care)	SAVOURY (Flavour seasoning and <u>Petfood</u>)	TOBACCO & e-cigarettes flavours	CONSUMER GOODS and FF	NEW EXTRACTS & CAPTIVES	NEW TECHNOLOGIES FOR NATURAL PRODUCTS	NEW TECHNOLOGIES AND TRANSFER								
Project Technical Coordinators	EMEA	DALMAS S. FROMENTIN C.	VERLET C. CASTEX B. PELLETIER JF.	DE ST LEGER F.	DAVODEAU E.	Fabrice TAULANE	AGUADISCH L. STALET G.	<u>Scient. Com.</u> MAHAIM C. PLESSIS C.	<u>Scient. Com.</u> MAHAIM C. DUBOURG C. LAMBERT F.	FALCHUN A. (<u>Flav.</u>) TARDIEU A. (<u>Frag.</u>) GAUDIN L. (Tobacco) COURSIERES N. (<u>Industrial Techno.</u>)								
	ASIA	LASSABLIERE B.			<u>OPEN</u>		BAO C.	LEYNAUD B.	LEYNAUD B.	LASSABLIERE B.								
	NOAM	WIELAND R.					LUCIA F.	MANE M.	MANE M.	WIELAND R.								
	SOAM	TROUILLER S. (MANE MEXICO) SOSA A. (MANE MEXICO) HAMADA G. (MANE do BRAZIL)					PORTIER P. FAZZI T.	MANE M.	MANE M.	-								

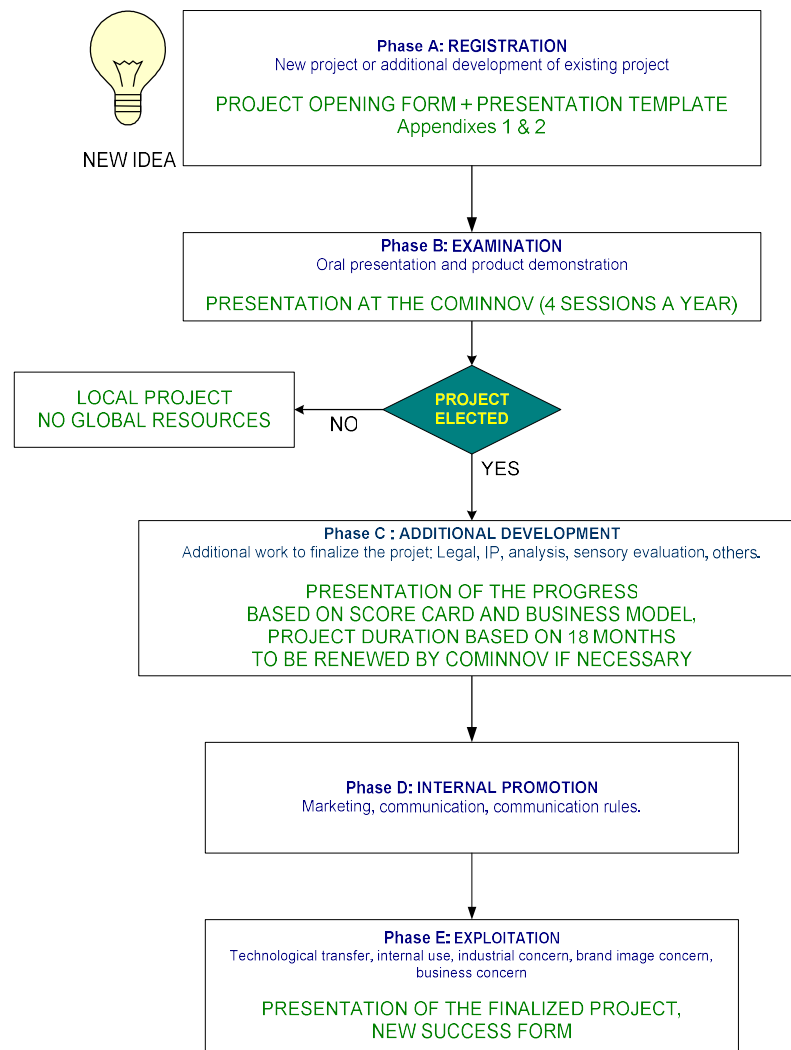
02

THE COMINNOV PROCESS



COMINNOV PROCESS

ComInnov Initiation and Process



COMINNOV PROCESS

- ❖ In order to introduce *new products and processes* to the Mane Group, where the introduction of which would require use of at least one of Mane's global resources (e.g., patent counsel), a presentation of the proposal must be made to the ComInnov.

- ❖ **ComInnov project opening form:**

- ❖ Project Leader/Reporter identified
- ❖ Category (e.g., Flavors, Fragrances, Ingredients, Tobacco, Technology, Finished product, Intermediate food product)
- ❖ Detailed Applications
- ❖ Focus – Brief Description
- ❖ Purpose – **Detailed project description, new technologies involved, advantages, prior art**, etc.
- ❖ Global Regulatory Affair and Product Safety
- ❖ Sales, Marketing (benefit to Mane, expected sales or market potential, Sponsor customer)
- ❖ Resources, Working team (R&D, Development, Production, Marketing, Regulatory, Legal & IP, Sales; Persons involved)
- ❖ Planning timeline

- ❖ **ComInnov presentation template:**

- ❖ Problem (market needs, existing technologies)
- ❖ Solution (invention, principle, new technologies involved, main advantage, benefit for Mane)
- ❖ Business Model (Direct sales, customer assistance on product development, licensing in/out, sales exclusivity)
- ❖ Score Card
- ❖ Marketing, Sales, Competition, Projections (expected sales, targeted countries, sponsor customer)
- ❖ Team (Internal team, external resources, estimated budget for whole project)
- ❖ Status and Timeline

COMINNOV PROCESS

Prior to initiating a ComInnov project request, preliminary literature research must be performed.

Literature research of patent documents and scientific publications are by researchers and by Mane's Documentalist using key words which are outlined by the project leaders; this literature research must include:

- ❖ Preliminary "Freedom to operate": Mainly focused on identifying pending patent **claims** that would prevent Mane from the exploitation of the invention. More typically at this stage, the search is a *patent landscape search*, to assist in identifying "white space."
- ❖ If a patent is envisioned, then literature research should include:
- ❖ Preliminary Patentability: Mainly based on novelty to answer the questions:
 - ❖ "Does the invention already exist?" If no, then
 - ❖ "What is the closest prior art?"

Search results studied by project leader/team.

- ❖ Patent counsel may assist

FREEDOM TO OPERATE STUDY

Cost-free search engines available on the worldwide web for preliminary searching include:

- <http://www.freepatentsonline.com/>
- https://worldwide.espacenet.com/advancedSearch?locale=en_EP
- <http://patft.uspto.gov/netahtml/PTO/search-adv.htm>
- <http://appft.uspto.gov/netahtml/PTO/search-adv.html>
- <https://patents.google.com/advanced>

In order to develop an adequate search strategy (e.g., search terms, class/subclass, assignees, etc.), specific information about what you actually want to do/make must be determined.

MINC and MUSA researchers also have access to Mane's Documentalist (Didier Geraud), and may request assistance.

US Patent Counsel can assist with preparing search strategy and/or search instructions for the Documentalist.

- ❖ If the research project has been validated as a ComInnov project, approval for FTO search must come from the ComInnov.
- ❖ If not a ComInnov project and no patent is envisioned, then the FTO request may be submitted directly to Patent Counsel.

COMINNOV PROCESS

Compulsory steps on the path from innovation to patent protection

Phase 1: Validation "in principle" by the ComInnov of the interest that Mane may have in employing internal resources dedicated to technical development and intellectual property work with the goal to initiate a patent application.

- If ComInnov validation is obtained, then project may progress to phase 2.

Phase 2: Patentability study made by Mane patent counsel on the basis of novelty, non-obviousness, utility (for Mane), enablement vis-à-vis the publically available prior art.

- If the patentability study is favourable, and after the execution of the possible complementary developments, the project may be approved by the ComInnov to progress to phase 3.

Phase 3: Freedom to operate study made by Mane patent counsel focusing on geographically relevant claims in non-expired patents and pending patent applications, both of which are presumed valid.

- If the freedom-to-operate study is favourable, and after other possible complementary developments, the project may be approved by the ComInnov to proceed with pursuit of patent protection and onto phase 4.

Phase 4: Validation by the ComInnov of the decision to file a patent application, will be based on favourable opinions from the patentability study and the FTO study, as well as possible complementary developments. This validation phase specifies the scope of patent application and the patent filing strategy (FR, EP, US application, PCT, etc.).

- If validation from the ComInnov is obtained, the patent application may proceed to phase 5.

Phase 5: Drafting of the patent application by Mane patent counsel, in full collaboration with the inventors, together with possible complementary developments.

- Only at the end of this phase 5, can the patent application be filed.

All Mane patent applications must go through the ComInnov to be approved for drafting and filing.

03

FREEDOM TO OPERATE STUDY



FREEDOM TO OPERATE STUDY

A Freedom to Operate (FTO) study answers the question: “If I do X, will I be liable for infringing another’s patent?”

So what is patent infringement?

*When a party (other than the patentee or licensee of the patentee) manufactures, imports, **uses**, sells, or offers for sale patented technology without permission/license from the patentee, during the term of the patent and within the country that issued the patent.*

“**USE**” does not have to be actual use in commerce. Even research may be sufficient to give rise to patent infringement liability. In the U.S., the so-called “research exemption” defense to patent infringement does not apply where the research is done in furtherance of the alleged infringers legitimate business. This very narrow and strictly limited experimental use defense applies when the acts are for amusement, to satisfy idle curiosity, or for strictly philosophical inquiry.

Infringement may be direct or indirect.

- **Direct**
 - Literal (patent claim “reads on” the process, machine, manufacture, or composition)
 - under the Doctrine of Equivalents (function, way, result)
- **Indirect**
 - Contributory (custom designed component without substantial non-infringing use)
 - Inducement (specific intent = actual knowledge + affirmative acts)

FREEDOM TO OPERATE STUDY

An FTO study is confined to analysis of **the claims** of enforceable patents and pending patent applications of the last 20 years, and only in the countries or regions of proposed exploitation.

- The specification may be referenced to interpret the terms recited in the claims.
- All relevant patent documents are checked for status (abandoned, fees paid, etc.).

Procedure:

1. Develop search strategy based on invention description and known prior art.
 - a. e.g., terms, invention classification, assignees, inventors, countries of interest
 - b. may use preliminary search results to assist with developing search strategy
2. Collect search results of this formal FTO search
3. Analyze claims of patent documents to establish relevancy to proposed project
4. Assess status of any relevant patent documents
5. Render a written opinion providing FTO guidance
 - a. The project/invention is free to operate, meaning that no enforceable patents or pending patent applications hinder Mane's right to exploit said project/invention.
 - b. If enforceable patents or pending patent applications block our FTO
 - i. If available, commercialize in alternative countries
 - ii. Periodically monitor problematic patent documents for abandonment, invalidation, etc.
 - iii. Work with researchers to develop work around strategies, if possible.

MANE FTO policy is to always respect third party patents and patent applications.

FREEDOM TO OPERATE STUDY

Freedom to Operate Study Request form

INTERNAL ONLY

CONFIDENTIAL

FREEDOM TO OPERATE STUDY REQUEST

FROM (name, Mane entity & department)	ISSUANCE DATE	DEADLINE REQUIRED (if urgent please indicate why)

Please attach the documents relating to the innovation decision making process by the ComInnov or the Scientific Committee on the project:

- ✓ Innovation project opening
- ✓ Project presentation to the Committee
- ✓ Extract from the minutes of the Committee

BRIEF DESCRIPTION OF THE PROJECT: The purpose of a FTO study is to ensure that the commercial production, marketing and use of a new product or process does not infringe third parties' intellectual property rights.

Please describe the project, the applications, its benefits compared to prior art if any, etc...

DETAILED DESCRIPTION OF THE PROJECT: A good patent search may indicate that a new product and/or process is/are unlikely to infringe third party patents, but no patent search is perfect or full proof. There is a practical limit to the time and money that can be spent on a search.

For example, *for a formulation, please detail all the main components, their percentage of use... Please specify the planned use of the composition, device etc. Do not hesitate to provide more explicit documents*

GEOGRAPHICAL SCOPE: Patent protection is territorial. In many cases, protection is sought in a company's main markets and left in the public domain in other countries where commercialization is less likely. In the latter countries, no permission (or license) will be needed from the patent owner to commercialize the product.

By default, the FTO will be conducted for the territories of Europe and USA. If the project concerns specific countries, or there is a need to cover any other countries, in addition to or instead of Europe & USA, please specify.

KNOWN PRIOR ART: Patents have limits of scope and limited duration. The most important part of a patent document is probably the claims. The claims determine the scope of the patent, and all aspects of an invention that are not covered by the claims are not considered to be patented. It is important to bear in mind that it is not always easy to determine the scope of a patent. Patent protection lasts for a maximum period of 20 years, provided the patent is "maintained" for the entire period by timely payment of maintenance fees to the patent offices. After the expiry of the term of protection, a patent is considered to be in the public domain and may be freely used by anyone.

Please indicate a list of the relevant prior art patent documents.

<http://mosscorp.emea.sesam.mane.com/LegalIP/IP/Patents%20study%20forms/Forms/AllItems.aspx>

04

PATENTABILITY STUDY



PATENTABILITY STUDY

Studying the patentability of an innovation means evaluating the three criteria of patentability:

- 1: Novelty
- 2: Non-obviousness / Inventive step
- 3: Utility / Industrial applicability

In order to accomplish the study, it is necessary to provide Patent Counsel:

1. A complete and detailed description of the invention

- ingredients, including compositional make-up of impure materials, extracts, fractions, EOs
- acceptable ranges for each ingredient
- methods of manufacturing
- equipment used
- expected applications
- benefits of the invention vis-à-vis the prior art

2. Any known relevant prior art

- include search results from preliminary search
- identify competitors who may have art in this innovation space

PATENTABILITY STUDY

Procedure:

1. Develop a search strategy based on invention description and known prior art.
 - a. Envision hypothetical claim(s) for the invention
 - b. identify alternative terms, generic terms
 - c. classify invention, related art from preliminary searches may be useful
 - c. identify potential sources of relevant non-patent literature
2. Collect search results based on search of patent and non-patent literature
3. Analyze search result pool to identify if relevant to proposed claim(s)
 - a. Novel - If a single reference does not teach all elements, as arranged in the claim.
 - b. Non-obvious –
 - i) United States uses the Graham factor test:
 1. Determining the scope and contents of the prior art;
 2. Ascertaining the differences between the prior art and the claimed invention;
 3. Resolving the level of ordinary skill in the pertinent art; and
 4. Consider objective evidence indicating obviousness or non-obviousness.
 5. Consider “secondary indicia of non-obviousness,”
 - (1) long-felt need; (2) failure of others; (3) commercial success; (4) commercial acquiescence via licensing; (5) professional approval; (6) copying by and praise from infringers; (7) progress through the PTO; (8) near-simultaneous invention; and (9) unexpected results.
 - ii) Other jurisdictions (EP, CN, JP, etc.) utilize a “problem -solution approach.”
4. Render a written opinion detailing patentability assessment

PATENTABILITY STUDY

Patentability

INTERNAL ONLY

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PATENTABILITY STUDY REQUEST

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- ✓ Innovation project opening
- ✓ Project presentation to the Committee
- ✓ Extract from the minutes of the Committee

DETAILED DESCRIPTION OF THE INVENTION: A good patent search may indicate that a new product and/or process is/are unlikely to infringe third party patents, but no patent search is perfect or full proof. There is a practical limit to the time and money that can be spent on a search.
Please describe the invention, its applications. Please indicate the advantages of the invention compared with existing prior art. Do not hesitate to provide more explicit documents (drawings, presentation...).

KNOWN PRIOR ART: Preliminary searches: technical or marketing elements and data in relation with field are gathered by the person in charge of the innovative project. Scientific publications and patent documents searches are done by the documentalist, using key words which are outlined by the project leaders. The questions to be answered are mainly "is the invention novel", and "is the invention non-obvious in view of prior art".
Please indicate below the references of any relevant prior art document (publication, patent...).

<http://mosscorp.emea.sesam.mane.com/LegalIP/IP/Patents%20study%20forms/Forms/AllItems.aspx>

CONCLUDING REMARKS



QUESTIONS?

**WE
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**FOR MORE
INFORMATION,
CONTACT US**

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