

## INTELLECTUAL PROPERTY

### AT A GLANCE

With lawyers in 16 cities around the world, McDermott Will & Emery's intellectual property practice is truly international. Extending our reach to Asia, we have a strategic alliance with MWE China Law Offices in Shanghai, bringing a seasoned and integrated professional team that is licensed to practice in the People's Republic of China. We understand technological innovation and name recognition are fundamentals to succeed in the competitive global marketplace, and we have taken the lead in offering comprehensive, cross-border intellectual property services to our clients. Our experience is broad because our clients are diverse, ranging from *Fortune* 500, FTSE and DAX 100 companies to nonprofits, start-ups, academic institutions and trade associations.

### Experience

Our team advises on all aspects of intellectual property law. We are particularly strong in life sciences, medical devices, pharmaceuticals, chemicals, energy, alternative energy, media and telecommunications, internet-based communications, processor design and fabrication, computer hardware, software, networks.

*Patents:* When an organization's livelihood is its technology, an active and informed patent program that procures and enforces intellectual property rights is essential. We work on all aspects of the patent process, from obtaining patent rights to evaluating those of competitors to prosecuting infringers both in the United States and worldwide.

*Licensing:* Members of our team routinely negotiate licensing transactions with the strategic management of the client's intellectual property needs in mind. We also advise on development agreements, joint ventures, co-branding and marketing arrangements, and consulting and employee agreements. When antitrust, tax or other corporate matters arise, we work with our lawyers in these areas to provide timely and seamless advice.

*Litigation—trial and appellate:* We are well recognized for our litigation experience. We practice before the U.S. District Courts, state courts, the U.S. International Trade Commission (ITC), international tribunals, the European Court of Justice (ECJ) and Court of First Instance (CFI), in the United Kingdom, and in district courts in Germany. In the appellate arena, we are especially skilled in representing clients before the U.S. Court of Appeals for the Federal Circuit. We also have extensive experience before the Supreme Court of the United States, U.S. circuit courts, the House of Lords in the United Kingdom and Courts of Appeal in Germany.

*Trademarks:* Our team offers full-service trademark portfolio management. Based on the client's individual needs, we advise on internet-related issues, protection and enforcement of trademarks and domain names, internet surveillance, copyright protection for databases, and privacy and identity theft concerns. We practice before the Office of Harmonization for the Internal Market (OHIM) in oppositions under the European Community Trademark System and in the CFI and ECJ on appeal.

*Trade secrets and unfair competition:* Our group evaluates and develops strategies to protect trade secrets. This includes conducting audits, preparing confidentiality agreements and preparing employee agreements for departing employees. We also have skilled litigators to counsel start-ups in the beginning stages of formation on the trade-secret status of the intellectual property of former employers.

### Scope of Services

- Advertising, promotions & entertainment
- Antitrust
- Appellate
- Copyrights
- E-business
- Energy
- Emerging technologies
- International Trade Commission
- Licensing
- Life sciences & medical devices
- Nanotechnology
- Patent litigation & trial
- Patent portfolio management, procurement & counseling
- Technology transactions
- Telecommunications, media & technology
- Trademark/brand protection & enforcement
- Trade secrets

### Our Team

190+ lawyers & patent agents  
140+ with technical/scientific degrees  
100+ registered before USPTO

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*Telecommunications, media and technology:* Our lawyers provide worldwide assistance to companies and financial institutions involved in various areas of the communications and technology sector, including mobile- and fixed-line telephony, cable TV, satellite, internet, television, entertainment, film, software and hardware. We also provide services in media licensing and corporate transactions, and in IT outsourcing and services contracts. Our team advises on commercial transactions, regulatory issues, litigation, mergers and acquisitions, and financing issues.

## International Reach

Our intellectual property lawyers are acknowledged for their ability to coordinate pan-European litigation, including advising on oppositions in the European Patent Office and the Community Trademark Office. We also counsel on trademark, license and sale agreements, media transactions, IT contracts, copyrights and patents. With offices in Europe and a strategic alliance with MWE China Law Offices in Shanghai, we provide integrated client service and access to leading lawyers around the world.

## Hot Topics

We are prepared to handle matters relating to the most current issues in intellectual property law.

- Patent enforcement, claim construction and injunctive relief
- Content distribution over the internet and related privacy laws
- Strategic patent portfolio management

## Recent Engagements

- Won a defense victory on behalf of **Yahoo! Inc.** following a jury trial in a patent dispute with **Bedrock Computer Technologies**
- Successfully represented **Extreme Networks Inc.** on appeal at the U.S. Court of Appeals for the Federal Circuit; the Federal Circuit's decision affirmed that Enterasys Network infringed three of Extreme Networks' patents and upheld a permanent injunction and damages award against Enterasys
- Successfully represented **Funai Electric Co., Funai Corp., Best Buy Purchasing LLC, BestBuy.com, Inc. and Best Buy L.P.** before the International Trade Commission, which found no violation of Section 337 by McDermott's clients
- Successfully represented **V&S Vin and Sprit Aktiebolag** in a domain name arbitration proceeding before the National Arbitration Forum (NAF) conducted under the ICANN Uniform Domain-Name Dispute-Resolution Policy.

## Awards & Recognition

- *Chambers USA 2011* and *Chambers Global 2010* recognized McDermott as a leading intellectual property firm.
- *Legal 500 United States 2011* acknowledged McDermott for its excellence in IP, including patent litigation, International Trade Commission, patent prosecution, trademark litigation and trade secrets litigation.
- *World Trademark Review 1000* recognized McDermott as a leading trademark firm in contentious and non-contentious areas in both the United States and the United Kingdom, highlighting our leading practices in California, Illinois and Washington, D.C. in 2011.
- In 2011, *Corporate Counsel* recognized McDermott as one of the 5 busiest patent litigation firms overall, and top 5 on the plaintiffs side, top 10 for the defense in the U.S. based on surveys of the most active patent litigation firms in federal district courts
- In 2010 and 2011, recognized as a first-tier National IP practice by *U.S. News and Best Lawyers Survey*
- Ranked one of the most active firms before the International Trade Commission in 2010 by *Corporate Counsel*
- *IP Today* ranked McDermott as one of the most active trademark and patent prosecution firms.
- *PLC Which Lawyer?* recognized McDermott's IP practice as leading in the United Kingdom and the United States.

### Our Firm

McDermott Will & Emery is a leading international law firm with a diversified business practice. We represent a wide range of commercial, industrial and financial enterprises, both publicly and privately held. Our clientele include some of the world's largest corporations, small and medium-sized businesses, and individuals. Currently numbering 1,000 lawyers, we have offices in Boston, Brussels, Chicago, Düsseldorf, Houston, London, Los Angeles, Miami, Milan, Munich, New York, Orange County, Paris, Rome, Silicon Valley and Washington, D.C. McDermott Will & Emery has a strategic alliance with MWE China Law Offices (Shanghai).