

Intellectual Property

Protecting Intellectual Property Assets

Whether you are a small start-up, large multi-national corporation, university, non-profit institution, or investor, protecting your intellectual property is crucial to ensure that your business has value. At VLP we know that developing a solid intellectual property position is essential to staying competitive in the marketplace and bringing new technologies to market. The protection of intellectual property needs to be directed, innovative, and cost-effective, and carried out with a full understanding of the competitive IP landscape.

VLP's Intellectual Property practice offers specialized intellectual property protection by attorneys who are highly accomplished in patent procurement, trademark protection and enforcement, are skilled in strategic crafting of IP portfolios, and have extensive experience analyzing complex IP matters in a wide variety of technical fields. We are a seasoned team of professionals known for delivering:

Patents

VLP's patent attorneys combine outstanding academic and professional credentials with years of experience working with clients in the fields of chemistry, medicine, pharmaceuticals, biotechnology, physics, instrumentation and engineering. We are familiar with technologies ranging from biologics, drug delivery and medical devices, to semiconductor processing, electronics and software. Our knowledge and experience also includes technologies arising in emerging fields, including stem cell technology, nanotechnology and clean technology.

Beyond our technical and legal capabilities, our attorneys leverage in-depth business and industry insights to help clients strategically align IP assets with their business goals. VLP lawyers do not just prepare and file patent applications – we evaluate existing patent portfolios, review competitive technologies and intellectual property, and analyze licensing and other technology transfer issues. Once we complete these processes, our attorneys consider the drafting of a patent application based on our extensive analysis.

With respect to foreign patent protection, our IP practitioners are well-versed in the management of complex international patent portfolios. We work closely with IP counsel throughout the world to

protect our clients' international patent rights, including the filing and defending of patent oppositions.

Our attorneys also provide guidance to assist our clients in product identification and development through commercialization. For pharmaceutical and biopharmaceutical clients, our IP practice includes attorneys who are experienced in Food and Drug Administration (FDA) related IP work for both brand and generic companies. These professionals offer a broad range of IP services, such as:

- ➔ Counseling on patent and pre-litigation strategies in light of the Hatch-Waxman Act and the Biologics Price Competition and Innovation Act.
- ➔ Preparation of patent term restoration requests.
- ➔ Filing patent submissions with the FDA.
- ➔ Handling pre-litigation Abbreviated New Drug Application (ANDA) work, including Paragraph IV submissions, preparation of notification letters, and assisting clients' ANDA litigation counsel.

For clients interested in acquisition, financing, licensing or collaboration, we provide highly relevant and focused IP due diligence services. Our team closely examines the objectives of the transaction along with issues of validity and enforceability. We also assess the competitive, technical landscape to evaluate patent strength and breadth, freedom to operate, and the offensive and defensive strategies for positioning the acquiring company to maximize exclusivity in light of its business objectives.

Trademark and Copyright

VLP's attorneys have extensive experience advising the owners of some of the world's best known trademarks regarding the protection and enforcement of their brands domestically and internationally. VLP's trademark clients range in size from Fortune 500 companies to early stage start-ups, operating in a variety of industries including banking and finance, restaurants and cafes, food and beverage, sports and entertainment, electronics, computer software and hardware, chemicals, biotechnology, textile, and consumer goods. Our trademark attorneys' expertise has been recognized by various publications, including The Best Lawyers in America® and our attorneys are active in the International Trademark Association and other IP organizations.

Our attorneys assist clients with all aspects of their trademarks and copyrights, from evaluating the availability of marks to securing and maintaining their registrations, including:

- ➔ Conducting US and foreign trademark clearance searches.
- ➔ Filing and prosecuting domestic and foreign trademark applications, including International Applications under the Madrid Protocol.
- ➔ Post-registration maintenance of trademark registrations.

- ➔ Trademark licensing.
- ➔ Oppositions, Cancellation proceedings, *Ex Parte* Appeals, and Concurrent Use proceedings before the Trademark Trial and Appeal Board (TTAB).
- ➔ Negotiating co-existence and concurrent use agreements.
- ➔ Acquiring trademarks and domain name registrations.
- ➔ Representing clients in resolution of trademark disputes.
- ➔ Assisting clients with disputes involving domain names, including proceedings under the Uniform Domain Dispute Resolution Policy.
- ➔ Advising clients regarding copyright issues, including registering copyrights with the US Copyright Office.

Practice Members

- ➔ Thomas R. Anderson
- ➔ Scott Austin
- ➔ Michel Bohn
- ➔ Dan Burke
- ➔ Ben Carroll
- ➔ Brian M. Davis
- ➔ David Goldenberg
- ➔ Edward C. Kwok
- ➔ Timothy J. Lyden
- ➔ Michael A. Morrissey
- ➔ Kurt T. Mulville
- ➔ Dianne E. Reed
- ➔ David A. Roise
- ➔ Brian R. Swanson
- ➔ David J. Thibodeau
- ➔ Andrew D. Toebben
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