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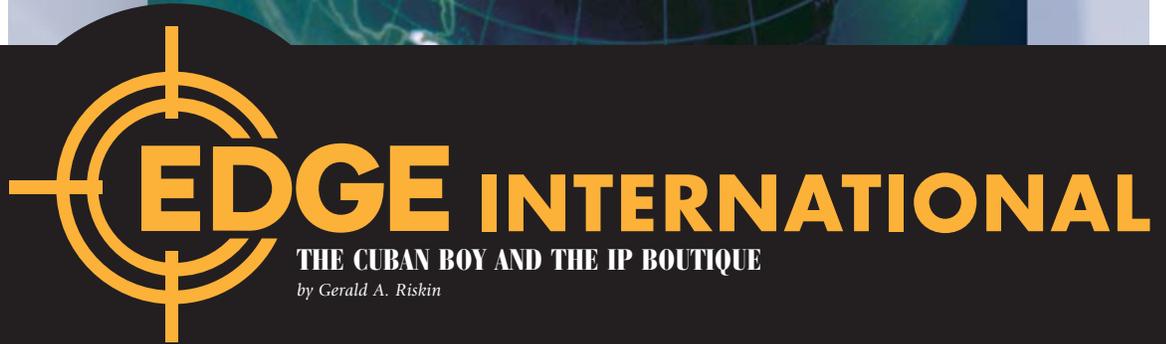
ALUMNI AS A COMPETITIVE WEAPON

by Michael J. Anderson

THE CUBAN BOY &



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THE CUBAN BOY AND THE IP BOUTIQUE

by Gerald A. Riskin

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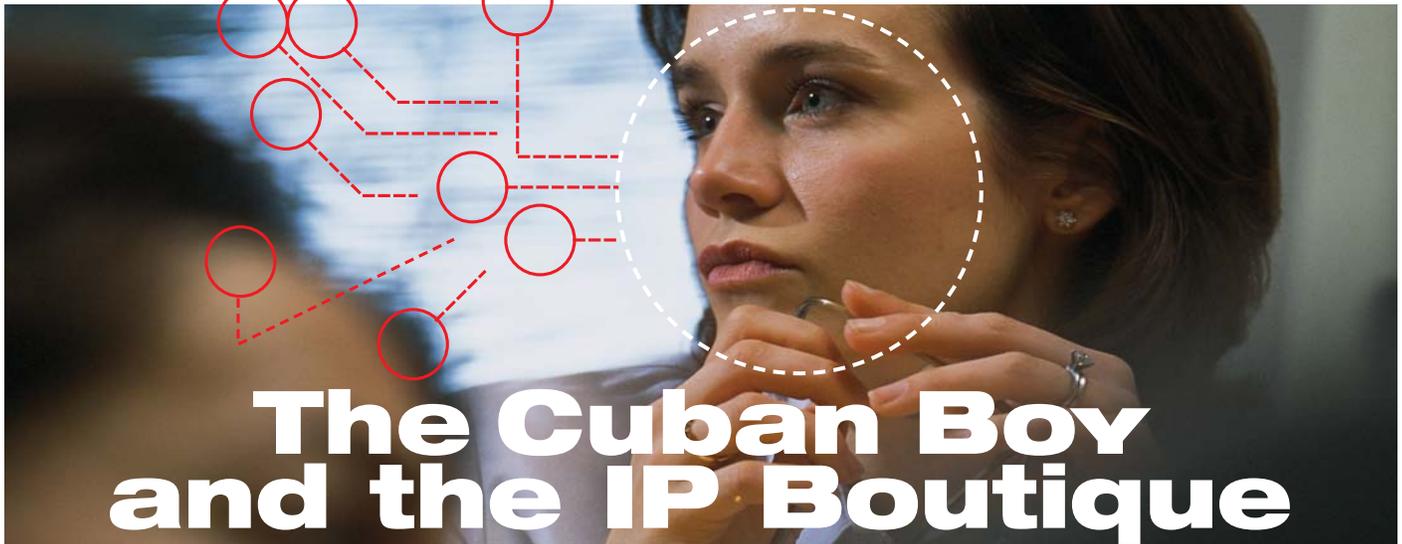
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WHAT'S ON MANAGING PARTNER AGENDAS IN 2007?





The Cuban Boy and the IP Boutique

A CASE STUDY IN THE VALUE OF PREPARATION AND TRAINING TO ACCOMPLISH MISSIONS

Some years ago now, a little Cuban boy in Florida was ordered returned to Cuba. He would have to be “rescued” by force. One night soon after the order, US special forces extracted him from the house and his journey home was underway.

No shots were fired. No one was injured. According to the news reports, the extraction was surgical - no bleeding; no side effects.

At around the same time, an intellectual property boutique law firm located outside the USA decided to conduct an operation of its own. It would make contact with key individuals in intellectual property boutiques and intellectual property departments in larger firms in the USA and become known to these targets as the “go to firm” back in their own country should they ever require IP agents there.

What do the rescue of the Cuban boy and the law firm story have in common?

EVERYTHING!

Here are the elements that both required:

- 1. A crystal clear understanding of the objective to be achieved and precisely what its accomplishment would look like.**
- 2. A plan of action that would achieve unqualified success.**
- 3. The selection of a team of people who**

had already acquired basic skills and could be briefed and learn the more specialized skills required and therefore successfully execute the mission.

4. A training initiative to provide the customized knowledge and skills required to enable the participants to execute with perfection.

5. Operational leadership that would oversee flawless execution.

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Imagine the military operation to secure the boy. With heat detecting-imagery devices the location and movement of the people within the house are determined. After surveillance, a mock up of the house is built in a large warehouse. Troops with special training (hand-to-hand combat, strategy, use of weapons and special night vision equipment) practice rescuing the boy, over and over again.

Why practice? They know the lay of the land, how many people inside, their likely location... why not just “do it”?

If I were willing to give you an ounce of gold if you would throw a crumpled piece of paper in a normal sized waste paper basket positioned across a small room from you, and gave you two choices, “just throw it” or “you can have ten practice throws – then the 11th throw counts” which option would you take? “No-brainer.”

Besides, what if those holding the boy are armed and what if they will risk their own lives to prevent the boy being taken? How would it change the equation if the waste paper basket has a guard who is willing to shoot you to prevent you from getting that crumpled paper inside?

As you would expect, the special forces practiced again and again, sometimes with the personnel (portraying the adults) in the house using weapons.

By the time the special forces went in, they could literally do the operation with their eyes shut and were ready for any imaginable response. The boy was out in seconds.

Melodramatic analogy for the team from the IP firm? Not at all.

The IP team faced the same issues albeit likely not life-threatening.

The objective – position their firm as the firm of choice in their country to be retained whenever the targets needed services there.

This required a plan of action:

Identify the target firms and appropriate contact people within those firms (mainly a strategic exercise.)

Choose firms in clusters so that several firms could be visited in a day (an expense and time issue – efficiency being the objective – again, mainly strategic).

Make an appointment to visit. (The first step where resistance may be encountered – a gatekeeper receptionist or secretary, a time pressured target who may not want to commit to the time.) This would require training to enhance the probability of hitting the waste paper basket – after all, a failure to get an appointment takes a precious target off the list.

The visit. This is the equivalent of extracting the boy. The IP team has to be ready for unexpected resistance (“we already have IP agents in your country” – or, “you are too expensive”), changes to the circumstances – the meeting is cut short or the wrong people show up or the right people are double-booked – things happen.

The follow up. How does the IP follow up in a dignified, professional, appropriate manner and increase the probability the mission goal will be achieved.

The IP team was trained the same way the Special Forces in Florida were trained. In a simulator. The good news is that they already had meeting rooms in their own firm (differences in law firm boardroom designs were not mission critical so no simulator in a warehouse was required).

The team planned the critical information that had to be imparted (credibility building, nature of services offered and why those serv-

If coffee is offered, do you say “yes” or “no” or does it depend on whether you really want some? The answer is always “yes” – you can substitute water for coffee but always accept an offer of hospitality.

ices and their manner of delivery would create an advantage for the target.)

Next, the team prepared a protocol for delivering that information. Without going through the complete detail here, by way of illustration, the team determined what it needed to know about each target to be relevant to that target and then needed a way to convey that they had acquired that information. One technique was the use of the smart question – a question that discloses the researched information but still seeks an answer. “As a firm with four offices in four states, do you see your needs for IP agents being fairly similar or are there significant differences office to office?”

The IP team also needed to learn some manners. If coffee is offered, do you say “yes” or “no” or does it depend on whether you really want some? The answer is always “yes” – you can substitute water for coffee but always accept an offer of hospitality. The western culture (and maybe others as well) was built on saying yes to grandma’s cookies – never declining (at least never declining without insulting grandma). Will the Managing Partner of the target firm be insulted if you decline coffee – not overtly – but at a subtle maybe even subconscious level, a rapport building opportunity will be lost.

The telephone call to obtain the appointment is rehearsed until it is down to a very short, credible, pithy conversation complete with optional times for the appointment, so enhancing the probability of a “yes.”

Then the presentation is rehearsed and rehearsed. After practicing the presentation over and over, and ensuring that it contains gracious ice breakers

including smart questions of the target, the final preparation step is to brain storm every conceivable resistance that might be forthcoming and prepare to counter it. This is done by first generating the list (“we already have IP agents in your country” – or, “you are too expensive” etc. etc.) and then brainstorming at least three differ-

ent responses to each one. It is important not to be locked into a single response. The IP team needs a repertoire of responses and the freedom to use judgment “in the moment”. In fact, in the heat of battle, the response will likely be a hybrid of several that were rehearsed with customized ingredients created on the spot and related to the context.

So, the next time your bright capable lawyers ask for a briefing on a mission, politely tell them about the little Cuban boy and that he was released unharmed without any collateral damage and the additional customized training it took for even the best trained special forces in the world to pull that off.

Oh, I nearly forgot, the IP Team accomplished their mission with flying colours – the Managing Partner of that firm reported significant additional income and profits attributable exclusively to the efforts described here.

Our client’s name (and country) have been intentionally withheld.



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