Shaping your portfolio from the patent up

Executive Summary

Our report, Shaping Your Portfolio from the Patent Up, analyzes more than 6,500 U.S. patent litigations from the past five years to understand what distinguishes patents that are actually asserted from those that are not. The central finding is straightforward but strategically important: enforceability is engineered at the patent level, not the portfolio level. When disputes arise, courts test individual patents. Portfolio strength only matters to the extent that individual assets have been structurally designed to mature into leverage.

- Across industries, asserted patents exhibit consistent structural patterns:They tend to have cleaner, shorter independent claims supported by richer specifications.
- They disproportionately sit within larger, continuation-heavy families.
- They are more likely to have been strategically acquired and they align more closely with industries where assertion risk is concentrated.

Importantly, this is not a story about filing volume or citation counts alone. Many asserted patents would be screened out by simplistic metrics.

What distinguishes them is architectural discipline: drafting that preserves flexibility, disclosure that supports mapping to products, and family design that compounds optionality over time.

The industry data also reveals that litigation risk is uneven and dynamic. Filing density does not correlate cleanly with assertion density. Certain sectors attract disproportionate NPE activity; others are dominated by operating company disputes. Those concentrations shift over time. As a result, portfolios that appear balanced on paper may be materially misaligned with where enforcement leverage is actually emerging. Capital allocation decisions that rely primarily on filing activity, technology categorization, or budget symmetry risk over-investment in low-leverage zones and under-investment where disputes and licensing activity are most active.

A further structural insight is that assertion is frequently acquired rather than organically built. More than half of asserted patents in the dataset were acquired, and even operating companies rely heavily on secondary-market assets when enforcing rights. This suggests that enforcement-grade portfolios are rarely the product of invention alone. They are shaped over time through targeted acquisition and disciplined continuation strategy. Treating acquisition as opportunistic or reactive leaves gaps that others may fill with assertion-focused intent.

Family architecture emerges as one of the strongest recurring signals. Asserted patents are far more likely to come from larger families and to be continuations. Assertion typically occurs roughly a decade after priority, meaning early prosecution and continuation decisions quietly determine long-term leverage. One-and-done filings rarely mature into meaningful enforcement assets. Instead, leverage compounds through preserved optionality, layered claim coverage, and strategic extension where industry conditions justify it.

These findings point to a necessary strategic shift. Traditional portfolio management emphasizes filing counts, geographic coverage, and annual budgets. Litigation data suggests that those metrics are insufficient proxies for enforceability. What predicts real leverage is structural alignment between claim architecture, disclosure depth, family design, industry exposure, and acquisition behavior.

For the board, the conclusion is clear: portfolio size is not strength. Structural leverage is. The competitive advantage lies in designing patents to mature into enforceable assets years before disputes arise. The companies that treat drafting, continuation, and acquisition as strategic capital allocation decisions, rather than administrative processes, will build portfolios that are not just large, but resilient and monetizable.

ArcPrime translates these litigation-driven insights into practical action across the patent lifecycle. It enables patent teams to make data-informed drafting, prosecution, continuation, and acquisition decisions aligned with real-world enforcement patterns. As an AI-native platform, ArcPrime evaluates patents at the structural level, claim architecture, disclosure depth, family design, and industry exposure, helping teams optimize each asset individually so that portfolio strength emerges deliberately, not accidentally.

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Do asserted patents have shorter independent claims?

1) In most industries, asserted independent claims are shorter (median)

Across every industry I looked at except pharma, biotech, healthcare, and education, asserted patents had shorter median independent claims than the control group (see Figure 1).

- Overall: 150 words (asserted) vs 167 words (control)
- Only ~10% of asserted patents have independent claims >300 words.

Outliers (where asserted claims skew longer):

- Pharma: 83 (asserted) vs 48 (control)
  Biotech: 92 (asserted) vs 82 (control)
- Healthcare*: 182 (asserted) vs 169 (control)
  Education*: 213 (asserted) vs 124 (control)
  (*Small sample caveat: only 65 healthcare and 32 education litigations; each industry saw 550 average litigations)

Interpretation: In many fields, shorter independent claims may reflect cleaner, more targetable claim architecture but in some domains (especially life sciences), the "assertable" pattern can look different.

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2) Claim length varies by who's asserting

When you segment by plaintiff type, the median changes meaningfully (see Figure 2):

- NPEs and OpCos: ~150 words (similar)
- Universities: 122 words (notably shorter, potentially more foundational/early platform claims)
- Individual inventors: 213 words (longest, possibly more narrative drafting, more limitations, less professional constraint)

Why does this matter? If you're building a portfolio meant to hold up in real disputes, you want drafting decisions that reflect how sophisticated litigants actually write, not just what "feels thorough" in prosecution.

3) Asserted patents also tend to be “beefier” elsewhere

Even when independent claims are shorter, asserted patents skew toward more disclosure density.

- Longer specifications (see Figure 3): 8,400 median words vs 7,100 (control)
- More figures (see Figure 4): 13 median figures vs 11 (control)
- Claim counts: 59% have ≤20 claims, 41% have >20 claims (see Figure 5 & 6)

This combo is interesting: shorter independent claims + richer disclosure is a recurring asserted profile

Takeaway: Watch for “long claims / thin disclosure” - it’s a red flag

Before you file, do a quick check:

- If an independent claim is 300+ words, there should be a very intentional reason.
- If you want enforcement flexibility later, you often get more mileage from a richer spec (embodiments, broader definitions, more edge cases).

(For further analysis, compare median specification metrics between asserted and control patents in Figure 7 and average claim set size by industry in Figure 8).

How this connects to shaping the portfolio from the patent up.

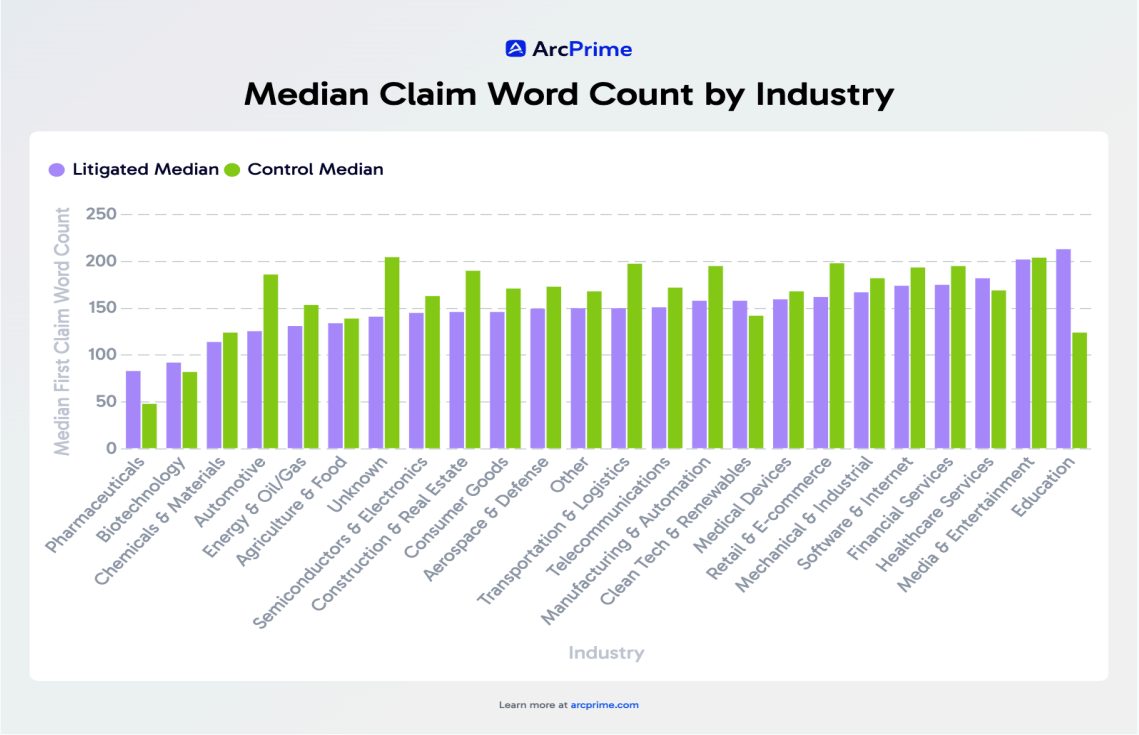
Portfolio strategy usually happens at the portfolio level (how many filings, what spend, what areas). But enforceability emerges at the patent level, and you can measure those signals early, while you still have leverage to change the draft.

ArcPrime use case: ArcPrime benchmarks draft claims and disclosures against patterns seen in historically asserted patents, so teams can spot when a filing is drifting into “long-claim / low-flexibility” territory and course-correct before it becomes a permanent, expensive asset in the portfolio.

Interpretation:
Enforcement readiness isn’t about team size or patent class. It’s about how the asset is positioned to mature over time.

Chart Appendix

Figure 1



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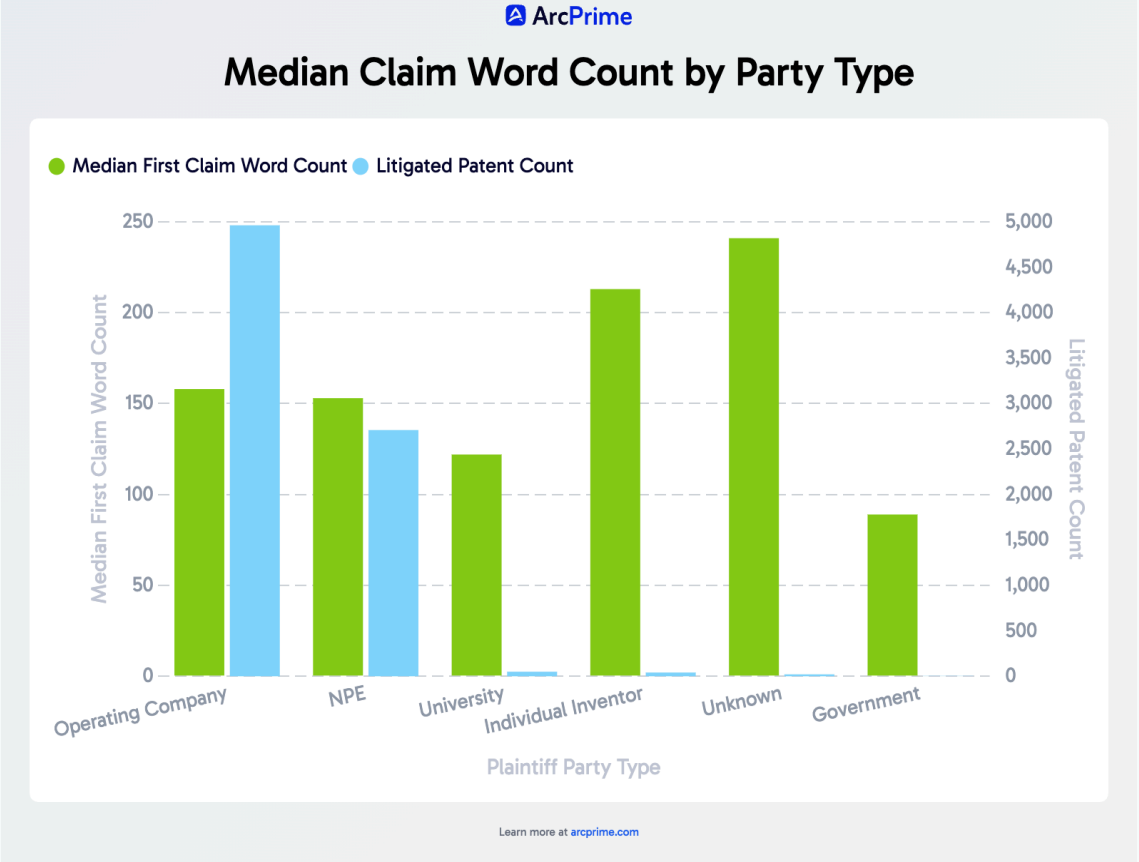

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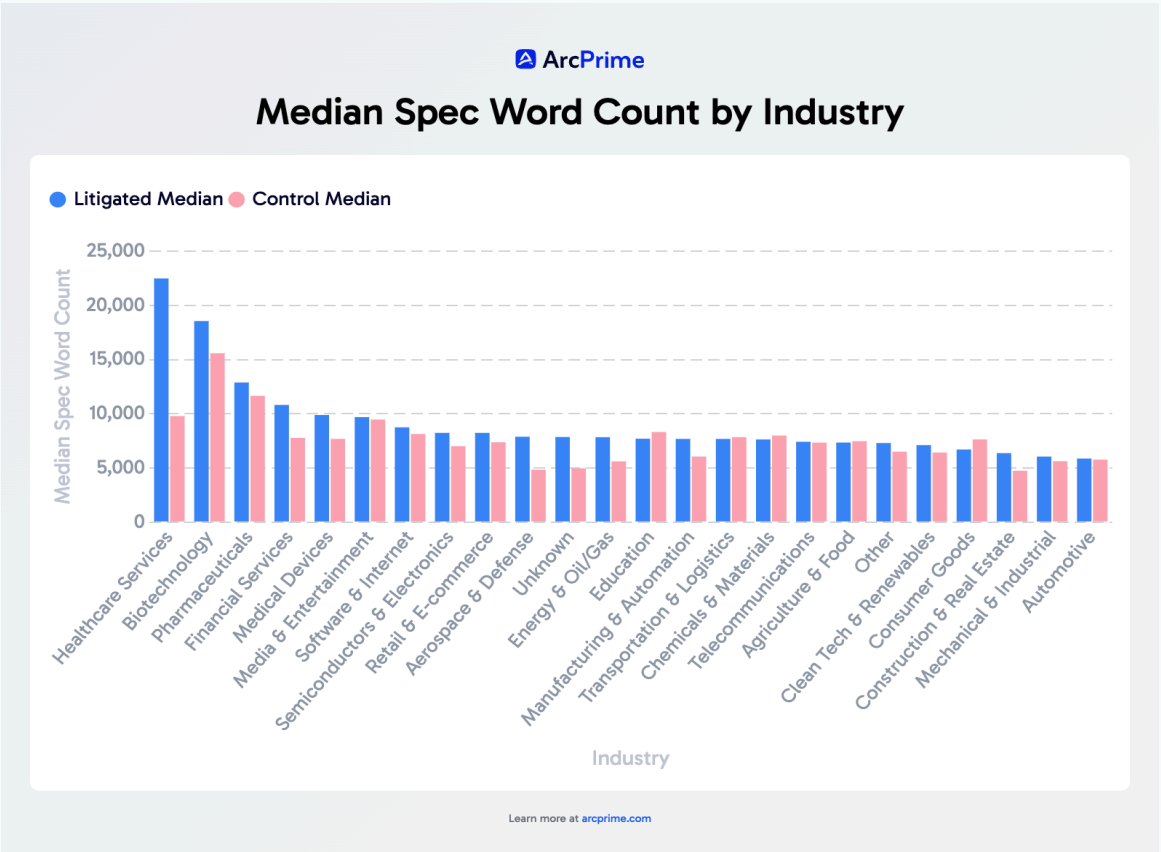

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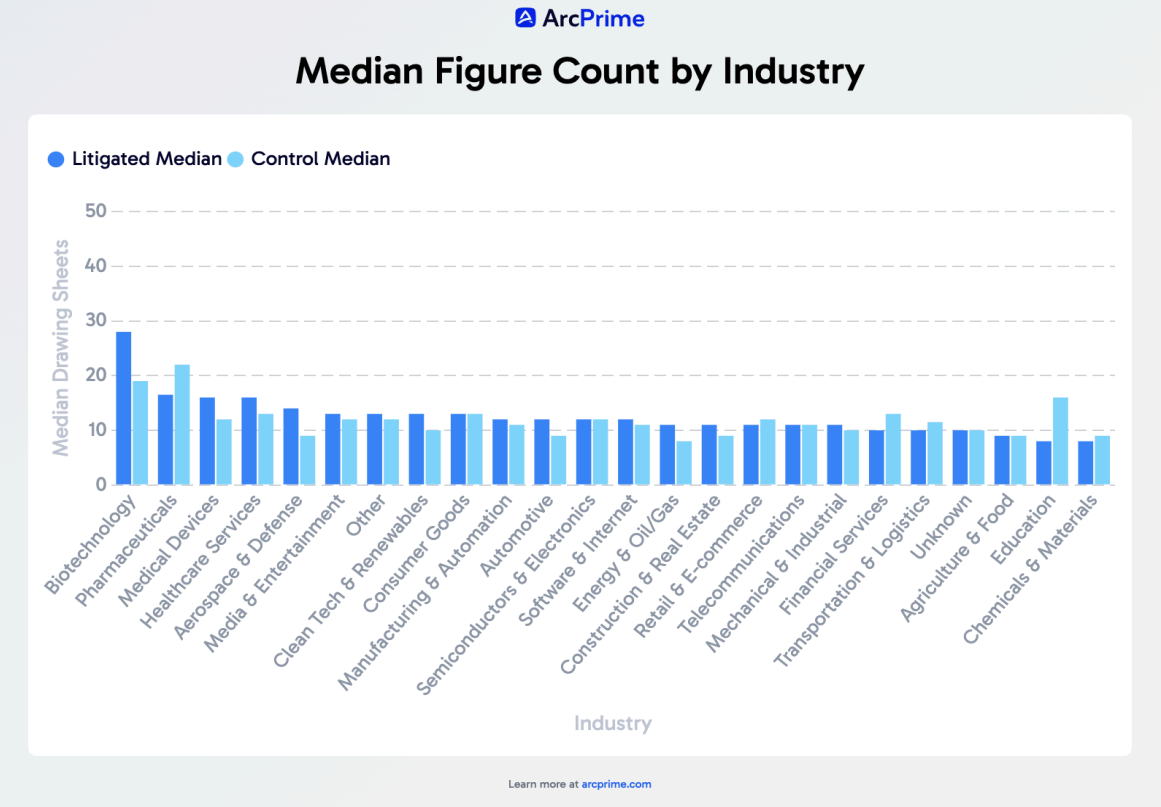

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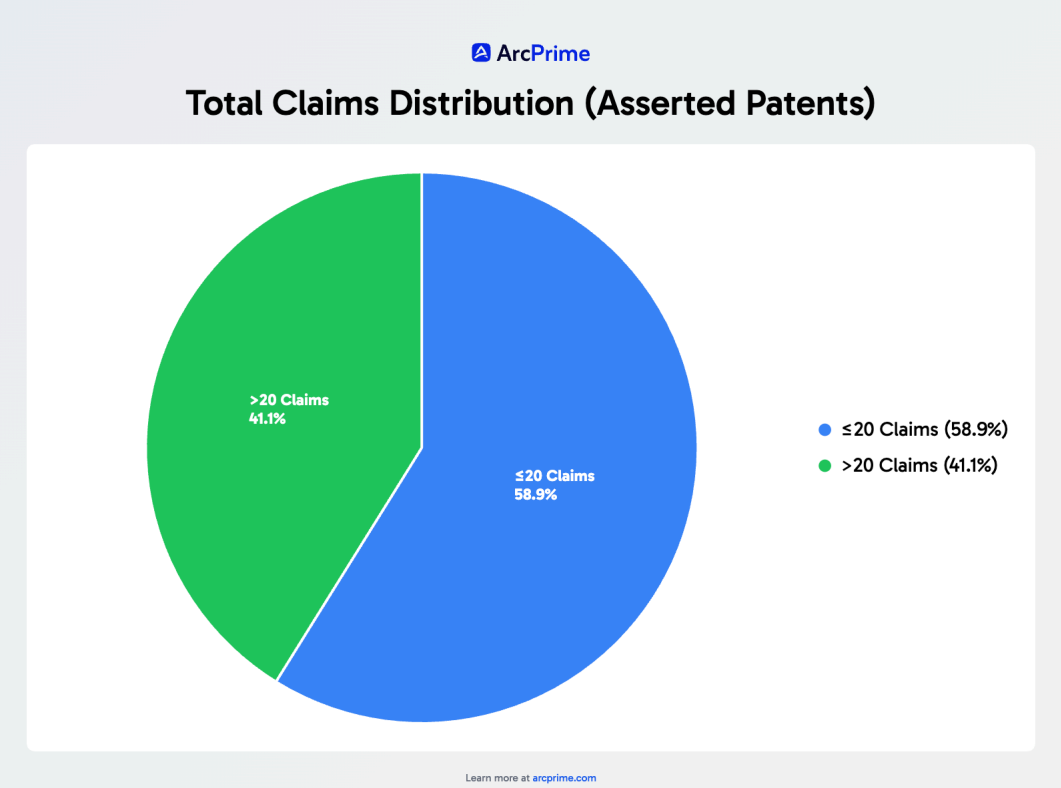

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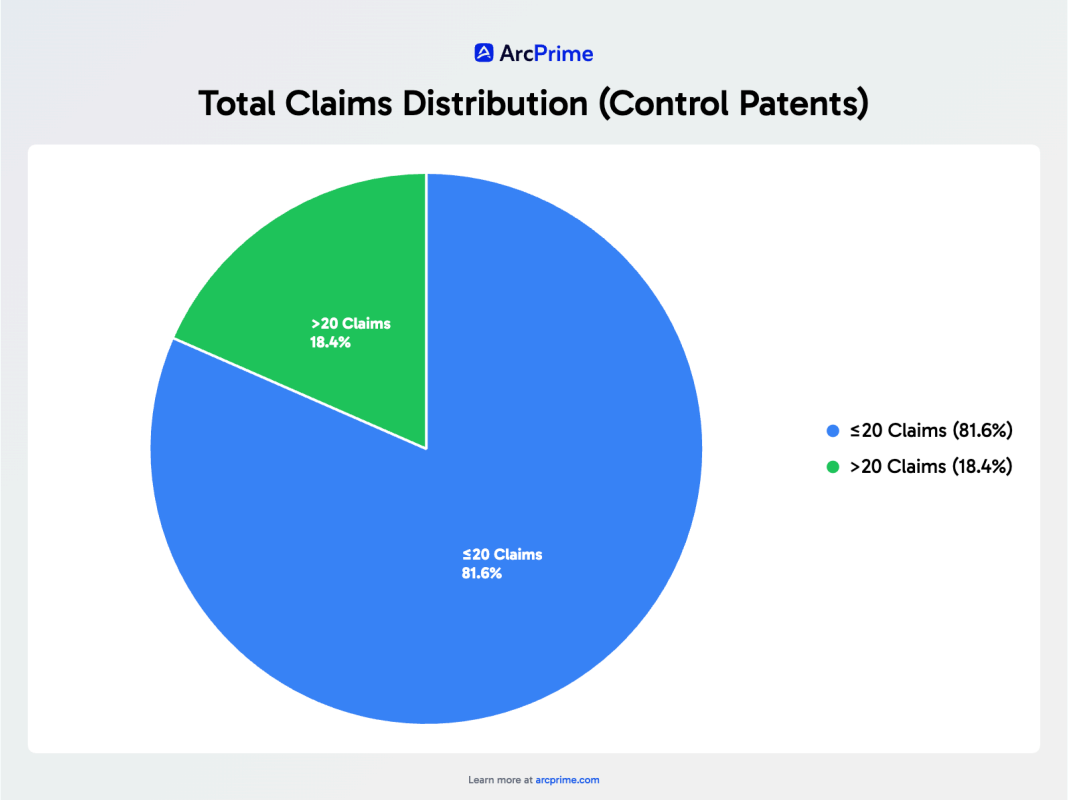

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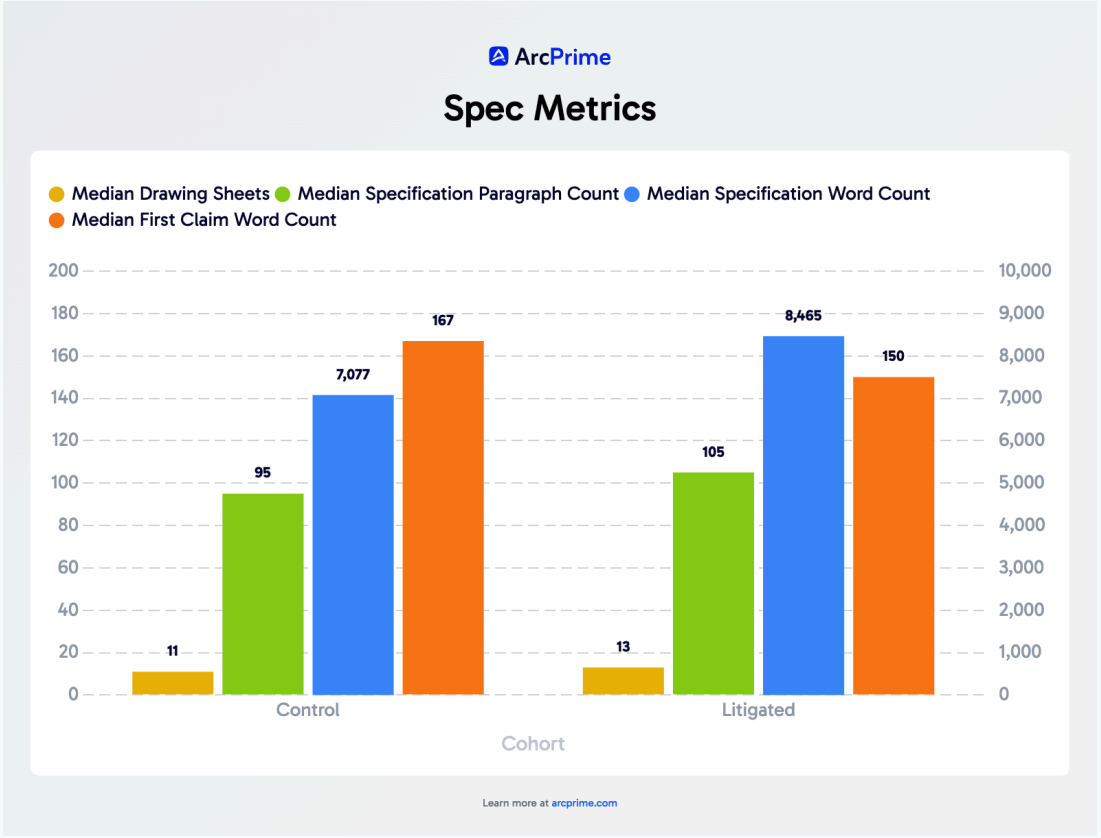

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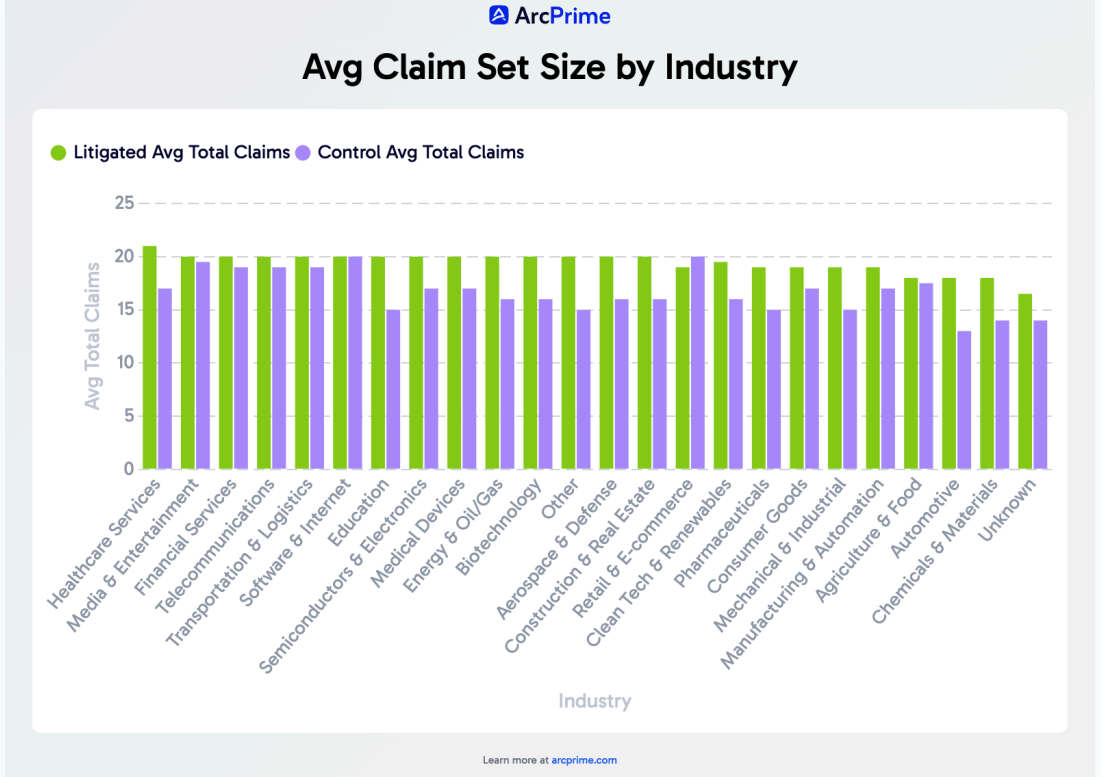

Where do patents actually get asserted - and by whom?

After examining trends in claims associated with asserted patents and how those patents tend to cluster in certain industries, the next question is: **How do those patents actually end up in the hands of plaintiffs?**

Using 6,500+ US patent litigations from the last 5 years, here's what the industry-level data shows.

1. NPE vs OpCo assertions are roughly a 50/50 split, but the mix diverges meaningfully by industry

Some portfolio strategists assume most patent risk is "NPE risk", while others assume most patent risk is "OpCo risk". Both of them can be correct! Here's the data at an aggregate level (see Figure 1):

- ~3,000 litigations: OpCo vs OpCo
- ~3,300 litigations: NPE vs OpCo
- Individuals, universities, and governments combined: <2%

Fun fact: The only government plaintiff in the dataset was Canada, asserting plant patents

Looking at industries with ≥50 total litigations, divergences emerge by industry:

NPE-dominated industries i.e. where litigation in these industries is disproportionately driven by NPEs:

- Healthcare Services (the ratio is 5.5 NPE litigations:1OpCo litigation)
- Transportation & Logistics (5.5:1)
- Retail & E-commerce (5.1:1)
- Telecommunications (3.1:1)

OpCo-dominated industries i.e. where litigation in these industries is disproportionately driven by OpCos:

- Pharmaceuticals (the ratio is 86 OpCo litigations:1 NPE litigation)
- Biotechnology (14.8:1)
- Chemicals & Materials (7.3:1)
- Energy & Oil/Gas (6.0:1)
- Clean Tech & Renewables (3.9:1)

Interpretation: The industry-specific split between NPE and OpCo assertions provides a practical guide for how portfolio resources should be weighted across different enforcement threats.

2. Filing volume ≠ assertion volume

Some industries file tons of patents but assertions concentrate elsewhere (see Figure 5 and 6).

- Non-asserted patents skew heavily toward semiconductor electronics (~21%) (see Figure 3)
- OpCo assertions skew toward (see Figure 2):
  - Consumer electronics (15%), Software (13%), Pharma (10%), Biotech (9%), Semiconductor electronics (8%)
- NPE assertions skew toward (see Figure 3):
  - Software (20%), Semiconductor electronics (17%), Consumer goods (14%)

Interpretation: High filing density does not automatically translate into litigation or licensing leverage. Assertion risk clusters differently than patent spend.

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3. Industry shifts show where leverage is rising and fading

Looking only at industries with ≥50 litigations, clear trends emerge (See Figure 7):
Fastest-growing assertion areas:

- NPEs:
  - Healthcare (+13% CAGR), Financial services (+9%)
- OpCos:
  - Automotive (+25%), Financial services (+25%)

Fastest-declining assertion areas:

- NPEs:
  - Telecommunications (−24%), Semiconductors (−15%)
- OpCos:
  - Pharma (−27%), Biotech (−16%) (Anyone know why?)

Interpretation: Litigation risk is dynamic. Portfolios built solely around historical hotspots can quietly drift out of alignment with where leverage is actually moving.

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4. Bigger companies get sued more (no surprises but still important)

Assertion frequency increases with defendant market cap (see Figure 8). This matters less as a “fun fact” and more as a targeting reality:

- Larger companies attract both OpCo enforcement and NPE monetization
- Portfolios aimed at licensing or deterrence need to align with who actually has money on the table

Takeaway for operating companies with defensive strategies:

If you hold patents across multiple industries, not all coverage is created equal.

- Some industries generate far more real leverage than others
- Assertion patterns shift over time and thus should be monitored
- Filing volume is a poor proxy for enforcement relevance

A portfolio that looks “balanced” on paper can be over-invested in low-risk zones and underpowered where disputes and licensing actually happen.

How this connects to shaping the portfolio from the patent up:

Industry-level data tells you where patents are likely to matter but acting on that insight requires looking inside the portfolio:

- Which families actually cover those industries?
- Are those assets continuation-ready?
- Do they resemble historically asserted patents at the claim and disclosure level?
- Should gaps be filled organically, or via acquisition?

ArcPrime use case: ArcPrime connects industry litigation patterns to specific patents and families inside a portfolio, helping teams right-size investment, reduce excess spend in low-risk areas, and strengthen coverage where enforcement and licensing leverage is highest.

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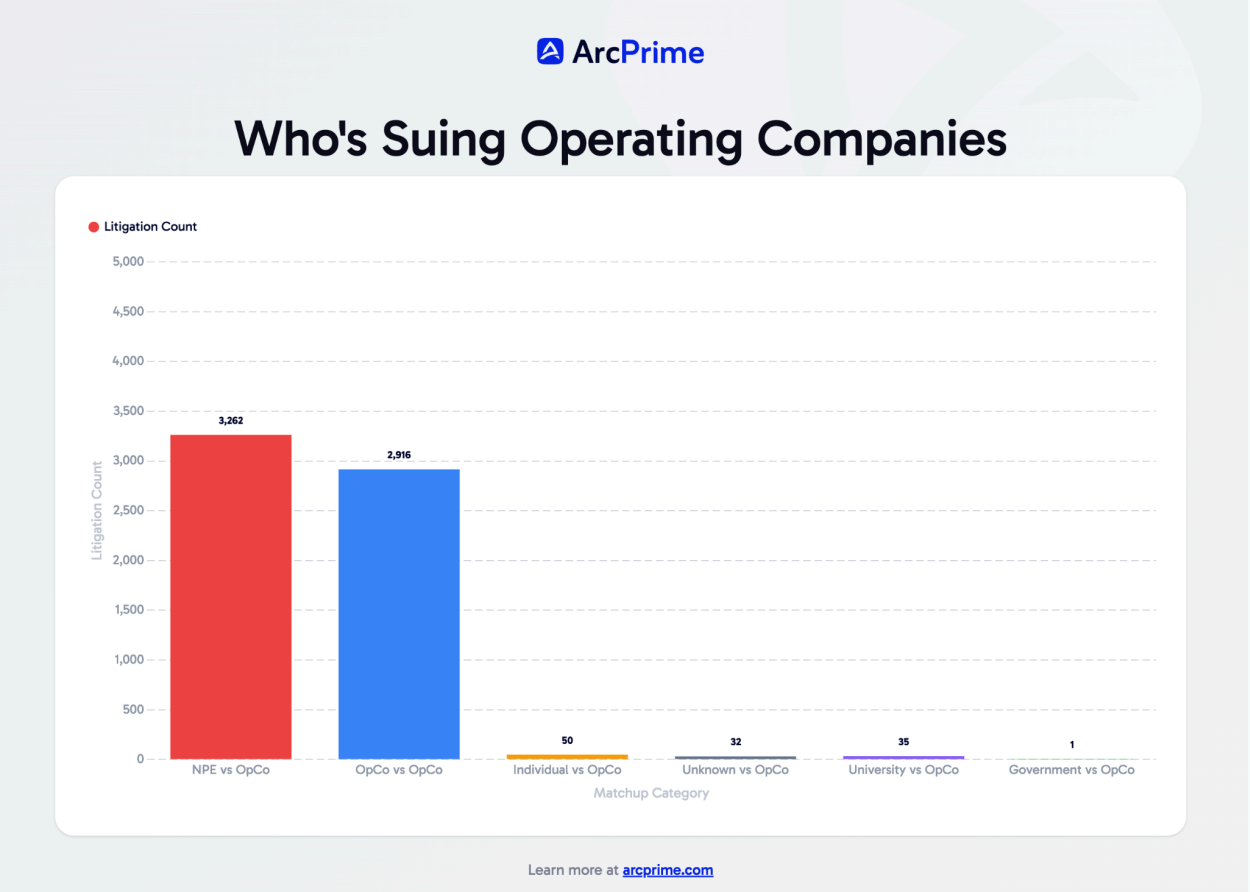

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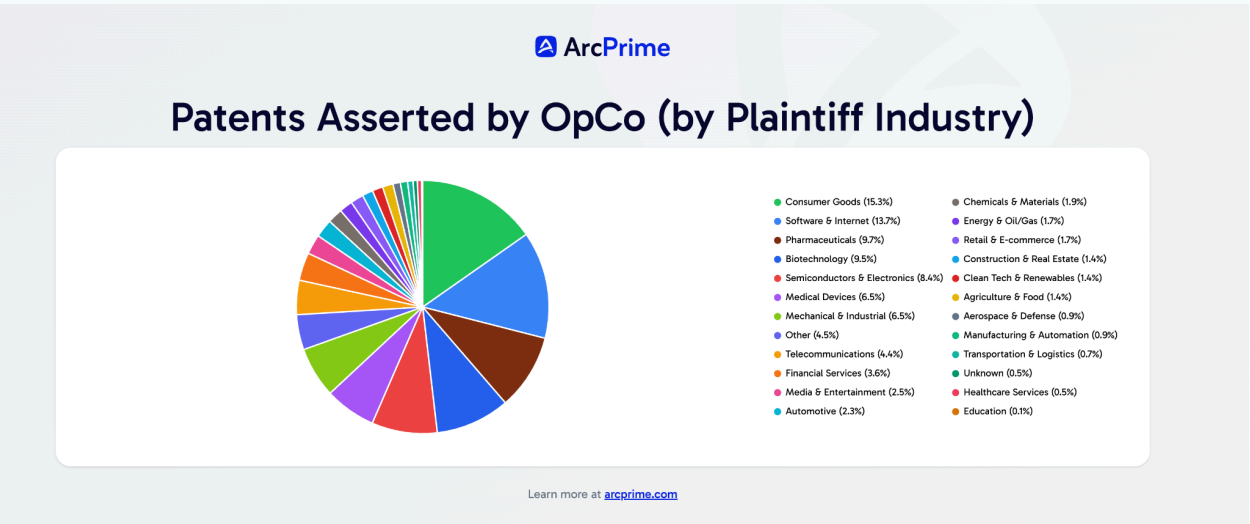

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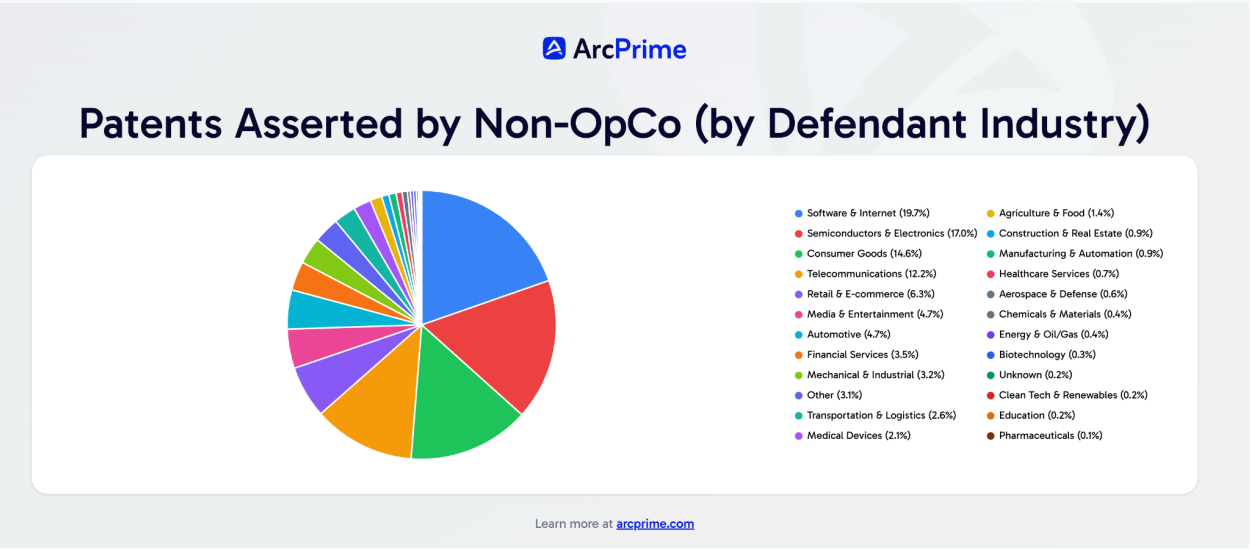

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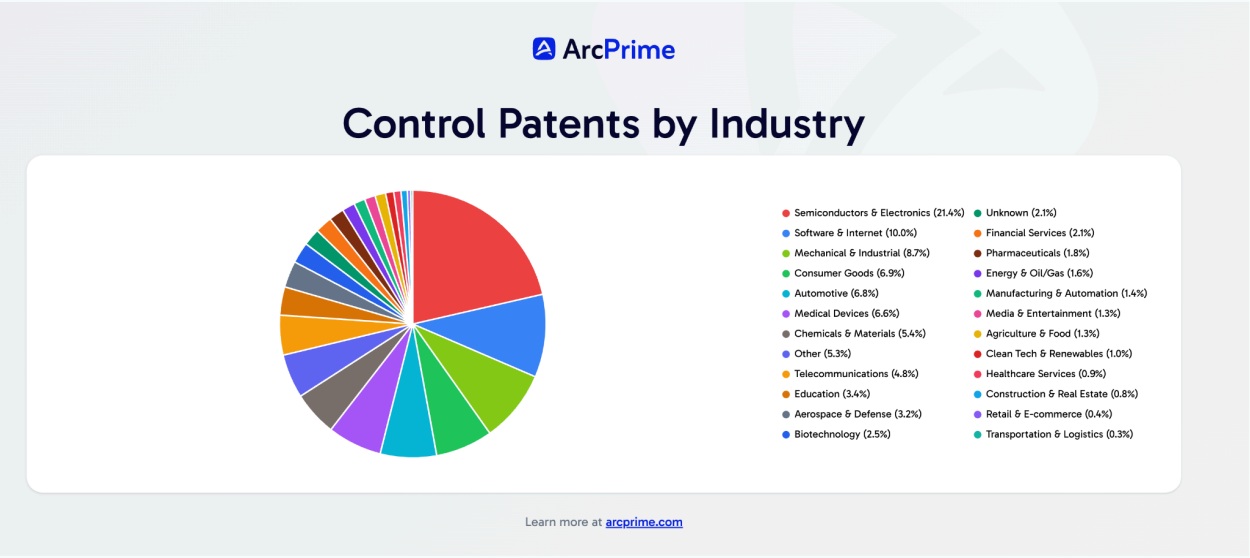

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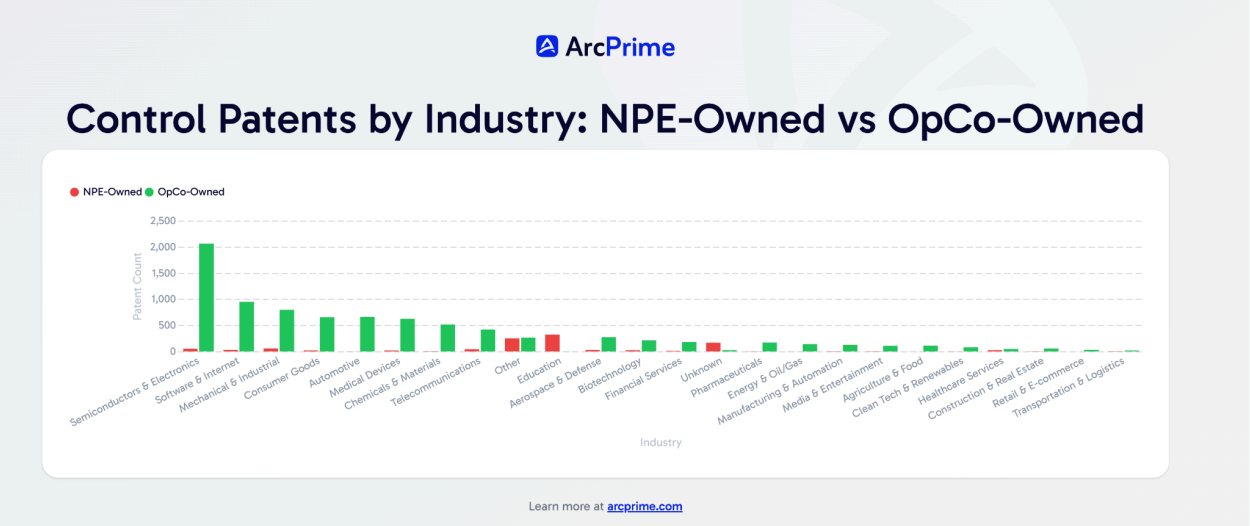

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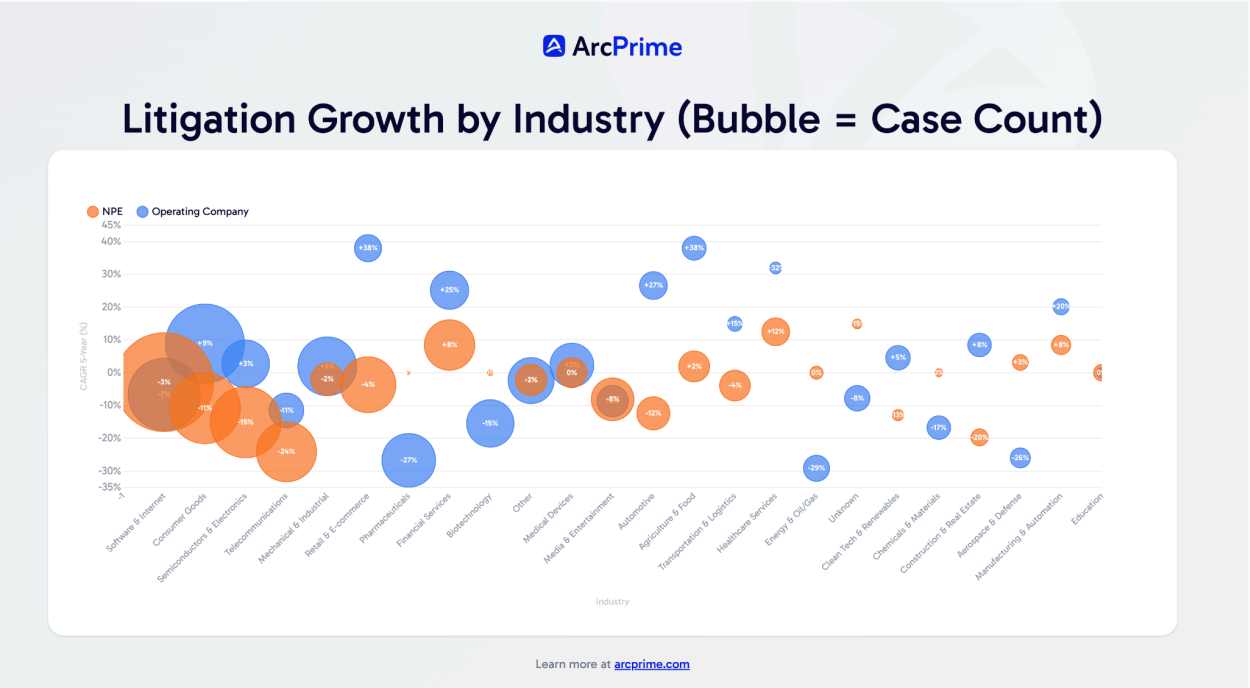

Figure 8


ArcPrime
Operating Company Plaintiffs by Market Cap
< $100M (8.0%)
$100M–$1B (13.4%)
$1B–$10B (26.4%)
$10B–$100B (34.1%)
$100B+ (18.2%)
Learn more at arcprime.com

Acquisition: Why Assertion Is So Often Bought, Not Built

After examining trends in claims associated with asserted patents and how those patents tend to cluster in certain industries, the next question is: **How do those patents actually end up in the hands of plaintiffs?**

Using the analysis of 6,500+ US patent litigations from the last 5 years, there are some key learnings on where asserted patents come from:

1) Asserted patents are more often acquired than organic

As a baseline, here's the split:

- Control patents (see Figure 2):
  - ~38% acquired, ~62% organic
- Asserted patents (see Figure 1):
  - ~55% acquired, ~45% organic

In other words, **assertion is more often bought than built.**

This alone challenges a common assumption that the patents that are most likely to matter, are the ones you happened to invent internally.

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2) This isn't just an NPE phenomenon

It's tempting to dismiss this as "NPE behavior" but the data doesn't support that. **Operating companies also rely heavily on acquired patents for enforcement:** of all patents asserted by OpCos, **42% are acquired rather than internally developed.**

Interpretation: Even companies with deep R&D pipelines regularly rely on the secondary market to fill enforcement-relevant gaps. Acquisition isn't a corner case, it's a structural feature of how asserted portfolios are built.

3) NPEs mostly buy private-origin patents but source more from public companies than OpCos

Digging into acquisition sources:

- NPE acquisition mix (see Figure 3):
  - Skews heavily toward private-origin patents (inventors, startups, small holders)
- Public-origin (patents originally owned by publicly traded companies) sourcing (see Figure 4):
  - 29% of NPE acquisitions, 24% of OpCo acquisitions

Interpretation:
NPEs are more active than OpCos in extracting value from public-company divestitures, even though their overall sourcing still leans private. That matters because public-origin patents often come with, more mature prosecution histories, better documentation and clearer technology-to-market alignment

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4) Public vs private OpCos acquire very differently

Among operating companies, acquisition behavior splits sharply (see Figure 4):

- Public OpCos:
  - Acquire from public and private sources at roughly equal rates
- Private OpCos:
  - Acquire predominantly private-origin portfolios

Takeaway: If acquisition is “optional,” coverage probably is too

Across the data, a consistent theme emerges:

- Litigation is frequently driven by secondary-market portfolios
- Organic filing alone rarely produces complete, enforcement-ready coverage
- Gaps are routinely filled after the fact, often by someone else

Treating acquisition as an optional or reactive activity means you’re often competing against buyers who are explicitly optimizing for assertion, not invention.

How this connects to shaping the portfolio from the patent up

Industry-level data tells you where patents are likely to matter — but acting on that insight requires looking inside the portfolio:

- Which families actually cover those industries?
- Are those assets continuation-ready?
- Do they resemble historically asserted patents at the claim and disclosure level?
- Should gaps be filled organically, or via acquisition?

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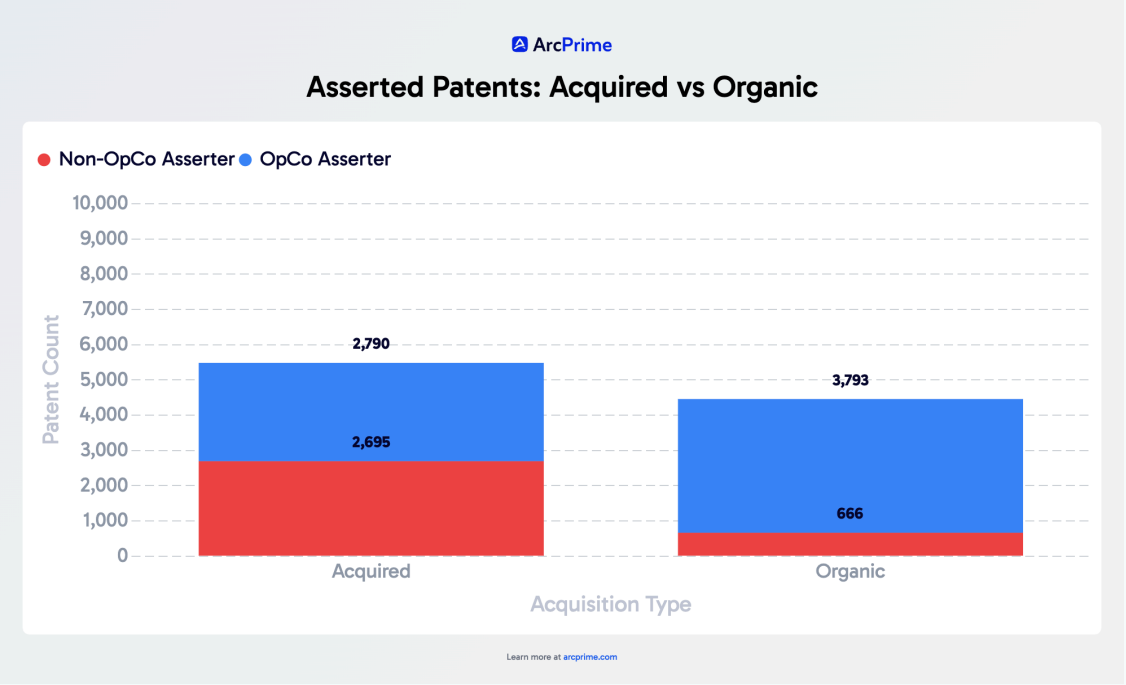

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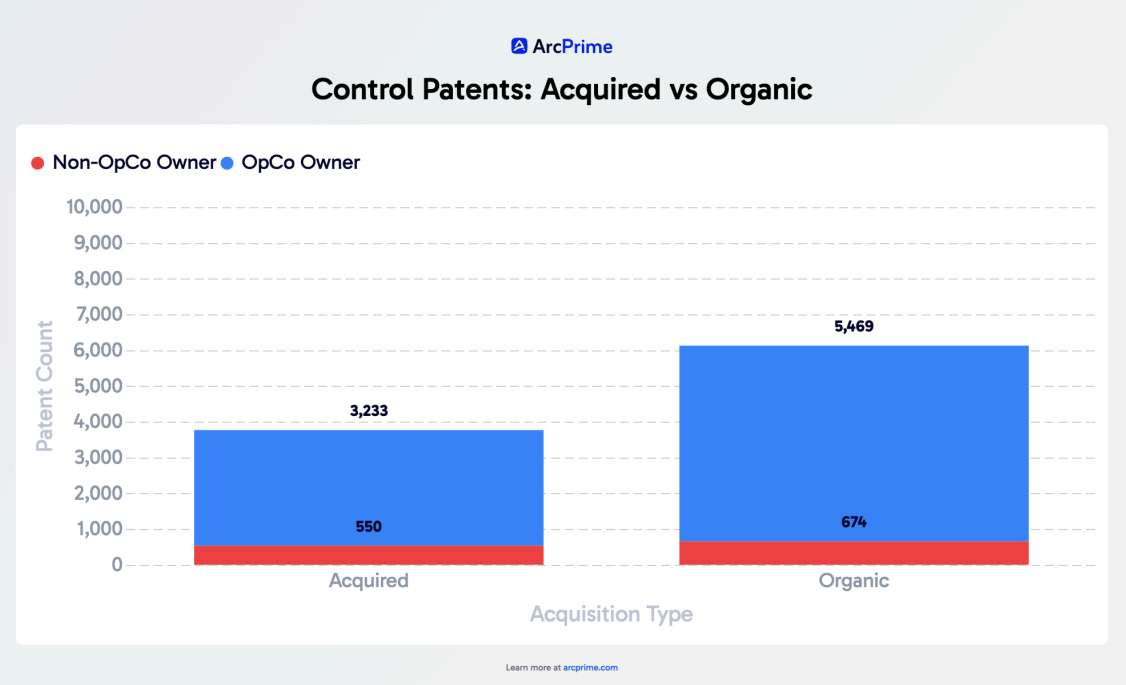

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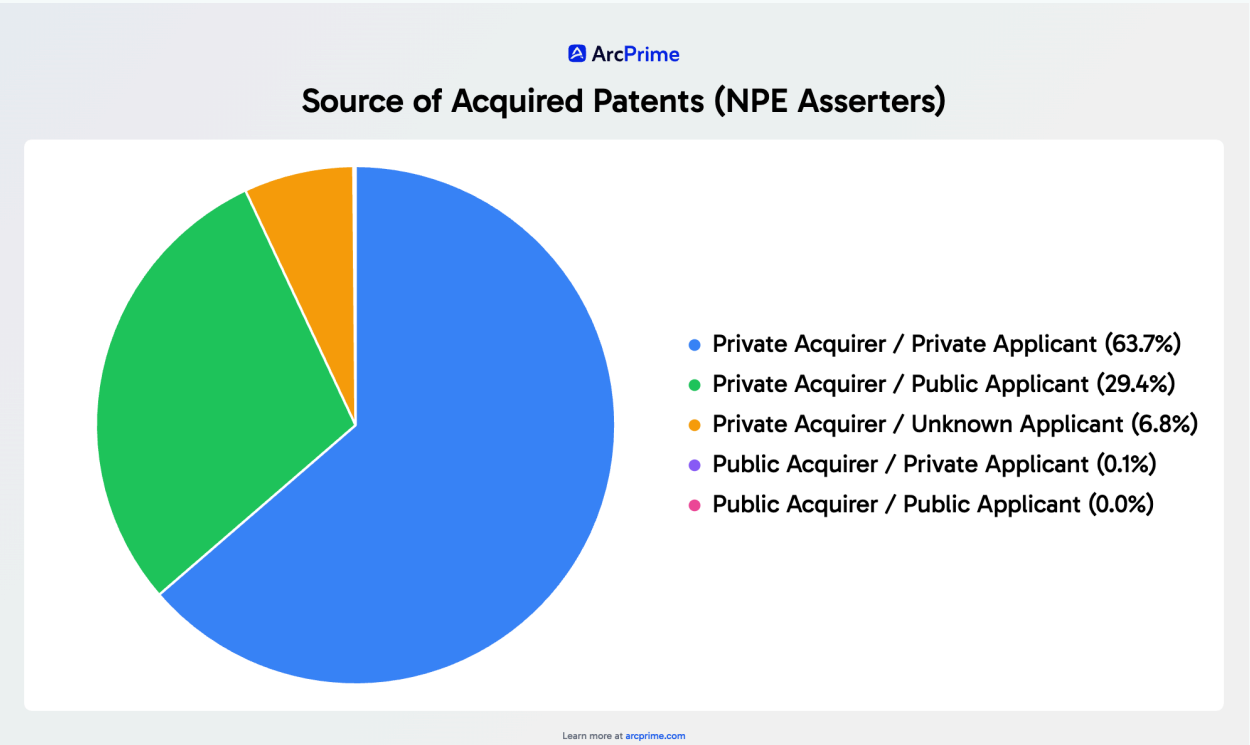

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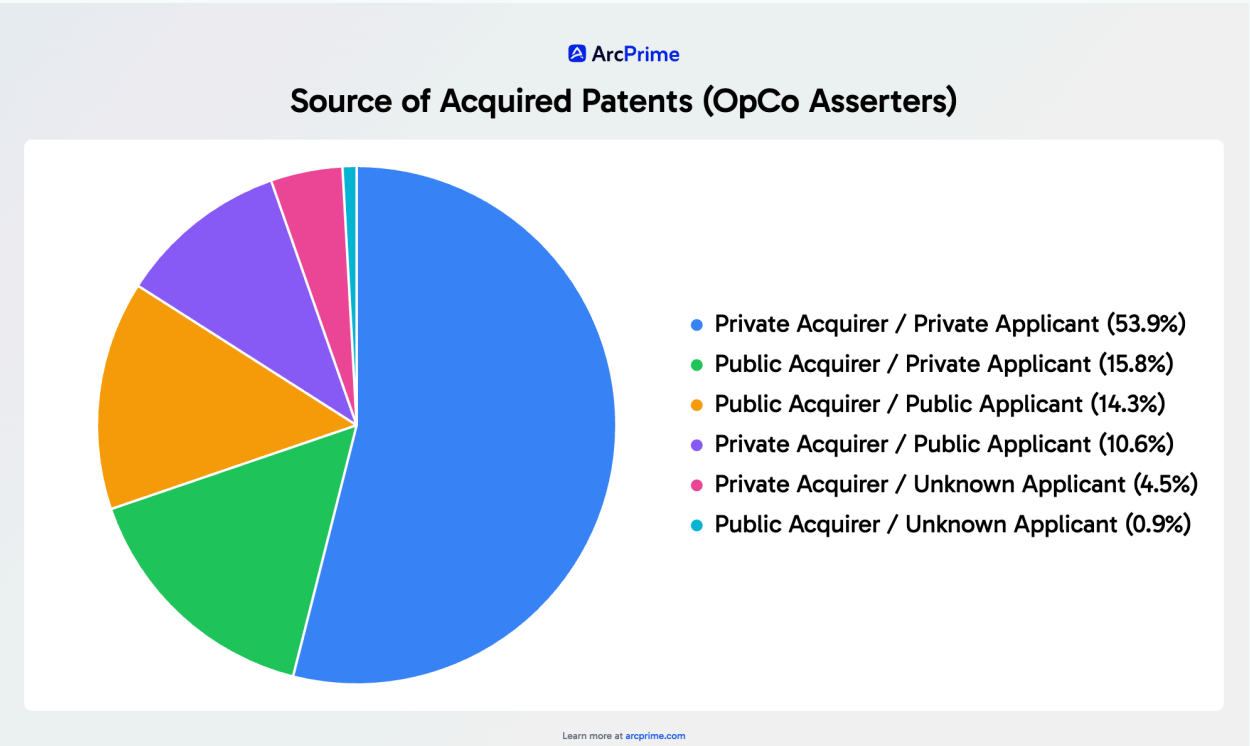

How Family Size and Continuations Shape Patent Assertion

After examining trends in claims associated with asserted patents, how those patents tend to cluster in certain industries and are they bought or built, the next question is: **What do the families behind those patents look like?**

Using 6,500+ patent litigations from the last 5 years, I looked at family structure: size, continuations, and how those patterns vary by industry:

1) Asserted patents come from larger families, across industries

Across most industries, asserted patents live in meaningfully larger families than non-asserted controls (see Figure 1).

- Cross-industry (see Figure 2):
  - Median family size for asserted patents is ~36% larger than controls
  - Based on ~550 litigations per industry

- Small-industry exceptions (see Figure 2):
  - Healthcare services (~65 litigations)
  - Education (~32 litigations)
  - In those two, family sizes between asserted and control patents are nearly identical.

Interpretation: Larger families don't guarantee assertion but assertion rarely happens without meaningful family depth.

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2) Pharma and biotech are extreme outliers

Life sciences don't just follow the trend, they amplify it (see Figure 2).

- Pharma:
  - Median family size: 50 (asserted) vs 17 (control)
- Biotech:
  - Median family size: 48 (asserted) vs 15 (control)

That's a 200%+ difference.
Interpretation: In these domains, leverage is often cumulatively built through layered protection, jurisdictional coverage, and adjacent claim sets over time to create a patent thicket.

3) Continuations are dramatically more common in asserted patents

Continuation rate data matches the family size data (see Figure 3).

- Patent-level continuation rate:
  - ~50% of asserted patents are continuations
  - vs ~20% in control patents

Interpretation: Asserted portfolios are not static snapshots. They're actively shaped over time.

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4) OpCos assert slightly more continuation patents than NPEs

At a portfolio level, OpCos lean a bit more toward asserting continuation-heavy assets, while NPE assertions skew slightly toward non-continuations (see Figure 4).

- OpCos: ≈3,450 continuations vs ≈3,200 non-continuations
- NPEs: ≈1,500 continuations vs ≈1,900 non-continuations

Interpretation: OpCo assertion behavior appears more "prosecution-shaped" (built via continuation strategy), whereas NPE assertion appears marginally less continuation-weighted—though continuations are still a major component for both.

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5) Very large families are rare but heavily skew toward assertion

Extremely large families show up disproportionately among asserted patents (see Figure 1):

- Family size ≥20:
  - 9% of asserted patents
  - vs 1% of controls

This isn't about filing everywhere indiscriminately, it's about keeping optionality alive where it matters.

Takeaway: Leverage compounds through family design

Across industries, one pattern keeps repeating:

- Shorter, cleaner claims
- Richer disclosures
- Continuation-heavy families

Litigation risk (and licensing leverage) skews toward patents that weren't treated as "one-and-done filings," but as evolving assets. This also explains something we saw earlier in the series: why acquisition may be so common in asserted portfolios, buyers may value the family optionality, not just the individual patent.

How this connects to shaping the portfolio from the patent up

Family design decisions happen early and quietly:

- Whether to keep an application alive
- Whether to file continuations or divisionals
- Whether to broaden, narrow, or reposition claims over time
- Whether a family is worth extending globally

Those decisions rarely feel “strategic” in isolation, but they compound into enforcement readiness years later.

ArcPrime use case: ArcPrime helps teams identify which families are worth extending, where continuations will actually increase leverage, and when further filings are unlikely to pay off, so continuation strategy is driven by data, not habit.

Chart Appendix

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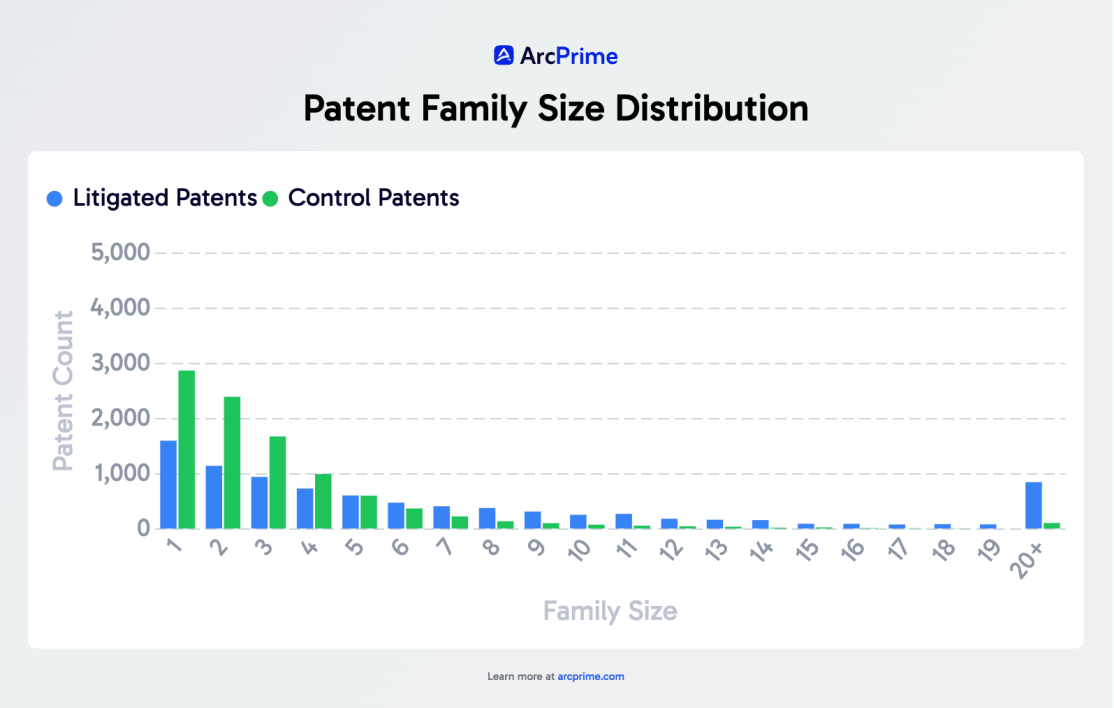

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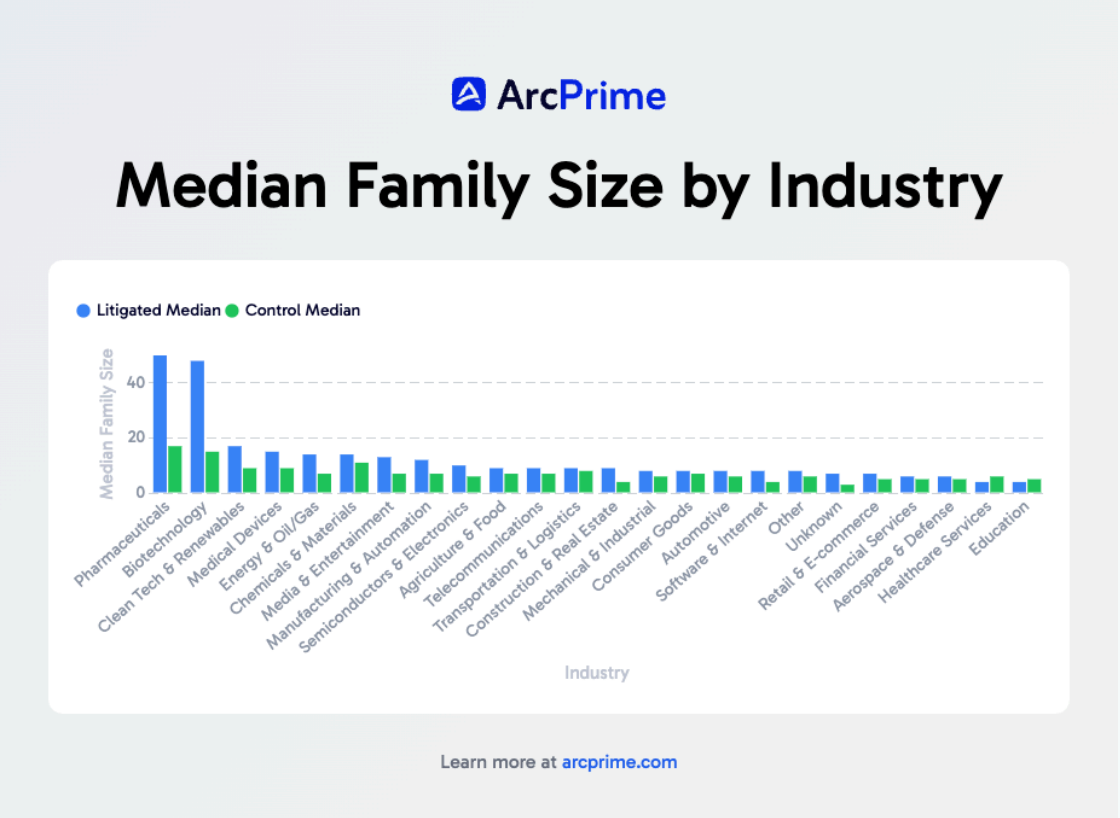

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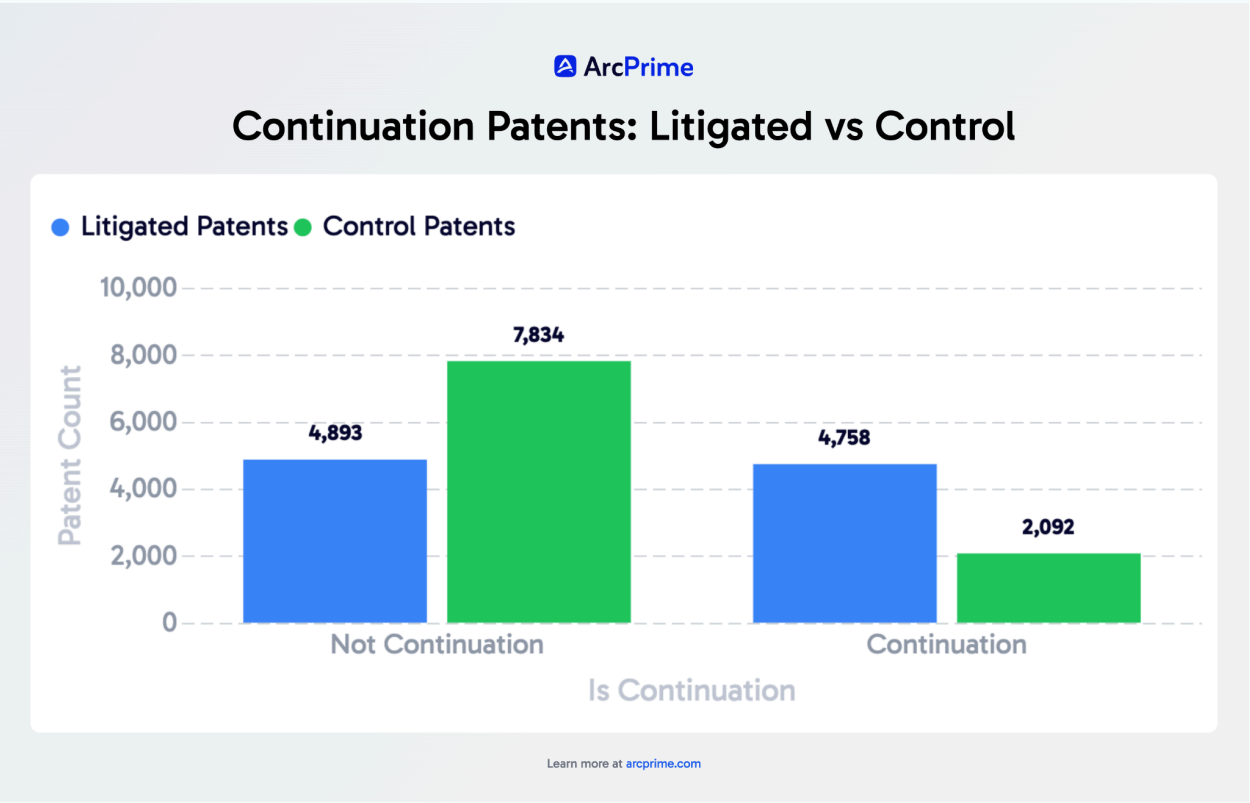

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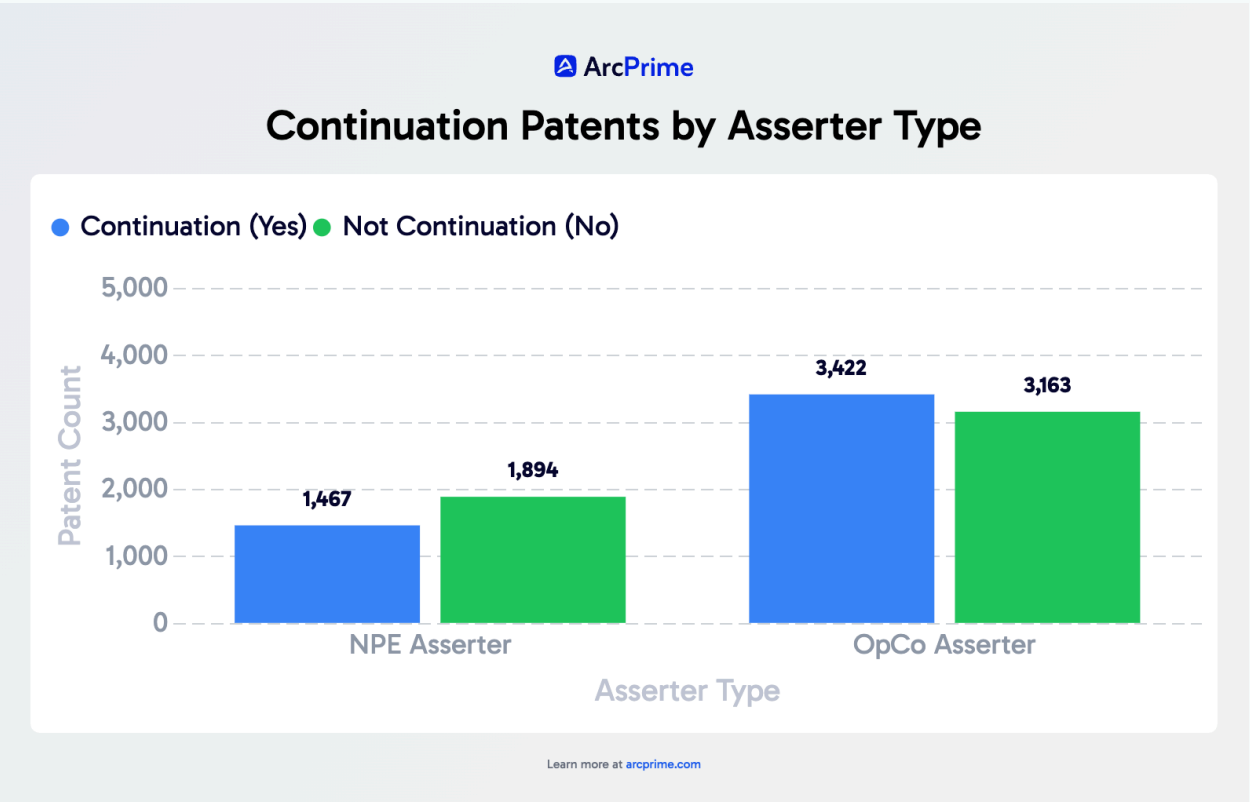

Forward Citations: A Useful Signal, but a Noisy One

After examining trends in claims associated with asserted patents, how those patents tend to cluster in certain industries, are they bought or built and what are the families behind them, the next question is: **Do forward citations actually predict which patents get asserted?**

Forward citations are one of the oldest rules of thumb in patent analytics. The conventional wisdom is simple: more forward citations = more value. The last five years of litigation data mostly agree but the signal is weaker and noisier than I expected.

The dataset

To avoid self-referential forward citation counts, I looked only at 4,300 Original Utility patents (excluding continuations) and compared them to a randomly granted control group from the same priority window.

1) On average, asserted patents are cited far more often

At a high level, the classic story holds (See Figure 1):

- Average forward citations:
  - 43 (asserted) vs 9 (control)
- Median forward citations:
  - 12 (asserted) vs 2 (control)

If you had to pick a single metric blind, forward citations would still outperform most alternatives.

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2) But many asserted patents have surprisingly low citation counts

Where things get interesting is the distribution (see Figure 2).

- 44% of asserted patents have below-average citation counts (<9)
- 11% of asserted patents have zero forward citations
- Meanwhile, the high end skews dramatically:
  - 5% of asserted patents have 100+ citations
  - vs just 0.1% in the control group

Interpretation:
Citations are a strong signal on average, but a poor filter in isolation. A large fraction of asserted patents would be screened out if citation count were treated as a hard threshold.

3) Citation-heavy ≠ enforcement-ready

This helps explain why citation-based rankings often disappoint in practice. Highly cited patents often reflect: crowded technical fields, heavy examiner search activity and follow-on innovation (not necessarily clean infringement targets).

Meanwhile, some asserted patents:

- Sit in narrow but commercially important niches
- Cover late-emerging implementations
- Map cleanly to products despite limited academic or patent follow-on

Takeaway: Forward citations are like top schools
They're a strong signal on average but a lot of successful litigants didn't go to a "top school."

Using citation count as a gatekeeper risks:

- Overpaying for famous patents with weak mapping
- Ignoring quieter assets with high enforcement leverage

How this connects to shaping the portfolio from the patent up

Citations tell you something about attention, not necessarily assertability. Earlier in this series, we saw that asserted patents tend to have:

- Cleaner independent claims
- Richer specifications
- Continuation-heavy families
- Strategic acquisition histories

Forward citations are one input but a better way to identify valuable patents is to look for high quality claim charts, which depend on rich specifications, continuation-heavy families, and strategic acquisition history.

ArcPrime use case: ArcPrime evaluates patents at the element-by-element claim level, combining citation data with claim architecture, family context, and industry enforcement patterns to identify enforcement-grade assets including those that would be missed by citation-only screens.

Chart Appendix

Figure 1

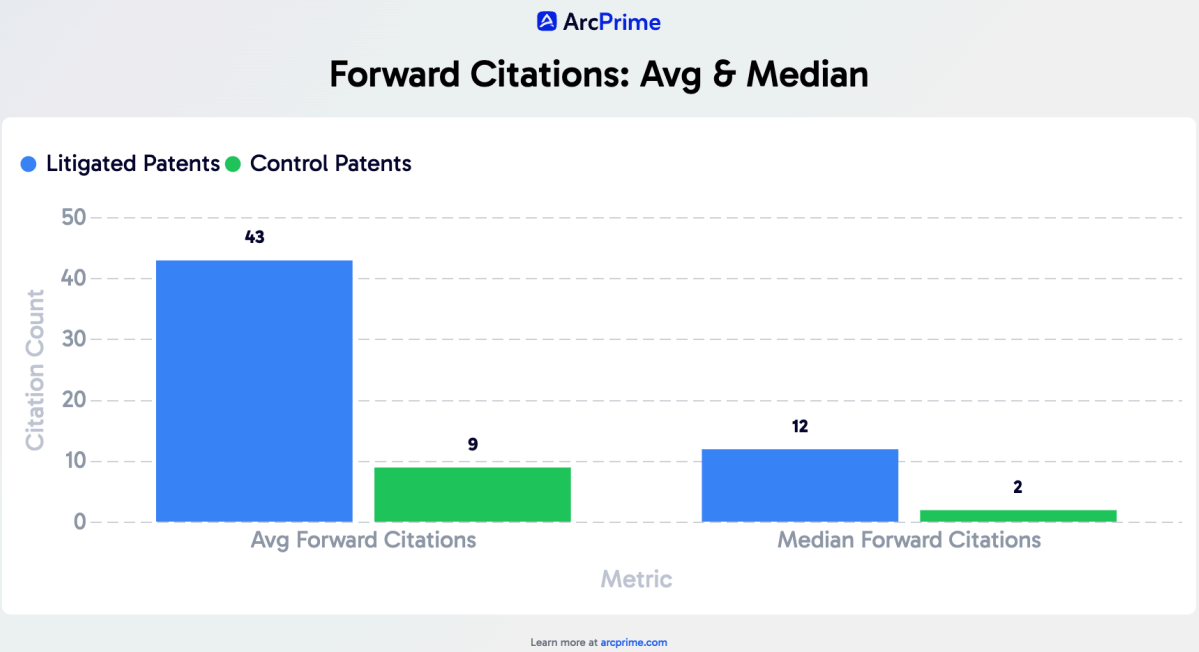
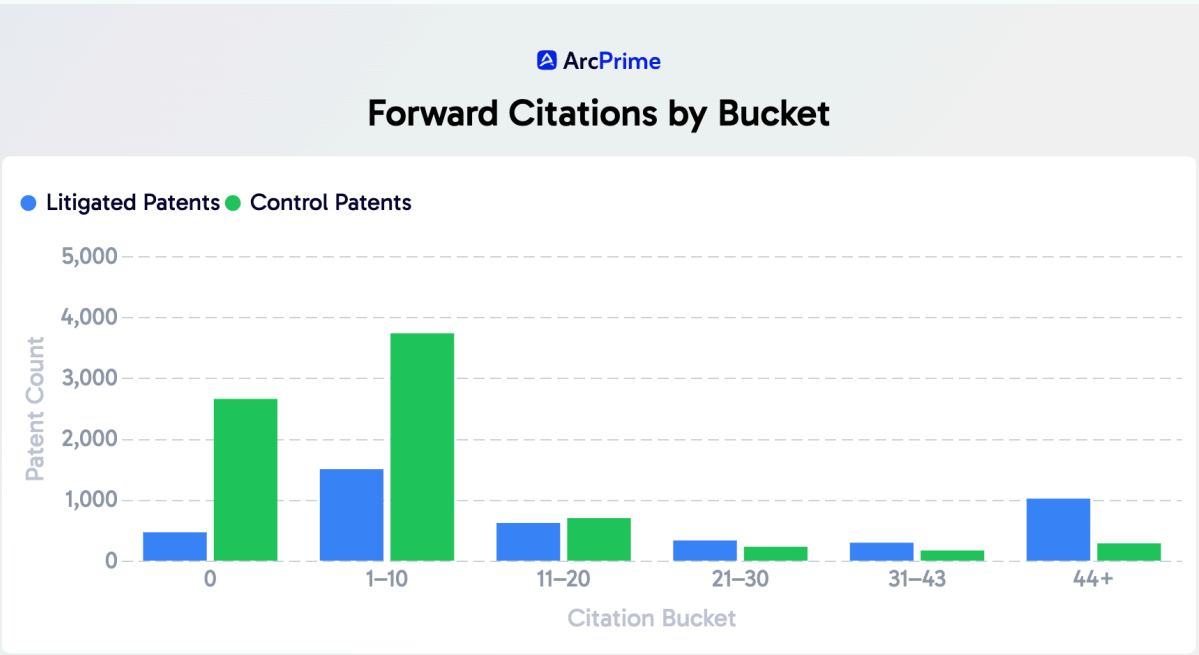


Figure 2



Lifecycle & Prosecution Signals - When Patents Actually Become Leverage

After examining trends in claims associated with asserted patents, how those patents tend to cluster in certain industries, are they bought or built, what are the families behind them, and what do forward citations tell us; the next question is: **Do most owners of asserted patents pay for extra claims?**

Using ~9,700 asserted patents from the last five years, here's what the data says about timing, prosecution choices, and how patents age into leverage.

1. Most asserted patents don't max out claim count

A common assumption is that "important" patents load up on claims. The data doesn't support that.

- ≤20 claims (see Figure 1):
  - 59% of asserted patents
  - vs 82% of control patents

Interpretation:
Assertion is rarely driven by sheer claim volume. Coverage quality and flexibility matter more than raw count, a theme that keeps recurring across this series.

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2. Assertion is a mid-life event, not an early one

- 0–4 years from priority: ~8% of asserted patents (See Figure 2)
- 0–9 years from priority: ~32% (~1 in 3)
- Median age at assertion: ~13 years since priority

Interpretation:
Most patents that get asserted spend a decade or more quietly sitting in portfolios before they ever matter. That means early drafting and prosecution decisions need to *age well*.

3. "This one matters" behavior shows up more often in later-asserted patents

Looking back at prosecution history, asserted patents show higher rates of discretionary effort (see Figure 3):

- Track One:
  - ~15% (asserted) vs ~5% (control)
- Notice of Appeal:
  - ~7% (asserted) vs ~3% (control)

Interpretation:
These aren't random artifacts. They suggest applicants often recognized certain applications as strategically important and acted on that instinct, even when the payoff wouldn't arrive for years.

The data supports something many practitioners suspect: those "this one matters" instincts are often right.

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4. Asserted patents are disproportionately continuations

This reinforces earlier posts, but the lifecycle framing makes it sharper (see Figure 4):

- Continuations:
  - ~50% of asserted patents
  - vs ~20% of control patents

Continuations keep optionality alive and optionality is what allows a patent to remain relevant as products, standards, and markets evolve over a long mid-life window.

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5. Several factors don't matter much

There's no meaningful difference between asserted and control patents for:

- Inventor count (see Figure 5)
- Patent type mix (see Figure 6)
  - ~93% Utility
  - ~6% Design
  - ~1% Reissue
  - ~0.3% Plant

Interpretation:
Enforcement readiness isn't about team size or patent class. It's about how the asset is positioned to mature over time.

Takeaways: Plan portfolios for the long middle

Putting this together:

1. Assertion is usually a mid-life event, not an early one
2. Early prosecution decisions often signal long-term importance
3. Continuations are a primary tool for staying relevant
4. Many asserted patents would look "ordinary" early on until you view them through a lifecycle lens

The risk isn't under-investing in every patent. It's failing to recognize which patents are worth carrying forward into their leverage window.

How this connects to shaping the portfolio from the patent up

Lifecycle risk doesn't show up in filing counts or annual budgets. It shows up when:

- key families quietly age out,
- continuation windows close,
- or the assets you expected to matter aren't strong when the mid-life window finally arrives.

ArcPrime use case: ArcPrime helps teams analyze the age profile of their portfolios, identify which families are approaching (or missing) their leverage window, and align continuation, pruning, and acquisition decisions with how patents actually mature into enforcement assets.

Chart Appendix

Figure 1:

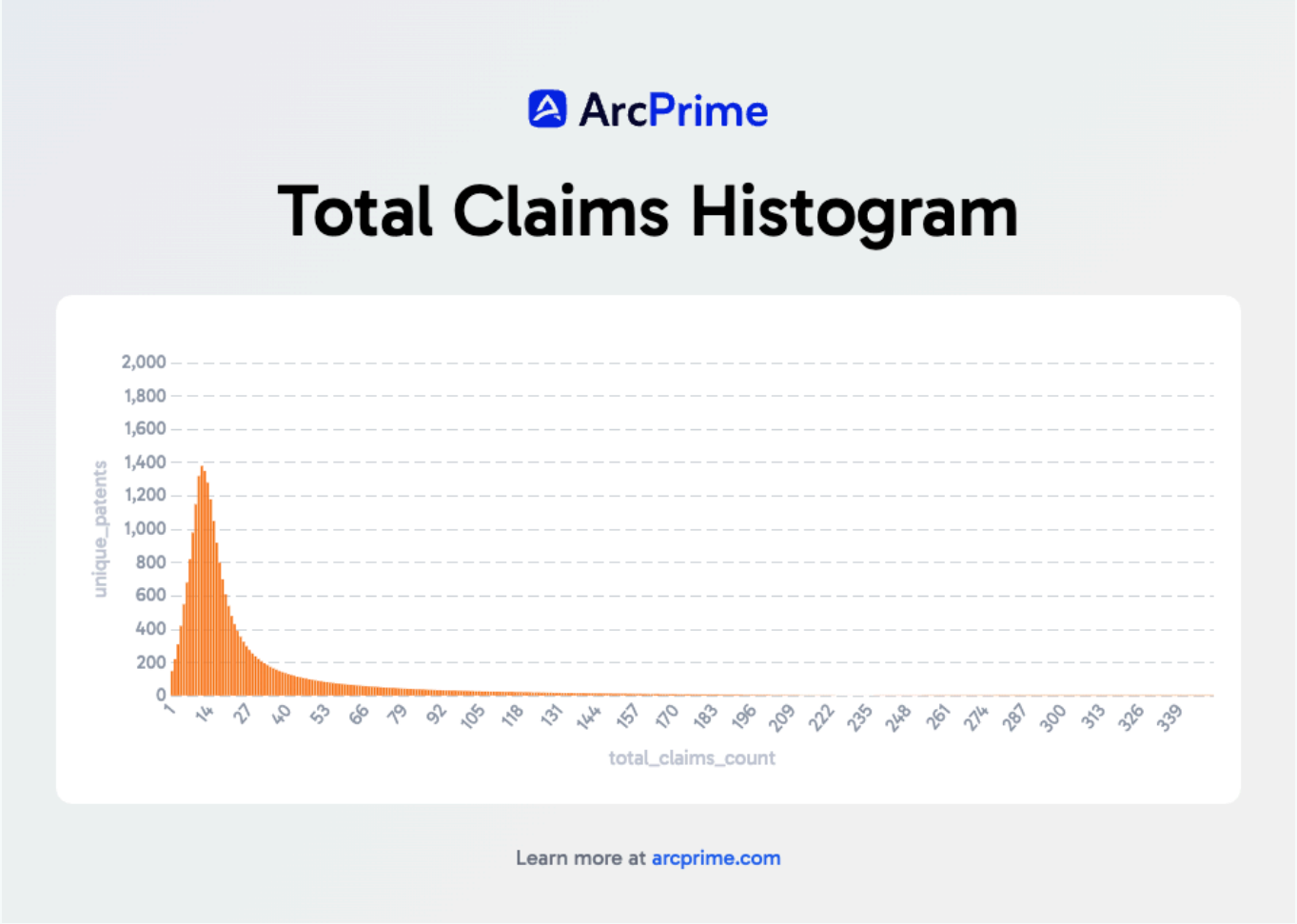


Figure 2:

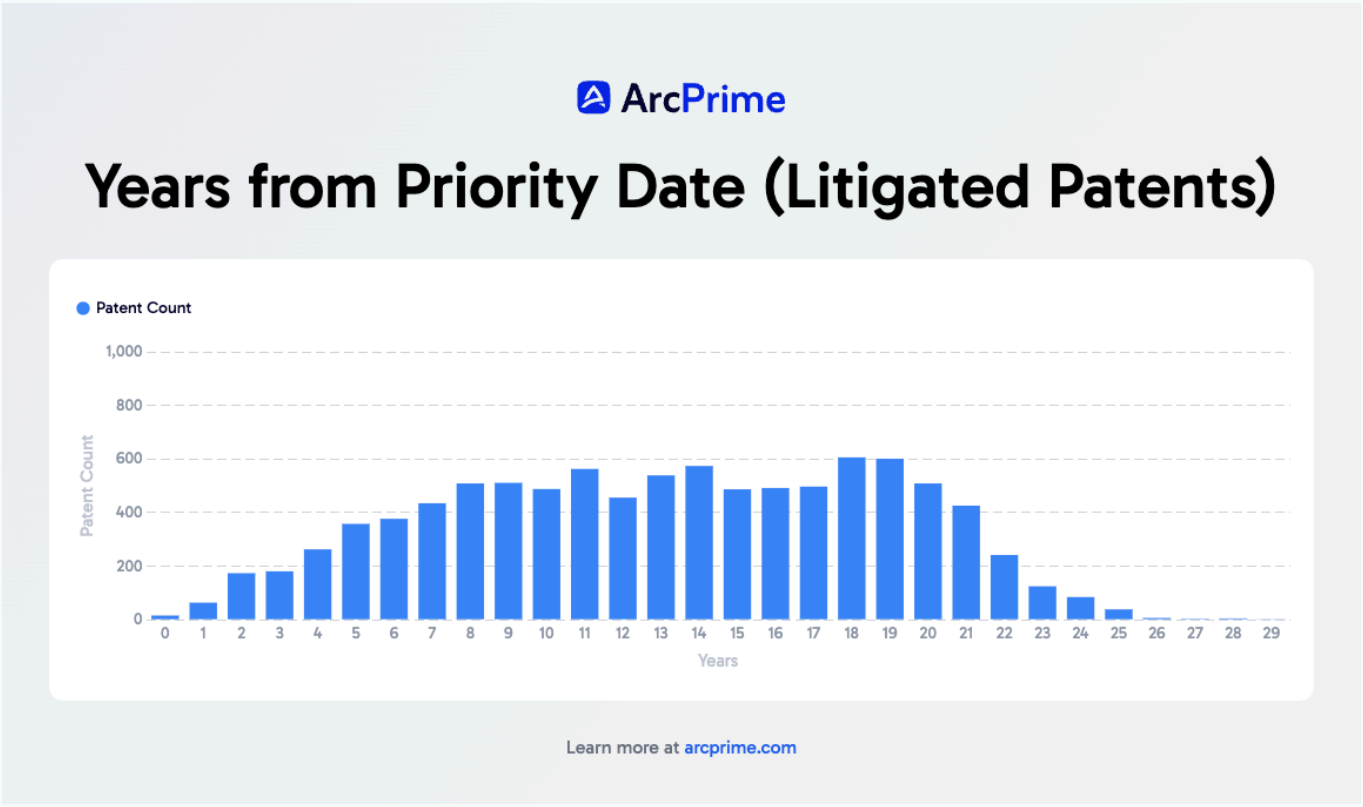


Figure 3:

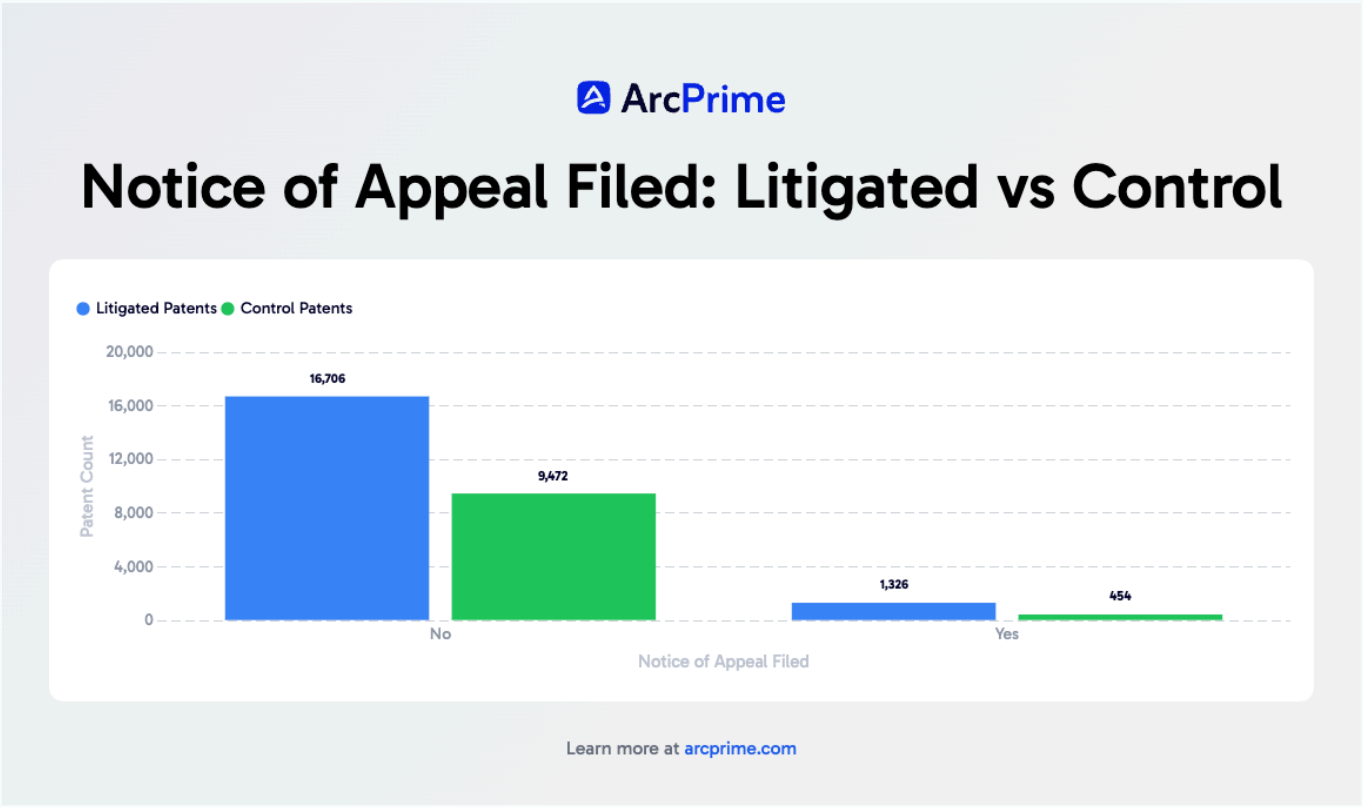


Figure 4:

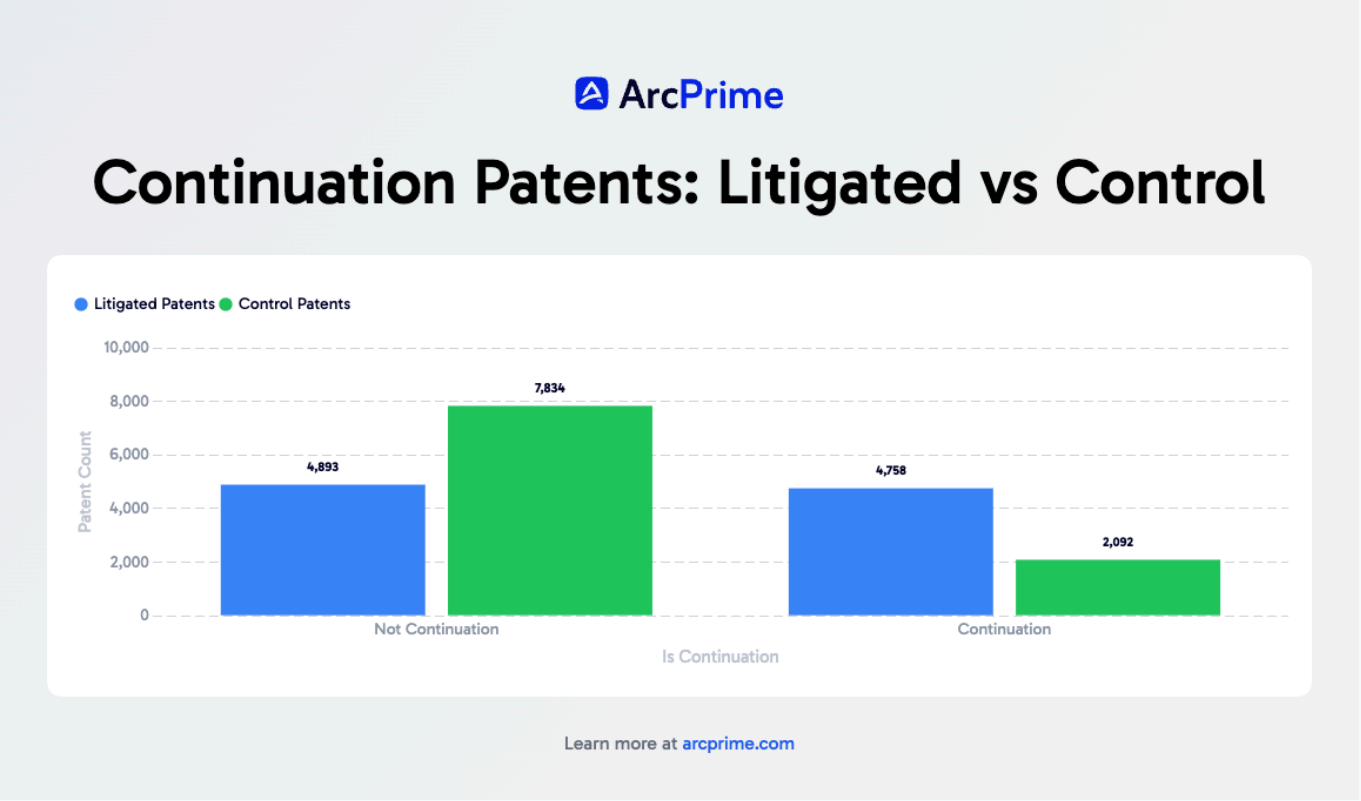


Figure 5:

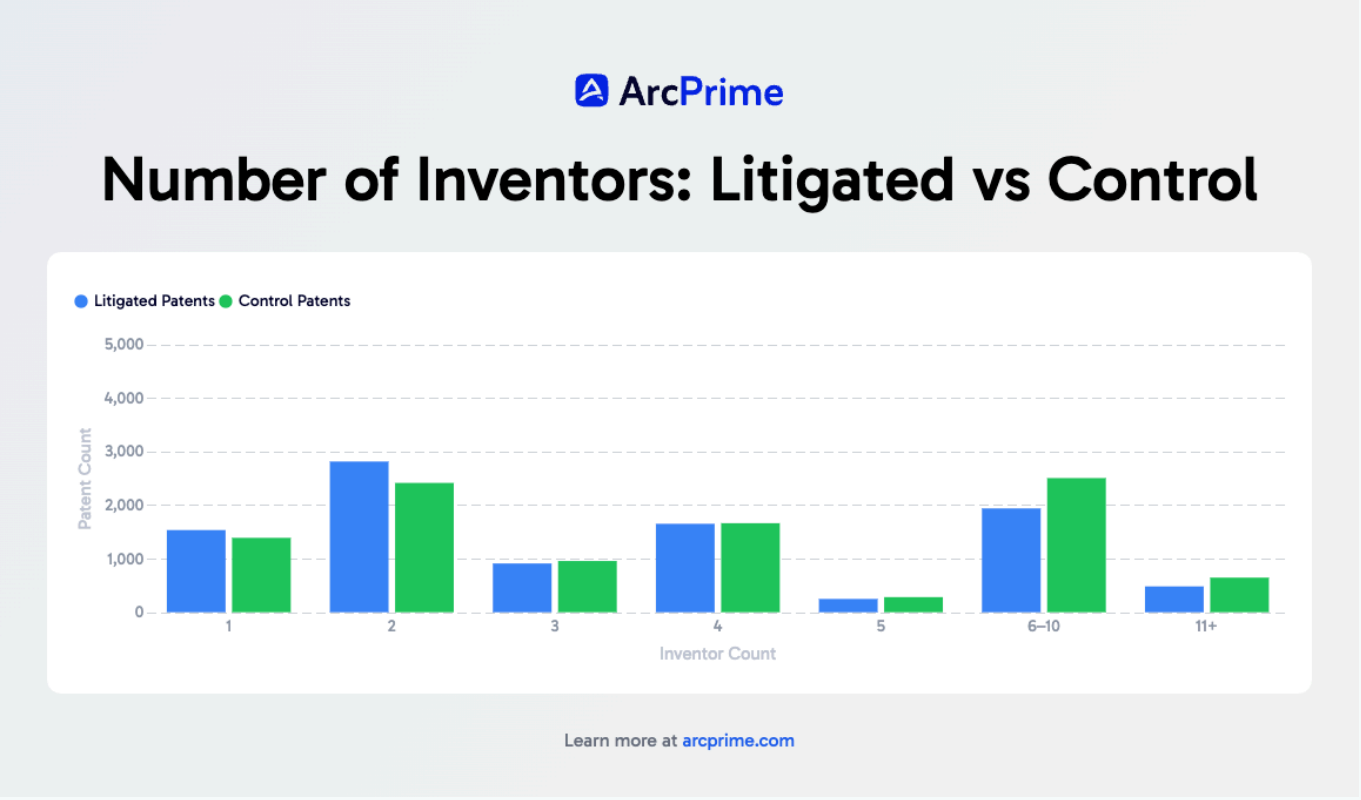
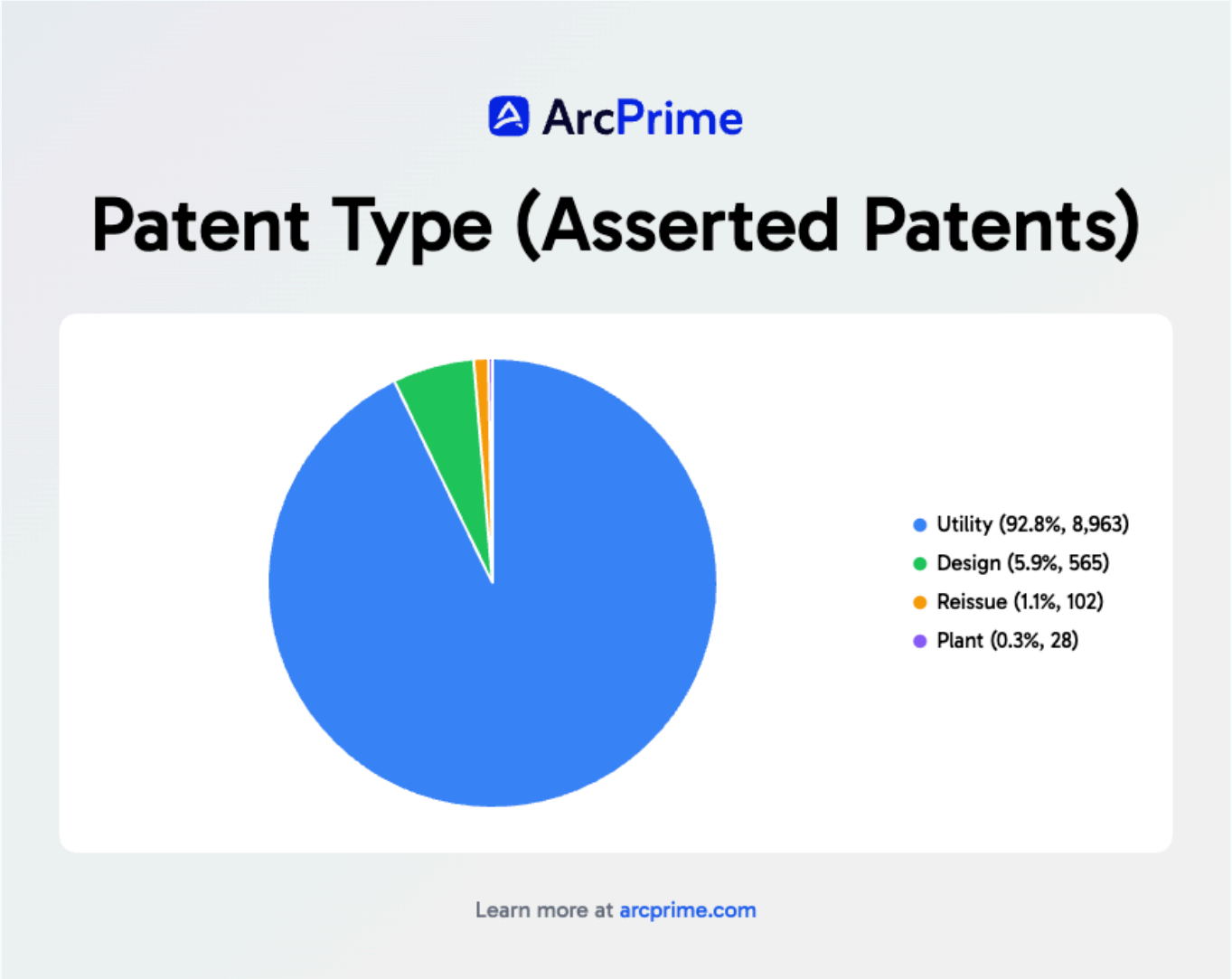


Figure 6:


ArcPrime
Patent Type (Asserted Patents)
Utility (92.8%, 8,963)
Design (5.9%, 565)
Reissue (1.1%, 102)
Plant (0.3%, 28)
Learn more at arcprime.com

What the Last Five Years of Assertions Actually Teach Us

This is the last article (for now) in a series analyzing what distinguishes patents that actually get asserted using litigation data from the past five years to understand not just *what happens*, but *why*.

Across claims, families, acquisitions, industries, and lifecycle timing, one theme keeps showing up: Assertion is not random. It follows repeatable patterns and those patterns are visible years before litigation.

1) Asserted patents are structurally different

At the patent level, asserted assets tend to share a recognizable profile:

- Cleaner independent claims (shorter, more targetable in many industries)
- Richer specifications (more embodiments, figures, and optionality)
- Thoughtful prosecution choices (Track One, appeals, intentional effort where it "matters")

None of these guarantees enforcement but taken together, they dramatically raise the odds that a patent can support real leverage later.

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2) Leverage compounds through families, not single filings

Asserted patents rarely stand alone.

- They come from larger families
- They are disproportionately continuations
- In pharma and biotech, family depth is often a *significant* source of leverage

This can explain why many asserted patents are acquired: buyers are not paying for isolated claims, but for claims whose shape has been optimized by long family-driven refinement.

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3) Acquisition isn't a corner case, it's structural

More than half of asserted patents were acquired, not organically built.

- This is true for NPEs and OpCos
- It's true across public and private companies
- And it reflects a simple reality: organic filing rarely produces complete coverage on its own

- Treating acquisition as optional means leaving gaps that others are actively searching for.

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4) Where patents matter is shifting, quietly

Assertion clusters don't perfectly track filing volume or R&D spend.

- Financial services, healthcare, and automotive are rising in relative assertion activity
- Telecom and semiconductors are declining
- Larger companies attract more enforcement, regardless of intent

Portfolios that aren't periodically re-aligned drift out of sync with where leverage actually shows up.

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5) Simple proxies work, until they don't

Forward citations, claim counts, and family size all correlate with assertion *on average*. But:

- Many asserted patents have low citation counts
- Many high-citation patents are never asserted
- No single metric captures enforcement readiness

The signal lives in **how these factors combine**, not in any one of them.

The real takeaway: portfolio strategy should start at the patent

Most portfolio decisions are made top-down:

- How many filings
- How much spend
- How many families per business unit

But enforcement outcomes are shaped bottom-up:

- Claim architecture
- Disclosure depth
- Continuation strategy
- Industry alignment
- Lifecycle timing
- Gap coverage via acquisition

That's why "patent-up" design matters.

How ArcPrime fits into this picture

The common thread across this entire series is visibility. These patterns only emerge when you:

- Compare patents at scale
- Benchmark against historically asserted assets
- Connect drafting, prosecution, acquisition, and pruning decisions into one system

ArcPrime exists to provide that visibility.
It helps patent teams:

- Evaluate enforceability early, not retroactively
- Decide where continuations actually add leverage
- Identify acquisition targets that fill real gaps
- Right-size portfolios based on risk, not habit
- Build enforcement readiness intentionally over time

The data is pretty clear: Better portfolios aren't just bigger or more expensive, **they're designed.**