

Intellectual Property

Our intellectual property lawyers bring a wealth of experience to their representation of clients in a broad spectrum of IP matters to create and protect each client's valuable IP assets. We understand the importance of IP as a driving force behind the success of a business.

How We Can Help

We regularly assist clients with drafting and prosecuting U.S. and international patent and trademark applications, filing copyright registration applications, performing due diligence reviews and analyses for deal flow and litigation, analyzing and drafting infringement or validity legal opinions, advising on trade secret matters, and protecting IP assets or avoiding infringing the IP rights of others. Our IP litigators have litigated patent, trademark, copyright and trade secret cases in state and federal courts and at the appellate level and have counseled clients in numerous adversarial matters before the U.S. Patent and Trademark Office.

Our lawyers have experience representing clients in industries including information technology (IT), telecommunications, software, computer security, data systems, control systems for industrial processes, manufacturing processes, fintech, artificial intelligence (AI), retail, consumer products and services, biomedical products, advertising, media and entertainment, and education.

Our Services

Portfolio Development and Strategic Counseling

We represent companies across a broad range of industries to develop IP strategies to align with business goals and to protect commercialized IP within competitive landscapes. Our lawyers counsel clients through all stages of the product development lifecycle and work directly with in-house legal, technical and marketing teams to build new patent, trademark and copyright portfolios and to evaluate the scope, strength and enforceability of existing portfolios. We are routinely engaged to secure, maintain and enforce U.S. and international patent, trademarks and copyrights.

Clearance and Opinion Analyses

On behalf of clients, we evaluate patents, trademarks, copyrights, trade secrets, marketing and advertising, privacy rights, publicity rights, entertainment law, and other forms of IP. We develop legal opinions in the areas of patent infringement and right-to-use, patent validity, patentability, global branding strategies, trademark and trade dress right-to-use, trademark and trade dress right-to-register, trademark and trade dress infringement, trademark dilution, domain name rights, internet brand protection, cyber rights, copyrights and trade secrets.

Understanding, leveraging and protecting client innovations, our team recognizes licensing opportunities, maximizes IP portfolio potential and assists in devising effective business and marketing strategies and infringement protections. We counsel clients throughout the life cycle of their innovations, from idea development through IP portfolio management,

providing infringement analysis, evaluating licensing arrangements, conducting due diligence investigations, resolving disputes and engaging in strategic enforcement efforts, including the use of reexaminations, inter partes reviews (IPRs) and reissues.

Enforcement and Litigation

Not only is IP among a company's most valuable assets, but it is also often critical to its success. Clients rely on our knowledgeable litigators when their IP interests are threatened. We represent clients in patent, trademark and copyright infringement as well as trade secret misappropriation cases.

Our lawyers also represent clients in enforcement and litigation concerning Uniform Domain-Name Dispute-Resolution Policy (UDRP) arbitration, Digital Millennium Copyright Act (DMCA) takedowns, and other complaint channels to ecommerce platforms in pre-litigation dispute resolutions and negotiated settlements, federal and state courts, U.S. Patent and Trademark Office ex parte and inter partes proceedings, and appeals before the federal circuit courts of appeal.

Media, Entertainment and Advertising

Our lawyers counsel advertising and marketing agencies, talent, artists and art galleries on protection, licensing and enforcement of IP rights. We work with talent and producers to develop projects, including addressing union issues, options, life rights and production agreements as well as brand management, publicity, sponsorship, merchandising, licensing and distribution agreements.

Transactions and Due Diligence

We are engaged in IP transactions and due diligence for deal flow, including drafting and negotiating licenses, assignments and IP-related provisions of general business transactions; and undertaking IP due diligence analyses of business, asset and IP portfolio sales and acquisitions.

Copyright Procurement

Whether copyrights are central or peripheral to a business, they impact every business entity, and our lawyers assist clients in navigating the complexity of copyright law. We assist large and small companies, universities and individuals to obtain copyright registrations, and have counseled clients in resolving copyright ownership issues. Our team also advises clients seeking to enforce their copyrights against infringing entities and represented clients in defense of claims of infringement.

Licensing

Our lawyers help clients formulate, implement and execute worldwide IP optimization and protection strategies. We assist IP owners/licensors, creators and licensees in structuring licensing arrangements to secure their competitive advantage. The team is adept at employing licensing arrangements to help clients avoid costly litigation and settle IP infringement lawsuits. We have assisted organizations and companies of all sizes across industries in granting and obtaining IP license rights, including patent and technology licenses, trademark and branding licenses, software licenses, subscription agreements, software as a service (SaaS) and the like, handling all aspects of IP acquisition, protection, optimization and enforcement.

Patent Litigation Financing

We conduct extensive evaluations to determine the holistic strength of a case — including patent validity in view of prior art, infringement analysis, damage assessment, venue selection, risk exposure to IPR and ex parte reexamination, among other key issues in patent infringement litigation — and advise litigation funders and other stakeholders in funded litigation. We assist clients in identifying sources for litigation financing for patent infringement cases, whether for single claims or a portfolio of claims. We assist in all facets of funding deals, from early-stage negotiations to agreement terms to compliance with disclosure laws.

Establishing Patent Rights

Our team is well-versed in patent preparation, prosecution, litigation and business transactions. We are skilled at patent portfolio management, patent enforcement and assessing, and helping clients leverage licensing opportunities. We are intimately familiar with the most prevalent patents recognized under U.S. patent law: utility patents and design patents. In each

instance, our lawyers will evaluate the client's business environment to develop a patent strategy that best benefits that business. As patent prosecution counsel, we obtain the broadest scope of protection and enforceable rights for our clients' innovations. We have also prosecuted and obtained design patents for many clients and have been engaged in reexamination and reissue cases in the United States and in opposition in Europe.

Establishing Trademark Rights

Our lawyers assist clients with trademark procurement during the selection, screening and clearance steps by reviewing detailed search reports and providing opinion analyses based on the search results. We draft and prosecute trademark applications before the PTO and, through our network of global associates, many international trademark offices. We both commence and defend opposition and cancellation matters before the Trademark Trial and Appeal Board (TTAB). Where infringement litigation is necessary to enforce a client's trademark rights against others, or litigation ensues against a client, we have successfully represented clients in commencing or defending trademark infringement claims.

Trade Secrets

Our team helps clients protect their IP assets from inadvertent and intentional disclosure and misappropriation. Our lawyers devise comprehensive trade-secret protection policies and protocols that prevent disclosure and misappropriation of trade secrets, and we protect our clients' legal interests in the event of misappropriation. Working closely with our clients, we help them evaluate the assets that require protection and establish policies and best practices for protection. We also advise on the scope and enforceability of restrictive covenants; confidentiality, nondisclosure and nonsolicitation agreements; and other means to protect trade secrets and proprietary information, as well as assist in developing ways to safeguard confidential business information that does not qualify for trade secret protection.

Representative Matters

- Worked on team developing an alternative asset investment program in the area of patent infringement litigation finance.
- Reached pre-discovery settlements of nuisance patent infringement suits brought by patent trolls in the U.S. District Court for the Eastern District of Texas against a telecommunications company and the Southern District of New York against a secure Health Insurance Portability and Accountability Act (HIPAA)-compliant online therapy platform.
- Represented a banking institution in defense of a copyright infringement lawsuit brought in the Eastern District of Pennsylvania.
- Conducted FTO, non-infringement and patentability studies during research and development of numerous pet and consumer products and manufacturing systems in a competitive landscape and developed a successful design and utility patent strategy to protect valuable commercial embodiments, manufacturing systems and related white space.
- Developed a global patent portfolio for AI-enabled computer vision technology for a healthcare startup.
- Obtained a preliminary injunction on behalf of a consumer-packaged goods client prohibiting a competitor from using an infringing mark in selling its competing product.
- Advised Stadium Goods, a streetwear and sneaker resale store and e-commerce site, as intellectual property counsel in its multimillion-dollar sale to Farfetch Ltd., a publicly traded global technology platform for the luxury fashion industry.
- Represented well-known clothing and accessories designers and companies in a variety of intellectual property, corporate and litigation matters, including bet-the-company arbitration and litigation.
- Served as outside general counsel to one of the largest pet toy companies in the United States; engaged in trademark, copyright and patent registration, licensing and litigation, as well as Proposition 65 litigation and general corporate matters.
- Represented a U.S. modeling agency in connection with Federal Trade Commission and other matters.