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Intellectual Property Practice
Providing patently superior legal counsel

DykEMA

Exceptional service. Dykema delivers.

Our Intellectual Property Practice

Dykema's Intellectual Property Department is home to a group of thirty attorneys who have the breadth of legal, technical and scientific knowledge and experience, as well as the support of firm-wide resources, to counsel clients in all aspects of the procurement, management and enforcement of IP rights. We understand that patented inventions, trademark brands, copyrighted works and trade secret information are valuable assets for companies of any size. By helping our clients protect these unique assets, we help them achieve and maintain tangible competitive market advantages.

Our attorneys—more than a dozen of whom are registered with the U.S. Patent and Trademark Office (USPTO)—draw on technical backgrounds in such diverse fields as mechanical, electrical, aerospace, chemical, and computer engineering; chemistry; biochemistry and molecular biology; medical microbiology and immunology; and automotive technologies to provide exceptional representation to our clients. They have the fine-tuned know-how to deliver strategically focused, effective solutions across the life cycle of intangible intellectual property assets in virtually all industries.



Patent

Dykema's patent attorneys help clients through the complex challenges of this steadily evolving legal environment. With their strong technical and scientific backgrounds, our attorneys provide a level of insight and counsel that is both scientifically sound and strategically appropriate.

Dykema's registered patent attorneys have vast experience preparing and prosecuting patent applications. We also have well-established relationships with a global network of intellectual property attorneys and agents who help with our regular pursuit of foreign patents for our clients. Our IP attorneys routinely provide clients the full range of legal services needed by patent holders, including the following:

- Conducting patent searches, clearances and analyses
- Rendering patentability, patent validity and patent infringement opinions
- Preparing, filing and prosecuting patent applications before the USPTO and coordinating patent efforts in countries throughout the world
- Preparing patent license agreements
- Preparing and prosecuting electronic commerce (e-commerce) and business-method patent applications and evaluating potential e-commerce and business method patent threats
- Pursuing and defending post-grant attacks on patentability before the USPTO

We also have extensive experience establishing in-house patent programs that align with our clients' business goals.

Dykema's IP attorneys manage patent portfolios covering a wide-range of cutting-edge technologies, including near-field communications for medical and other devices; micro-

speakers, receivers and transducers; plastic packaging technology; and medical devices, such as catheter-based ablation devices, diagnostic catheters, mapping and visualization systems.

Trademark

Dykema's trademark practice covers the full trademark lifecycle including clearance, prosecution, licensing, sale, policing and enforcement. Our involvement often starts as early as pre-naming where we help clients develop parameters for creative development of strong and protectable marks. Later, we run and interpret searches, file and prosecute applications through registration and handle maintenance and renewals. We watch for third party use and registration of marks and domain names and design reasonable, rational and defensible policing programs to guide our clients to make intelligent enforcement strategy decisions.

Dykema trademark attorneys are among the most experienced practitioners in inter partes proceedings (oppositions and cancellations) before the Trademark Trial and Appeal Board of the USPTO. For clients with marks to protect, we monitor the Trademark Official Gazette and bring to their attention potentially problematic registrations and applications. When possible and prudent we resolve these issues without filing an opposition, or in the preliminary stages of the inter partes proceedings. However, when in our clients' best interests, we are fully prepared and able to protect our clients in litigation from inception through appeal.

IP Litigation

Dykema's team of "tremendous, well prepared" (Chambers USA) litigators helps clients manage, protect and defend their invaluable intellectual property rights and assets. Our IP litigators are skilled in setting the groundwork for successful

dispute resolution with comprehensive yet cost effective discovery and case preparation. But when “push comes to shove,” they also have the deep bench strength needed to take even the toughest cases to trial and win.

Taking an important case to trial requires a specialist—a true trial lawyer with big case experience. Fewer cases are going to trial, which means that many large firms are full of good litigators with little trial experience. Dykema recognized the need to gather a group of veteran trial attorneys to be available to try our clients’ cases anywhere and anytime. This is the Dykema National Trial Team, which includes in its membership several seasoned, winning first-chair IP trial attorneys. Our National Trial Team lawyers have taken more than 650 cases to verdict, including 89 in the past five years alone.

We boast a strong record of success in the enforcement and defense of intellectual property rights stemming from patent, trademark, licensing, internet- and technology-based infringements, as well as trade secret and unfair competition claims, false advertising, publicity rights, counterfeiting and intellectual property transfers. We have also successfully defended a number of clients in patent infringement claims brought against them by non-practicing entities (NPEs).

Defense of NPE Claims

Dykema IP litigators have defended a number of clients in patent infringement actions brought by NPEs throughout the United States. Their experience ranges from assisting clients in resolving liability before a suit is filed, as well as being retained after the institution of litigation. They have defended several NPE actions through claim construction hearings and summary judgment motions, and have tried cases through jury verdict and judicial determination in the International Trade Commission and district courts in Texas and Illinois.

In addition, the IP team is experienced dealing with other defendants faced with the same infringement claims in terms of joint defense agreements and cooperative defense strategies, effectively allocating defense resources and expert costs and minimizing duplicative attorney activities. The team is also well versed in the new USPTO procedures available to attack the validity of patent claims as an alternative or supplement to defending infringement claims in the district court.

We have defended claims brought by NPEs including Unified Messaging Systems, Traffic Information Systems, Intellectual Ventures, Innovation IP Ventures, Data Treasury, GeoTag, Phoenix Licensing, Stambler, Joao Bock Transactional Systems, Doukas, TuitionFund, Telecomm Innovations, Content Extraction and Transmission, Landmark Technology, Wolf Run Hollow and Rosenblatt Family Trust.

We serve clients around the world from our 13 strategically located offices in California, Illinois, Michigan, Minnesota, Texas and Washington, D.C. Through our practice management structure and focused Industry Groups, we not only know the law, but we also know and understand the industries in which our clients compete. Bottom line, we are attuned to the latest industry trends that affect our clients’ businesses, enabling us to provide counsel that is comprehensive, insightful and cost-effective.

Copyright

While protecting copyrights in this digital age presents formidable challenges, Dykema’s IP attorneys are up to the task. Dykema has in-depth knowledge and experience helping

owners of books and other literary works; music; motion pictures; paintings and sculpture; computer programs; web content; and architectural blueprints identify, protect and defend their copyrightable assets across the United States and throughout the world. Our scope of services is comprehensive and includes counseling clients on copyright issues and registration and obtaining copyright registrations.

Trade Secrets

Companies live and die based on their ability to protect trade secrets and customer relationships and to retain highly skilled workers. When a competitor gains access to confidential information, customer relationships, or key employees, the result can be catastrophic.

Dykema’s litigators understand the need for fast, aggressive action to protect your intangible assets and prevent the disclosure of trade secrets and other confidential information, and have extensive experience in prosecuting claims under state and federal laws prohibiting unfair competition.

That valuable experience also allows Dykema to defend against claims for violation of noncompete agreements, misappropriation of trade secrets, or other allegations of unfair competition quickly and effectively.

As in so many other areas, prevention is often preferable to litigation. Dykema’s attorneys advise employers and employees in planning for the departure or hire of employees, and in the implementation of policies and agreements to protect those intangible assets, including drafting noncompetition, confidentiality, or non-solicitation agreements.

About Dykema

Dykema is a leading national law firm, serving business entities worldwide on a broad range of complex legal issues. Since 1926, Dykema lawyers have guided clients through the myriad legal challenges to success in the business world. As that world has become ever more sophisticated, international and technologically driven, we have kept a step ahead giving our clients the edge they need to succeed.

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The Dykema Difference

What most distinguishes Dykema is our commitment to unparalleled client service. We stand behind our promise of superior service with a comprehensive set of principles and approaches developed consistent with the Association of Corporate Counsel’s Value Challenge and our own century of experience. Dykema’s Client Service Standards represent our pledge not to meet, but to exceed, client expectations. To see what Dykema can do for you, we encourage you to visit us on the web at www.dykema.com or call one of our Intellectual Property attorneys.



Exceptional service. Dykema delivers.

For over 90 years, Dykema has provided exemplary legal and consulting services to North America's greatest companies, business leaders and entrepreneurs. As our clients have grown, so have we, expanding from Midwestern roots to become one of the nation's largest law firms, with offices from coast to coast.



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As part of our service to you, we regularly compile short reports on new and interesting developments and the issues the developments raise. Please recognize that these reports do not constitute legal advice and that we do not attempt to cover all such developments. Rules of certain state supreme courts may consider this advertising and require us to advise you of such designation. Your comments are always welcome. © 2020 Dykema Gossett PLLC.