

## INTELLECTUAL PROPERTY

Businesses facing today's challenges of development and protection of intellectual property (IP) require experienced legal counsel to guide them. Gross McGinley's Intellectual Property Group offers the most comprehensive IP legal services in the Lehigh Valley. We have a deep understanding of the relationship between IP rights and the practical needs of businesses. Our attorneys recognize the primary reason for protecting and enforcing IP is to advance a company's business interests, and this philosophy guides our practice.

We have addressed IP concerns in a variety of industries including restaurant, media and publishing, non-profit, construction, transportation, retail, professional services, and more.

### Our Intellectual Property Attorneys

PAUL A. MCGINLEY  
J. JACKSON EATON, III  
THOMAS E. REILLY, JR.  
JOHN F. "JACK" GROSS  
KIMBERLY A. SPOTTS-KIMMEL  
LOREN L. SPEZIALE

### COPYRIGHT & TRADEMARK

Our intellectual property attorneys counsel clients on how to protect and enforce their rights. We handle everything from searches and registration of trademarks to enforcement of trademark rights as well as licensing, registration, assignment, transfer, and protection of copyrights and trade dress. Our attorneys advise on legally appropriate usage of trademarks and resolve issues of fair use related to copyrights and trademarks. Our clients include large corporations, small businesses, authors, publishers, photographers, non-profits, and educational institutions for whom we have handled matters within the U.S. and internationally.

In addition to counseling our clients in connection with prosecution, compliance and transactions, we also have significant experience in litigating these matters. Our experienced team of litigators works hand-in-hand with our IP team to enforce and protect IP entities.

### PATENT LAW

Patented products and technologies can be the most valuable asset you and your company own. It is important to work with a trusted attorney to protect innovations. Our patent attorney counsels and guides businesses, hospitals, physicians, universities, and individuals through the process of protecting and patenting new discoveries. Starting with a patentability analysis, we perform prior art searches and freedom-to-operate investigations, before filing provisional applications for patent. We can also walk clients through the processes of licensing, transfer, and assignment, if appropriate, and the utility or design application filing one year later. After a patent is issued, our attorneys can help patent owners enforce their rights including protection from patent trolls and patent litigation, if necessary.

### INTELLECTUAL PROPERTY TRANSACTIONS

Our attorneys offer comprehensive legal services in all aspects of intellectual property law and can provide both established and innovative legal methods of protecting business interests. We handle licensing, corporate and transactional IP matters, internet and domain name issues, and I-CANN proceedings.

Trade secrets can be some of the most valuable assets in an IP portfolio. We regularly advise clients on the best approaches to identifying and protecting trade secrets from internal and external threats. We also consult with businesses on proper processes for information protection. Our IP and Employment Groups work hand-in-hand to ensure proper employment agreements are in place with the appropriate restrictive covenants.

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### INTELLECTUAL PROPERTY LITIGATION

When enforceable issues arise, our IP litigators are prepared to take court action to protect clients' IP and have experience litigating matters related to the Lanham Act (unfair competition, anti-cybersquatting, etc.) claims and opposition proceeding before the Trademark Trial and Appeal Board. We have even handled financing matters where IP was used as collateral. Our attorneys advise on the most effective methods of establishing and developing IP holdings and protecting IP rights so clients can realize the most value from those assets. Our attorneys have also been approved and deemed "recommended" by a major insurance carrier to provide copyright and trademark infringement claims defense in Pennsylvania.

#### Representative IP litigation matters:

- Secured a landmark jury verdict on behalf of a specialty food manufacturer whose recipe and trademarked name were used without the company's consent or knowledge. It is the first verdict to be decided under the Defend Trade Secrets Act (2016) and should result in a judgment of \$5.2 million as well as attorneys' fees and a permanent injunction.
- Obtained a \$1.4M settlement on behalf of a cryogenics company after four former employees stole intellectual property and trade secrets to create a competing company. The settlement included amounts for lost profits, the use of intellectual property, counsel fees, and returned severance pay.
- Successfully defended an auto graphics company against plaintiffs who claimed that the defendant breached an oral agreement to pay royalties on the sales of a new product. Our client contested that the oral agreement was to only pay sales commission for so long as the plaintiffs pursued new customers and sales for the product.