



# TOP THREE PITFALLS

**to Avoid Now to Protect Your  
Intellectual Property from Theft**

**STAN GIBSON**

Chairman & Partner

Patent Litigation Group, JMBM





# THE UNPREPARED MARATHON

- Assumed it was **easy**
- **Hoped** for the best
- No preparation for **challenges** (chafing!)
- Barely finished

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# IP PROTECTION IS LIKE A MARATHON

- Many businesses **hope** for the best
- See others succeeding & think it's **easy**
- Try to **figure it out** as they go
- Surprises when **unprepared**



**“We can lose the IP that matters MOST to our business if we’re not prepared.”**



“

I am Stan Gibson and I believe  
that preparation of your  
**intellectual property** is the  
most important way to protect &  
**MAXIMIZE THE VALUE OF**  
**YOUR BUSINESS**

”



# IN THE NEXT 30 MIN...

## 1 Ownership Protection:

Assignment  
Agreements



## 2 Brand Protection:

Trademark &  
Trade Dress



## 3 Technology Protection:

Patents





# ASSIGNMENT AGREEMENTS

Employees

Consultants &  
Contractors

Business  
Partners

Manufacturing  
Partners

- Make sure you **Own What You THINK You Own**™
- Important provisions in **employment** agreements
- Review agreements & make sure **IP assignment** provisions are clear

## Key Language

“Hereby do and agree to assign...”

Investor  
Opportunities

Potential  
Buyers

Licensing &  
Royalties



# BRAND PROTECTION

Trademarks

Trade  
Dress

Trade  
Secrets

Patents

- Make sure no one else can use **your brand**
- **Differentiate** between trademarks & trade dress
- Identify key brands in your company that **need protection**



Plaintiff's Flower



Defendants' Flower

Sandblasted Finish

Polished Edge

# TECHNOLOGY PROTECTION

Design  
Patents

Utility  
Patents

- Protect your technology to increase **business value**
- Make sure your inventions are **not copied or stolen**
- **Patents** protect your inventions & ideas
- Identify technology that you should patent **quickly**

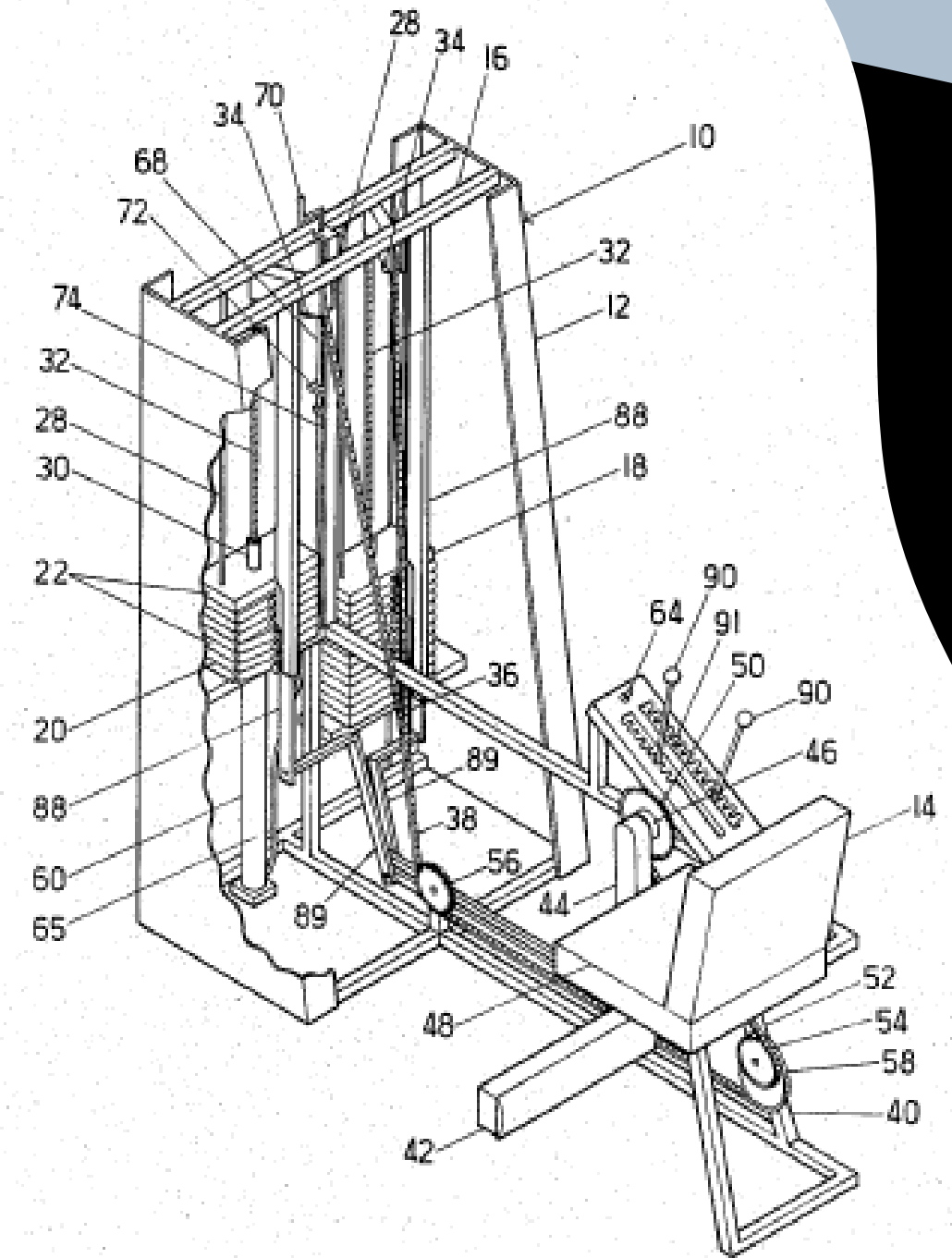


FIG. 1

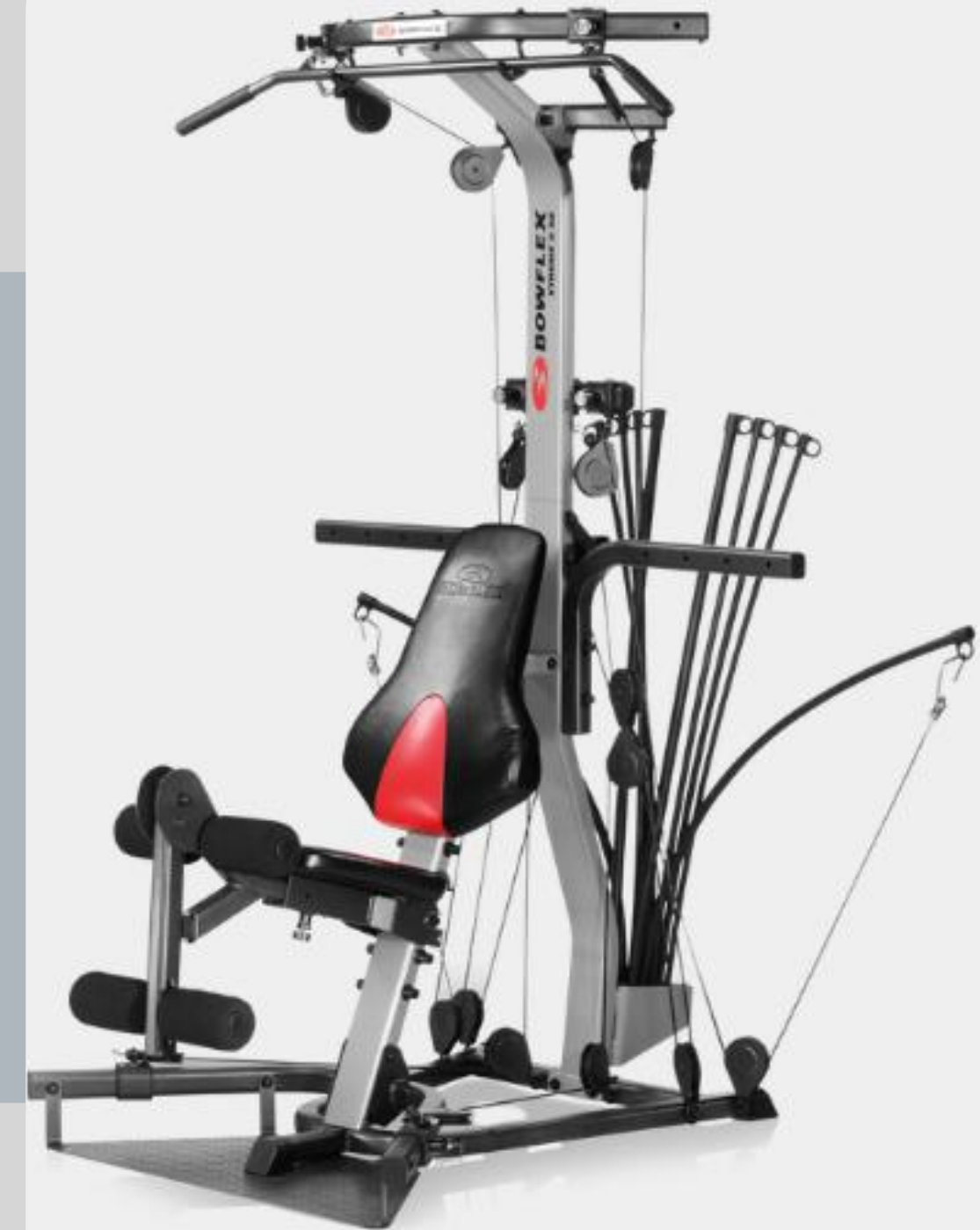


# STORY OF BOWFLEX

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## IDEA + UNIQUE DESIGN = PATENT

- Competitors **copy** your design / process
- **Holistic** IP protection needed
- Which **type** of protection will be the **most valuable** for you?



# MEDTRONIC V. MICHELSON, M.D.

## OBJECTIVES OF MEDTRONIC'S LAWSUIT

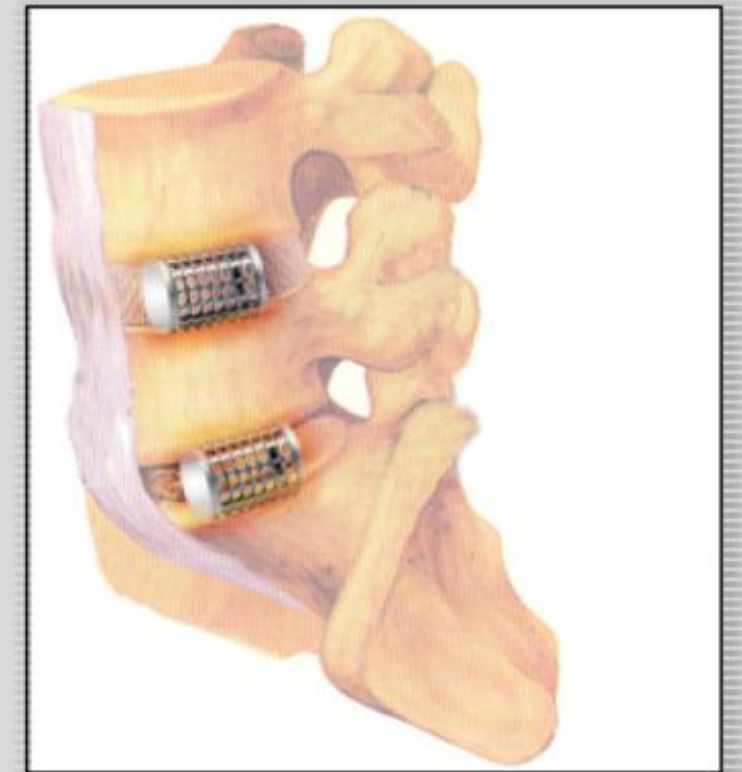
- **Tie up** Dr. Michelson's new inventions to keep them from competitors
- Obtain **leverage** to negotiate a better deal with Dr. Michelson

## Dr. Michelson's Inventions: Before and After



### Before:

- Metal bolts, approximately 4 inches long, are inserted to hold vertebrae together
- Patient typically returns to work months later



### After:

- The body's own healing process grows new bone around the implant, fusing vertebrae together
- Patient typically returns to work weeks later



# IP HEALTH CHECKLIST

**9 Steps** to Protect & Maximize  
Your Most Valuable Assets

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Download**

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## INTELLECTUAL PROPERTY HEALTH CHECKLIST

9 Steps to Protect & Maximize  
Your Most Valuable Assets

### WHETHER YOU:

- Have created a design or process...
- Are thinking about starting a business...
- Have been in business for a while...
- Are ready to sell your business...

**THIS IP HEALTH CHECK IS FOR YOU!**



# THE PREPARED MARATHON

- Needed a **strategic plan**
- **Hired** a running coach
- Created a six-day **training plan**
- Followed through **consistently**
- **Prepared** for challenges

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I DIDN'T JUST  
SURVIVE.

I THRIVED.

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# STAN GIBSON

**Chairman & Partner  
Patent Litigation Group, JMBM**

- 30+ years experience as Trial Attorney
- Helped hundreds of Innovators & Entrepreneurs
- Focused on protecting & maximizing IP value

## **LET'S CONNECT**



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**SCAN FOR  
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Own What You THINK You Own!™