

COMMON IP PITFALLS & HOW TO AVOID THEM

I. Patents

- Selling product without patent protection
- Selling product without clearance
- Unprotected disclosure of Confidential Information
- Implications of accepting Confidential Information
- Unintended Joint Invention
- Patent vs. Trade Secret protection
- Patent Reform: Impact and Strategy for Emerging Business
 - First-Inventor-To-File
 - Prior User Rights and Other Defenses
 - Post-Grant Challenges
 - Third Party Submissions
 - Patent Marking
 - Patent Fee Reduction for “micro-entity” Applicants
 - Expedited Proceedings
 - Timing of Implementation

II. Trademarks and Brands

- Perform appropriate clearance before adopting brands and company names
- Select strong, “ownable” company names and brands
- Consider domain name and Internet implications
- Seek trademark protection in key jurisdictions
- Federal trademark application issues
- When to send a cease and desist letter

III. Copyright

- Using copyrightable material created by others for advertising or marketing purposes
- Using copyrightable material created by others in your product designs
- “Fair Use” exemption

IV. Developing and Protecting Software

- Developing and protecting code
- Using open source software
- Licensing