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MAXIMIZING INTELLECTUAL PROPERTY'S CONTRIBUTION
TO A COMPANY'S GROWTH AND VALUESM

TRANSLATING TECHNOLOGY INTO THE LANGUAGE OF BUSINESSSM

July 2008

Welcome to the July 2008 issue of the PIPS IP Update Newsletter:

ARE YOU MISSING OUT ON GROWING YOUR COMPANY TO 5 – 10 TIMES ITS CURRENT VALUE ?SM

UNDERSTANDING AND EFFECTIVELY MANAGING YOUR COMPANY'S INTELLECTUAL
PROPERTY CAN INCREASE ITS VALUE AND GROWTHSM

Intellectual Property makes up over 80% of the market value of the S&P 500 according to Ned Davis Research, Inc., and this percentage is even larger for technology companies.

Did you know that most business people are not knowledgeable in their most valuable asset, their intellectual property (IP) and how to use it to grow their company?

As a result they either: do nothing, try to manage their IP by themselves, or often use advisors that do not understand intellectual property. Furthermore, if their advisor is an attorney, they are often reluctant to call because not only are attorneys expensive, but they speak in terms that can be difficult for clients to understand. Also, many attorneys are skilled in performing the legal transactions but not in understanding a company's overall business strategy. All of this can result in losing the very assets that could be the basis for their company's growth.

An effective advisor should identify its clients' intellectual property, prioritize its importance and determine how to maximize its value. In addition, (s)he should identify and keep clients aware of new threats to their companies from both known and potential competitors. If clients do not have formal procedures in place to prevent the loss of intellectual property, the advisor should create procedures for managing their intellectual property and educating the company management and other employees without breaking the bank.

Because most business people do not understand IP, they often do not recognize all of the IP that they have. If you do not know what IP you have, how will you protect it and use it to grow your company?

In order to use your intellectual property rights to grow your company, we recommend:

- Perform an inventory to identify your existing IP, determine whether it is hampered by publications or agreements and understand which inventions are protected and which need to be protected; and
- Develop your company's IP strategy and business plan that are consistent with one another; and
- Prioritize your inventions and IP rights according to their value to both your current and your future company; and
- Develop and implement a strategy to use your IP to grow your company.

Disclaimer: PIPS is not responsible for the content of the articles in this newsletter, nor for the results of any decisions based on them.

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Joe Sameh, President and CEO of *Need My Doctor*, asked PIPS to assist him and his patent attorney with a patent application which had been submitted to the US Patent and Trademark Office. Shortly after PIPS completed its project Joe said:

"If I had the Patent application process to do over again, and with the knowledge I now have, I would have hired PIPS before hiring my IP attorney. I strongly recommend PIPS to my inventor friends and colleagues."

PIPS works directly with technology companies to identify their intellectual property and create and implement a strategy to grow their company and increase its value. Please visit [PIPS' web site](#) for more information about PIPS, its services and expertise.

We appreciate your feedback on making this newsletter more valuable to you by writing to us at suggestions@protectiveIPservices.com.

USPTO

Appealing rejected patents is costly, time-consuming

Crain's Detroit Business - Detroit,MI,USA

By Mike Scott Challenging a patent application that has been initially rejected can be a time-consuming process — and attorneys report mixed results. ...

USPTO encouraged by peer patent review

FCW.com - Falls Church,VA,USA

By Wade-Hahn Chan A US Patent and Trademark Office official praised the results of a patent review program pilot that used the public's knowledge to examine ...

COURTS —Rulings on Patent Law and Procedures of Interest to Business Persons and Attorneys

Recent rulings weighing on patent law

Crain's Detroit Business - Detroit,MI,USA

The US Court of Appeals for the Federal Circuit (the only court in the US that hears appeals of patent cases from federal trial courts) has granted a ...

Antitrust Claims Against Patent Pool

McDermott Will and Emery by Stefan M. Meisner and Rachael Lewis

In a terse non-precedential decision, the U.S. Court of Appeals for the Federal Circuit affirmed a 2006 district court order dismissing antitrust claims against

participants in an international patent pool arrangement.

Don't hide the ball — omission of experimental data leads to invalidation of patents

McDermott Will & Emery Eric Hagen

A divided U.S. Court of Appeals for the Federal Circuit upheld a district court's finding of inequitable conduct against a patent owner, invalidating the drug maker's patents to its top-selling blood-thinner.

Think you are a co-owner of a copyright?— think again

Fenwick & West LLP

Many copyright owners co-own their copyrights with others, or at least they thought so until the decision came down in *Sybersound Records, Inc. v. UAV Corp.*, 517 F.3d 1137 (9th Cir. 2008).

DOMESTIC

Patent offshoring sector to grow at 35%

Hindu Business Line - Chennai,India

Mumbai, July 3 The widespread impact of the US patent reform act of 2007 coupled with the multi-fold increase in patent applications globally will see the ...

... use of competitor's marks in metatags constitutes trademark infringement;

Kaye Scholer

the Eleventh Circuit has held that use of a competitor's trademark in a metatag may give rise to



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actionable consumer confusion, and has confirmed that such use is a "use in commerce"

Congressional Patent Reform

Forces for patent reform gain power

Crain's Detroit Business - Detroit,MI,USA

Federal patent reform, expected to again gain traction after the presidential elections, will likely harmonize US patent laws with those in use elsewhere ...

Congressional Patent Reform

IP protection plan: Patent attorneys and clients with ...

Crain's Detroit Business - Detroit,MI,USA

... hiatus on patent law reform in Congress, concerns about protections for intellectual property continue to grow in light of the expanding global economy. ...

Patent Gridlock Suppresses Innovation

Wall Street Journal - USA

For the third year in a row, Congress has just given up on passing a law reforming how patents are awarded and litigated. This despite growing evidence that ...

Big Tech Companies Band Together to Fight Patent Trolls

By Stevie Converse

Fed up with patent holding companies suing them, a consortium of high-tech companies is taking a different approach: beat them to the punch. According to The Wall Street Journal (subscription), the business heavyweights behind the move ...

When Patents Get Political

AMERICAN.COM - Washington,DC,USA

By Michael M. Rosen Friday, June 20, 2008
In general, the stalled patent reform debate pits hardware and software firms against pharma and biotech

Microsoft Lays Out Protocol Patent Licensing Terms

InformationWeek - Manhasset,NY,USA

Those patents will be listed in patent maps online. The protocol patents don't come as cheap as some small time implementers would hope. ...

Attorneys from Prominent Chicago Firm Advance Dykema's Expansion Strategy

www.dykema.com

Dykema, a leading national law firm, announced today that 53 attorneys from Schwartz Cooper Chartered have joined its Chicago office.

Law firms merge, boost IP practice

Crain's Chicago Business - Chicago,IL,USA

(Crain's) — Intellectual property law firm Welsh & Katz Ltd. is merging with Husch Blackwell Sanders LLP, a Missouri-based firm that recently established a ...

Perfecting Security Interests in Intellectual Property

By Jim Singer

In many such transactions, intellectual property is a large portion of the collateral. A lender who takes a security interest in IP must perfect its interest in the IP in order to obtain priority over others who might have interests in ...

Feds christen new center to combat intellectual property theft

Los Angeles Times - CA,USA

In glass museum cases under bright lights throughout the new National Intellectual Property Rights Coordination Center sit items seized by federal agents: a ...

IP Licensing

Lawdit Commercial Solicitors - Southampton,UK

By Corinne Day Licensing your intellectual property is one of the most effective ways of exploiting your intellectual property rights. ...

Patent pools may flow in wake of latest alliance

EETimes.com - USA

A group of 11 high tech companies that have combined their clout to buy, license and sell strategic patents may point the way for more patent pools to come ...

Is your trademark safe?

Inquirer.net - Philippines

This is why the SME entrepreneur must be aware of and guard his intellectual property rights. "Failure to protect one's intellectual property could lead to ...

Copyleft, Copyright and Everything in Between

MediaRights - USA

Within the filmmaking community there have been a range of standpoints in the debate over intellectual property rights as well. Some choose to throw their ...



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Should EBay be copyright cop?

Los Angeles Times - CA,USA

These court battles reflect the tension between intellectual property owners and a new generation of intermediaries made possible by the Internet: companies ...

Intellectual Property in Bankruptcy

Wiley Rein LLP

Intellectual property rights, such as copyrights, trademarks, and patents, are critical to the operation of many businesses.

INTERNATIONAL

China says it is Taking Intellectual Property Protections to a New ...

Supply Chain Digest - Dayton,OH,USA

China has long been known for weak protection for Intellectual Property, and a haven for counterfeit name-brand products as well as a risk for theft of ...

The following article is applicable to all companies

New ideas prove patently protectable

Jerusalem Post - Israel

"Israeli companies that target markets in North America, Europe and Asia have to have a strategy for dealing with intellectual property issues," said David ...

An Essential Business Guide to China Intellectual Property ...

MarketWatch - USA

It is no secret that intellectual property protection in China is a challenge. This book explores the realities of protecting IP in this developing market ...

The value of branding becomes patent

Financial Times - London,England,UK

China's State Intellectual Property Office (SIPO) received nearly 700000 patent applications last year, putting it far ahead of both the US and Japan, ...

Intellectual Property in the EPA: Broad Scope Huge Impact - Part II

Jamaica Observer - Kingston,Jamaica

This is manifested in the World Trade Organisations Trade Related Aspects of Intellectual Property Rights Agreement (aka. TRIPS), the Protocol Relating to ...

Kissinger, NATO and Russia; Intellectual property rights; Obama's ...

International Herald Tribune - France

Large-scale, institutionalized piracy is eroding intellectual property rights across the world. More than ever, businesses must work together to preserve ...

MoU on intellectual property rights protection and enforcement signed

GulfNews - Dubai,United Arab Emirates

... their cooperation in the protection of intellectual **property** rights (IPR) and initiatives against commercial fraud and counterfeiting in the UAE. ...

Update to "Waves of Changes in Chinese Patent Law and Regulations"

istockAnalyst.com - Salem,OR,USA

The major issues of the changes include: Willful infringement, misuse of **patent** rights, unfaithful accusation, inventions made in China, and empowerment of ...

OTHER

GTT Introduces New Patent Valuation Tool

PR Web (press release) - Ferndale,WA,USA

Global Technology Transfer Group, Inc., (GTT), announces the expansion of its patent valuation service. For the first time, GTT is making available its ...

Olympic Security, China and Intellectual Property

CSO - Framingham,MA,USA

The point is: What steps are you taking to protect your employees and the intellectual property that they may be carrying with them when they travel abroad? ...

Intellectual Property Rights Coordination Center opens in Virginia

SPIE Newsroom - Bellingham,WA,USA

The US Department of Homeland Security has announced the opening of a new high-tech National Intellectual Property Rights Coordination Center in northern ...

Knowledge bank

M&A deals - London,UK

Big mistake, says PwC partner Ranjit Auluk, who points out that intellectual property makes up a great part of the value of a modern business – and that the ...