

# McNees Intellectual Property Group

Today, the effective management of intellectual property is essential to the success of any enterprise. Whether conducting business over the Internet or launching a new product, smart companies have come to recognize how critical protection under intellectual property law is to their very existence.

The McNees Intellectual Property Law Group helps our clients navigate the myriad of legal issues arising from new and exciting developments in these areas of the law. We offer insights on how best to obtain and maintain a competitive advantage through the use and protection of intellectual property and technology. We engage our clients, learn their businesses and business plans, and use this knowledge to craft effective legal strategies.

We pride ourselves in providing cost-effective legal representation. Our hourly rates and billing methods are highly competitive compared to law firms in large metropolitan areas. We provide exceptional value to our clients.

Our Intellectual Property law Group currently consists of 22 professionals, including 10 attorneys registered to practice before the United States Patent and Trademark Office. To better serve the needs of our clients, our attorneys focus their practices in one or more of the following areas:

- **Litigation.** Our Litigation Practice handles disputes involving copyright, trademark and patent infringement claims, false advertising cases, trade secret cases, technology disputes and Internet and e-commerce suits. We have unique experience in handling injunctions and other emergency litigation proceedings. Our trial attorneys also bring to bear years of experience in jury trials.
- **Marketing and Advertising.** We consult on the selection, clearance and protection of trademarks and trade dress, and the development, ownership and protection of copyrights. Our attorneys advise clients on advertising and marketing issues, such as false advertising, right of publicity, comparative advertising and copyright infringement. We negotiate and prepare advertising, artist and talent agreements.
- **Licensing.** We are regularly involved in the licensing, sale and acquisition of all types of intellectual property. We have unique experience in dealing with trademark license agreements, particularly private label and corporate brand agreements. We have handled a wide variety of patent and technology licensing agreements. Our Group also handles entertainment licensing. For example, we controlled the branding and marketing for the thoroughbred racehorses SMARTY JONES, BARBARO, BIG BROWN and CALIFORNIA CHROME.
- **Franchise and Distribution.** We represent a large number of franchise and distribution companies, particularly in the food industry. We have considerable experience in dealing with distribution issues for food growers and processors, as well as food distributors and retailers. We assist clients with manufacturing, supply, distribution and sales representative agreements. We have been involved in the development and financing of franchise systems, as well as issues arising in the operation of franchises, such as franchisee termination issues, alternative locations, supply agreements and alternative distribution methods.
- **Internet.** We are actively engaged in the myriad of legal issues involved with the utilization of the Internet, including the development and use of websites, e-commerce matters, domain name disputes, and privacy issues.



- **Patent Practice.** The Patent Practice handles patent application preparation and patent prosecution as well as counseling clients in matters regarding patentability, validity and infringement. Each of our patent practitioners holds an undergraduate or advanced degree in chemical engineering, metallurgical engineering and material science, computer science, electrical engineering, mechanical engineering or biochemistry. This diverse technical background permits us to provide support to a myriad of industries. In addition, our patent practitioners provide advice and counseling with respect to licensing, trade secrets and confidential information.
- **Trade Secrets and Confidential Information.** We consult regularly with our clients regarding policies and procedures for protecting trade secrets and confidential information. We draft and negotiate secrecy and confidentiality agreements for numerous types of relationships, transactions and situations. We work closely with our firm's Labor and Employment Group in drafting inventor agreements, employment contracts, and independent contractor agreements where trade secrets are a critical issue. Our Litigation Division has substantial experience in enforcing confidentiality and noncompete agreements.
- **International Matters.** We consult with clients on all aspects of international intellectual property protection and are regularly involved in international transactions involving intellectual property, and technology licensing and transfer. We assist clients in penetrating new markets through distribution and sales representative agreements.
- **Technology and Software Services Counseling.** We assist our clients in the acquisition, protection and licensing of software and technology services. Our attorneys are experienced drafters and negotiators of both traditional software licenses and modern technology service provider agreements including software as a service (SaaS), platform as a service (PaaS) and infrastructure as a service (IaaS) agreements. We understand that concerns over data security, data privacy (e.g., HIPAA, EU Privacy Directive), data return, transition services, and service level guarantees represent issues which are paramount in a technology service agreement. Our experience gives our clients an advantage when drafting or negotiating any agreement involving software or technology services.

Recognizing our clients' needs for comprehensive counseling, we strive to understand their businesses and objectives, thereby providing greater value. We are able to draw upon resources in numerous other important areas, such as corporate law, financing, mergers and acquisitions, telecommunications regulation and labor and employment. Our ability to assemble the right intellectual property law team for each project enables us to effectively advise established companies, start-up ventures and individuals.

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