

Strategic Perspective on Intellectual Property

Intellectual property matters only when it strengthens a company's competitive position in the real world. Companies often focus on patents as legal assets. The more important question is whether those patents meaningfully affect what competitors can rationally do. If they do not narrow a competitor's economically rational options, they may create the appearance of a barrier to entry without creating one. When a company considers its competitive position, it is ultimately asking a harder question: What makes this business difficult to displace? What protects our position when competitors move? Durable companies all have something in place that meaningfully constrains competitors. The source may vary—scale, capital intensity, network effects, switching costs, regulation, brand dominance, technological advantage, or intellectual property. But the structure is consistent: durability depends on a constraint. A meaningful constraint is not an abstract legal right. It is a condition that narrows a competitor's economically rational options.

About Glenn Rhodes

For more than four decades, Glenn Rhodes has worked at the intersection of intellectual property, competition, and business strategy. His experience includes in-house responsibility for managing high-stakes patent litigation at Intel Corporation, patent litigation and appeals throughout the United States, international enforcement efforts across Asia and Europe, licensing disputes, portfolio evaluations, and successful advocacy before the United States Supreme Court. Those experiences led to a simple conclusion: patent strategies often fail long before a dispute arises. Critical decisions are frequently made before anyone has clearly defined what success is supposed to look like, how competitors are likely to respond, or which options will remain available when conditions change. By the time those questions become unavoidable, the range of viable outcomes has often narrowed considerably. Today, Glenn advises business leaders on patent strategy and related areas, including trade secrets, copyright, and competition law, with a focus on endgames rather than mechanics. His work often involves helping clients define success before substantial resources are committed, pressure-testing strategic assumptions, identifying hidden constraints, evaluating litigation risk, and developing approaches that remain viable as circumstances evolve. What matters in these situations is not how aggressively legal tools are used, but whether they remain aligned with outcomes a client can rationally live with. Strategy that cannot describe its endgame is not strategy at all—it is motion. Glenn writes and speaks frequently on patent strategy, competitive constraints, litigation endgames, and the gap between patent activity and business value. Much of that work appears through *The Patent Position*, where he explores how intellectual property functions when subjected to competitive and adversarial pressure rather than theoretical analysis. Before entering the practice of law, Glenn served in the United States Coast Guard and continues to support its mission as a volunteer with the United States Coast Guard Auxiliary. The disciplines of preparation, navigation under uncertainty, and respect for consequences continue to inform his approach to strategic decision-making.