

GenomeQuest

Sterne Kessler Study

Title:

Law Firm Case Study: Sterne, Kessler, Goldstein & Fox

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Introduction

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This GenomeQuest case study describes how the law firm Sterne, Kessler, Goldstein & Fox (“Sterne Kessler”) integrated GenomeQuest into their information science strategy to simplify and streamline their sequence search projects, reduce accounting and billing complexity, improve the quality and clarity of their counsel, and increase the value of services they provide to their clients.

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Customer Profile:

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Sterne Kessler is a boutique law firm focused on helping commercial, academic, and individual clients secure, defend, and profitably utilize intellectual property. By industry, the firm's practice areas include telecommunications, computer hardware and software, and medical devices. In addition, the firm's

experience and expertise in pharmaceutical and biotech intellectual property is particularly well developed.

Sterne Kessler presently employs 70 attorneys and more than 280 full-time employees. Eighty-four percent of the firm's legal staff have one or more advanced degrees within their areas of specialty. The firm believes that this concentration of technical knowledge among their full-time staff differentiates Sterne Kessler from other intellectual property law firms and represents a unique competitive advantage.

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Information Science at Sterne, Kessler, Goldstein & Fox

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Sterne Kessler's approach to information science emphasizes the distribution of information training, analysis tools, and data to any member of the firm's staff with a direct need for it. Ideally, staff members are enabled to research technical and legal issues themselves, rather than relying on a specialized internal research department or an outside search-and-retrieve service. The firm's IT Enterprise Architecture Plan supports this distributed approach by ensuring that the technical infrastructure for managing information is current, scalable, and secure.

Prior to their adoption of GenomeQuest, Sterne Kessler's distributed resource information science strategy had already been successfully implemented for several types of information unrelated to biological sequence data. In these areas, the firm avoids the administrative load and bottleneck delays associated with third-party strategies. Additionally they find that, because there's no need to express

legal questions according to the input format recognized by a third-party service, case-related issues can be investigated more rapidly, thoroughly, and productively.

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Disconnected Resources, Disconnected Strategies

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Prior to the adoption of GenomeQuest, Sterne Kessler's strategy of distributing research tools and information out to staff legal professionals was incomplete with respect to biological sequence search. Considering the extensive challenges of accessing and analyzing up-to-date patent sequence data, the alternative research paradigm of working through expert information intermediaries was an appropriate and sensible operational solution to the sequence search needs of the firm.

At that time, Sterne Kessler shared the same problem faced by many organizations concerned with biological sequence intellectual property — how to use information and tools developed by life scientists, for the purpose of analyzing ancestral relationships between biological sequences, to address legal concerns such as freedom-to-operate, sequence patent portfolio valuations, profitable licensing, and litigation. In addition to depending upon the support of intermediaries with access to proprietary data and high-priced single-seat software solutions, the answer to the problem also included pay-later strategies such as posing sequence search queries in deliberately expansive terms in an effort to “get all the possible results” from a single search. The ensuing report, often hundreds of pages, then required sifting, sorting, and re-interpretation according to legal, rather than biological, definitions of sequence similarity. Following this painstaking critical analysis, the search results then required consolidation, summary, and presentation in a way that would enable clients to understand the technical information

supporting the firm's counsel.

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*“Prior to GQ, our search strategy varied significantly from one case to the next. We would put together one-off protocols consisting of finding and collecting relevant sequence data from public and proprietary sources, working with our IT specialists and bioinformaticists to make it usable, searching it and analyzing the results, and, at the same time, engaging one or more specialized outside sequence search services to see if they could come up with any additional information of relevance.”*

*“Now, we just log on to GenomeQuest and run the search.”*

— GenomeQuest User at Sterne Kessler

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GenomeQuest Evaluation

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From the outset, the librarians, legal specialists, and attorneys at Sterne Kessler who would be involved in assessing its value, could see that GenomeQuest, unlike other solutions, would be compatible with the firm's distributed information strategy. A GenomeQuest license would include all the data, search capabilities, and analysis tools that the technical and legal staff would need as end-users, without going through a central information gatekeeper or hiring a third-party sequence data analysis service.

Blockquote:

*“You know you've searched the databases that are available.”*

— Sterne Kessler Technical Specialist

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In the Sterne Kessler work environment, GenomeQuest would relieve a great deal of repetitive and frustrating data accession, download, and preparation work that usually had no residual value following the completion of a single project. By contrast, the GenomeQuest data Sterne Kessler would be accessing requires no preparation prior to use, contains sequence information from all the various data sources they had used previously, and much more, is regularly updated, professionally curated, never off-line for “rebuilding the database,” and had, in early 2007, approximately 137 million sequences and 66 million unique patent number sequence pairs.

Blockquote:

*“Work is getting done much faster and there is greater confidence in the produce we provide to the client.”*

— Sterne Kessler Technical Specialist

Copy (cont'd):

The capabilities of GenomeQuest's GenePAST algorithm were also explored. Previously, the sequence search experts at Sterne Kessler used BLAST, a very popular algorithm for finding ancestral relationships between sequences based on sequence patterns that have been found to be conserved in evolution. The sequence search specialists at Sterne Kessler were already painfully aware of the challenges and limitations of using BLAST to uncover and analyze legally meaningful relationships

between sequences, which are defined by patent offices as the percent identity between sequence pairs, rather than the likelihood that the sequences under analysis share a common ancestor in evolution.

GenePAST is a percent identity algorithm that delivers legally meaningful results by design. It was apparent to the staff at Sterne Kessler that GenePAST would save many hours of time formerly applied to adjusting and readjusting BLAST search parameters, as well as many more hours of painstaking post search analysis required to sort through BLAST search results.

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*“The public database BLAST portals are free, but you get so much noise. We're doing more and more GenePAST searches every day.”*

— GenomeQuest User at Sterne Kessler

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Sterne Kessler also recognized quickly the time-saving potential of GenomeQuest's results filtering feature, which takes the place of manual examination of search results for case relevance. In solutions lacking GenomeQuest's filter, such close, critical analysis must be performed to a greater or lesser extent depending on the sequence search algorithm used and the construction of the search query. Sequence search specialists at Sterne Kessler considered GenomeQuest's built-in results filtering capability to be the feature most likely to deliver a large and direct time-saving advantage to their sequence search and analysis projects.

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*“Filtering lets you look at information that you would not get from the public databases, such as*

*'patent assignee'. You can quickly eliminate all the background information and get at what's relevant."*

— GenomeQuest User at Sterne Kessler

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Reconciling Strategy and Practice

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Sterne Kessler implemented GenomeQuest in the first quarter of 2007. GenomeQuest has enabled the firm to fold sequence search, a significant component of its technical research activities, into its successful strategy of distributing legal and technical information and analysis tools into the hands of staff specialists working directly on projects. These specialists can now save time, and deliver more confident counsel to clients, by searching all the available sequence data at once, using a search method based on the legal definition of sequence similarity, and using software that sorts search results quickly. Staff members can carry out sequence search projects from start to finish themselves, without waiting, and without or explaining re-defining projects for intermediaries.

Blockquote:

*"My latest search project was for a case on a tight time schedule. I did the sequence search, analysis, and reporting back to the client myself. I could only have met the project schedule using GenomeQuest, and by having direct access to it rather than working through an intermediary."*

— Sterne Kessler Technical Specialist

Precisely how projects are addressed and completed at Sterne Kessler Goldstein and Fox is generally up to the discretion of assigned staff. Evidence that GenomeQuest has been found by the firm to be superior to alternative methods of sequence search and analysis is apparent in the steady increases in GenomeQuest new user account formation and utilization frequency.

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*“For freedom-to-operate questions we go straight to GenomeQuest. We’ve had such a good experience with it.”*

— Sterne Kessler Technical Specialist

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Unanticipated Benefits

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GenomeQuest has delivered two additional benefits to Sterne Kessler that were not clearly foreseen during their initial product evaluation. First, the firm's GenomeQuest pricing structure was found to be highly compatible with the firm's accounting and billing practices. A low-risk, fixed-cost, fee-for-search pricing model helped convince the firm to give GenomeQuest a try. If GenomeQuest was somehow found to be unsatisfactory or unsuitable, the firm's staff could simply stop using it. As Sterne Kessler's utilization of GenomeQuest increased, the time-saving simplicity of this pricing structure became more evident. The exact cost of each search is known in advance, and can therefore be billed in accord with the firm's customary billing schedules, without waiting for an invoice or doing any additional record-keeping.

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*“GenomeQuest has streamlined the process and made work more efficient.”*

— Sterne Kessler Department Director

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Second, as GenomeQuest was implemented, it became apparent that its reporting feature would represent another considerable source of time savings. Previously, assembling a report that would explain to the client the search and analysis process used, and the scientific rationale behind the firm's legal counsel, required hours of detailed information collection and organization, formatting, and writing. Sterne Kessler discovered that, by contrast, GenomeQuest would produce complete, attractively formatted sequence search reports that could be delivered to the client as produced, or modified as needed and incorporated into a comprehensive project report.

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*“GQ makes you able to be more responsive, to deliver a better product to the client than you would previously.”*

— Sterne Kessler Technical Specialist

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Conclusion

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Enabled by GenomeQuest, the intellectual property law firm Sterne, Kessler, Goldstein and Fox has extended their information science strategy, which calls for direct access to technical and legal information by the firm's staff specialists, to the discovery and legal analysis of biological sequence similarities. The ongoing utilization of GenomeQuest at Sterne Kessler produces profound economic benefits and improves the quality, clarity, and timeliness of the firm's counsel.

Blockquote:

*“Our time is billed to the client, and if we can do a search and get a result in which we have higher confidence, in less time, the client will save money.”*

— Sterne Kessler Technical Specialist

*“GQ has streamlined the process, has made work more efficient to benefit clients. The greater efficiency imparted by GenomeQuest translates into a competitive advantage for SKGF.”*

— Sterne Kessler Department Director

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Acknowledgements

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GenomeQuest, Inc. deeply appreciates the company's association with the law firm of Sterne, Kessler,

Goldstein & Fox, and gratefully acknowledges Sterne Kessler staff members Thomas Stuart PhD and Tammy Mangan for providing close descriptions of user experiences and the impact of GenomeQuest on the firm's operations.