

Freedom to Operate

Confidently Bring New Products to Market

Launching a new product or technology requires more than innovation — it requires knowing whether you can commercialize it without infringing existing IP rights. Banner Witcoff's Freedom to Operate (FTO) practice helps companies identify risks and plan strategically and globally to enter the market with confidence.

What We Do

We deliver insight that is clear, strategic, and actionable.

Patent Landscape Screening

We review relevant U.S. and foreign patents, applications, and competitor portfolios to map your risk and identify white spaces for innovation.

Detailed FTO Analysis

Our attorneys perform claim charting, product-to-patent mapping, and legal risk evaluation tailored to your technology and for drug marketing approval.

Formal Clearance Opinions

We provide FTO, non-infringement, and invalidity opinions for internal decision-making, investors, and commercial partners, and for updating requested financial submissions to government regulatory agencies.

Integration with Your Launch Strategy

We work with your R&D, regulatory, and product teams to align IP clearance with timelines with product development and launch.

Why Banner Witcoff?

Deep Technical Experience

From AI and software to medical devices, semiconductors, biotechnology and life sciences, consumer electronics, and mechanical systems, our attorneys bring technical knowledge that strengthens every FTO review.

Litigation-Informed Perspective

Our litigation, prosecution, and licensing capabilities help us assess real-world enforcement risks relative to commercial concerns, and not just theoretical concerns.

Global Freedom to Operate Capabilities

We regularly advise clients with multi-jurisdictional launches and cross-border IP considerations.

Business-Focused Approach

Every FTO is tailored to the budgets, timelines, and commercialization goals of the client's needs and product.

Representative Industry Experience

- AI, machine learning & software
- Medical devices, diagnostics & life sciences
- Consumer electronics & semiconductors
- Automotive, aerospace & mechanical systems
- Chemicals, materials & advanced manufacturing

Relevant Practices

Appellate Litigation

Brand Protection

Copyright Registrations and Enforcement

Counseling, Opinions + Licensing

Counterfeit Goods Seizure

Design Patents

Jury Trials

Litigation

Patent Interferences

PTAB Litigation

Patent Prosecution

Section 337/ITC Litigation

Trade Dress

Trade Secrets

Trademarks