



INTELLECTUAL PROPERTY

At Diamond McCarthy, we know the value of intellectual property to a client's bottom line. We help maximize the potential of this asset by acting as strong advocates so that clients can establish, protect and exploit their rights.

Our team of litigators, appellate lawyers and arbitrators help clients defend and protect a wide range of IP assets. Our representations include cases involving patents; copyrights and trademarks; pre-litigation counseling; trade secret ownership and misappropriation; employment agreements; unfair competition; and the many valuation and ownership issues that arise when businesses dissolve or restructure.

Our experience involves serving as trial counsel in high-stakes patent infringement litigation, counseling clients concerning numerous IP matters, and providing legal analysis of validity, infringement, and freedom to operate issues. This work has encompassed a vast array of technology areas, including medical devices, polymer products, computer and networking equipment, consumer products, electronics equipment, industrial equipment, pharmaceuticals, software, and various mechanical devices. Our practice area expertise also includes work in post-issuance review proceedings, Board appeals, and *ex parte* prosecution before the United States Patent and Trademark Office, as well as client counseling regarding IP strategy and portfolio development.

In addition, Diamond McCarthy has assembled a strong product brand protection litigation team. We advise clients on best practices and strategic initiatives related to brand protection with respect to trademark infringement, gray market issues, product channel distribution systems, licensee and partner contract issues, audit rights, contributory infringement, and other issues impacting the protection of company brands, sales and profits. Our practice group uses a global approach to problem solving in this area including cross-border analyses and litigation. In addition, we not only consider traditional approaches to brand protection that typically involve cease and desist and injunctive relief remedies, but we particularly focus on the potential for affirmative recoveries and "outside the box" creative thinking in addressing the conduct that threatens our clients' brands and profits globally.

Our clients and cases are diverse. We represent various luxury brands including Bremont, luxury English watches/chronometers, Proenza Schouler, high end Italian/American high fashion women shoes, handbags and accessories, and Tourneau, luxury watches.

Our attorneys defended Samsung Electronics Company against claims of misappropriation of trade secrets and employee raiding. We helped the musical group, Dixie Chicks, pursue a trademark infringement dispute with a national greeting card company. We also defended Ball Aerospace & Technology Corp. against a competitor's allegations that our client stole trade secrets and engaged in employee raiding. In patent infringement litigation, our lawyers have represented a wide array of businesses and institutions including the Massachusetts Institute of Technology (MIT), W.L. Gore & Associates, Methode Electronics, Feit Electric Company, internationally respected cardio-thoracic surgeons at New York University (NYU Medical Center) and others. We often joint venture these cases with patent prosecution counsel with whom we have worked

for many years.