

INTELLECTUAL PROPERTY

The growth of information-centered national and world economies places ideas, technology, information, and creativity at center stage in virtually every business enterprise. As a result of this growth, Intellectual Property issues have also been thrust onto center stage in commercial transactions, business planning and operations, and in business disputes. Rutan assists its clients with every legal aspect of the creation, preservation, exploitation, and protection of Intellectual Property. The Intellectual Property and Technology Group attorneys advise publicly traded and privately-held companies, start-up and emerging growth companies, governmental entities, and individual clients upon the full range of these issues. Our expertise includes development, registration, licensing, transfer, and protection of Intellectual Property, and proprietary technology.

Rutan has expertise in patents, trademarks, trade dress, internet domain names, copyrights, trade secrets, confidential information, data and information ownership, use and management, rights of publicity, rights to use personal image, likeness and identity, and closely related unfair competition, privacy, sweepstakes, social media, online services and counterfeits, advertising and antitrust issues. Our expertise in these areas encompasses formative and ongoing operational business plans, mergers and acquisitions, employment and workplace issues, competitive business practices, business environments, litigation, software and other technology licenses or transfers, marketing and advertising. We handle every kind of Internet-based activity, including Web hosting and maintenance transactions and all types of business-to-consumer and business-to-business e-commerce transactions.

Our intellectual property attorneys specialize in counseling companies with respect to numerous patent-specific issues, including patent prosecution, freedom to operate, due diligence, and portfolio management and optimization. For many companies, patents are among their most valuable assets, and therefore it is imperative to maintain strong protection over their products, markets, processes, methodology, technology, services and other proprietary information and further to protect the investments made in researching and developing that technology. A robust patent portfolio can provide a competitive advantage in the marketplace, access to new capital, and a strong offensive position against competitors.

Our intellectual property attorneys regularly assist clients with their patent preparation and patent prosecution needs, conduct offensive reviews of our client's patents to uncover potential infringement by competitors, conduct defensive reviews of any patents that threaten our clients' business interests along with legal opinions that convey our findings of invalidity or non-infringement, and conduct intellectual property due diligence for sales and acquisitions. Our patent attorneys have diverse technical backgrounds with expertise in electrical engineering, chemical engineering, computer science, organic chemistry, mechanical engineering, and biotechnology. Our patent attorneys and patent agents focus on completely understanding our client's technology and the business behind that technology to robustly protect their business interests.

Our intellectual property attorneys also think strategically when developing, maintaining and monitoring patent and trademark portfolios. We maintain a vast network of foreign associates in more than 90 countries in the world to protect the foreign objectives of our clients. Further, we work with many foreign counsels as their local US counsel to protect foreign companies here in the United States with respect to their Intellectual Property needs.

Our attorneys also represent clients in disputes relating to Intellectual Property and technology ownership and licensing, patent validity and infringement, copyright infringement, trademark infringement and dilution, trade secret theft, employment-related IP misappropriation, cybersquatting, e-commerce disputes, unfair competition, advertising liability, breach of confidence, misappropriation of character, likeness, or identity, and antitrust, insolvency, bankruptcy and insurance issues arising in connection with such disputes.

Our Intellectual Property trial attorneys have the experience to successfully conduct federal and state litigation, arbitration and mediation, and proceedings before the Trademark Trial and Appeal Board.

However, to help keep our clients out of litigation, we provide counsel and assistance aimed at preventing litigation. Such counsel includes trade secret protection programs, Intellectual Property audits, due diligence analysis of competing or prior Intellectual Property use or rights, trademark or copyright registration, and contractual protections such as licensing agreements, confidentiality agreements, work for hire contracts, noncompete agreements, and exclusive dealing arrangements.

In addition, our Intellectual Property patent attorneys have represented clients before the Patent Trial and Appeal Board in Post Grant proceedings, including Inter Partes Re-examinations, Ex Partes Re-examinations, Inter Partes Reviews and Covered Business Method Patents.

Rutan's experience and capability extends not only to those industries more traditionally associated with Intellectual Property needs, including health care, biotech, energy, manufacturing, aerospace, automotive, computer science, Internet, software, sports and entertainment, media, advertising, and telecommunications, but also to more traditionally "low tech" enterprises, such as real estate development, shopping centers, retail businesses and even local governments and government agencies.

Our Intellectual Property practice group has the depth of IP knowledge more commonly associated with boutique IP firms. Our lawyers understand the commercial issues and pressures that arise from IP disputes or related negotiations, and provide innovative and strategic solutions to deal with them. We are well-prepared to assist you in any dispute involving patents, trademarks, trade dress, trade secrets, copyrights, rights of publicity, false advertising and unfair competition and patent mismarking. Whether it is the enforcement of IP rights or defending claims of infringement, we will assist you in devising strategies designed to help you manage risk, continue growth, and protect market share.