

Intellectual Property



Intellectual Property Protection

The Intellectual Property Group provides litigation and intellectual property legal services to the clients of Fowler White Boggs. The protection of intellectual property includes all kinds of intangible assets that are protected under the laws of the United States, the individual states, agreements between parties, international treaties, and foreign laws. These intangible assets include patents, trademarks, copyrights, domain names, trade secrets, and other information or technology disclosed or licensed under an agreement between two or more parties. The Intellectual Property Group considers not only protecting and licensing of intellectual property in the United States but also globally, filing applications under international rules, such as the Patent Cooperation Treaty and Madrid Protocol, and through our network of foreign associates. We also represent our clients in litigations relating to infringement of their own intellectual property and with respect to alleged infringement of the intellectual property rights of others. Also, the Intellectual Property Group is often selected by other firms to serve as local counsel, representing clients of firms located outside of Florida, when a lawsuit is adjudicated in the state or federal courts of Florida.

Intellectual Property Litigation

Intellectual Property litigation is a specialized area of complex litigation that requires a team approach. Our Florida Board Certified Intellectual Property attorneys, United States Patent & Trademark Office Registered Patent attorneys, litigators and paralegals form teams to represent plaintiffs and defendants in litigations relating to infringement of patents, trademarks and copyrights, misappropriation of trade secrets and proprietary information, domain name disputes and other disputes arising from technology development agreements. These disputes may be heard before a court, one or more arbitrators, or an administrative body.

Litigation is sometimes a necessary part of a program to protect intellectual property assets or to resolve disputes about technology agreements. For example, the purpose of litigation may be to stop the manufacture, use, importation, or sale of infringing articles, processes, copies, gray market goods, or counterfeits. A company may be served a complaint alleging intellectual property infringement without having any advance knowledge of a patent, copyright, trademark or trade dress. An answer to the complaint must be prepared and filed within a limited period of days to avoid being declared in default. A default judgment may have severe consequences and may jeopardize the rights of a defendant.

The Intellectual Property Litigation teams help clients in all types of intellectual property litigation. These complex litigations may include much more than mere infringement of a single copyright, trademark or patent. Other forms of intellectual property and state law causes of action are often implicated, and a cause of action by one party may give rise to causes of action for indemnification, insurance issues, antitrust, third party causes of action, and counterclaims. The facts and circumstances relating to the traditional four factor test in determining whether an injunction should be granted may be as important as damages. Discovery and motion practice may cost hundreds of thousands of dollars in attorneys' fees and costs. For this reason, our attorneys help clients avoid infringement of the intellectual property of others, if possible. However, we are always ready to assist our clients when

Practice Team

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allegations of infringement are brought against them: to help our clients define their goals, to determine if a reasonable settlement is possible, and to develop a litigation strategy that our client's needs.