

The journal for technology product management and marketing professionals • A Pragmatic Marketing® Publication

The Pragmatic Marketer™

Volume 6 Issue 1

2008

**Lead on Purpose:
How Product Managers
Lead Teams to Success**

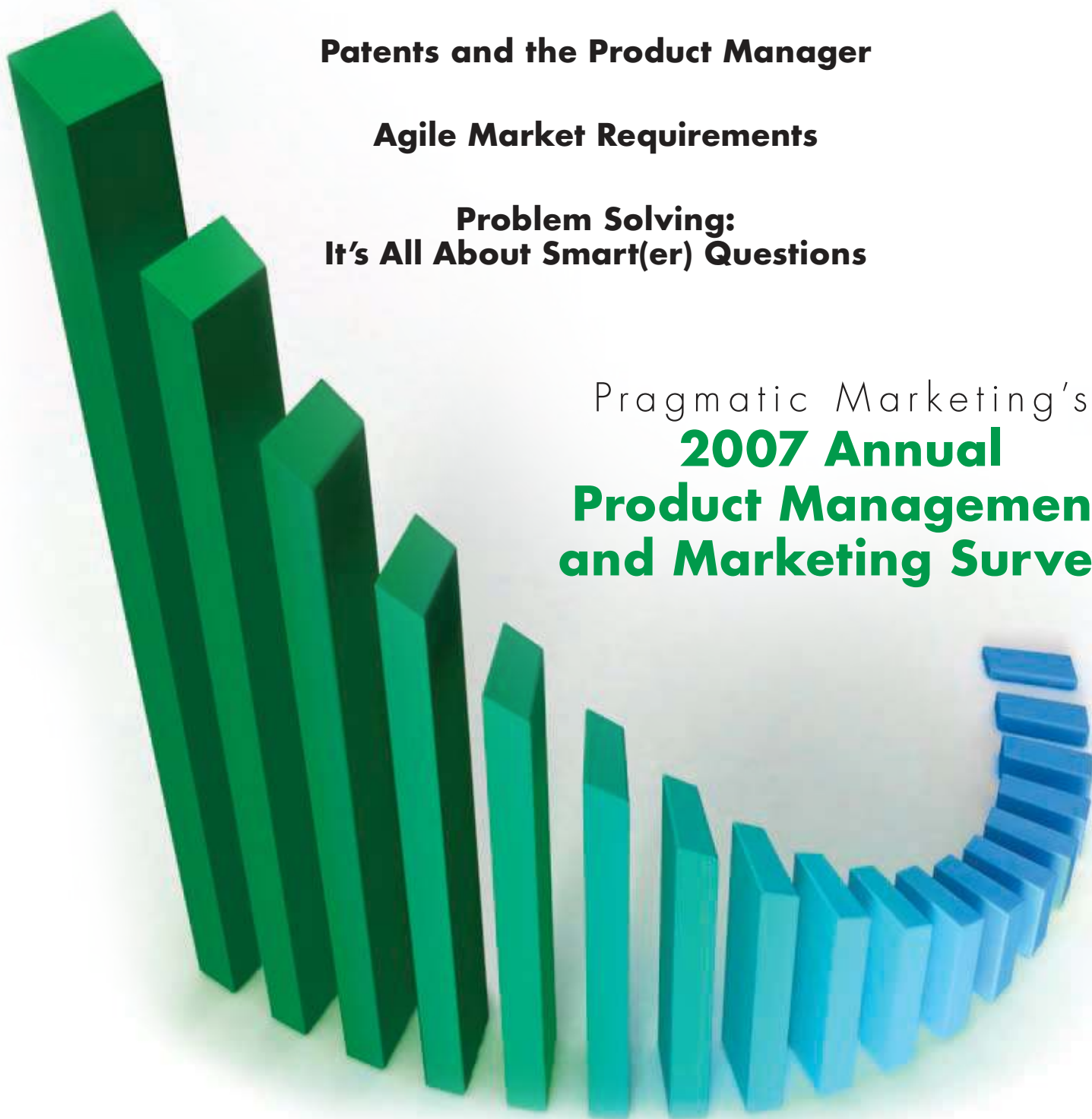
What are Patents?

Patents and the Product Manager

Agile Market Requirements

**Problem Solving:
It's All About Smart(er) Questions**

Pragmatic Marketing's
**2007 Annual
Product Management
and Marketing Survey**



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About Pragmatic Marketing®

Founded in 1993, Pragmatic Marketing provides training, consulting services and an online community for product managers, marketers and business leaders at thousands of technology companies.

We have trained more than 45,000 product management and marketing professionals using the Pragmatic Marketing Framework, a common sense approach to identifying market problems, building the right solution and creating effective go-to-market strategies. Over 90% of attendees rate the training as essential or very useful to their careers.

Our Consulting Services provide technology companies with implementation support and custom services designed to enhance the training received at Pragmatic Marketing's seminars or onsite workshops.

The online community at PragmaticMarketing.com is the first-choice destination for technology product management and marketing professionals. With more than 35,000 visitors per month, this dynamic resource center contains hundreds of articles, a job board, book reviews, instructional webinars, links to peer networking groups and much more.

Visit www.PragmaticMarketing.com to learn more.

Inside this issue:

Volume 6 Issue 1 • 2008

4 Pragmatic Marketing's 2007 Annual Product Management and Marketing Survey

Steve Johnson

Each year Pragmatic Marketing conducts a survey of product managers and marketing professionals. Where do you stand with the national averages?

10 Lead on Purpose: How Product Managers Lead Teams to Success

Michael Ray Hopkin

There is pressure on the product manager to inspire others to do great work—even though he or she cannot hold others accountable. As a result, product managers must be persuasive, flexible, persistent, and optimistic; they must lead on purpose.



16 What are Patents?

Tod DeBie

For technology product managers, just about any new product or feature is patentable: hardware, software, business methods, etc. Every new feature and product you create should be examined for patentability. Here is a quick overview about the rules, kinds and restrictions of patents.

20 Patents and the Product Manager

Tod DeBie

Patents are not just for the engineers or legal department. While engineers are an important source of innovation and legal departments must be involved in the patent process, product managers are uniquely situated both to create new patentable inventions and guide the company to inventions worth patenting.

23 Agile Market Requirements

Steve Johnson

Successful product teams are agile, combining collaboration with small iterations. The key to any agile team is building products that people want to buy. To do that, an agile team needs a messenger for the market, a product manager who thoroughly understands the problems facing today's customers.

29 Problem Solving: It's All About Smart(er) Questions

Nilofer Merchant

The answer isn't always in the solution—it's in the questions. Smart questions define problems well and lead to a clear vision of the issues involved.



PRAGMATIC MARKETING'S 2007 ANNUAL

Product Management and Marketing Survey

Each year Pragmatic Marketing conducts a survey of product management and marketing professionals. Our objective is to provide you with information about compensation as well as the most common responsibilities for product managers and other marketing professionals.

Over 900 product management and marketing professionals responded to the survey, which was conducted during the period of October 29 through November 28, 2007 using Vovici's EFM Feedback.

Note: When making decisions, remember this report is describing **typical** practices, not **best** practices. To learn best practices in product management and marketing, attend a Pragmatic Marketing seminar.

All comparisons are in US Dollars.

COMPENSATION

Average US product management compensation is \$100,259 salary plus \$14,799 annual bonus.

84% of product managers get a bonus based on:

- 62% company profit
- 44% quarterly objectives (MBOs)
- 32% product revenue

17%
say the bonus
motivates a lot

over 26%
say the bonus
does not
motivate
at all



Compensation by state

Adjusted for relative cost of living (COLA) using Q2, 2007 data from the *Missouri Economic Research and Information Center*. States with less than three responses were excluded.

Profile of a product manager

88%
claim to be
"somewhat"
or "very"
technical

The typical
product
manager
has
responsibility
for three
products

The average
product
manager
is 37
years old

93%
have
completed
college

41% have
completed
a masters
program

28%
are
women

72%
are
men

Regional impact on compensation

	Maximum Salary	Average Salary	Minimum Salary	Maximum Bonus	Average Bonus	Minimum Bonus
Europe	\$170,000	\$100,629	\$35,000	\$65,000	\$16,483	\$0
Canada	183,000	95,635	53,000	40,000	11,014	0
USA*	240,000	100,259	30,000	215,000	14,799	0
Midwest	200,000	88,484	30,000	125,000	13,843	1,000
Northeast	240,000	103,533	40,000	70,000	14,500	1,000
Pacific	200,000	109,569	59,000	215,000	16,161	0
South	160,000	96,110	47,000	60,000	15,333	0
Southwest	145,000	102,162	50,000	40,000	13,500	0
West	143,000	93,879	60,000	108,000	14,714	1,000

Midwest (IA, IL, IN, KS, MI, MN, MO, ND, NE, OH, SD, WI); Northeast (CT, DE, MA, ME, NH, NJ, NY, PA, RI, VT);

Pacific (AK, CA, HI, OR, WA); South (AL, FL, GA, KY, MD, MS, NC, SC, TN, VA, WV); Southwest (AR, LA, OK, TX); West (AZ, CO, ID, MT, NM, NV, UT, WY)

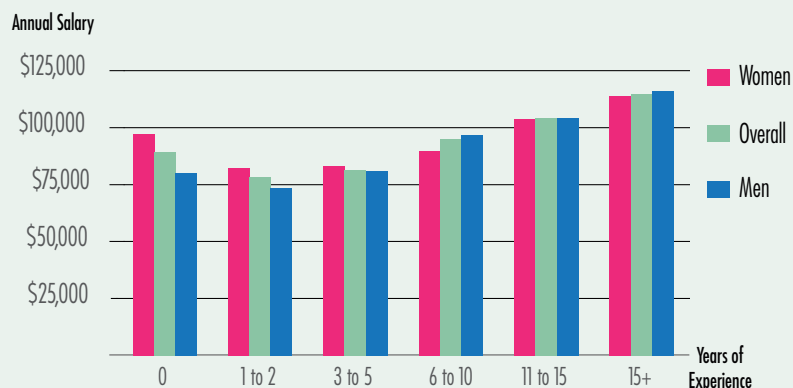
State	Average	COLA Average
Illinois	\$124,231	\$127,547
Texas	113,108	126,378
Georgia	113,458	123,998
North Carolina	114,900	120,440
Missouri	108,000	119,867
Arizona	127,000	119,586
Virginia	112,231	112,681
Average		107,834
Utah	105,667	106,626
Michigan	105,286	106,242
Median		105,000
Colorado	106,692	104,396
South Carolina	94,667	101,032
Florida	105,364	101,020
New Hampshire	115,750	100,390
Massachusetts	125,065	99,813
Washington	104,714	99,538
Minnesota	99,538	98,748
Wisconsin	94,154	98,077
Ohio	90,600	96,281
Connecticut	121,250	96,154
Nebraska	86,500	95,580
California	128,767	93,513
Tennessee	82,400	92,273
Maine	99,000	90,742
New York	119,875	89,326
Maryland	111,125	88,829
Oregon	96,875	88,229
New Jersey	109,500	85,614
Alabama	77,333	84,058
Pennsylvania	85,250	83,252
South Dakota	57,333	62,184

Gender bias in compensation

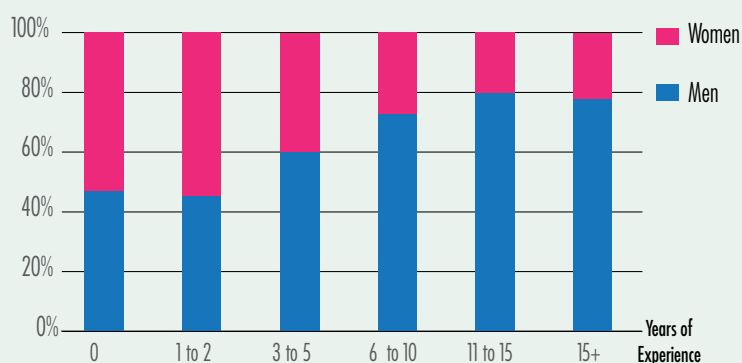
Conventional wisdom is that men earn more than women for the same job.

Women: **\$94,851** Men: **\$100,587**

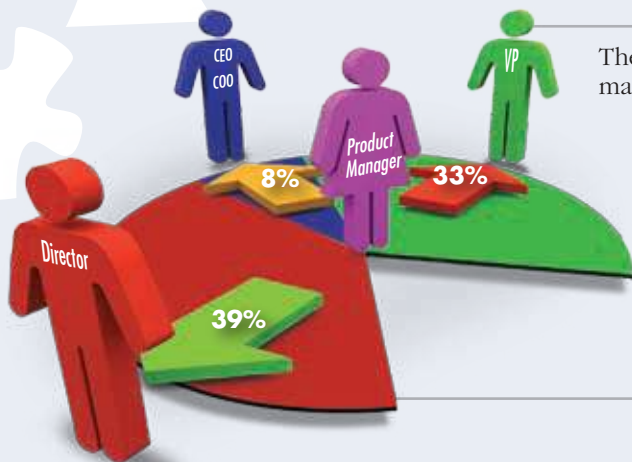
However, the data suggest that males and females earn approximately the same amount when they have the same level of experience. The overall numbers for women skew lower because the percentage of women is higher in the lower-experience levels.



Years of Experience



ORGANIZATION



The typical product manager reports to a director in the product management department.

- 39% report to a director
- 33% to VP
- 8% report directly to the CEO or COO
- 36% are in a product management department
- 21% are in the marketing department
- 12% are in Development or Engineering
- 6% are in a sales department

Working with Development

The majority of product managers research market needs, write requirements, and monitor development projects.

- 89% monitor development projects
- 85% write requirements (the "what" document)
- 70% research market needs
- 53% prepare business case
- 51% write specifications (the "how" document)
- 18% perform win/loss analysis

Working with Marketing Communications and Sales

Product managers also spend time providing technical content for marketing and sales.

- 47% train sales people
- 44% go on sales calls
- 43% write promotional copy
- 36% approve promotional materials
- 14% work with press and analysts



Product Management ratios within the company

How are product managers allocated relative to other departments?

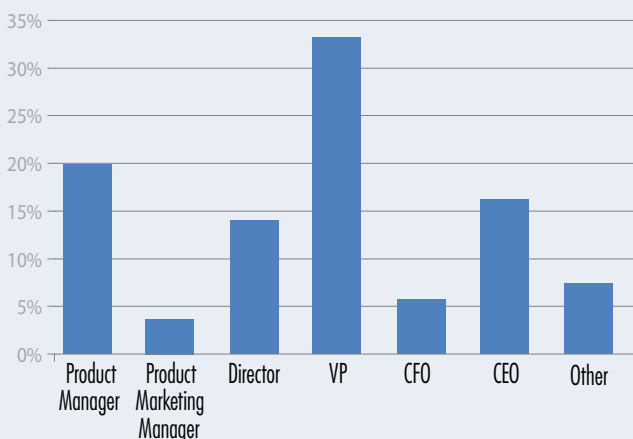
For each product manager, we find:

- 0.7 Product marketing managers (up from 0.4 in 2006)
- 0.7 Marketing communications
- 6.9 Sales people (up from 3.2 in 2006)
- 2.3 Sales engineers (pre-sales support) (huge leap from 0.8 in 2006)
- 0.9 Development leads
- 12.2 Developers
- 0.7 Product architects and designers (a huge jump from 0.4 in 2006)

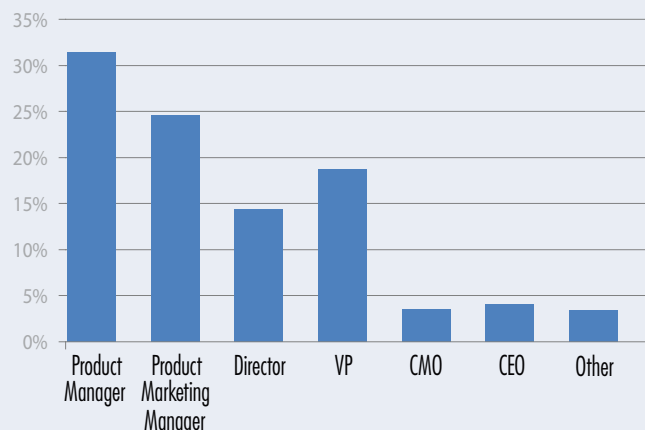
Other ratios

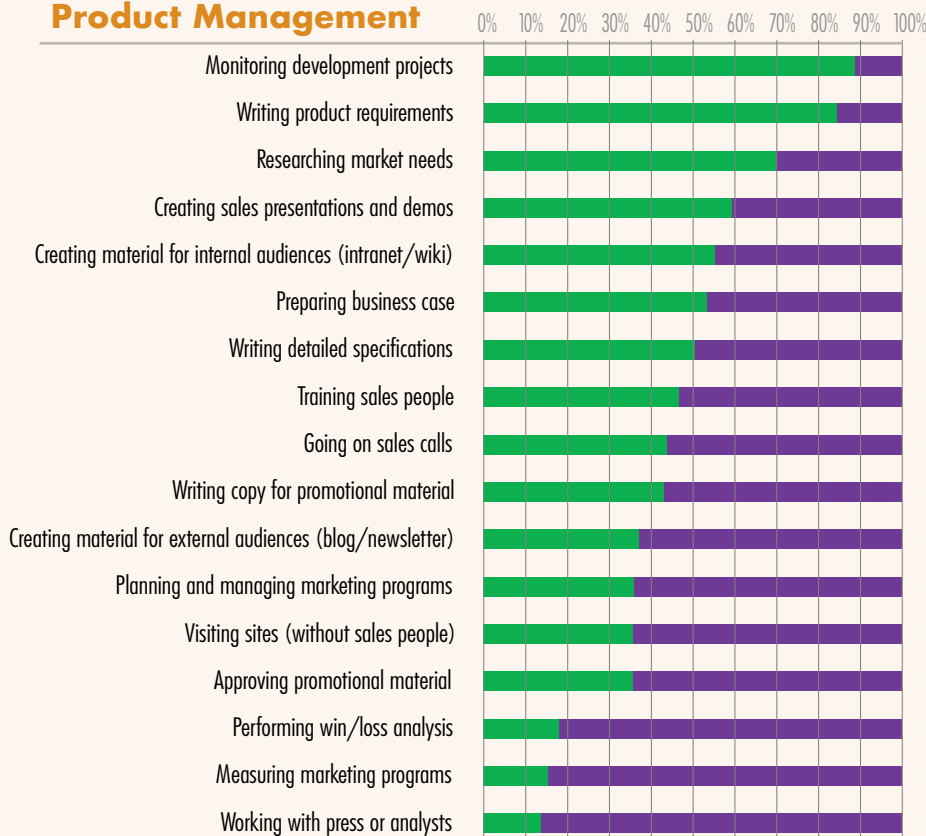
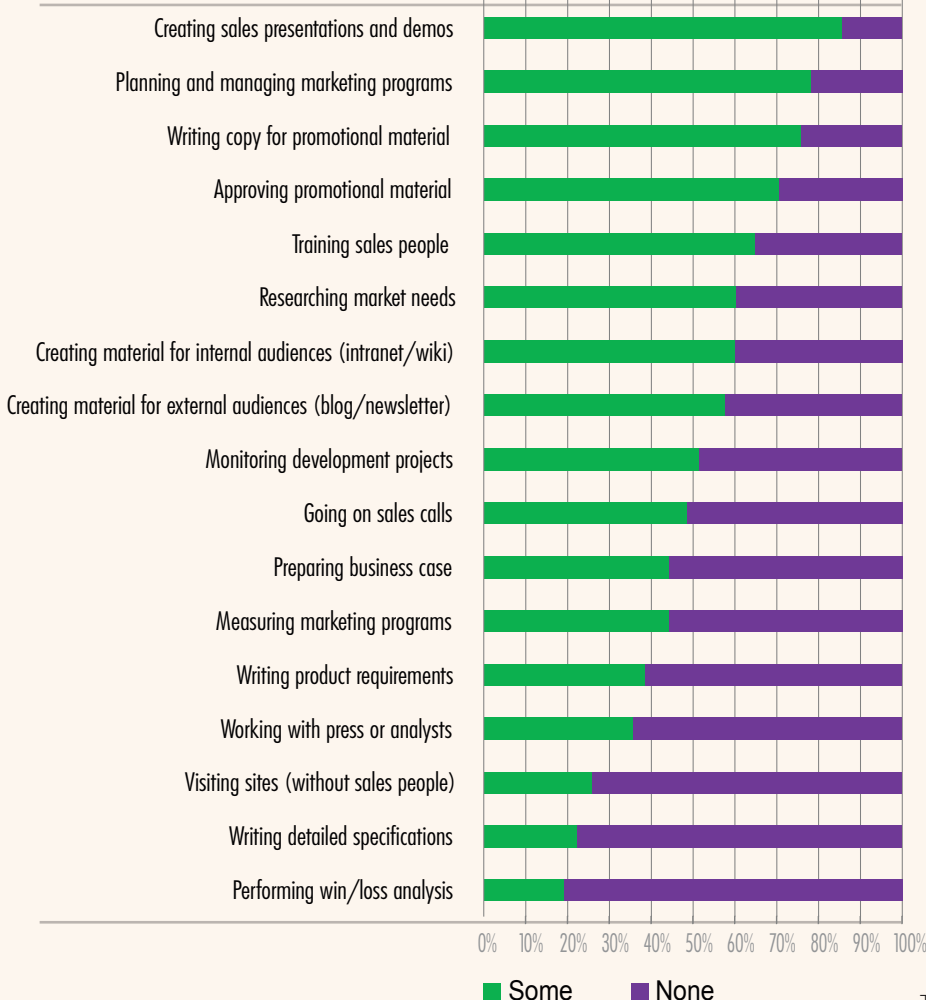
- 3.4 developers per QA manager (versus 5:1 in 2006)
- 2.9 sales people per SE (improved from 4:1 in 2006)

Responsible for Product Profit & Loss



Responsible for Go-to-Market Strategies



Product Management**Product Marketing****ACTIVITIES****Details of product management and product marketing activity**

Where do product management and marketing professionals spend their time? Over 80% of product managers are monitoring development projects and writing market requirements. In addition, most product managers are involved with researching market needs and creating sales presentations and demos.

The good news from this chart is that over 50% of product managers are building business cases. The business case is the evidence of the product manager's role as a business leader in the company.

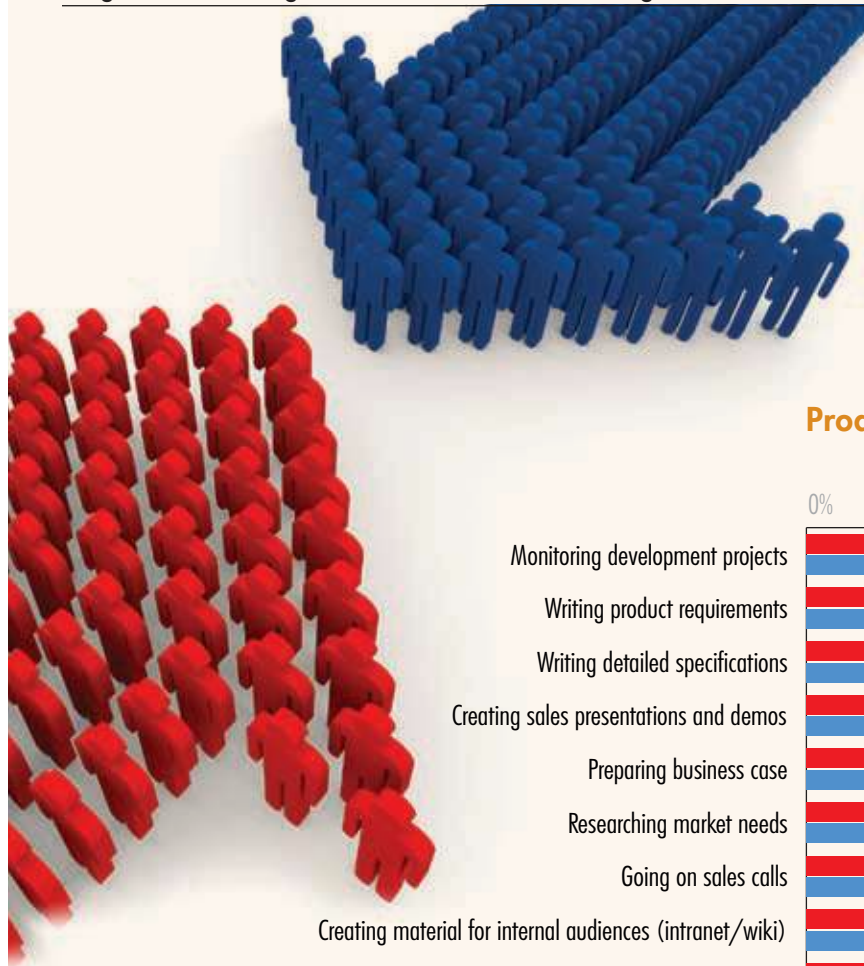
Sadly, fewer than 20% of product managers are doing win/loss analysis, which is such a critical input to product planning!

Compared to product managers, product marketers should have an emphasis on "outbound" activities. It is interesting, however, that 50% of product marketers also spend time monitoring development activities, indicating that the product management and product marketing roles are not consistently defined by inbound vs. outbound activities.

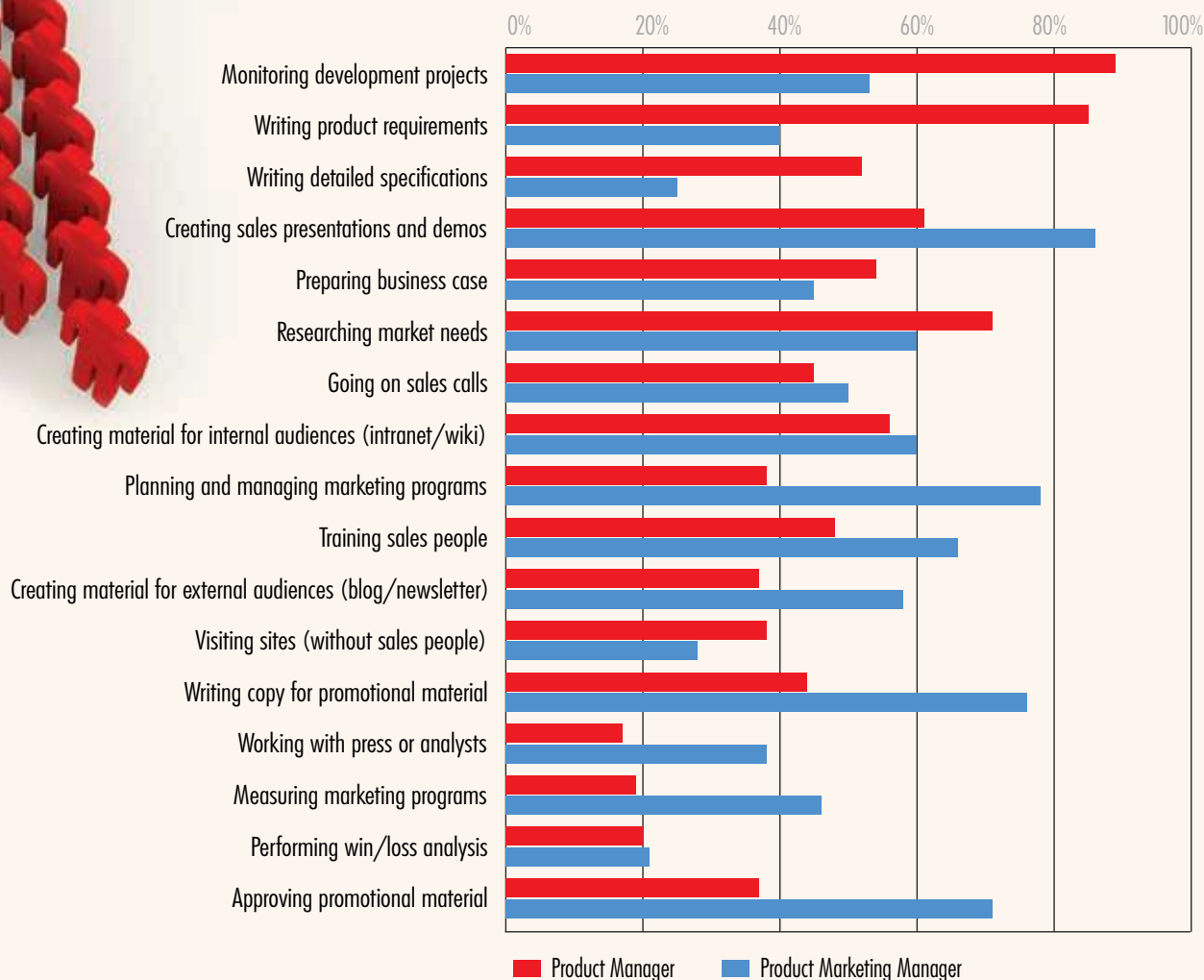
Impacts on productivity

- Product managers receive 50 e-mails a day and send about 25.
- Product managers spend approximately two days a week in internal meetings (15 meetings per week). But 55% go to 15 or more meetings each week, and 35% attend 20 or more meetings!





Product Management vs. Product Marketing



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To see the latest analysis, visit www.pragmaticmarketing.com/survey



Steve Johnson is an expert in technology product management. He works for Pragmatic Marketing as an instructor for the top-rated seminars Practical Product Management, Requirements That Work and Pragmatic Roadmapping. Steve is a frequent presenter at technology marketing forums throughout the United States and Europe, author of many articles on technology product management, and the writer of the ProductMarketing.com blog. Contact Steve at sjohnson@pragmaticmarketing.com

Achieving Best Practice in Product Management and Marketing with Pragmatic Marketing

Implementation of any change framework is hard. As an executive or business unit leader, you know the steps involved and could probably do it yourself. But your goal is to drive profit, customer satisfaction or other corporate metrics, not change internal processes. You just don't have the time or resources to lead the effort, and be a coach to the entire team.

What you need is a trusted consultant who knows your business and can implement enough process to create efficiencies without forcing the entire company through an upheaval. With an expert you trust, there is no trial and error but immediate results in the key areas of success for a market-driven company:

- Market sensing
- Speed to market
- Product adoption
- Product launch
- Customer satisfaction

As experts in what works and what doesn't, Pragmatic Marketing can accelerate your implementation of a market-driven framework, helping you change the organization rapidly and effectively with minimum disruption. The seminars and workshops we teach have provided the basis for successful shifts in corporate strategy, break-through products and market-leadership positions for many organizations. Quite simply, the Pragmatic Marketing Framework has become the industry standard because it works!

Engagement Details

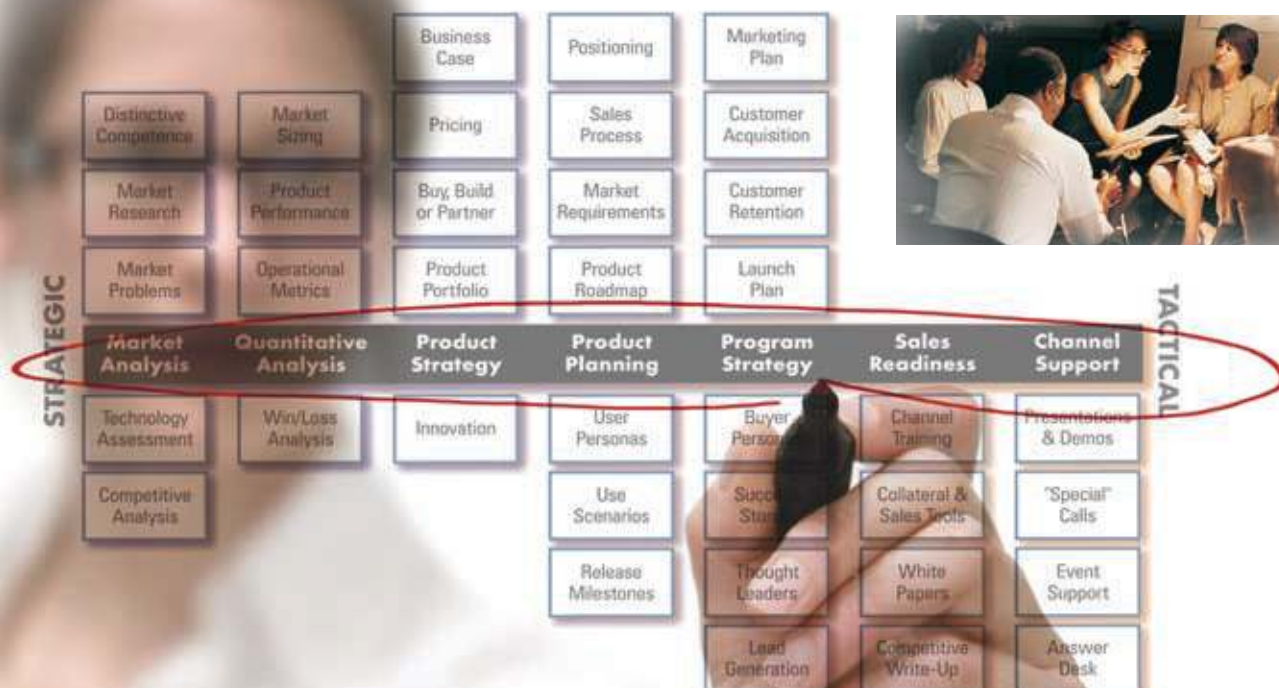
A usual project begins with a knowledge exchange, in which members of your executive team review what it means to be truly market-driven and how your current organization is aligned to meet that goal. With an understanding of your current

environment, Pragmatic Marketing can then suggest a course of action to achieve success that includes one or more of the following:

- Alignment with your market by identifying gaps between your current organizational state and best practice, then creating a plan to address the misalignment.
- Acceleration of your product plan by uncovering market problems which can be used to develop the business case for new product development.
- Optimization of your go-to-market programs by analyzing your existing solutions to current market problems, and using this knowledge to drive marketing programs and sales effectiveness.
- Reinforcement of market-driven principles by delivering a series of tactical sessions focused on specific tasks from the Pragmatic Marketing Framework.

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To gain a better understanding of what Pragmatic Marketing can do for you, please visit www.pragmaticmarketing.com/services or call (800) 816-7861.



LEAD ON PURPOSE

How Product Managers Lead Teams to Success



In a recent article in *The Pragmatic Marketer*, Alyssa Dver states that the success of product managers is measured by how well they get other people in the company to do their jobs.¹ There's a lot of truth in that statement! In most organizations, the product manager does not have direct reports, but still is responsible for assuring that the right product is released on time and under budget.

This dilemma puts pressure on the product manager to inspire others to do great work—even though he or she cannot hold others accountable. As a result, product managers must be persuasive, flexible, persistent, and optimistic; they must lead on purpose.

Seven guiding principles

I derived the title “Lead on Purpose” and many other ideas and practices from a seminar called “Live on Purpose” given by my friend and coach Dr. Paul H. Jenkins (“Dr. Paul” www.drpaul.org). Dr. Paul is a clinical psychologist who specializes in helping people encounter, recognize, embrace, live, and share true principles of abundant living. Dr. Paul teaches the importance of letting principle guide through seven key points:

1. **People are assets.** He describes how people—not things—are the true assets that add value to our lives.
2. **Trust is vital.** When we focus on building relationships and trust with others, we all grow together.
3. **Knowledge is power.** Knowledge is actually potential power; only when it is applied does it become true power.
4. **Be decisive.** We make decisions every day, and when we are decisive, things fall into place.
5. **The victim paradigm.** Victims shirk responsibility for their actions, blame others when problems occur, live in scarcity, and consume more than they produce.
6. **The agent paradigm.** Agents take accountability for their lives, live in abundance, and produce more value than they consume.
7. **The choice.** As individuals, we ultimately choose the paradigm in which we live.

These seven principles provide direction for those who desire to live their lives with purpose—those who want to take control of their actions and live abundantly.

Applying the principles to product management

How do the principles apply to product management? The role a product manager often plays in an organization resembles (at a macro level) the role a person’s brain plays in influencing individual thoughts and actions. The product manager must choose to work with other team members who are responsible for different aspects of the project in such a way that allows them to function as a single unit. For most product managers, the team consists of managers and individual contributors who design, develop, test, market, support, and sell the product. Without the team, products go nowhere.

In much the same way (also at a macro level) that a CEO runs the company, the product manager acts as the catalyst to drive unity in purpose and action, which ultimately leads to the timely release of quality products.

If a product manager wants to *lead* product teams with purpose and energy, practicing and applying the principles of *living* on purpose to the daily work of product management inspires that unity and synergy among team members and develops a more efficient and successful creation of a product. Here is a look at how product managers can apply the seven principles to their jobs:

PRINCIPLE 1 People are assets

In today’s world, when people talk about assets, they most often refer to their house, car, boat, or investments. In the business world, technology and products—along with their associated intellectual property—are the assets that typically get the most attention.

Naturally, in the world of product management, most product managers think about the products they manage as the true assets. The success of those products creates revenue for the company and results in praise and commendations for the product managers.

Unfortunately, many companies view their employees as another expense on the income statement. Simply put, things of monetary value are most commonly thought of as assets; and, often, people become tools or objects to help an individual or company acquire more “assets.”

In truth, the real assets of any organization are the people. Their intellect—along with personality, skills, knowledge, character, integrity, and other things collectively referred to as “human life value”—create the true value in any organization.

Because of the nature of the work, it is vital that product managers treat their colleagues as true assets. Toward that end, a product manager must spend time with the team. This means talking with them, listening to their concerns and fears about the current phase of the project, and occasionally taking them out for lunch. I’m always amazed at how much a lunch motivates people.

When team members feel valued, they care more about the product on which they are working. Face-time with the team also helps product managers understand individuals and personally assist them. Time spent with the team pays financial dividends as high-quality products make it to market on time and with enough vitality to excite the sales force. When product managers focus on the people with whom they work, the products succeed as a result. ➔

PRINCIPLE 2

Trust is vital

Gaining the trust of the team goes hand-in-hand with treating people as assets. When product managers value the work and the efforts of their teams, they gain the trust of team members. When teams know they are working on a great product that will sell in the market, they are freed from worries about job stability as well as from the boredom of less exciting products.

Product managers gain the trust of their teams by rolling up their sleeves and getting to work. When the development team has an alpha version of the product ready, a sharp-witted product manager will install it, exercise the functionality, and provide feedback to the team. When the documentation team has a draft of the new documents, the product manager will carefully review and provide comments. As the product gets closer to a beta- and ship-ready state, great product managers will work closely with marketing and operations to make sure plans are laid for a successful product launch.

Throughout the project lifecycle, product managers find ways to help customer-facing teams prepare to sell and support the product. In this way, product managers gain trust by showing that they are reliable and in charge—leading on purpose.

Another way to build trust is to take the heat when things do not go exactly as planned. Sometimes, taking responsibility can result in a better outcome for the product. In a recent assignment, I took on a broadly installed product that was failing with many customers. Within days of taking over, I received calls from frustrated sales and product support engineers who wanted me to hear customer frustrations first hand. I accepted every request. Even though I didn't solve many problems at first, the mere act of listening to customers, discussing their frustrations, and applying this knowledge to improving the product won me the trust not only of the customers, but also of my colleagues. With the resulting synergy among the team, we were able to release a successful new version of the product.

PRINCIPLE 3

Knowledge is power

Before product managers can tackle difficult situations and effectively lead their teams to success, they need to gain knowledge. There are many sources of product and market knowledge: business books, analyst reports, trade rags, blogs, and the Internet. The volume of information is overwhelming, and keeping up sometimes seems next to impossible. Because knowledge is vital to leading on purpose, product managers must seek avenues for finding the knowledge that will be most useful to them and their specific needs.

In the world of product management and marketing, one of the best sources of knowledge I have found that can be applied directly to our work is Pragmatic Marketing. The company provides a wide range of training and consulting geared to educating and improving the role of product managers (or product marketing managers).

What is the best way for product managers to *apply* the knowledge they gain to achieve power in their position? Ultimately, they need to find ways to put the knowledge they acquire into action. This most often becomes a personal quest; no one else can do it for us.

We can and should use tools that help us gather, filter, and deliver documents and other types of collateral that ensure the team (and others) know product direction. I have used Ryma Technology Solution's FeaturePlan as the tool for gathering and organizing the data that comes at me.

Other product managers write blogs to disseminate knowledge. The tool we use is less important than the effort we put forth to use our knowledge to create valuable products. As product managers, we hold the key to our products' success.

PRINCIPLE 4

Be decisive

How do product managers take aim? For starters, they need to have a clearly-defined reason for why a product is necessary. This definition includes problem statements that will be solved by the product and clearly-defined requirements to get there. Product managers need to define three things about their products:

- Where is the product today?
- Where does it need to go and by what time?
- How can the team get the product from here to there?

As product managers, do not underestimate the importance not only of making key decisions, but also of standing behind those decisions. We cannot afford to blame others for our decisions. If the team makes a decision, stand up and take responsibility for the consequences. Do not permit FEAR (false evidence appearing real) to lead us or allow our concern for what could happen to change the course of our behavior. We must be confident in our ability to make decisions and in others' abilities to agree with and support us.

At the same time, be humble enough to accept that we are not always right, and often need to change our own course of behavior. Making decisions gives us the opportunity to learn and, ultimately, make better decisions. As product managers, we must act confidently humble.

Product managers must also provide vision into where a product is going and how it will get there. Once the vision is clear, share it with the team. The act of sharing vision with people working on various aspects of product development arms them with energy and desire to do their part for the success of the product. This can be tricky, but if we want our team to take their products in the desired direction, we must demonstrate vision.

PRINCIPLE 5**Shun the victim paradigm**

People living the victim mentality blame others for what goes wrong rather than taking responsibility for their actions. They often live in scarcity or feel there's never enough of anything and, therefore, must have more for themselves. It's often a "Why me?" approach when bad things happen.

Victims go through life avoiding situations that could possibly harm them or make them look bad. They consume more than they produce. They take the "I can't" approach: I can't handle it; I can't afford it; I can't do it. The ultimate outcome of the victim mentality is captivity. Those who take this approach end up in bondage to the forces around them, instead of free to act for themselves.

Playing the victim as product managers will not work. We must recognize moments when these types of beliefs are entering our minds and seize the opportunity to employ some of the techniques previously discussed to bring us back to leading "on purpose."

PRINCIPLE 6**Live the agent paradigm**

We often admire people living the agent paradigm. Agents take responsibility for their actions and shoulder the blame—even when they may not be fully responsible. They live in abundance and recognize that there is more than enough for everyone. When bad things happen, agents ask "Why not me?" and work toward solutions.



These people are producers—creating more value than they consume. They take the "How can I?" approach: How can I handle it? How can I afford it? How can I do it? Agents realize life is a package deal and comes with ups and downs. They do not focus on the flaws or imperfections in others, but on their positive traits. For those who take this approach, the ultimate outcome is prosperity. Agents are free to live unencumbered by the actions of others—feeling joy and happiness in their accomplishments and enjoying the trust and respect of others.

To achieve success, product managers must lead teams within the agent paradigm. We must take responsibility for the progress of product development and its success when the product hits the market. Our goal is to willingly stand up, look people in the eye, and demonstrate

confidence in our direction. Living the agent paradigm as product managers means living it personally—and leading our team members to live it themselves. By leading as producers, we inspire others to live as producers; by moving forward as a team, we produce great products that people want to buy.

PRINCIPLE 7**Make the choice**

Achieving prosperity and success is a choice each of us must make. However, by personally living the principles of abundance, we inspire others to do the same—thereby increasing the success of the team and the entire organization.

The choice of how we will act, inspire, and lead our teams is ours to make. Make the choice to lead on purpose!

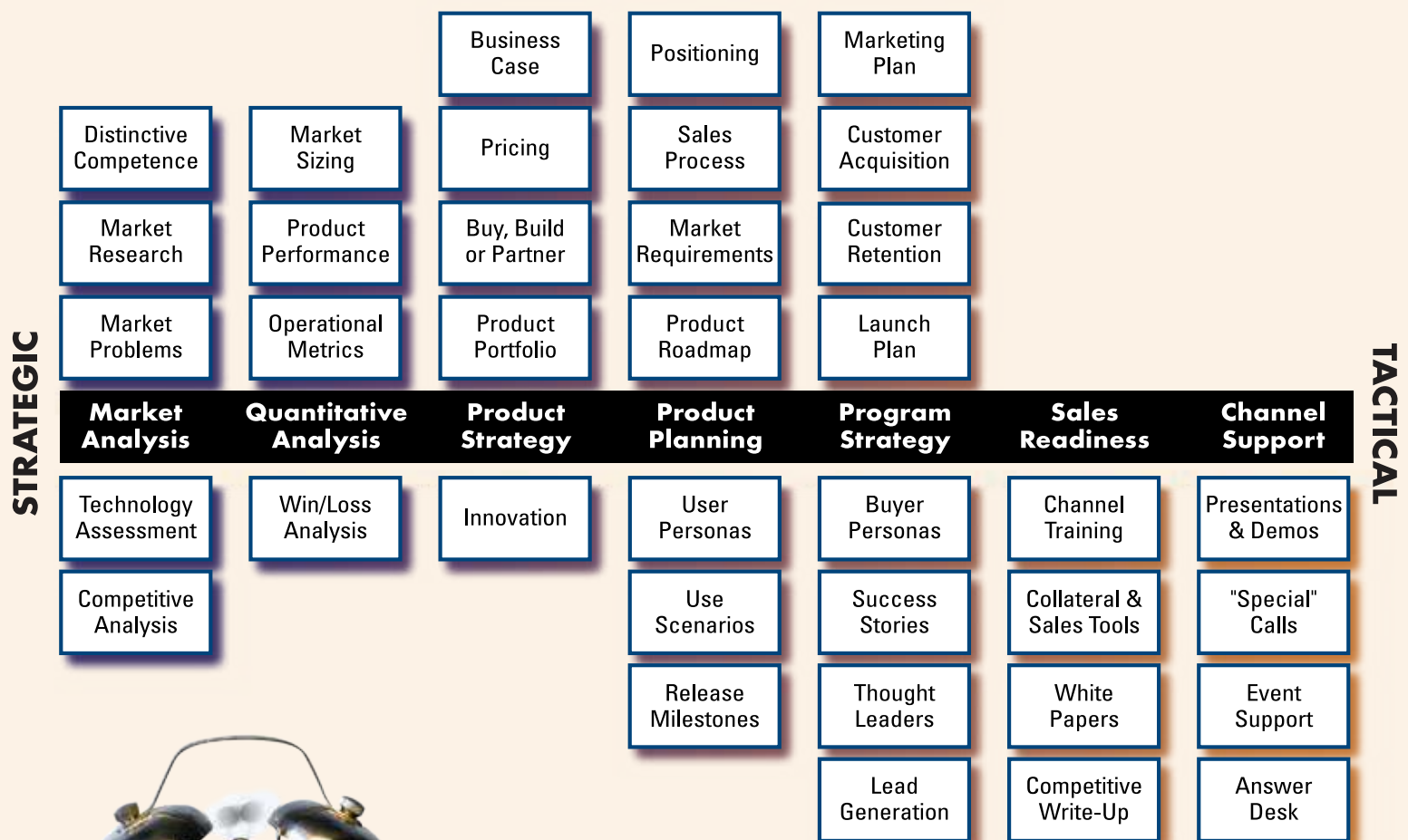
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Michael Ray Hopkin has over 12 years experience working as a software engineer and a product manager for companies ranging from startups to major corporations. Michael currently works as a senior product manager at Altiris (now part of Symantec) and is responsible for the company's core platform. He is a proven communicator who has repeatedly demonstrated the ability to gain the trust and commitment of large, cross-divisional work groups. He is eager to communicate with you about improving the leadership role of product management. To contact Michael, visit his blog, <http://leadonpurpose.wordpress.com> or email him at mrhopkin@gmail.com

Are your product management and marketing teams overloaded with tactical activities, spending too much time supporting Development and Sales rather than focusing on the strategic issues of the organization?

The Pragmatic Marketing Framework



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The Pragmatic Marketing Framework is the standard for product managers and marketers at thousands of companies. Since 1993, more than 45,000 people have been trained using this market-driven approach to creating and launching technology products.

learn industry best practices



Product Management training

Practical Product Management defines the strategic role of product management using the Pragmatic Marketing Framework (left). From how to identify market problems to delivering a successful product plan.

Requirements That Work shows how to create a Market Requirements Document (MRD) using personas, goals, and use cases that everyone on the product team can understand.

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What are Patents?

By Tod DeBie

A patent is a right granted by the government to inventors in order to exclude others from making, using, offering for sale, or selling the patented invention in the United States or importing the invention into the U.S. This means that you get total control over your patented invention and get to decide who, if anyone, can use your invention.

Patents are valid for 20 years from the date you file your application, but patent rights are, in general, only enforceable from the date your patent is approved by the U.S. Patent and Trademark Office (USPTO).

According to the patent office, an invention is “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” For technology product managers, just about any new product or feature is patentable: hardware, software, business methods, etc. Every new feature and product you create should be examined for patentability.

While just about anything can be patented, a few criteria must be met. Specifically, patented inventions must meet three characteristics: novel, useful and not obvious.

- **Novel.** The novelty requirement is straightforward: Your invention must be new. Inventions that already exist cannot be patented. This gets a little tricky, because you can patent new uses for existing products. This frequently happens when a new use is discovered for an old pharmaceutical drug, where new testing shows the drug to effectively treat a completely unrelated disease. The new use has to be truly new and unrelated to the original use.

- **Useful.** The usefulness requirement is two-fold: that your invention has a useful purpose and that it must actually perform its intended purpose. A useful purpose can be almost anything: The patent office, for example, issued Patent No. 6,368,227 to a boy who claimed the invention of swinging side-to-side, claiming the usefulness of joy. Along with good feelings or whatever other benefit you wish to claim, the invention must also work in order to be useful. If the patent office thinks your invention might not work, they may ask you to prove that it does. Patent application number 20,030,114,313 claimed the invention of warp drive, which is “a system whose propulsion relies on warping space-time as opposed to the ejection of material to provide thrust.” While the application packed more than 400 paragraphs of technical detail, the patent office cast a skeptical eye, and asked the inventor to provide a working model before the patent application could be examined. (A model, working or otherwise, was unfortunately not delivered by the inventor.)

- **Not obvious.** The “not obvious” requirement means that an inventive step is required. Your invention has to be different enough from what is already out there in the field in order to be patentable. This is an area, however, where the law is not very clear. Patents are regularly granted for surprisingly small improvements in a field. You should not let your thinking on this requirement prevent you from trying to patent something. If you have an idea that you think is worth patenting, explain it to your patent agent or attorney, and let them tell you if they think it meets the “not obvious” requirement.

In addition, you cannot patent the laws of nature, physical phenomena, and abstract ideas. Things like Isaac Newton’s theory of universal gravitation or Albert Einstein’s theory of general relativity are not patentable.



Three basic kinds of patents are allowed:

- **Utility patents**, which cover inventions that function uniquely to produce a useful result.
- **Design patents**, which cover the unique, ornamental, or visible shape or surface of an object.
- **Plant patents**, which cover asexually reproducing plants.

Most ideas from product managers are likely to be patented as utility patents.

Anatomy of a patent application

Patent applications consist of three main components: the description, the drawings, and the claims. There are a few other components, but the preceding three are the primary ones to consider.

- **The description** is a detailed description of the invention and the “prior art” or related earlier products, concepts, or inventions. The description will explain all of the components of the invention in detail.

- **The drawings** should show the main components of the invention. Software and business-method patents, which do not always contain a physical device, often use flowcharts for the drawings.

- **The claims** describe, in legal terms, the invention for which patent protection is claimed. They are written in a precise form, based on statutory requirements and conventions that initially can be difficult to decipher. The claims break down your invention into small, precise descriptive statements.

Ownership vs. inventorship

If you alone come up with an idea for your product, you are the inventor and will be listed as such on the patent. If you are brainstorming with a colleague and develop the idea together, then you both will be listed as inventors. To be listed as an inventor, you must contribute at least one element to the invention.

While you might be listed as the inventor, you will probably not own the patent. Check your employment agreement, and you will likely find that you have signed away all rights to the idea to your employer. They will be listed on the patent as the assignee, meaning they get to control the ownership and licensing of the patent.

Most of the states in the U.S. allow employment agreements that force employees to sign away rights to all inventions that they come up with during their employment, even if they came up with the idea on their own time and it has nothing to do with the business of their employer. California has laws in effect that restrict employment agreements to assignment of employers rights only to inventions that are related to the company or were created on company time or equipment. If you have developed your own personal inventions, be sure to check what rights you have under your employment agreement.

Important limitations

In addition to the limitations above, there are also limitations on what you can do with the invention before you file for a patent. In the U.S., you have one year from the time the invention is first publicly disclosed or offered for sale to file a patent. After one year, you cannot file for a patent on the invention, even if you never actually built or sold the invention. Therefore, if you released a product 11 months ago with inventive new features you want to protect, you should get patent applications drafted and filed immediately.

There are additional restrictions to consider if you want to file patents in other countries. For example, some countries may not allow patents to be filed at all if the invention has been publicly disclosed. If you have significant business outside the U.S., you should consider filing patents in those countries where you do business, but be aware that the patent law will be different in each country, so have your legal team do the necessary research. →

What can be patented? “Anything under the sun that is made by man.”

— **P. J. Federico** 1952, a principal draftsman of the U.S. patent law, in his testimony regarding that legislation. Famously quoted by Chief Justice Warren Burger, U.S. Supreme Court in *Diamond vs. Chakrabarty* 1980.



Interesting, notable, and strange patents

....
U.S. Patent No. 5,107,620
electrified table cloth



....
U.S. Patent No. 3,216,423
apparatus for facilitating the birth
of a child by centrifugal force

....
U.S. Patent No. 5,443,036
method of exercising a cat with
a laser pointer



....
U.S. Patent No. 6,637,447
Beerbrella

....
U.S. Patent No. 3,150,641
dust cover for dog



....
A good example of something
that should have been patented:
VisiCalc, by Dan Bricklin
www.bricklin.com/patenting.htm

What are Patents?

Patent examples

In order to better focus on what is patentable from a software perspective, let's look at a few examples:

One good example is U.S. Patent No. 5,960,411, the now infamous Amazon.com "one-click" patent. Here is one of the key claims:

A method for ordering an item using a client system, the method comprising:

displaying information identifying the item and displaying an indication of a single action that is to be performed to order the identified item; and

in response to only the indicated single action being performed, sending to a server system a request to order the identified item

whereby the item is ordered independently of a shopping cart model and the order is fulfilled to complete a purchase of the item.

In plain English, Amazon patented the process of displaying an "order now" button on a page with an item to be sold, and fulfilling the order when the button was pressed. This is an excellent example of taking a killer feature that was implemented in a product or site and patenting it.

The claim above has two elements: "displaying" something and "sending" something. The "whereby" clause simply notes the effect of the first two elements, and anyone that practices both elements without a license to do so is infringing on the patent. You can practice one or the other element without a license, but if you do both, you must get a license for the patent.

Tod DeBie is a professional product manager with over 12 years of product management experience in both enterprise software and web commerce companies. Prior to his product management experience, Tod worked in several other roles, including engineering, quality assurance, technical support and product marketing. Currently, he has 15 patent applications at the USPTO, and several more on the way. Tod can be reached at tod_debie@hotmail.com

Another good example is the Netflix U.S. Patent No. 7,024,381 for online movie rentals. Here is the first claim:

A computer-implemented method for renting movies to customers, the method comprising:

providing electronic digital information that causes one or more attributes of movies to be displayed;

establishing, in electronic digital form, from electronic digital information received over the Internet, a movie rental queue associated with a customer comprising an ordered list indicating two or more movies for renting to the customer;

causing to be delivered to the customer up to a specified number of movies based upon the order of the list;

in response to one or more delivery criteria being satisfied, selecting another movie based upon the order of the list and causing the selected movie to be delivered to the customer;

and in response to other electronic digital information received from the customer over the Internet, electronically updating the movie rental queue.

Here, Netflix has not patented online movie rentals. It has patented their process of letting users select multiple movies for rental and sending new ones out as the customer returns old ones. You could implement an online movie rental system where a user just selects one movie to rent and you send it out and then wait for them to return it and then don't automatically ship another one when they return the first one and not violate this claim.

The point is, we often hear things like "Company X just got a patent on the mouse" or some other technology that has been around forever or something that seems absurdly obvious. In reality, they actually patented something that involves some commonly known elements that are being used in a new way or different combination.

Product features like Amazon's one-click ordering and the Netflix movie-rental system are excellent examples of taking existing technologies, doing something new and interesting with them, and then getting a patent.

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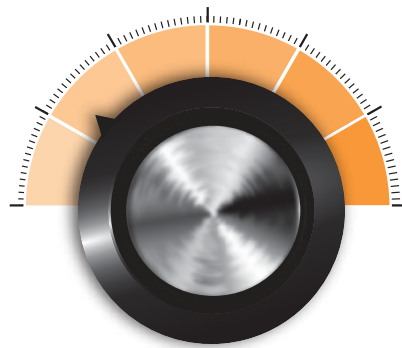
References

United States Patent and Trademark Office (www.uspto.gov)

Patent It Yourself, by Patent Attorney David Pressman

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Patents and the Product Manager

By Tod DeBie

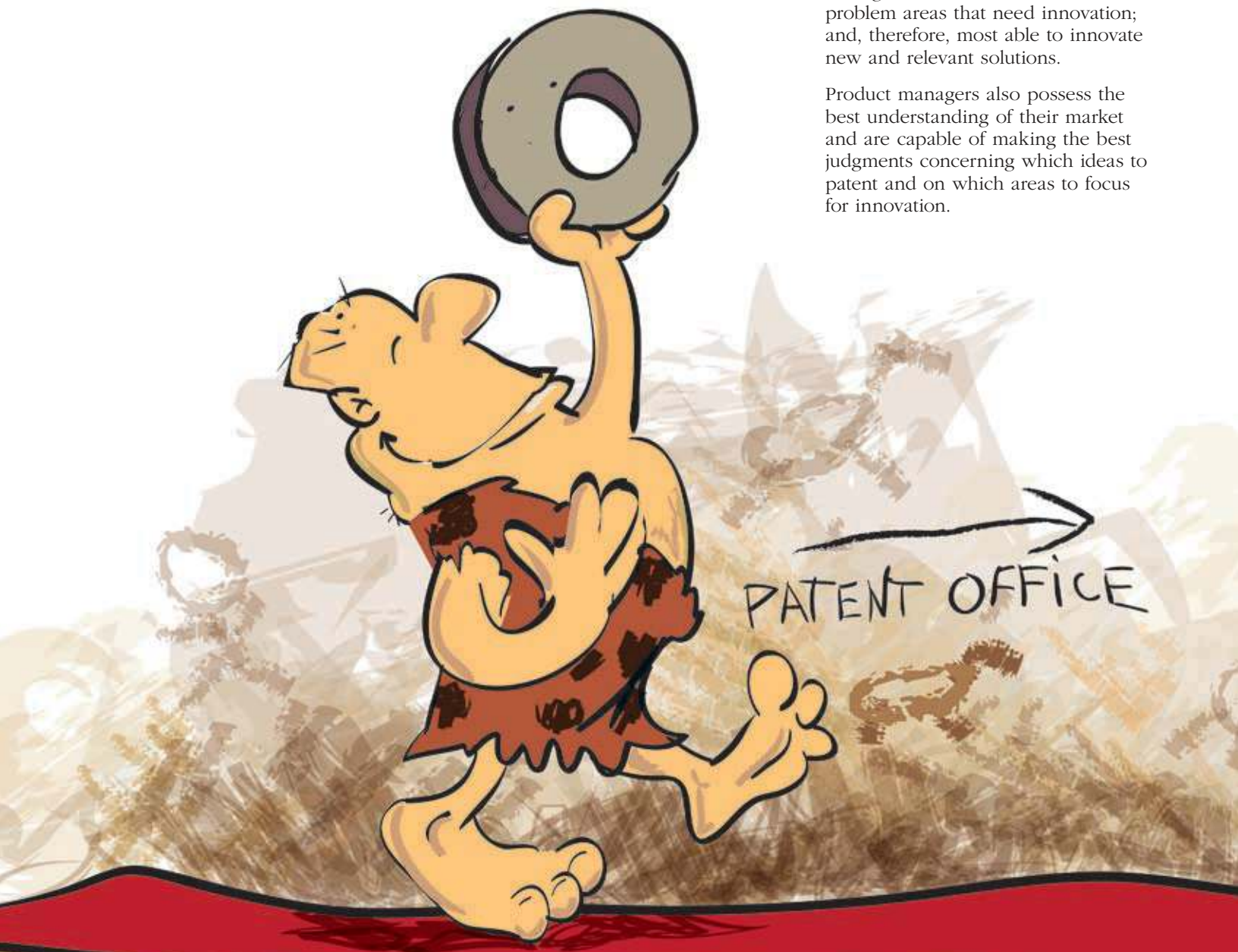
"To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries"

— Article 1, Section 8 of the United States Constitution

Product managers are the driving force behind innovation and problem-solving in any well-run technology company; yet many product managers do not immediately think of themselves as inventors. When I speak with product managers about patents, their initial response is usually, "Isn't that something for my engineers or legal department to worry about?"

While engineers are an important source of innovation and legal departments must be involved in the patent process, product managers are uniquely situated both to create new patentable inventions and guide the company to inventions worth patenting. In most companies, product managers are closest to the customer problem areas that need innovation; and, therefore, most able to innovate new and relevant solutions.

Product managers also possess the best understanding of their market and are capable of making the best judgments concerning which ideas to patent and on which areas to focus for innovation.



“Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.”

— *United States Code, Title 35, Part II, Chapter 10, Section 101*

Why should a product manager care about patents?

Isn't it enough to know your market, understand customer needs, write good requirements, and have Engineering build it? In many cases, the answer is “No.” You might put in effort to gather requirements, dispatch teams of product managers to learn from customers worldwide, spend weeks with Engineering sorting out the details of what to build, and wait months while Engineering builds it—only for a competitor to copy what you did six months after you launched.

Unless you filed a patent for your invention, your competitors can look at what you did in your product and implement the same feature in their products—without having to put in the effort to figure out that your feature was the right thing to build. Even worse, they might look at what you did, make it better, and still have put in only a fraction of the effort you did.

Product managers constantly strive to create the best and most innovative ideas, only to see those ideas promptly copied on release by their competitors. Most product managers view this as a normal and mostly unavoidable part of life in the technology industry. With a patent, however, product managers can directly protect their work. Patents enable you to control your idea: You can decide if you want to allow competitors to license your feature (patent) or if you want to make it unique to your product.

Patents can give your product exclusive features that can't be duplicated by any competitor. They can also give you pricing power for your product (if the market really wants those exclusive features). And patents can simultaneously protect and increase the value of your company.

Patent strategy

What should you patent? That depends on your patent strategy. Some companies have a broad patent strategy, where they will patent anything that looks interesting, even if it is unrelated to a business in which they are currently participating. This approach is called an offensive patent strategy, where they have built up a large patent portfolio and have created a significant licensing revenue stream from it or greatly enhanced their bargaining position.

Other companies have a very defensive patent strategy, where they are only looking to obtain patents that are narrowly drawn to their business model or products. This approach means that they can more easily defend themselves from patent infringement lawsuits and

protect themselves from other types of action, but they don't intend to generate significant license revenue from it. At a minimum, just about every company should be doing these types of patents.

Companies looking to be acquired often try to quickly build up a patent portfolio concentrated around their core business. The goal is to help increase the value of the company by assuring suitors that the business will not be wiped out by a patent lawsuit the day after the company is bought and that there are still plenty of new products for the company to build based on the patents they hold.

Encouraging patent filings

Companies that want to start building their patent portfolio need to offer incentives to their employees to encourage them to submit ideas to be considered for patenting, and they need to create a process to support the review of the incoming ideas.

This usually involves a patent committee, typically comprising the CTO, CLO, and CMO, to formulate the corporate patent strategy and review and select submitted ideas for drafting into patent applications.

It also includes an incentive program, where employees receive a bonus if one of their ideas is selected for filing, and another bonus when the patent is issued. One of my previous employers paid \$2,000 on filing and \$3,000 on issuance.

As a product manager, you will not have to write any of the patent applications yourself (see “Anatomy of a patent application” in the accompanying article). You will generally be working with patent attorneys or agents who will draft your patent applications. You should review the applications, however, to ensure that they capture the important points of your invention.



The patent system “added the fuel of interest to the fire of genius, in the discovery and production of new and useful things.”

— **Abraham Lincoln**, *Second Lecture on Discoveries and Inventions* (Feb. 1859)

Removing creative restraints

Patents provide a unique opportunity for product managers. While writing requirements or brainstorming, I am invariably bound by the reality of my product, including development capacity, the current architecture, and the release cycle. As much as I try not to be bound by these things, they impact my thinking, to at least a small degree, when considering the future of the product.

As I have started to file patents over the past few years, however, my thinking has changed: When considering a patent, the reality of the product does not matter. I am free to think up whatever cool feature I want—without regard to how hard it is to execute or what my developers have to do first. In fact, I’ve patented things that I don’t think my company will get to for several years, but that I know will be market dominating features when the time comes.

Sometimes when I come back to reality after spending time thinking about the patents rather than product, I actually decide to change the product plans because I’ve thought of something new that is so great it overshadows the things I had planned during the normal process.

In addition to this blue-sky thought process, I evaluate every requirement I write for “patentability.” Each time I write a requirements document, I list the requirements that I think are novel and not obvious and then select the ones from there that I want to forward to the corporate patent committee for consideration.

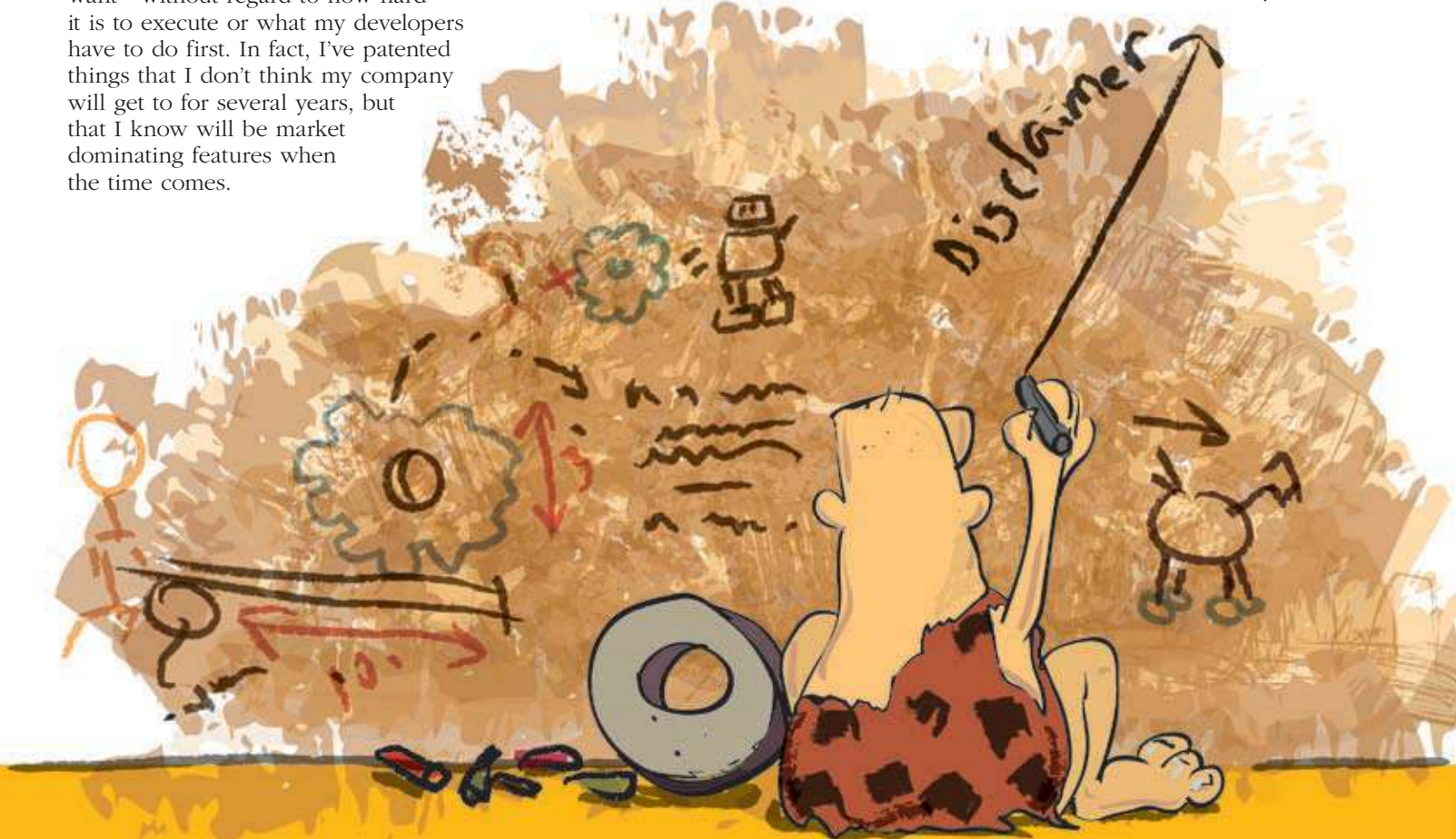
Making patents a part of every product plan

In the past, I have been frustrated as a product manager by having many great ideas, but only seeing a few implemented. Patents are a terrific creative outflow that gets my ideas down on paper so that, even if they can’t be implemented right now, my ideas are protected so we will have an opportunity to implement them later.

Patents are a new area for many product managers, but they are increasing in importance and should be a part of every product plan.

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This is not legal advice.
For legal advice, please consult
an attorney.



Tod DeBie is a professional product manager with over 12 years of product management experience in both enterprise software and web commerce companies. Prior to his product management experience, Tod worked in several other roles, including engineering, quality assurance, technical support and product marketing. Currently, he has 15 patent applications at the USPTO, and several more on the way. Tod can be reached at tod_debie@hotmail.com

Agile Market Requirements

By Steve Johnson

"The product shall." Market requirements typically define the problems your product will address using a formal, stilted language known to all technology people. For some reason, the verb shall be "shall"—not "should" or "will" or "must" or "it'd be neat if." Maybe it goes all the way back to the Ten Commandments: You Shall Honor Thy Father and Mother; You Shall Not Murder; You Shall Not Steal. You Shall Not Write Requirements Without the Verb Shall.

I've completely given up on formal requirements. We're just terrible at writing them; and, still, the development group wants more detail—and more and more and more.

The requirement is the problem

Product managers write horrid requirements that are littered with buzzwords, ambivalent language, and non-specific performance parameters. They read like somewhat-technical marketing hype. And developers have to make sense of the requirements. They complain, "I cannot program to these requirements."

And they're right.

So product managers try to become more specific by writing what I call ReqSpecs. Part problem, part implementation—and impossible to use. Developers then complain, "Don't tell me how to do my job," because the requirement now explains how the feature should be implemented.

And they're right again.

Developers say they cannot program to Product Management's requirements. And they're right. What they need is a functional specification. ReqSpecs don't solve the problem. →



Let's clarify some terms.

A *requirement* is a short statement of the problem.

A *specification* is a detailed description of how to solve the problem.

Alan Cooper, often called “the father of Visual Basic” and an expert in interaction design, argues that most projects fail because they do not have a spec at all. This is because most companies do not have product designers or architects. Product managers create desired feature lists; developers write code. But neither the product managers nor the developers are designing anything. Would you hire a carpenter to design a house? Of course not. You would hire an architect. Yet programmers often write complex software products without a design.

Cooper suggests we add a role that is new to most Development organizations: the product designer. The designer analyzes the problems described in the requirements and then creates a specification, at a functional level, to describe how the problem can be solved with the product. The designer delivers a recommended approach to solving the problem, serving as the bridge between Product Management and Development.

What's a requirement?

In eXtreme Programming (XP), a requirement fits on an index card and is delivered in the form of a story. This requirement also comes with an implicit “agreement to discuss,” so that developers fully understand the problem.

Rather than being in the requirement, implementation details must be in the specification. A specification is the designer's intended implementation to solve the problem.

In his excellent series on “Painless Functional Specifications” (www.joelonsoftware.com), Joel Spolsky, CEO of Fog Creek Software, writes:

“...on any non-trivial project (more than about 1 week of coding or more than 1 programmer), if you don't have a spec, you will always spend more time and create lower quality code.

“A functional specification describes how a product will work entirely from the user's perspective. It doesn't care how the thing is implemented. It talks about features. It specifies screens, menus, dialogs, and so on. A technical specification describes the internal implementation of the program. It talks about data structures, relational database models, choice of programming languages and tools, algorithms, etc.”

So, a requirement states the problem; a specification states the solution. Spolsky defines two kinds of specification: functional, which is the intended approach to solving the problem; and technical, which is a detailed internal implementation.

In the end, we all have a critical role to play:

- The product manager finds and quantifies market problems, articulating them in the form of requirements.
- The product designer writes a functional specification describing the approach to solving the problem.
- The product developer creates a technical specification that fully describes how the functional specification will be implemented.

Why the waterfall fails

Every company and every consultant has a laundry list of acronyms for the documents that must be produced: BRD, MRD, PRD, SRS. Enough already! There are only a few documents required: the problems (the basis of the market requirements document) and how we will solve them (a product specifications document).

In the old days, tech companies followed the “waterfall” model: Documents moved downstream one department at a time, from requirement to specification to build to test. But the final result—the product—looked nothing like the requirements. Product managers were always surprised in the end.

The waterfall approach fails. What’s missing from the waterfall is collaboration and iteration.

Imagine going to a college seminar and not being able to ask the professor any questions! No matter whether or not you understand it, you’re being tested on the lecture without being able to clarify any of the professor’s points. How likely are you to do well in that course?

And now imagine that college ends with a single exam—without any tests along the way. In four or five years, you sit through 60 or more courses—ranging from Western Civilization to a foreign language to biology to women’s studies to macro economics to business law to volleyball. Now take a single exam to receive your diploma. No one could pass such an exam!

Isn’t it the same for products? Imagine a software development effort that takes multiple years to deliver—without any opportunity to test your progress along the way.

Just say “No”

Years ago, I joined a product team that was entering its third year of programming *without a product release*. Everyone on the team was despondent. Over the course of two or three years, every role had been filled more than once. Long ago, they had lost any hope of succeeding, and all of them were looking for jobs elsewhere.

I took one look at the requirements and saw the problem: The executives were constantly adding new requirements. Every week brought new features to the list—and features were being added to the list faster than they could be programmed into the product. The solution was simple: Someone—and that someone was me—had to stand up to the executives and tell them to stop! We were no longer accepting requirements for the next release. Here’s how we did it.

I worked with the development lead to make a comprehensive list of requests from our customers, executives, and sales people. We estimated the effort for each request and put them all into a spreadsheet. It showed we had requests for more than 10 years worth of programming to do. I noted the contractual commitments that were pushing the strategic priorities to later in the roadmap. I showed the executive team the ramifications of their decisions.

We needed someone to say “No” to change. And I accepted the role.

The Capability Maturity Model Integration (CMMI) defines the level of discipline in a company on a scale of 1-5—from anarchy to nirvana. Wikipedia describes CMMI Level 1 this way:

At maturity level 1, processes are usually ad hoc and the organization usually does not provide a stable environment. Success in these organizations depends on the competence and heroics of the people

in the organization and not on the use of proven processes. In spite of this ad hoc, chaotic environment, maturity level 1 organizations often produce products and services that work; however, they frequently exceed the budget and schedule of their projects.

Sound familiar? Does your company rely on the “heroics of the people in the organization” to deliver products? Most companies I encounter need a little more discipline. And they need it in the executive team—not the rank and file. Someone needs to be there to reject all change requests.

I frequently take the Acela train from Washington, DC to New York City. It leaves every hour, on the hour, and arrives in New York three hours later. Every time. Because once the train leaves the station, no one changes its destination. Like it or not, you’re going to New York.

Building products is like moving a train. It takes a long time to get everyone organized; it takes a long time to get started; and, most of all, it is virtually impossible to change direction once the train has left the station. And the good news is that there’s another train in an hour.

Agile is happening

The brilliance of agile development is that we break the job into small chunks, work for two weeks (or four), and deliver *something*. New requirements can always be added to the next chunk of work since we’re starting a new iteration soon.

Agile teams are designed to deliver small amounts of functionality with rapid iterations. Every two weeks, they deliver another product feature that could be released to the customers. Agile teams are designed to help companies be more responsive to market needs.

Or are they?





I Shall be Agile.

Agile is often an attempt to manage our executives rather than to be more responsive to the market. The executives keep changing their minds, adding new feature requests, flip-flopping on issues. The agile approach of development is a technique in forcing executives to choose.

Agile development isn't so much a new approach to programming as it is a response to bad management. In the past, we spent too much effort documenting exactly what would be delivered before a line of code was actually written. We wasted too much energy getting precise estimates long before those estimates could be considered reliable.

Everyone in Development knew these methods weren't working. But management didn't know. So developers became increasingly frustrated with the planning process. Management enforced dates that no one believed; management required detailed documentation and schedules long before the details were known. No wonder developers were frustrated.

Long ago, we used to be agile. A customer would ask for a report, and we'd show up with 132-character wide grid paper to design the report. "Company name? Okay, 40 characters plus a space is 41. Invoice date? Six characters plus one space. What else?"

Then computing became a key part of every part of the business world. And the head of Development wanted to know how long you'd be working in Accounting because the Manufacturing project needed your skills, too. And customers wanted to know how much the report would cost before they committed to the cross-department billing. And then HR wanted to know how many actual hours were spent in each area for internal billing of your time. These are all legitimate requests, aren't they?

Working as a developer in a business involves working as a business—which means sourcing and scheduling highly skilled workers.

The big problem agile development is trying to address is not so much that management is bad; it's really that management is *early*. They want to know too much too soon...long before the development team actually knows. They ask for estimates, get our guesses (and they are guesses), and then announce delivery dates for the project.

Management mandates rigor and precision before the scope of the work is truly understood. "How long would it take you to build it?" "Well, that depends on what it is, doesn't it?" "Yes, but give me a date anyway." Management over-commits Development all the time.

Developers see the product managers as senior management's police force. And I have to admit that this is somewhat legitimate. Haven't many product managers imposed dates on projects they didn't truly understand? Haven't many product managers enforced process and documentation beyond what is necessary?

So finance people and sales people and marketing people are making scheduling decisions for development projects they don't understand based on inadequate information. Sounds like a recipe for disaster. And it is. Thus, agile development was born!

Where does product management fit in agile?

One of the key aspects of agile programming is an onsite customer. While this makes sense in a custom programming environment where customer and developer are in the same building, it's unworkable for vendors. How do you have an onsite customer in a vendor model?

Answer:

The product manager serves as the customer representative in planning and requirements definition.

Building a repeatable product requires feedback from many customers, not just one. So someone needs to aggregate the requirements from many sources into a single coherent set of requirements. Answer: The product manager defines the requirements and the product roadmap for a market of customers.

Delivering a product to a market of customers requires synchronizing the software, hardware, services, documentation, promotional programs, and sales tools to present a complete product to the marketplace. Answer: The product manager must integrate all schedules, so we can deliver and support the product in the market.

As product managers, we should support the ideals of agile development. We want some process, but not too much process. Small iterations give us more flexibility to adapt to change. Team collaboration means less time is spent documenting, leaving more time for doing.

We want to assist the team in delivering a complete product to a market and creating a product that people want to buy. Whether the product manager uses an Excel spreadsheet or a bunch of index cards wrapped in a rubber band, it's imperative to maintain a prioritized set of market problems to be solved in the next product iteration, as well as a vision for future product generations.



Successful product teams are agile, combining collaboration with small iterations. The key to any agile team is building products that people want to buy. To do that, an agile team needs a messenger for the market, a product manager who thoroughly understands the problems facing today's customers. In agile programming—and frankly in any programming model—the effective product manager serves as representative of a market of customers. **TPM**



Steve Johnson is an expert in technology product management. He works for Pragmatic Marketing as an instructor for the top-rated seminars Practical Product Management, Requirements That Work and Pragmatic Roadmapping. Steve is a frequent presenter at technology marketing forums throughout the United States and Europe, author of many articles on technology product management, and the writer of the ProductMarketing.com blog. Contact Steve at sjohnson@pragmaticmarketing.com

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Problem Solving:

It's All About Smart(er) Questions *By Nilofer Merchant*

How many times have you jumped straight to the resolution of a problem, only to realize later that, if you had first asked questions and listened, you could have come up with a far better solution?

In my experience, the answer isn't in the solution—it's in the questions. Smart questions define problems well and lead to a clear vision of the issues involved. When that occurs, it's easier to run through multiple scenarios to their conclusion and find the best answer that leads to growth and profit.

Are problems ever good?

A problem can be a real break, a stroke of luck, opportunity knocking, even a chance to get out of an everyday rut and make yourself or some situation better. Sometimes, problems arrive as a result of external factors or bad events—but not always.

Any new awareness that allows you to see possibilities for improvement brings a “problem” for you to solve. This is why the most creative people are “problem seekers,” looking for a solution, rather than “problem avoiders.” Most folks in business are

people who like to solve problems. They love untying complex knots—the bigger and tougher, the better.

A problem is the difference between your current and desired conditions. It can result from new knowledge, or it might come from an unfulfilled dream. When you identify the difference between what you have and what you want, you have defined your problem and can begin to develop a plan to achieve your goal.

Half the battle is learning to spot the problem with clarity

Developing a positive attitude toward problems will transform you into a happier, saner, more confident person who is in more control of your life. Train yourself to respond to problems with enthusiasm and eagerness—view them as an opportunity to show your stuff—and you'll be amazed at the results you will generate.

The difference between success and failure is knowing that you'll solve the “real problem.” For example, most executives know when something is wrong. But few correctly perceive the actual issue that needs to be solved.

Here are several methods that will help you spot the real problem with clarity.

Sonar helps dolphins see; questions help people discern

Dolphins use sonar to “see” in murky or dark water. They send out a click sound and wait for the echo to return. Once they have enough echo responses, they can navigate, find prey, and avoid obstacles and predators.

Questions are the business equivalent of sonar. Asking the right question will help you find your way through a problem, locate the right customers, avoid future difficulties, and outperform your competitors. Questions also act as a filter that will help you decipher the key elements of a situation.

Tough business situations require deep assessment. To reach a solution, finding answers to the “What?” (What is broken... is working...needs improvement...must be changed... will have the biggest impact?) and the “Why?” (Why did this happen... have we been using this process... is our customer considering the competition... are we losing this market... is our product third instead of first?) is critical. →

What questions matter?

Asking a series of clear questions leads to precision. When questions are developed with this result in mind, they will generate a natural sorting and sifting during the discovery process. You will focus your research process to gather only the specific evidence you require, only those facts that illuminate the main question at hand. This focus makes it harder to get lost in the process or mistake the peripheral for what is central.

Unfortunately, most people don't take time to frame the questions beforehand or to ask questions in layers. Effective questions are powerful and thought-provoking. They are open-ended and not leading. They are more often "What?" or "How?" questions—rather than "Why?" questions. "Why?" questions are good for soliciting information, but can make people defensive—so be thoughtful in your use of them. Also, to be an effective questioner, wait for the answer—don't provide it yourself.

It's about a shared understanding

When working with other people to solve a problem, it's not enough to describe the problem to them; they need to understand it for themselves. You can help them do this by asking questions that lead them to think about the topic. This requires you to listen. Let go of your personal biases and assumptions. Find out what the person you're interviewing knows about the problem.

A great opener to any new project is: "What do you think is the problem?" Behind effective questioning lies the ability to listen to the answer and suspend judgment. This means being intent on understanding what the person is really saying. What is behind their words? Fear? Excitement? Resistance? Let go of your preconceptions so they don't block you from learning more information. Gather the facts, then pay attention to your gut for additional data.

When you ask smart questions, you will:

- Connect with people in a more meaningful way
- Understand the problem with greater depth
- Defuse volatile situations
- Get cooperation
- Seed your own ideas
- Persuade people to work with you because you've gained their confidence

Most important, you will be able to work through and discard a series of possible solutions. They'll lead you to the one best scenario that you'll implement. Using this method, you'll increase the likelihood of developing the right answer to the problem—and increase your knowledge base at the same time.

Powerful questions are the path to clarity

Here are some examples of questions you can use during the inquiry phase to enhance your understanding of the situation:

"What seems to be the trouble?"

"What concerns you the most about _____?"

"What is holding you back from _____?"

"What seems to be your main obstacle to _____?"

Ask customer service: "What makes customers angry enough to contact you?"

Ask sales people: "What is contributing to lost deals?"

Ask product management: "What do you make of _____?"

Ask the channel: "How do you feel about our company's pricing for _____?"

Ask customers: "What would make this product more appealing?"

To probe deeper, ask these follow-up questions:

"What do you mean by _____?"

"Tell me more about _____."

"What else?"

"What other ways did you try so far?"

"What will you have to do to get the job done?"

"Is there something I should have asked that you need me to know?"

Engage people to solve the problem. And always, no matter what, ask people how they would solve the problem.

"How do you want _____ to turn out?"

"What do you want?"

"What is your desired outcome?"

"What benefits would you like to get out of X?"

"What do you propose?"

"What is your plan?"

"If you do this, how will it affect _____?"

"What else do you need to consider?"

TPM



Nilofer Merchant is an advisor, writer, conference speaker and the CEO and founder of Rubicon Consulting, a strategy and marketing consultancy designed specifically for the needs of tech companies. She and her team of principals and staff have launched nearly 100 products, created five developer platforms, designed 18 channel vendor programs, run numerous user influencer marketing initiatives and defined more than 30 new markets. To contact Nilofer, visit her blog, www.winmarkets.com or email her at nilofer@rubiconconsulting.com

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 April 9.....San Francisco, CA
 April 23.....San Francisco, CA
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