

INTELLECTUAL PROPERTY

Attorneys in our Intellectual Property group counsel clients in acquiring and protecting the trademarks, copyrights, patents and trade secrets that can be a business's most valuable assets and in avoiding and defending against infringement charges that can create roadblocks to doing business. As advisors to local, national and international businesses, our broad experience ranges from traditional brick-and-mortar enterprises to the digital world, including software and the Internet.

Rights Development and Acquisition

Cole Schotz lawyers assist clients in selecting the trademarks, service marks and trade names that will represent their brands and the valuable goodwill they have developed along with their products and services. We advise clients on the legal strengths and weaknesses of their mark selections, conduct clearance searches for conflicting marks in use by others and creatively counsel clients on their options and alternatives. Once a mark or trade name is selected, our attorneys prosecute registration applications and maintain portfolios of marks and trade names to ensure our clients' rights remain protected, deter potential infringement and enhance the value of our clients' goodwill and name recognition.

We also assist clients in securing copyright protection for their original writings, music, art, and other copyrightable works. We advise on copyrightability and assist our clients in registering the copyrighted works, a prerequisite to the pursuit of infringers in court.

We are experienced in counseling clients on patent rights development, from creating plans for identifying potentially patentable inventions to assessing what type of patent protection best suits their ideas.

Enforcement, Dispute Resolution and Risk Avoidance

Intellectual property disputes can be mission-critical and mission-crippling.

Our intellectual property attorneys help clients avoid disputes before they arise and find creative ways to nip conflict in the bud, saving clients substantial resources in the long term. We keep in close contact with our clients and stay abreast of their business developments to provide counsel when initial decisions on intellectual property issues are being made. Whether through the selection of what legal rights to pursue, analysis of business plans or corporate due diligence, we help our clients avoid risk.

When our clients' trademarks, copyrights, patents or trade secrets are infringed, or our clients are accused of infringing rights of others, our attorneys strive for efficient and favorable resolutions, aggressively litigating when necessary to protect our clients' interests and vindicate their rights. Our attorneys are experienced litigating in state and federal trial and appellate courts and in

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administrative proceedings throughout the country, including the Federal Circuit Court of Appeals, which handles all appeals in patent cases, and the Trademark Trial and Appeal Board.

Transactions

A company's intellectual property can result from "home grown" original works, brainstorming and brand-name ideas, but it can also be bought, sold, licensed and franchised.

Our transactional lawyers regularly advise and assist clients in all nature of intellectual property transactions, including licensing, acquisitions, divestitures, and lending transactions using intellectual property as collateral.

In addition, our attorneys advise our clients on website development and hosting agreements, terms and conditions of use statements, disclaimer statements, privacy policies, domain name registration and matters relating to the protection and assignment of domain names.

We also have expertise drafting, reviewing and negotiating software license and development agreements and advising on source and object code escrow arrangements.

REPRESENTATIVE MATTERS

- Represented international dietary supplement manufacturer in patent infringement case brought by alleged inventor of supplement formula.
- Representing real estate investment company in defense of patent infringement accusations stemming from a real-estate tax patent.
- Represented sales representative for foreign factories in trademark dispute with United States trademark owner for popular garment brand.
- Represented distributor of gifts and accessories in copyright infringement case against national retailer.
- Represented real estate management company in challenge to its trademark by national developer.
- Represented health and wellness company in challenge to trademark registration application in United States Patent and Trademark Office.
- Represented national bridge loan lender in cancellation proceeding in United States Patent and Trademark Office.
- Represented software developer in license agreement with a Fortune 100 company.

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- Represented cosmetic and fragrance company in the negotiation of several trademark license agreements with public figures and international brands for the launch and branding of new fragrance lines.