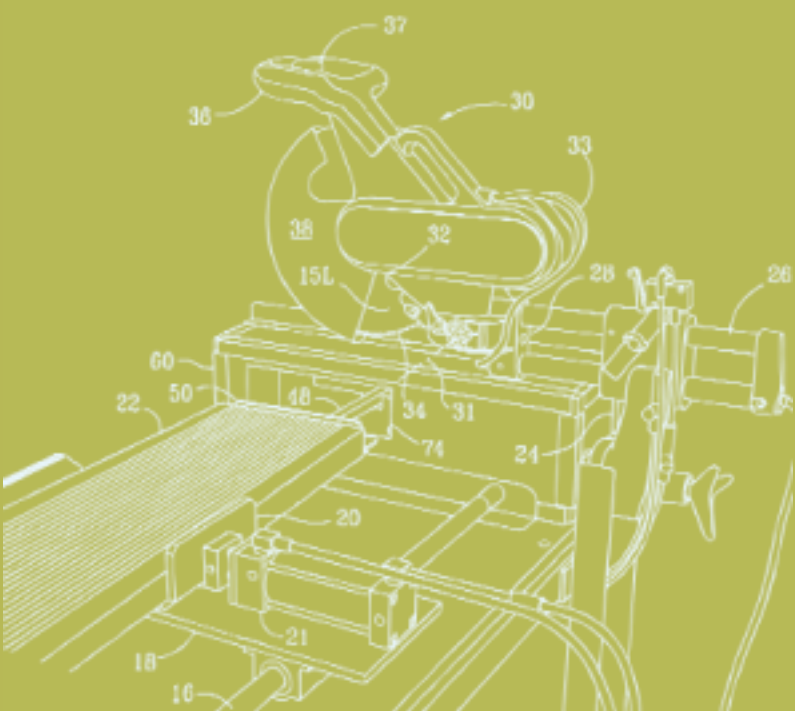




Sheldon Mak Rose Anderson

INTELLECTUAL PROPERTY LAW

Where innovation finds protection



“Innovation is the specific instrument of entrepreneurship.
It is the act that endows resources with a new capacity to create wealth.”

— *Peter Drucker*
Innovation and Entrepreneurship, 1985

“Innovation distinguishes between a leader and a follower.”

— *Steve Jobs*



Innovation is essential to a successful business

Innovation is your competitive edge — and it needs protection. At Sheldon Mak Rose & Anderson, we recognize this. As intellectual property attorneys, we offer powerful protection for your unique ideas.

For decades, clients have entrusted their valuable intellectual property matters to us. We have rewarded that trust with an unparalleled track record of success.



Creating wealth for you

As intellectual property law attorneys, we can accomplish what most attorneys cannot: we can help create wealth for you. Patents, trademarks, copyrights, and trade secrets are assets that can be worth much more than their cost. By using our skills and experience to protect your innovations, we help optimize your returns.

Finding the “right lawyer”

Intellectual property is not a “one-lawyer-fits-all” specialty. The tough-as-nails litigator may not be the first choice to handle a sensitive business negotiation or settlement. We provide experienced attorneys with expertise in a variety of areas who can meet the special requirements of any situation. Whatever your intellectual property needs, we have the right attorney for you.



Patents

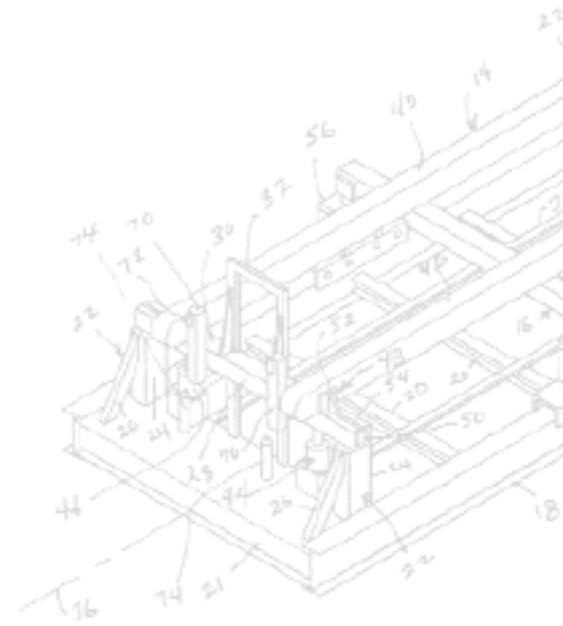
Seeing both sides has saved millions

Clients come to us for both utility and design patents. No matter what the technology – biotechnology, chemistry, chemical engineering, computer software, electronics, imaging science, mechanical engineering, medical devices and material sciences – or design – we can help you with:

- Obtaining patent rights throughout the world
- Licensing
- Evaluating infringement
- Designing around third-party patents
- Evaluating patent validity
- Reexamination
- Litigation – enforcing and defending patent rights
- Litigation – expert witness
- Due diligence

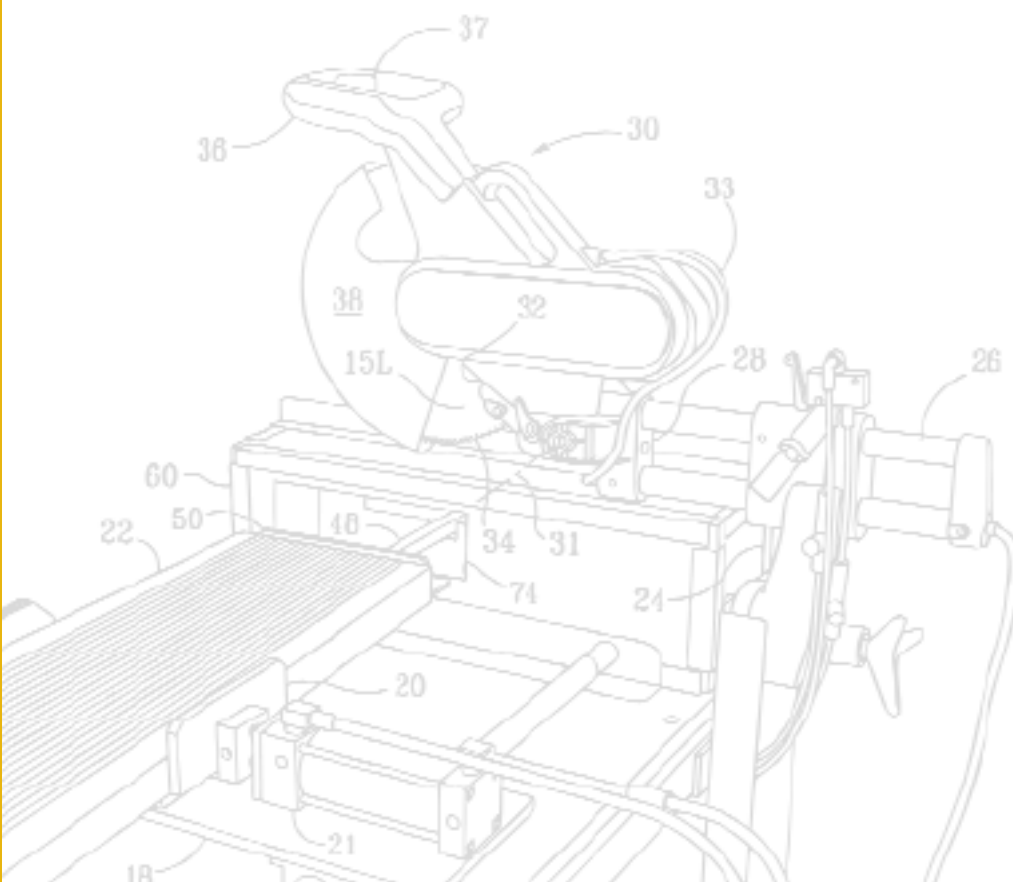
We work with clients in all phases of the patenting process, including application preparation, prosecution, appellate proceedings in the U.S. and abroad, as well as filings under the Patent Cooperation Treaty (PCT), the European Patent Office (EPO) and in individual foreign countries.

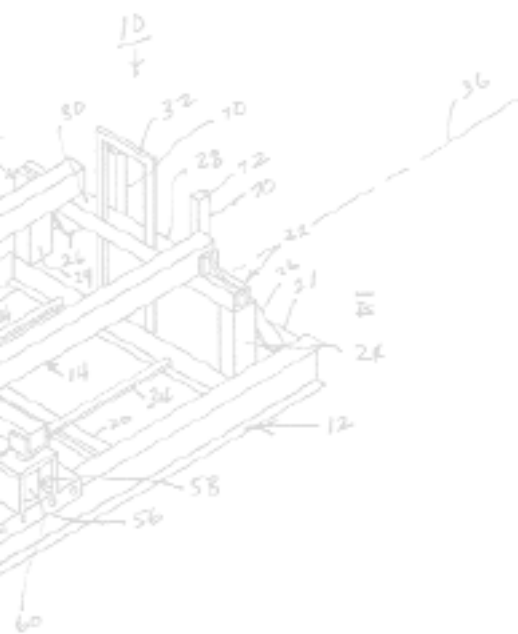
We can help you license your patent rights and secure rights in the patents of others.



Doing the Impossible

A high-end maker of electronic components asked us to prosecute a pending patent application on the “NOLF” clip, ubiquitous in the telecommunications industry. At the time, copycats had obtained opinions that it was impossible to obtain broad patent coverage for the clip. Despite this, we obtained broad patent coverage, which allowed the company to generate hundreds of millions of dollars of high margin sales for their entire product line in the telecommunications connector market.





Does patenting your innovation make sense?

Not every innovation merits a patent application. To make sure that yours does, we work with you to evaluate the relative value of your potential patent investment. We examine important questions such as:

- What is the likelihood of obtaining patent protection?
- What is the potential scope of any resulting patent?
- What is the cost of the patenting process?
- What would be the economic advantages of a patent?

By analyzing the economic value of patent protection, we can help you make informed decisions that have the best profit potential for you.

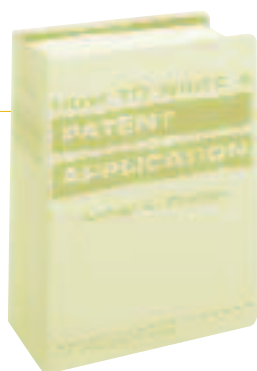
The danger of patent infringement

Often, the boundaries of a patent are not clear. Stepping over those boundaries can be costly. Using our expertise, we can determine the boundaries and help you avoid infringement. We are proud of our record:

No client who has followed our advice on avoiding infringement has ever been found liable for patent infringement.

Patenting Success

A start-up company's success depended on obtaining a patent for its microliter separation device. In exchange for an exclusive buying arrangement, a prospective customer with significant potential had agreed to pay a large bonus when a patent was issued. We successfully obtained the patent. The start-up got the bonus and now sells millions of dollars of this product annually.



How to Write a Patent Application

By Jeffrey G. Sheldon
Published by Practising Law Institute

Since its publication in 1993, *How to Write a Patent Application*, authored by founding partner, Jeffrey G. Sheldon, has been a benchmark text for inventors, entrepreneurs, managers, law schools and patent lawyers, both veteran and novice. It offers a step-by-step process for handling a wide range of patents and explains, analyzes, and illustrates all the essential principles and techniques of drafting solid patent applications.

Patents

Trademarks

Making or breaking marketing success

Your trademark is your image and can add value to your products and services. Sheldon Mak Rose & Anderson provides complete trademark services, including:

- Searching and selection
- Prosecution and maintenance
- Enforcement
- Litigation for infringement, dilution and unfair competition claims
- Licensing
- Due diligence

Protecting you and your products

Developing a trademark can be complicated. Without guidance, a business might select descriptive words, symbols or expressions that are difficult to protect. A mark available in one country could be unavailable – or even offensive – in another.

Also, faulty due diligence could fail to uncover a mark's current use by others. The result: a trademark infringement suit.

To help choose protectable trademarks and avoid litigation, we can screen your proposed trademarks nationally and internationally.

Protection today and tomorrow

We routinely handle all types of trademark proceedings before state and federal trademark offices and, with the assistance of our network of overseas associates, in all international trademark offices. Once your mark is registered, we help keep your registration in force.

Fighting for your trademark rights

We can assist you in policing your trademark rights. We have prevented the importation of articles that infringe our clients' trademarks. We have a solid history of obtaining seizure orders, temporary restraining orders, injunctions and favorable judgments for our clients. We litigate both large and small trademark-related cases before federal and state courts, the Patent and Trademark Office and other tribunals.



Protecting the Unprotected

A large, international construction company asked us to help protect its trademark after the U.S. Patent and Trademark Office rejected its application. The Office's objections included possible confusion with other marks and registration of what it considered a surname. We overcame these objections and obtained federal registration. We also stopped third-party infringers and reinforced the company's protection by pursuing international registration of their valuable mark.

Copyrights

Protecting your profits

Protecting a copyright can be the difference between profiting from your work and watching someone else profit from it. Revenues from licensing and the enforcement of copyrights have grown tremendously in recent years. In addition, this country's adherence to the Berne Convention makes your U.S. copyright enforceable in many foreign countries. We can assist you with understanding, obtaining, licensing and protecting copyrights – in short: maximizing the advantages the law affords you.

Understanding the technology allows us to protect you better

New technology has created new boundaries in copyright law. We understand those boundaries. That is how we help clients protect valuable new assets such as computer databases, computer programs and Internet material. In addition, we continue to obtain valuable copyrights in more traditional works such as books, motion pictures, sound recordings, graphics, paintings, sculptures, toys, jewelry, architecture and choreography.

We assist our clients with:

- Registering copyrights
- Performing title searches
- Enforcing and litigating copyrights
- Analyzing infringement and defenses to infringement
- Negotiating copyright agreements
- Licensing



Timed Right for Copyright Protection

We obtained a copyright registration for our client's high priced "truck clock." A competitor emerged, selling an infringing product at a substantially lower price and destroying our client's market. On a contingency basis, we brought a copyright infringement suit that resulted in our client obtaining a substantial recovery and an end to the infringement.

Case Study

Imagine container loads of skateboards all bearing your company's designs pouring into the U.S. If these goods make it to the marketplace, they will be sold at fire sale prices, the premium you commanded in the marketplace will evaporate and your designs will become mundane and valueless. This happened to a Sheldon Mak Rose & Anderson client.

We developed the necessary evidence and were able to obtain seizure of the infringing goods at multiple locations, without prior notice to the infringers. The defendants' infringing goods and records, including computer-based records, were seized. Our client recovered the monies spent to stop the infringement and the infringing goods were destroyed.

Litigation

Knowing where to make your stand

At Sheldon Mak Rose & Anderson, our job is to help our clients avoid unnecessary litigation. But when it cannot be avoided, our job is to win. With our combination of litigation skills and scientific expertise, we are able to offer you the strongest representation possible.

Our litigation team has a well-deserved reputation for quality. With our advanced understanding of intellectual property law and our litigation experience, we are better able to seize and hold the initiative. This strengthens our ability to control the course of the litigation and to procure meaningful settlement negotiations. We staff our litigation matters only with attorneys experienced in intellectual property law litigation – you do not pay for our training.

We are highly experienced in all aspects of complex intellectual property litigation procedures, including:

- *Markman* hearings
- Temporary restraining orders
- Preliminary injunctions
- Product seizures
- Protective orders
- Expert witness testimony
- Product surveys
- Damage analyses
- Mediation and arbitration
- Trials and appeals

Just what you need and nothing more

Why pay for an army when you just need a few dedicated attorneys? Our flexible structure allows us to scale our professional and support services up or down depending on the needs of your case at any particular stage. The economies can be substantial, while the quality of service remains high.

In addition, our strong nation-wide network of relationships with intellectual property litigation firms allows us to quickly muster a battle-ready team of expert litigators wherever your interests are at stake.

We have collaborated with other firms, large and small, in innumerable court cases – north, south, east and west. In addition to handling cases in every federal district court in California, our experienced attorneys have litigated successfully in federal courts in New York, Washington, D.C., Florida, Texas, Nevada, Ohio and Michigan, to name a few.



A Counterfeiter Pays

The sales of a food product importer were threatened by a counterfeit product – a similar product in packaging identical to that of our client. We put an immediate stop to the counterfeiting via an ex parte seizure order. In one of the few anti-counterfeiting cases to actually go to a jury trial, the jury awarded our client damages in the six figures, including punitive damages, which were collected.

California Intellectual Property Laws

Consultant William J. Brutocao
Published by LexisNexis®

Published annually, *California Intellectual Property Laws* is a noted resource, compiling California and federal intellectual property statutes. For more than 15 years, Sheldon Mak Rose & Anderson attorneys have provided editorial commentary for the book. William J. Brutocao has served as the book's chief editorial consultant since 2000.



Trade Secrets

When a patent is not the best way

Protecting valuable know-how and expertise as a trade secret can sometimes be a better choice than seeking patent protection. Following a trade secret protection program prevents competitors from using your information, or know-how, and allows you to own it perpetually.

Sheldon Mak Rose & Anderson can help you identify your important trade secrets and can ensure that your protection program meets the requirements of trade secret law. That includes establishing in-house procedures for handling trade secrets, and preparing appropriate employment and confidentiality agreements. If you would like to enhance the return on your investment in trade secrets, we can also help you negotiate the sale or license of your commercially marketable trade secrets under favorable terms.

Protecting your business against claims of trade secret misappropriation is an important aspect of our expertise. To protect you, we can analyze the potential for adverse claims of trade secret misappropriation and advise you on appropriate courses of action. For example, we might encourage you to develop parallel technologies using "clean room" techniques, to negotiate a license to use competing technology, or to use public domain technology to avoid trade secret claims.

Consider Sheldon Mak Rose & Anderson for your trade secret related needs, including:

- Identifying trade secrets
- Establishing trade secret protection programs
- Establishing employment policies and agreements
- Preparing confidentiality agreements
- Licensing trade secrets
- Conducting misappropriation analysis
- Establishing "clean room" operations

Case Study

One Sheldon Mak Rose & Anderson client trusted his employees. He permitted a particular employee access to all of his company's information, most notably the firm's most popular computer software packages. Just as the employee was becoming knowledgeable and efficient, he quit to set up his own business. Within months, the ex-employee had a competitive product in the market and was selling the software at 30 percent below the ex-employer's prices.

We brought suit on behalf of the employer. An aggressive initial litigation strategy resulted in an early settlement. The ex-employee agreed not to use any of his former employer's source code or structure and he agreed to substantially change his software package. The ex-employee also agreed to stay out of his former employer's markets and to pay substantial royalties for projected sales.

Keeping Trade Secrets to Yourself

A software company approached us with its concern that employees were stealing trade secrets. Previously, we had helped the client establish a trade secret protection program, including marking documents appropriately, developing policy manuals, and strengthening employment and consulting agreements. This program allowed us to identify and document employee violations. The employees were terminated and received strongly worded warning letters. The trade secrets have since remained secret.



Trade Associations

We frequently represent trade associations in their formative stages and standard settings, and also provide ongoing advice and counseling. Our real world experience enables us to guide trade groups to avoid or resolve potential antitrust and regulatory pitfalls. We have counseled groups in diverse areas such as data structures for electronic reporting of sales, as well as digital home entertainment.

Sheldon Mak Rose & Anderson around the world

As the world continues to shrink, we recognize the need for protecting our clients' intellectual property in foreign countries. Our practice extends to nearly every country worldwide.

We assist our U.S.-based clients with their foreign intellectual property concerns. We have developed longstanding, close relationships with firms and experts worldwide, enabling us to offer our clients in-depth experience in foreign law.

To stay informed, we actively participate in international law organizations. We have expertise in filing patents, trademarks and copyrights internationally using various systems, including the Madrid Protocol, the Paris Convention, the Patent Cooperation Treaty, the European Patent Office and the European Community Trademark System.

We also serve individual and corporate clients in foreign countries seeking protection of their intellectual property in the United States. We have attorneys who are fluent in Chinese. Wherever in the world you are – or do business – Sheldon Mak Rose & Anderson can serve your intellectual property needs.

Navigating a Legal Tower of Babel

We represented our biotechnology client before the European Patent Office (EPO) where two competitors were challenging a patent grant to our client. Our attorney and our technical expert argued the matter, which took place in four languages. As allowed by the EPO, we amended claims on the fly. The EPO granted our client the patent and the competitors signed royalty-bearing agreements.

Saving Our Client's Business

A client in the mobile home support market was sued for patent and trademark infringement. We defeated the patent claim on summary judgment and counterclaimed for antitrust violations. At the close of the plaintiff's case before a jury, the plaintiff requested settlement. Our client, the original defendant, received a substantial settlement.

Sheldon Mak
Rose Anderson
INTELLECTUAL PROPERTY LAW

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