

Intellectual Property

Create. Protect. Thrive.

Fennemore's dynamic intellectual property team handles all aspects of intellectual property matters, from patent and trademark prosecution, to copyright, trade dress, and trade secret protection and counseling, to high-stakes IP litigation.

Our IP attorneys help clients at all stages of their intellectual property development. We identify, protect, commercialize, and enforce the ideas, brands, technology, inventions, creative works, data, and proprietary information that drive our clients' businesses.

We work with clients at all stages, from startups and emerging companies to established businesses.

Our clients include agricultural businesses, apparel companies, consumer brands, food and beverage companies, pharmaceutical and life sciences companies, and technology companies, as well as investors and entrepreneurs.

LEADERSHIP



INTELLECTUAL
PROPERTY

BUSINESS
LITIGATION

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INTELLECTUAL
PROPERTY

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STRATEGIC IP COUNSEL FOR BUSINESS GROWTH

Intellectual property is everywhere. It may be a company name, logo, product design, software platform, invention, confidential process, customer data, marketing content, creative work, business method, proprietary technology, or trade secret.

Because we understand that an intellectual property strategy that works well for one company will not necessarily be a good fit for another company, we help each of our clients prioritize the protections that matter most and fit with their objectives and resources. This may include patents, trademarks, copyrights, trade secrets, licensing, confidentiality protections, portfolio management, enforcement, or transaction support.

PATENT PROSECUTION AND COUNSELING

Our patent prosecution team has a wide variety of technical and scientific backgrounds, with experience spanning a broad range of technologies. These include agriculture, artificial intelligence, biotechnology, cannabis, chemistry and chemical processes, computer software and technology, electronics, energy, life sciences, materials science, mechanics, medical devices, pharmaceuticals, optics, semiconductors, telecommunications, and thermodynamics. Our team also has substantial experience with design patents and with plant patents and other protections for plant breeds.

Our patent prosecutors are highly experienced in the development, prosecution, and management of domestic and worldwide patent portfolios. We are adept at counseling on the various types of patent protection available and appropriate for each client's individual needs.

In addition to preparing and prosecuting patent applications and counseling on prosecution strategies, we provide patentability, validity, infringement, freedom-to-operate, patent ownership, and inventorship assessments, advice, and opinions.

TRADEMARK, BRAND, AND GLOBAL PORTFOLIO PROTECTION

A strong brand can be one of a company's most valuable assets. Our attorneys help clients select, clear, register, maintain, license, and enforce trademarks in the United States and internationally.

Our team counsels clients in a wide range of industries such as apparel, cannabis, consumer products, fashion, food and beverage, fresh produce, gaming, online commerce, pharmaceuticals, software, and sports and entertainment. We help clients manage domestic and worldwide trademark portfolios, handle proceedings before the USPTO Trademark Trial and Appeal Board, and develop brand protection strategies that support expansion, licensing, investment, and acquisition opportunities.

We also help clients address online brand misuse, domain name disputes, social media issues, anti-counterfeiting, false advertising, and trademark enforcement strategies.

We are also experienced in internet and Amazon.com brand enforcement registry matters and procedures, including related litigation.

COPYRIGHT, DIGITAL MEDIA, E-COMMERCE, AND DATA

Our attorneys advise clients on a wide range of copyright issues including registration, ownership, licensing, enforcement, DMCA issues, software protection, website content protection, and creative works counseling.

As digital business models quickly evolve, we are adept at assisting clients to pivot as well, to enforce rights and avoid and resolve issues involving websites, platforms, data, online content, social media, domain names, SaaS and website terms of use, privacy policies, cybersecurity, artificial intelligence, and cross-border digital commerce.

ADVERTISING, INFLUENCERS, SOCIAL MEDIA, AND NAME/IMAGE/ LIKENESS

Our attorneys advise clients on the wide variety of issues that arise in the world of advertising, influencers, and social media. We also advise clients on the complex issues that arise with regard to Name/ Image/ Likeness (NIL) protection. We draw on our breadth of experience in IP-related matters to counsel clients on the unique and developing issues that arise in this context in a variety of industries, including sports and fashion.

TRADE SECRETS AND CONFIDENTIAL BUSINESS INFORMATION

Some of a company's most valuable intellectual property are trade secrets. These can include confidential information, proprietary processes, algorithms, customer data, product roadmaps, and internal systems. These assets require thoughtful protection through contracts, internal and external protection policies, access controls, and enforcement strategies.

Our attorneys help clients protect confidential assets through NDAs, employment and contractor agreements, confidentiality policies, joint development agreements, licensing and other technology agreements, and business development agreements. When disputes arise, our attorneys represent clients in matters involving trade secret misappropriation, confidentiality obligations, and other conflicts relating to proprietary information.

INTELLECTUAL PROPERTY LITIGATION AND DISPUTES

Our IP litigation attorneys have broad and deep experience in a wide variety of intellectual property litigation matters. Our experience covers the full spectrum of IP litigation and disputes, including: patent, trademark/trade dress, copyright, and trade secret litigation; business disputes involving intellectual property; Patent Trial and Appeal Board ("PTAB") and Trademark Trial and Appeal Board ("TTAB") proceedings; Hatch-Waxman litigation; and International Trade Commission ("ITC") § 337 proceedings.

Our attorneys' IP litigation experience involves a broad range of industries, such as:

agriculture and mining chemicals patent disputes;
cosmetic ingredients and formulations patent disputes;
design patent disputes involving accessories and glasses;
trademark litigation involving the name of an international airport;
trademark and design patent litigation related to Amazon.com infringement complaints;
Hatch-Waxman patent litigation for innovator pharmaceutical companies;
3G, 4G, and LTE patent disputes on behalf of telecommunications companies;
trade secret litigation on behalf of a real estate broker;
medical device disputes;
sports equipment disputes; and
Name/Image/Likeness representation of a well-known rapper.

Our IP litigation attorneys advocate strongly in the courtroom on behalf of our clients, with extensive experience in federal and state courts as well as various appellate courts, including the Federal Circuit. We also handle arbitration and mediation. We provide efficient and cost-effective counseling and representation, and work closely with our clients to pursue practical, business-focused outcomes, including early settlement. Our IP litigation experience runs the gamut from quick, efficient resolutions to high-stakes IP litigation.

IP TRANSACTIONS, LICENSING, AND DUE DILIGENCE

Our attorneys have extensive experience and regularly assist clients with all types of IP-related business transactions. We guide our clients in evaluating some of the most important components of a company's value in assessing and negotiating business deals, partnerships, licensing, and acquisitions. Our work includes:

Due diligence, patent and trademark portfolio analyses, and IP litigation assessments.

Preparing and negotiating software license agreements, SaaS agreements, service level agreements, licensing, joint development agreements, technology transfer agreements, and other contracts involving intellectual property rights.

Conducting IP audits, portfolio reviews, due diligence, Hatch-Waxman analyses, privacy and data security reviews, open-source and software-related assessments, and evaluations of IP representations, warranties, covenants, assignments, and licenses.

PRIVACY AND DATA SECURITY

Our IP team works closely with our [Privacy and Data Security](#) team on a variety of matters in which our depth of experience in both IP matters and privacy and data security issues enables us to provide valuable cross-practice counseling to our clients.

ARTIFICIAL INTELLIGENCE (AI) AND EMERGING TECHNOLOGY

Our IP attorneys team up with our [Artificial Intelligence](#) team to provide our clients with insightful cross-practice assistance on matters involving artificial intelligence (AI).