



## Practice Area

# Intellectual Property

- [Practice Areas](#)
- [Industries](#)

Jennings Strouss offers clients the full spectrum of intellectual property services, including the acquisition, enforcement, and defense of patents, copyrights, trademarks, and trade secrets, as well as related licensing, joint technology development arrangements, and litigation. We also assist clients with their core assets, such as technology, brand, and strategic relationships, and help them navigate their unique competitive landscape.

Our clients range from large international corporations to emerging businesses in a wide range of industries. We also represent universities, industry associations, and research institutions. Our attorneys' understanding of a broad range of companies and industries enables them to develop individualized services for each client, creating effective and efficient legal solutions.

Our attorneys technical expertise includes encryption, cybersecurity, medical imaging, software architecture, data cache and database systems, microprocessors, optics, semiconductor processing and wafer fabrication technologies, cloud computing, advanced weapons systems, medical devices, supersonic aircraft design, automotive systems, business methods, avionics, credit and financial services, mobile devices, smartphone applications, and consumer electronics.

The firm's intellectual property services encompass the domestic and international aspects of:

- patent, trademark, copyright, and industrial design prosecution
- exploitation and enforcement of rights through licensing, joint venture, sponsored research, collaboration, technology transfer, and other agreements
- defense against the assertion of these rights through traditional and non-traditional forms of litigation
- protection and transfer of intellectual property related to bankruptcy, mergers, and acquisitions

Our attorneys routinely conduct audits to assess our client's intellectual property assets, counsel on strategically developing and managing intellectual property portfolios, and advise on protection from third-party threats. Also, as a result of our attorneys' experience handling international intellectual property, the firm has developed a worldwide network of trademark, patent, and corporate attorneys to assist with intellectual property and related corporate matters in foreign jurisdictions.

The firm's multifaceted resources focus on maximizing the value of intellectual property to our clients' businesses and strive for effective productivity by training the client's personnel to assume responsibility for asset management. When needed, we call on the skills of the firm's attorneys who are knowledgeable in corporate, securities, real estate, finance, employment, and tax practices to optimize underlying business objective.



## Areas of Expertise

### Cybersecurity

According to recent surveys, cybersecurity is the number one business priority. And it should be. Any company, regardless of size or industry, is vulnerable, especially if your business involves collecting, storing, or utilizing the financial and personal information of your clients and employees.

Jennings Strouss works with companies to ensure they have the necessary policies, procedures, and safeguards in place to minimize the risk of and effectively respond to cyber threats and breaches. Our clients represent a broad range of industries, including aerospace defense, e-commerce, education, financial services, government, healthcare, retail, technology, telecommunications, and utilities.

The firm's multi-disciplinary team of attorneys helps clients understand and comply with data protection and privacy laws, including:

- the Gramm-Leach-Bliley Act
- Sarbanes-Oxley
- Federal Trade Commission Act
- the Fair Credit Reporting Act (FCRA)
- Controlling the Assault of Non-Solicited Pornography And Marketing (CAN-SPAM)
- Health Insurance Portability and Accountability Act (HIPAA)
- the Payment Card Industry Data Security Standard
- The Health Information Technology for Economic and Clinical Health (HITECH) Act
- Children's Online Privacy Protection Act (COPPA)
- Executive Order on Improving Critical Infrastructure
- state and federal security breach notification laws
- other federal and state regulations

Our attorneys are also well-versed in the European Nation's (EU) General Data Protection Regulation (GDPR), which will likely have an impact on U.S. businesses that collect and process personally identifiable information of individuals located in the EU, particularly those businesses that offer goods and services to the EU and/or monitor the behavior of individuals in the EU.

One of the first things a company is asked after a breach is whether it took "reasonable measures" to secure its data. What constitutes a reasonable measure may vary depending on many factors, such as the source of the breach (i.e., internal or external), the exposure or loss of data, and the regulatory agency involved in the investigation. Jennings Strouss assists companies with privacy and security assessments to ensure measures are in place to minimize the risk of a breach and develop an incident response plan should a breach occur. We also work with the client to create, implement and communicate written policies and procedures for collecting, storing, securing and distributing sensitive and proprietary data. Also, our attorneys help companies evaluate their business insurance and the options available for cybersecurity coverage.

Should a breach occur, our attorneys can assist clients with the implementation of an incident response plan, including when and how to report the breach to the appropriate regulatory agencies and the individuals and businesses that may be affected. In the event the breach results in litigation,



the attorneys in the firm's litigation practice will guide clients through every step of the process, providing the most efficient and cost-effective solution.

## **Patent Prosecution**

Our attorneys are skilled in securing patents for a wide range of technologies, including:

- encryption
- cybersecurity
- advanced weapons systems
- optics and holography
- software architecture
- data cache and database systems
- microprocessors
- semiconductor processing and wafer fabrication technologies
- cloud computing
- medical devices and medical imaging
- supersonic aircraft design
- automotive systems
- business methods
- avionics
- credit and financial services
- mobile devices
- smartphone applications
- consumer electronics
- consumer products
- manufacturing

They are adept at generating reliable, non-infringement, invalidity, and freedom to practice analyses and opinions, particularly on short notice. Our attorneys are also equipped to manage diverse international patent portfolios, as well as strategically significant individual patents and patent families.

## **Trademarks**

Jennings Strouss attorneys are experienced in the selection, adoption, and protection of trademarks and corporate names, and in the management of domestic and international trademark portfolios. They file and prosecute domestic and treaty-based trademark applications, and work with foreign counsel to prosecute national applications and maintain registrations in countries around the world. Also, they have considerable expertise in the areas of trademark licensing and merchandising, as well as the legal issues involved with advertising, branding, and marketing.

## **Copyrights**

Jennings Strouss manages the filing of copyright registration applications across the entire spectrum of copyrightable works. We also assist with the procurement, transfer, and license of copyrighted works, and guide clients through ownership issues that arise when employees, independent



contractors, and joint venturers contribute to the creation of copyrighted works.

When necessary, our attorneys are prepared to litigate claims of copyright infringement in federal courts, including claims related to the unauthorized use of software, internet content, music, news articles, sculptural works, and other media. We also help our clients determine the permissible quantity and quality of material that may be used without the permission of the copyright owner under the “fair use” doctrine.

**We assist clients with their core assets, such as technology, brand, and strategic relationships, and help them navigate their unique competitive landscape.**

## Professionals



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Imbornoni, Brian  
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Smith, Richard C.  
Chair, Tax and ERISA



Valentine, Paul J.

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## Intellectual Property Law Times Blog

- [Jennings, Strouss & Salmon Receives Top Ten Rankings in 10 Legal Categories](#)  
Source: Intellectual Property Law TimesPublished on 2017-04-13
- [Jennings, Strouss & Salmon Voted Best Intellectual Property Law Firm in the Valley](#)  
Source: Intellectual Property Law TimesPublished on 2017-04-10
- [Do You Know Where the Data Is?](#)  
Source: Intellectual Property Law TimesPublished on 2017-02-22

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