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## Featured Patents & Trademarks

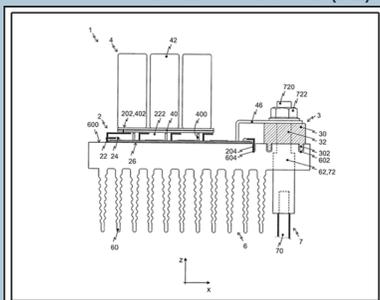
recently issued to  
NLS clients

### METHOD FOR PRODUCING A POWER ELECTRONICS SYSTEM

Patent No.:

# 10,893,602

Assignee: Semikron Elektronik GmbH & Co. KG (DE)



Continued on page 2

## Choose Wisely, Trademarks are Forever

by **HOWARD N. ARONSON**, Senior Partner, Nolte Lackenbach Siegel



**Patents and Copyrights are powerful rights that find their basis in the U.S. Constitution,** but have limited life. They are considered limited monopolies, beneficial to promote the useful arts and sciences, but sadly expire at some point. Trademarks, however, founded in the common law, can last forever if continuously used.

To the extent that a monopoly is an exclusive right, a trademark is. Then why would the law allow it to be perpetual? For the benefit of the purchasing public. Both seller and purchaser benefit when there is stability of quality control. And a perpetual monopoly in a trademark can include more than just words, but also distinctive product shapes, packaging, colors, smells, and sounds.

### Here is My Business Card

It has been noted that trademarks and service marks have replaced the intimate relationship Americans once had with their local shopkeepers and tradesmen before the industrial revolution. A century ago, purchasers knew the person who sold and perhaps made the product being purchased. There was a bond and implied promise surrounding the quality. Nowadays a trademark provides that same function, an expectation of a consistent and sole source of origin. That is why people feel good when they see well-known trademarks - it creates consumer trust. The trademarks and service marks you knew when you were young often remain a part of your life. Tony the Tiger, Ronald McDonald and Mr. Clean are still good friends.

As a trademark is the calling card of a product, it allows consumers to make intelligent choices based upon advertising, past purchases, and third-party advice. Protection of a trademark intends that

no products in the mark use a source of origin so similar to another's as to confuse a purchaser into believing that there is association between the products. Any such confusion hurts both the trademark owner, as well as the purchasing public, who should be free to make an informed decision based upon reputation. Courts are admonished to always consider an invisible but omnipresent third-party, other than the plaintiff or the defendant - the purchasing public. Courts often protect the purchasing public in an infringement action by issuing an injunction, even when the plaintiff has been delinquent in asserting rights. That is why, unlike most civil causes of action seeking equitable relief, laches is often not recognized as an equitable defense in trademark infringement litigation where an injunction is sought. The public must be protected when there is confusion or deception as to the source.

### History and Trademarks

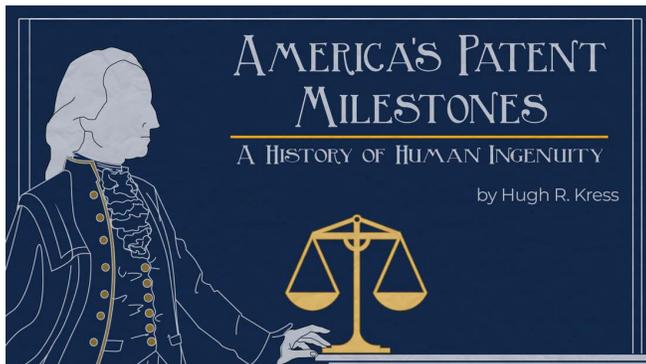
Historically, there has always been the need to identify and memorialize the...

Continued on page 3

### U.S. Patent and Trademark Office Statistics

**The United States Trademark Office had 738,112 trademark applications (number of classes) filed in 2020, which represents a 9.6% increase from 2019.** In 2020, the average number of months before first examination was 3.0 months, while the average number of months to obtain a trademark was 9.5 months. The percentage of first office actions consistent with the quality standards established by the trademark office was 95.7%.

Continued on page 3



effects of frost, ice, snows, and mud” on train rails. It is of course an understatement to say that technology has advanced dramatically in the intervening 185 years, leading to the issuance of U.S. Patent 11,000,000, issued to Jason S. Diederling and Saravana B. Kumar, of 4C Medical Technologies, Inc., for

“Repositioning Wires and Method for Repositioning Prosthetic Heart Valve Devices Within a Heart Chamber and Related Systems, Devices, and Methods.”

**“U.S. Patent No. 1 was issued on a Wednesday (more on that later), July 13, 1836, to Senator John Ruggles of Rhode Island.”**

The subject matter of the million-patent milestone patents issued between 1836 and today provides a profound snapshot into the advancement of human ingenuity and technology during that time:

## HISTORY AND SOURCES

**U.S. Patent No. 1,000,000;** issued August 8, 1911 to Francis H. Holton “Vehicle Tire”

**U.S. Patent No. 2,000,000;** issued April 30, 1935 to Joseph Ledwinka “Vehicle Wheel Construction”

**U.S. Patent No. 3,000,000;** issued September 12, 1961 to Kenneth R. Eldredge “Automatic Reading System”

**U.S. Patent No. 4,000,000;** issued December 28, 1976 to Robert L. Mendenhall “Process for Recycling Asphalt Aggregate Compositions”

**U.S. Patent No. 5,000,000;** issued March 19, 1991 to Lonnie Ingram et al. “Ethanol Production by Escherichia Coli Strains Co-expressing Zymomonas PDC and ADH Genes”

**U.S. Patent No. 6,000,000;** issued December 7, 1999 to Jeffrey Hawkings et al. “Extendible Method and Apparatus

for Synchronizing Multiple Files on Two Different Computer Systems”

**U.S. Patent No. 7,000,000;** issued February 14, 2006 to John P. O’Brien “Polysaccharide Fibers”

**U.S. Patent No. 8,000,000;** issued August 16, 2011 to Robert L. Greenbert et al. “Visual Prosthesis”

**U.S. Patent No. 9,000,000;** issued April 7, 2015 to Matthew Carroll “Windshield Washer Conditioner”

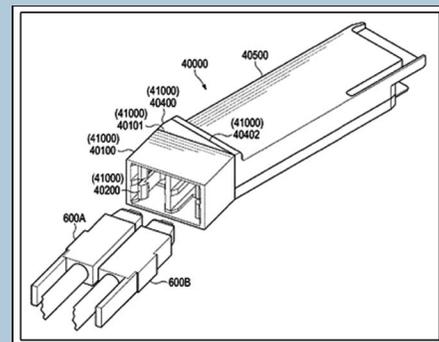
**U.S. Patent No. 10,000,000;** issued June 19, 2018 to Joseph Marron “Coherent LADAR using Intra-Pixel Quadrature Detection”

## PATENT CORNER

Continued from page 1:

### OPTICAL ADAPTERS

Patent No.: 10,895,697  
Assignee: Hewlett Packard Enterprise Development LP (US)



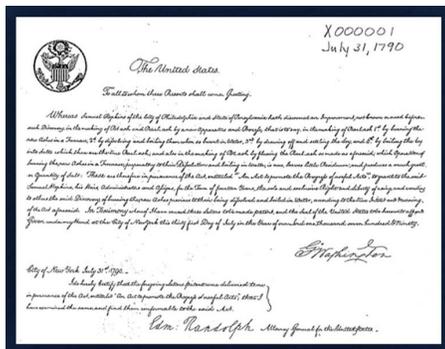
Examples described herein include optical adapters. In some examples, an optical connector adapter includes a housing with a first end and a second end, a latch assembly inside the housing, and an adapter optical ferrule. The latch assembly may include two latch arms and an engagement feature to mate the adapter to a number of optical transceiver shells. The engagement feature may protrude beyond the second end of the housing. The adapter optical ferrule is attached to the two latch arms.

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The United States Patent & Trademark Office (USPTO) recently issued **U.S. Patent No. 11,000,000**. This comes slightly less than three years since the previous million-patent milestone, when U.S. Patent No. 10,000,000 was issued on June 19, 2018.

The USPTO began its consecutive numbering of utility patents in 1836, after having issued 10,280 patents since the first U.S. patent, signed by President George Washington, on July 31, 1790. These pre-1836 patents were destroyed by a fire a few months after passage of the Patent Act of 1836; only some have been recovered and re-issued with an “X” designation, and are referred to as “X-patents.”

U.S. Patent X000001 issued July 31, 1790 to Samuel Hopkins (improvement “in the making of Pot ash and Pearl ash by a new Apparatus and Process”)



U.S. Patent No. 1 was issued on a Wednesday (more on that later), July 13, 1836, to Senator John Ruggles of Rhode Island, for “Traction Wheels” and was directed to providing steam locomotives with the ability to overcome “the evil

## History and Trademarks

...origin of a commercial product. It has been surmised that Roman brick makers 2000 years ago were obligated to put their name, mark or seal on the bricks they produced, so that if there were defects or irregularities, the authorities would know the individual responsible for the defective workmanship. That became an early branding allowing all concerned to differentiate various bricks made by different makers.

Greek urn makers placed their brands on products as early as the fifth and sixth centuries B.C., as urns were both utilitarian and artistic. Many believe there was an element of pride in the practice to enable purchasers to differentiate between different producers, the same way that goldsmiths and silversmiths developed uniform symbols (trademarks) to identify their expensive products. During the Middle Ages guilds used trademarks to identify armor, cloth, cutlery, and pewter items. The guilds used their mark so that rival craftsman could be distinguished. And of course, in the early days of the American Wild West, cattle were branded to differentiate those of different breeders. It is from such practice that the word "brand" originates - the Anglo-Saxon "to burn."

## Federal Law

In our jurisprudence, some authorities say that Article 1, Section 8, Clause 3 of the US Constitution, the "commerce" clause, indirectly provides the basis for federal trademark statutes. The first US trademark act was enacted in 1870 but was later found unconstitutional by the US Supreme Court. That act imposed criminal penalties for infringing or counterfeiting registered marks. It was followed by an 1881 law relating to trade with foreign countries. In 1905, the first law was passed that provided for registration of trademarks, but not service marks. And it was not until 1946 that broad, self-contained, federal trademark legislation came into being.

## File Those Applications!

The importance of trademarks has

been considerable when looked at statistically. Under the 1870 act, 121 trademarks were registered. A hundred years later, 33,000 applications were filed and 23,000 were granted federal registration. While in 1989 there were an impressive 83,000 filings, and in 1990 such rose to about 125,000, by 2010 there were 368,939 filings and in 2020 there were 738,112 trademark application classes filed. Countries other than the US certainly understood the value of protecting trademark rights in the US. In 2020, Chinese nationals filed 102,593 applications, United Kingdom 15,288, Canadian 16,431 and German 13,432. Company wise, in 2020 Walmart filed 478 applications, Amazon 366, Novartis 318, and Mattel 281.

## Use It or Lose It

The US trademark laws are founded upon usage, with registration not creating rights for the most part but helping to protect rights that are created upon sales and distribution in US commerce. A mark that is used has rights, and once the mark is registered it can be renewed indefinitely as long as there is proof of actual use in US commerce at the time of renewal. The possible perpetual nature of trademarks is to be contrasted with other forms of intellectual property.

While trademarks distinguish the goods and services of various manufacturers, copyright is intended to protect works of art, photographs, writings, music as well as other artistic works. A copyright is based upon originality and granted to an artist or writer who creates the work independently. While copyrights may last a very long time, almost a century in some instances, trademark protection is still king, and can be perpetual. A patent can protect a product from simulation, functionally, as well as ornamentally. A trademark protects the manufacturer's interest in distinguishing its product from those of other manufacturers; but it offers no protection against simulation of a product itself.

## Choose Your Trademark Carefully

Trademarks can last forever – so choose yours carefully. Picking names for children usually follows months of thought. Selecting a name for a new product should entail a great deal of focus and research. The types of designations that can be a trademark can differ greatly. Trademarks like Google and Amazon are whimsical and have no correlation to the corresponding product or service. Trademarks that are the surname of the business founders, like Ford, Edison and Steinway, have been very common for centuries. And trademarks that are geographic, such as Philadelphia (cream cheese) and Kentucky (fried chicken) are also common. Some marks have indirect association with the product, though not descriptive, such as Tesla for electric automobiles, as Nicola Tesla was an inventor in the electrical sciences. Whatever your bent or goal in selecting a trademark, choose wisely and carefully, because it establishes a relationship between your product or service and the public, and hopefully, will be around forever.

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## U.S. Patent and Trademark Office Statistics

The percentage of trademark applications processed electronically was 88.7%. Of the 50 states, California residents filed the most trademarks applications (107,120) in 2020. Of all foreign countries, residents of China (mainland) filed the most trademark applications (102,593), which is a 34.4% increase over fiscal year 2019.

## US and PCT Patent Statistics Increased Filings

**For 2020, United States total patent applications are relatively unchanged from fiscal year 2019.** The preliminary total of 653,311 is down 2.0% from the 666,843 applications in 2019. Total issued utility patents for 2020 numbered 360,784, which is an increase of 1.79% from 2019.

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# COPYRIGHT, FUD, AND NFTS

Vetting the Fear, Uncertainty, &  
Doubt of Non Fungible Tokens

by **JEFFREY ROLLINGS**,

NFT's "Non-Fungible Tokens", are all over the news, and it seems like everyone and their dog is getting rich on them. Perhaps you own a digital or digitized asset, such as art, music, or some unique collectible, and you have heard you can monetize it by selling it as an NFT. Or you can buy NFTs and sell them for a nifty profit after they have appreciated. While both are true, here's the "FUD" part – fear, uncertainty, and doubt - before counting your money and licking your digital chops, you should first seriously consider the variety of legal issues that are impacted by NFTs. NFTs may involve brands, and thus trademark laws, and they may also involve patented technologies. NFTs can present a host of issues under copyright law that should concern both the owners of copyrighted material and prospective NFT purchasers and sellers.

**"NFTs present a host of issues under copyright law that should concern both the owners of copyrighted material and prospective NFT purchasers and sellers."**

## What, you may ask, is an NFT?

NFT stands for Non-Fungible Token.

A "token" in this context is a piece of code that sits on top of a blockchain. Blockchain: a decentralized digital ledger that is shared amongst multiple computer systems across many networks. Blockchains are used to record the ownership and transfer of ownership of tokens such as pieces of cryptocurrency, including Ethereum (ETH), Bitcoin (BTC), Cardano (ADA), and possibly even Dogecoin (DOGE).

A piece of cryptocurrency, such as Bitcoin, is a "fungible" token. That is, one Bitcoin is the same as another Bitcoin, each signifying

ownership of a given value, and one can be exchanged for the other. A "non-fungible" token, or NFT, is a unique one-of-its-kind indicia of ownership of the whole or a part of a digital asset such as a piece of digital art, a collectible, or music or videos. An NFT is "minted" and auctioned off at an exchange and is purchased with the cryptocurrency that is traded on that exchange.

The NFT provides and signifies proof of ownership, via the blockchain. The NFT may also provide its owner with rights to use, display, or even license; in some situations, the digital asset (this could be a piece or copy or version of a digital asset) may offer the owner perks related to the asset's author or creator. For example, the rock band Kings of Leon recently released a limited number of copies of their new record "When You See Yourself" as NFTs. The owners of certain classes of these NFTs can receive perks such as access to limited edition digital art, front-row seats to Kings of Leon shows, in addition to the right to download and enjoy the songs on the record.

Most importantly, however, the owners of these cool Kings of Leon NFTs get to sell their NFTs later for fun and profit. NFTs are freely traded on crypto exchanges such as OpenSea and Nifty Gateway, and their value can increase, sometimes dramatically over time. Digital art icons such as Cyberpunks and CryptoKitties have sold for millions of dollars in Ethereum (ETH), which is the cryptocurrency most often used to purchase and trade in NFTs. The rarity and collectability of NFTs, together with the value of ETH, can increase over time and provide a windfall for owners looking to sell them to new collectors.

**But how does the Copyright Law fit into all of this?** Simply put, the digital assets sold and traded as NFTs are, overwhelmingly, pieces or copies of assets that are "works of authorship" governed and protected by the United States Copyright Laws (for reference, 17 U.S.C. § 101 et. seq.).

The author or owner of a work of digital art or music owns the exclusive right to control the reproduction, sale,

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## USPTO Statistics

**For 2020, United States total patent applications are relatively unchanged from fiscal year 2019.**

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**The average number of months to obtain a patent was 23.3 months and 14.8 months to obtain a first action.**

The wait times varied based widely on the technology area: Biotechnology and organic chemistry had an average wait time of 14.8 months to first action, and an average total pendency of 23.3 months. Chemical and Material Engineering had an average first action pendency of 16.8 months and an average total pendency of 26.9. Computer architecture had an average wait time of 16.0 months to first action, and an average total pendency of 26.5 months. Networks, multiplexing, cable and security generally waited 12.9 months to first action, and had an average total pendency of 23.1 months. Semiconductor, Electrical, Optical Systems, and Components had an average first action pendency of 13.1 months, and an average total pendency of 21.1 months. Transportation, Construction, Agriculture, and Electronic Commerce had an average wait time of 16.7 months, and an average total pendency of 26.4 months. Mechanical Products had an average wait time of 17.7 months to first action, and an average total pendency of 28.0 months. **Patent Cooperation Treaty (PCT)** filings for 2019 saw an increase in the total number of filings (5.2%) to 265,800 patent applications. The US filed 57,840 PCT applications or 21.8% of the applications that were filed. China surpassed the US with the greatest number of PCT applications at 58,990 which represented 22.2% of the applications that were filed. The remaining top 10 filing countries included: Japan with 19.8%, Germany with 7.3%, South Korea with 7.2%, France with 3.0%, the UK with 2.2%, Switzerland with 1.7%, Sweden with 1.6%, and Netherlands with 1.5%. The top three PCT applicants included: Huawei Technologies Co., Ltd., Mitsubishi Electric Corporation, and Samsung Electronics Co., Ltd.

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# INFRINGEMENT LITIGATION

Our strategies are always focused on resolving matters prior to litigation, however, when litigation is unavoidable, we have the experience and expertise to handle all aspects of your case, from initial claims investigation, document collection, pleadings, discovery, expert witnesses, mediation, arbitration, trial, and appeals.

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No matter the size of the client, Nolte Lackenbach Siegel Intellectual Property Law Group strives to provide the most value-added, cost-effective services tailored to the needs of each client and each client's matter.

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## PATENT CORNER

Continued from page 2

### SYSTEMS AND METHODS FOR CELL-CENTRIC SIMULATION AND CELL-BASED MODELS PRODUCED THEREFROM

Patent No.: 10,916,328  
Assignee: CROWLEY DAVIS RESEARCH Inc (US)

### SYSTEMS AND PROCESSES FOR FEEDING LONGITUDINAL WIRES OR RODS TO MESH PRODUCING MACHINES

Patent No.: 10,926,315  
Assignee: Antonios Anagnostopoulos (GR)

### ARC SUPPRESSION DEVICE FOR PLASMA PROCESSING EQUIPMENT

Patent No.: 11,114,279  
Assignee: COMET TECHNOLOGIES USA, INC. (US)

### LIGHT-EMITTING DEVICE

Patent No.: 11,114,614  
Assignee: Shimadzu Corporation (JP)

### TWO-COMPONENT COSMETIC

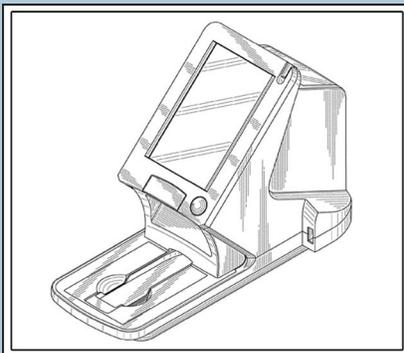
Patent No.: 11,147,750  
Assignee: Shiseido Company, Ltd. (JP)

### SUPERCONTINUUM MICROSCOPE FOR RESONANCE AND NON-RESONANCE ENHANCED LINEAR AND NONLINEAR IMAGES AND TIME RESOLVED MICROSCOPE FOR TISSUES AND MATERIALS

Patent No.: 10,962,751  
Assignee: Robert Alfano (US)

### IMMUNOCHROMATOGRAPHIC TEST DEVICE

Patent No.: **D909,589**  
Assignee: Sekisui Medical Co., Ltd.



### CIRCUITS AND METHODS FOR ELECTROSURGICAL UNIT SIGNAL DETECTION

Patent No.: 11,103,190  
Assignee: Drägerwerk AG & Co. KGaA (DE)

### WI-FI ACCESS POINT

Patent No.: D934,212  
Assignee: Han Networks Co., Ltd. (CN)

### SYSTEM FOR NEUTRALIZING PATHOGENS ON TACTILE SURFACES

Patent No.: 10,953,120  
Assignee: Sterilumen, Inc. (US)

### SYSTEMS AND METHODS FOR GENERATING ELECTRICITY VIA A PUMPED THERMAL ENERGY STORAGE SYSTEM

Patent No.: 10,883,388  
Assignee: Echogen Power Systems LLC (US)

### ADAPTIVE ELECTROPNEUMATIC HORN SYSTEM

Patent No.: 10,902,833  
Assignee: Wolo Mfg. Corp. (US)

### DISPLAY SCREEN WITH GRAPHICAL USER INTERFACE

Patent No.: D931,890  
Assignee: Tyrone Caldwell, Courtney Dion Caldwell (US)

### COOLING SYSTEMS

Patent No.: 10,888,020  
Assignee: Hewlett Packard Enterprise Development LP (US)

### ALPHA-GEL FORMATION COMPOSITION, EXTERNAL SKIN CARE COMPOSITION USING ALPHA-GEL FORMATION COMPOSITION, AND ALPHA-GEL FORMATION COMPOSITION

Patent No.: 10,898,426  
Assignee: Shiseido Co. Ltd. (JP)

### PROCESS FOR PRE-CONTACTING CATALYST COMPONENTS EX-REACTOR TO PRODUCE AMORPHOUS POLY ALPHA-OLEFINS

Patent No.: 10,995,162  
Assignee: Rextac LLC (US)

### HYDRAULIC PUNCHER

Patent No.: D917,254  
Assignee: Ogura & Co., Ltd. (JP)

### ENCODING DATA

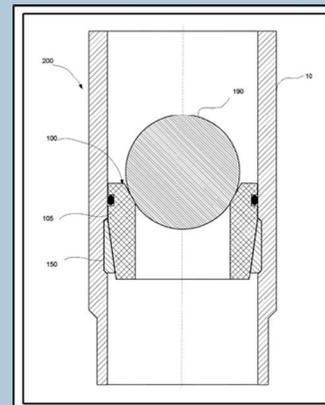
Patent No.: 10,930,314  
Assignee: Michael Hugh Harrington (US)

### SELF-RETRACTING KNIFE WITH A PLURALITY OF EXTENDED CUTTING POSITIONS

Patent No.: 11,117,273  
Assignee: Hyde Tools, Inc. (US)

### APPARATUS, SYSTEM, AND METHOD FOR ISOLATING A TUBING STRING

Patent No.: **11,021,926**  
Assignee: PetroFrac Oil Tools (US)



Continued on page 7

## PATENT CORNER

Continued from page 6

### UNIVERSAL ATTACHMENT FOR AN ORTHODONTIC ALIGNER

Patent No.: 11,123,157  
Assignee: Ross Aronson (US)

### PORTABLE DEVICE FOR CLEANING AND/OR SANITIZING JEWELRY AND OTHER SMALL PARTS

Patent No.: 11,134,828  
Assignee: Jewelry Spa Hot Tub Inc. (US)

### APPARATUS FOR SUBSEA EQUIPMENT

Patent No.: 11,142,983  
Assignee: Sean P. Thomas (US)

### METHOD AND ARRANGEMENT FOR ASSEMBLING AND ELECTRIC MOTOR OR GENERATOR

Patent No.: 11,095,195  
Assignee: Protean Electric Limited (GB)

### DOWNHOLE FORMATION PROTECTION VALVE

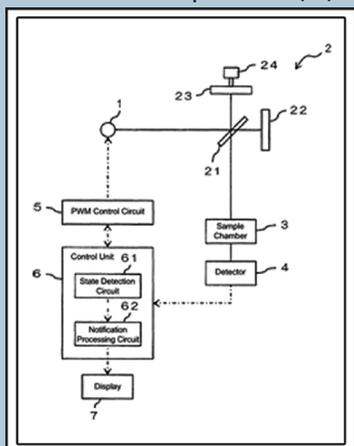
Patent No.: 11,035,200  
Assignee: Frontier Oil Tools (US)

### ADJUSTABLE BED

Patent No.: 10,932,584  
Assignee: Motus Mechanics Limited (GB)

### INFRAREDSPECTROPHOTOMETER

Patent No.: **10,890,483**  
Assignee: Shimadzu Corporation (JP)

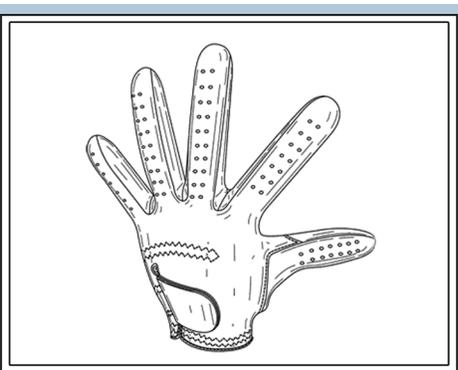


### CONTROL LEVER FOR A POWER TOOL

Patent No.: D907,457  
Assignee: Ogura & Co. Ltd. (JP)

### PRESSURE SINTERING PROCEDURE IN WHICH POWER SEMICONDUCTOR COMPONENTS WITH A SUBSTRATE ARE CONNECTED TO EACH OTHER VIA A SINTERED CONNECTION

Patent No.: 10,957,560  
Assignee: Semikron Elektronik GmbH & Co. KG (DE)



### GOLF GLOVE

Patent No.: **D915,683**  
Assignee: Kaoru Shinki (JP)

### ADJUSTABLE WALL MOUNT ASSEMBLY FOR A BASKETBALL GOAL

Patent No.: 11,045,704  
Assignee: Mega Slam Hoops, LLC (US)

### SMOKE DETECTOR

Patent No.: D918,753  
Assignee: Hochiki Corporation (JP)

### SYSTEM, APPARATUS, AND METHOD FOR PREPARING A BEVERAGE CARTRIDGE

Patent No.: 10,925,430  
Assignee: MB2 Cup Development LLC (US)

### MAIN BEAM STRUCTURE AND PROFILE FOR FORMWORK GRID SYSTEMS

Patent No.: 11,047,142  
Assignee: Bond Formwork Systems, LLC (US)

### BACKPACK

Patent No.: 10,881,190  
Assignee: Ortlieb Sportartikel GmbH (DE)

### ELECTRONIC DEVICE HOUSING

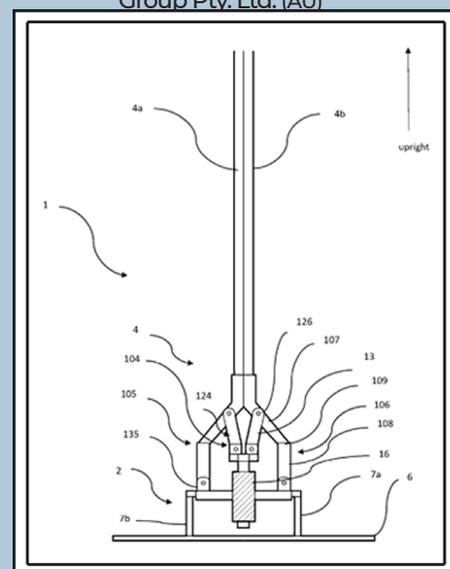
Patent No.: D927,446  
Assignee: Wolo Mfg. Corp. (US)

### GAS COMPRESSOR

Patent No.: 10,989,182  
Assignee: Charles David McCoy (US)

### LIGHTWEIGHT SEA ANCHOR SYSTEM

Patent No.: **10,940,919**  
Assignee: Women At Work Group Pty. Ltd. (AU)



### EXTENDABLE GRADE ROD RECEIVER

Patent No.: 11,105,628  
Assignee: ToughBuilt Industries, Inc. (US)

### POWER CONVERTED ARRANGEMENT FOR FEEDING VEHICLES AND INSTALLATION COMPRISING THE SAME

Patent No.: 11,101,681  
Assignee: Semikron Elektronik GmbH & Co. KG (DE)

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performance, display, and use of that work, and the creation of derivative works by others. Thus, NFTs necessarily implicate, and may be governed by, copyright.

Because NFTs are so new, the Copyright Act has not yet been amended or supplemented to address them, and the Courts have yet to provide guidance on how the current law should work for NFTs. For copyright, NFTs are truly the wild, wild west. So what should copyright owners, and NFT buyers, be most concerned about? Here are a few key issues and questions to be aware of:

### **Does Minting Unauthorized NFTs of a Digital Asset Infringe Copyright in the Asset?**

The answer is probably yes, but in some circumstances, maybe not. On its face, creating an unauthorized copy of a piece of art for purposes of minting NFTs of that art infringes the copyright – it violates the copyright owner’s exclusive right to duplicate that work. But what if a legitimate owner of a copy of a work, such as a purchased and downloaded song, takes that copy and mints and sells an NFT? The NFT itself is not usually a digital copy of the work, it is just a token of ownership that sits in your digital wallet. Whether such doctrines as fair use, which is outside of the scope of this article but can be a defense to infringement, apply to such NFT sales is a question that has not been answered but will depend on the circumstances of any given NFT. Be aware that the issue of infringement may not be black and white.

**"The author or owner of a work of digital art or music owns the exclusive right to control the reproduction, sale, performance, display, and use of that work, and the creation of derivative works by others. Thus, NFTs necessarily implicate, and may be governed by, copyright."**

### **Will An NFT Exchange Take Down an NFT Auction If It Is Based Upon an Infringing Copy?**

Under the Digital Millennium Copyright Act (DMCA), Internet Service Providers are obligated to follow certain statutory “take down” procedures, which allow copyright owners to take down infringements of their works from websites and other Internet locations. Currently, the DMCA does not govern NFT exchanges explicitly, and it is not clear whether the exchanges will follow DMCA (or similar) take down procedures. In practice, such popular Ethereum exchanges as OpenSea are adhering to DMCA-like procedures and are regularly taking down infringements. But it is Owner Beware, – copyright owners must now monitor the NFT exchanges just like the Internet writ-large for potential infringements and unauthorized uses of their works.

### **If I Purchase an NFT, Do I Own the Copyright in the Underlying Work?**

No. But maybe. Remember, typically an NFT is just a token of ownership of a copy or version of a work, not the work itself. Ordinarily, the copyright remains with the author of the work. But what a purchaser actually takes by buying an NFT depends entirely upon the rules – the terms and conditions – governing the sale in accordance with the contractual rules set on the exchange. Thus, an auction may provide, per the seller, that the NFT includes the right to license a limited number of copies. Or it may simply provide the owner the right to display a limited number of copies publicly. In some limited situations, music NFT exchanges such as Bluebox provide NFT purchasers with a percentage of the artist’s copyright, which includes the right to earn future royalties from the artist’s underlying work. The bottom line is you must read the rules of the exchange and the auction itself. They will tell you what you are purchasing.

### **What About Secondary Sales of NFTs – Does A Copyright Owner Earn Royalties?**

Consider the owner of an NFT in a band’s album. The band makes money from its auction of that NFT, but now it has appreciated in value and the owner sells it. But does the band make money from the secondary sale? For analog assets, the “first sale” doctrine teaches that a copyright owner only earns money from the first sale of any copy of a copyrighted work. Subsequent sales of the copy are just between the first and second, etc... owners

of that copy. Digital works, however, can be copied and sold infinitely without depriving any of the previous owners of their copies. Thus, the first sale rule doesn’t apply. For NFTs, the issue becomes how to, and whether it is possible to collect revenues from secondary sales made on the exchanges. The Grateful Dead never made money from the digital copies of shows traded among Deadheads and they did not want to, but some bands might want to monetize secondary sales. Currently, the issue is handled on an exchange-by-exchange basis – some exchanges provide (through digital “smart contracts,” for example) for payment to copyright owners for all secondary and subsequent auctions of NFTs. Some, however, do not, and it’s up to sellers to determine in advance whether secondary sales of their NFTs will produce royalties.

There are certainly many other issues raised by NFTs, and new issues are certain to arise as NFTs become more and more popular and universal (which at least for now appears likely). If you are a copyright owner and you are concerned about counterfeit NFTs of your works or, you want to monetize your works as NFTs, or if you are a prospective NFT buyer and you want to know what you are buying, the smart move is this – call an attorney. They can take the FUD out of the NFT, and help you make a good, and hopefully profitable, decision.

## **TRADEMARK CORNER**

### **&+ (and Design)**

Registrant: Toray Kabushiki Kaisha (Toray Industries, Inc.) (Japan Corporation)

### **A ATLAS OLIVE OILS**

Registrant: Mr. Othmane Aqallal (Morocco Individual)



### **ALMOSTGOLF**

Registrant: Almostgolf, LLC (Delaware Limited Liability Company)

Continued on page 9

## TRADEMARK CORNER

Continued from page 8

### ALPHAMEDIX

Registrant: Radiomedix, Inc.  
(Texas Corporation)

### AQUAPRASE

Registrant: Chordia, Avant  
(India Individual)



### ARCADIA

Registrant: Arcadia Earth LLC  
(Delaware Limited Liability Company)

### ARGOS WITYU

Registrant: Argos Wityu Partners  
S.A. (Luxembourg Société Constituée  
Selon Les Lois Du Luxembourg)

### ATASS

Registrant: Technoalpin Holding  
S.P.A. (Italy Società Per Azioni Spa)



### BA

Registrant: Pola Inc. (Jp Corporation)

### BABYGRANDE

Registrant: Babygrande Global,  
Inc. (New York Corporation)

### BARCHEMICALS

Registrant: Marchi & Brevetti Inter-  
prise S.R.L. (Italy Società a Responsabil-  
ità Limitata)



### BLOWN GLASS GOODS

Registrant: Poole, Robert  
(Us Individual)

### BODYPEACE

Registrant: Bodypeace  
(Texas Corporation)

### BUGOUT SOLAR LANTERN

Registrant: Avalon Group, LLC  
(Tennessee Limited Liability Company)

### CARD APP

Registrant: Card App (Delaware  
Limited Liability Company)



### CASTLELOCK

Registrant: Castlelock, Inc.  
(Texas Corporation)

### COCO CABANA

Registrant: Sol De Janeiro Ip, Inc.  
(Delaware Corporation)

### COLOMBINICASA

Registrant: Colombini S.P.A.  
(San Marino Società Per Azioni Spa)

### COLOR ME BELLA

Registrant: Savalia Group, LLC  
(New York Limited Liability Company)

### CONNECTED CAM STUDIO

Registrant: Jvckenwood Corpora-  
tion (Jp Corporation)

### COZUMEL DIVE SCHOOL

Registrant: Stromberg, Kenneth  
Christoffer (Sweden Individual)

### CRYOCOPPER

Registrant: Mitsubishi Materials  
Corporation (Japan Corporation)

### CUR SENS TECHNOL- OGY (and Design)

Registrant: Tdk-Micronas GmbH  
(Germany GmbH)

### CUZEN MATCHA

Registrant: World Matcha Inc.  
(Delaware Corporation)

### DAIKIN

Registrant: Daikin Industries, LTD.  
(Japan Corporation)



### DAIKYO

Registrant: Daikyo Seiko, LTD.  
(Japan Corporation)



### DAISO

Registrant: Daiso Industries Co., LTD.  
(Japan Corporation)

### DIGESTIVE FREEDOM PLUS

Registrant: Avalon Group, LLC  
(Tennessee Limited Liability Company)



### DORA

Registrant: Usalliance Federal  
Credit Union, Dba Usalliance  
Financial (United States Federally  
Chartered Credit Union)

### DRACENA

Registrant: Fujitsu Limited  
(Jp Corporation)

# MARKING TERRITORY™

Trademarks for Pet Products & Services

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**TRADEMARK CORNER**

Continued from page 9

**DRAGONS FOO**

Registrant: Sega Sammy Creation Inc. (Jp Corporation)

**E**

Registrant: Advanced Microwave Engineering S.R.L. (Italy Limited Liability Company)



**EAST COAST UNITED BRAZILIAN JIU-JITSU**

(and Design)  
Ecubjj LLC  
(New York Limited Liability Company)

**EFIL**

Registrant: B'life Co., LTD.  
(Japan Limited Company (Ltd.))

**EVERLAST F.I.T.**

Registrant: Everlast World's Boxing Headquarters Corporation  
(New York Corporation)



**EXPERT.AI**

Registrant: Expert.Ai S.P.A.  
(Italy Joint Stock Company)

**FBRELPO** (and Design)

F B R - Elpo - Societa' Per Azioni  
(Italy Joint Stock Company)

**FITGRINDS**

Fit Grinds, LLC  
(New York Limited Liability Company)

**FLO LIVING**

Flo Living LLC  
(Delaware Limited Liability Company)

**FROG.PRO**

Registrant: Frog. Pro Di Casali Fabio, Fabio Casali, a Citizen of Italy (Italy Sole Proprietorship)

**GALLIARD BRASSERIE**  
(Stylized)

Registrant: Duman Özel Saglik Tesisleri Ve Turizm Hizmetleri Limited Sirketi (Turkey Corporation)

**GENESIS CREST**

Registrant: Sega Corporation  
(Japan Corporation)

**GENESIS LINK**

Registrant: Sega Corporation  
(Japan Corporation)

**GORDIAN**

Registrant: Activation Products (Can) Inc. (Ca Corporation)

**GREATEST OF ALL TIME G.O.A.T. SEASONING BLEND**

Registrant: She Bee Stingin'  
(Nevada Corporation)



**HOSHINO COFFEE**

**H HOSHINO COFFEE**

Registrant: Nippon Restaurant System Inc. (Japan Corporation)

**HATTEMER ENSEIGNEMENT PRIVE DEPUIS 1885** (and Design)

Registrant: Cours Hattemer (France Société Par Actions Simplifiée Sas)

**HEARLRIGHT**

Registrant: Advanced Micronutrition LLC (Delaware Limited Liability Company)

**HER SECRET GARDEN**

Registrant: Her Secret Garden V-Steam, LLC (Texas Limited Liability Company)

**HOTBALLOON**

Registrant: Toray Kabushiki Kaisha (Toray Industries, Inc.) (Japan Corporation)

**HUDSON**

Registrant: Hudson Trading Group, LLC (New Jersey Limited Liability Company)



**IONIC+**

Registrant: Noble Fiber Technologies, LLC (Pennsylvania Limited Liability Company)



**LFA**

Registrant: Lancaster Flow Automation, LLC (Delaware Limited Liability Company)

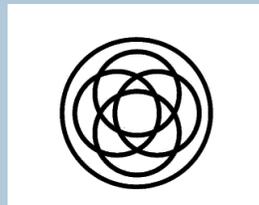
**McCANN SYSTEMS**

**MCCANN SYSTEMS**

Registrant: Mccann Systems, L.L.C. (New Jersey Limited Liability Company)

(DESIGN ONLY)

Registrant: Harmoni Pendant (California Corporation)



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# WHAT KIND OF PATENT APPLICATIONS

WHAT YOU NEED TO KNOW ABOUT FILING YOUR PATENT APPLICATION

## PATENT CORNER

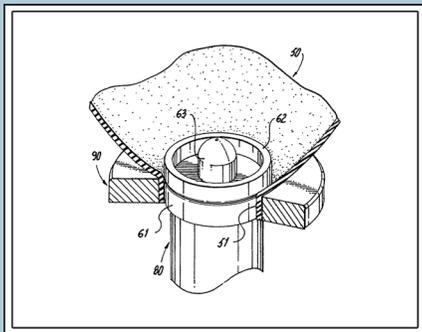
Continued from page 7

### HEAT ENGINE SYSTEMS WITH HIGH NET POWER SUPERCRITICAL CARBON DIOXIDE CIRCUITS

Patent No.: 10,934,895  
Assignee: Echogen Power Systems, LLC (US)

### VALVE ASSEMBLY FOR INFLATABLE BLADDER AND METHOD OF MANUFACTURING THE SAME

Patent No.: 10,995,868  
Assignee: NSI International, Inc. (US)



### EXTENDABLE GRADE ROD RECEIVER

Patent No.: 11,105,628  
Assignee: ToughBuilt Industries, Inc. (US)

### PRE-FRONTAL CORTEX PROCESSING DISORDERS SPEECH, GAIT AND LIMB IMPAIRMENTS TREATMENT

Patent No.: 11,102,953  
Assignee: Gilrose Pharmaceuticals, LLC (US)

### JIG FOR REPAIRING VEHICLE BODIES

Patent No.: D925,314  
Assignee: Slegbert Müller (DE)

### RADIOGRAPHY APPARATUS

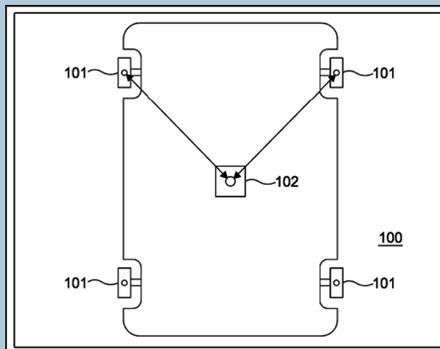
Patent No.: 10,980,498  
Assignee: Shimadzu Corporation (JP)

### CONTAINER CAP

Patent No.: D917,285  
Assignee: Allstar Marketing Group, LLP (US)

### CONTROL SYSTEM FOR A VEHICLE

Patent No.: 10,988,033  
Assignee: Protean Electric Limited (GB)



### CONTROL MODULE FOR AN ELECTRIC MOTOR OR GENERATOR

Patent No.: 10,938,277  
Assignee: Protean Electric Limited (GB)

### INTERCHANGEABLE DIFFERENT STYLE-BLADE UTILITY KNIFE

Patent No.: 10,926,423  
Assignee: ToughBuilt Industries, Inc. (US)

### MODULAR FACEPLATE OPTICAL CONNECTION

Patent No.: 10,884,205  
Assignee: Hewlett Packard Enterprise Development LP (US)



by **Jeffrey Pyle**, Patent Partner, Nolte Lackenbach Siegel

Upon first diving into the world of patents one may encounter a bewildering number of different kinds of patents and patent applications. The patent statute under which the patent system operates categorizes different kinds of patents and patent applications. Other categorizations arise as a useful way to refer to the patent's subject matter in a way that sometimes implicates certain subset of the law. Some categorizations overlap

while some are mutually exclusive. This is a high-level discussion of all these kinds of patents and patent applications. As such, it is full of implicit generalizations to which there may be exceptions and/or qualifications in varying contexts.

But let's first start with what a patent is not. A patent is not a trademark, a copyright, or a trade secret. These are all different kinds of protections that can sometimes be used in conjunction with a patent. However, they are very different kinds of intellectual property that protect different things.

Also, let's talk about what cannot be the subject of a patent, for this consideration overrides everything else in the discussion. The current patent statute was passed in 1952<sup>[1]</sup> and has been revised and amended many times. During the legislative process, Congress literally declared their intention that "anything under the sun" may be patented. The courts have nevertheless steadfastly proclaimed that certain subject matter cannot be patented since well before the current patent statute.<sup>[2]</sup> Among the things that cannot be patented are ideas, laws of nature, mathematical algorithms, physical phenomena,<sup>[3]</sup> printed subject matter, and mental steps. Pretty much anything else may be patented in the US.

The statute defines three categories of patents depending on the subject matter of the patent—utility patents, design patents, and plant patents. A utility patent may be directed to any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement for one of those things<sup>[4]</sup>—that is, things and processes that are generally useful or valuable for what they are or do. A utility patent is the kind of patent that usually first comes to mind when one hears the word "patent". Design patents may be granted for any new, original and ornamental design for an article of manufacture<sup>[5]</sup>—that is, something that is valuable because of the way it looks or for its appearance. And finally, plant patents may be granted for any invented or discovered and asexually reproduced distinct and new variety of plant other than a tuber propagated plant or a plant found in an uncultivated state.<sup>[6]</sup>

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# WHAT KIND OF PATENT APPLICATIONS

WHAT YOU NEED TO KNOW ABOUT FILING YOUR PATENT APPLICATION

Continued From page 13

## What Kinds of Patent or Patent Applications?

What You Need to Know About Filing Your Patent Applications

Upon first diving into the world of patents one may encounter a bewildering number of different kinds of patents and patent applications. The patent statute under which the patent system operates categorizes different kinds of patents and patent applications. Other categorizations arise as a useful way to refer to the patent's subject matter in a way that sometimes implicates certain subset of the law. Some categorizations overlap while some are mutually exclusive. This is a high-level discussion of all these kinds of patents and patent applications. As such, it is full of implicit generalizations to which there may be exceptions and/or qualifications in varying contexts.

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The statute defines three categories of patents depending on the subject matter of the patent—utility patents, design patents, and plant patents. A utility patent may be directed to any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement for one of those things<sup>[4]</sup>—that is, things and processes that are generally useful or valuable for what they are or do. A utility patent is the kind of patent that usually first comes to mind when one hears the word “patent”. Design patents may be granted for any new, original and ornamental design for an article of manufacture<sup>[5]</sup>—that is, something that is valuable because of the way it looks or for its appearance. And finally, plant patents may be granted for any invented or discovered and asexually reproduced distinct and new variety of plant other than a tuber propagated plant or a plant found in an uncultivated state.<sup>[6]</sup>

Finally, there are lots of categories of patents that are referred to as off-hand or generally to describe groups of patents that pertain to certain subject matter or that implicate particular issues or concerns. Examples include “gene patents” directed to gene sequences, “business method patents” (or, “e-commerce patents”) directed to method of conducting business over the Internet, and “therapeutic patents” directed to medical therapies for humans. These types of categories usually develop because they implicate high level policy considerations and typically skirt the boundary between what is patentable and what is not.

You may also encounter mish-mashes of these categories while some others are mutually exclusive. For example, there is no combination of a utility patent and a design patent because utility patents only protect useful things and design patents only protect ornamental appearance. But you might find a non-provisional business method patent application. At the end of the day, it's like any other vocabulary from a new field of endeavor—it just takes a little familiarity for it all to become clear.



But let's first start with what a patent is not. A patent is not a trademark, a copyright, or a trade secret. These are all different kinds of protections that can sometimes be used in conjunction with a patent. However, they are very different kinds of intellectual property that protect different things.

Also, let's talk about what cannot be the subject of a patent, for this consideration overrides everything else in the discussion. The current patent statute was passed in 1952<sup>[1]</sup> and has been revised and amended many times. During the legislative process, Congress literally declared their intention that “anything under the sun” may be patented. The courts have nevertheless steadfastly proclaimed that certain subject matter cannot be patented since well before the current patent statute.<sup>[2]</sup> Among the things that cannot be patented are ideas, laws of nature, mathematical algorithms, physical phenomena,<sup>[3]</sup> printed subject matter, and mental steps. Pretty much anything else may

The statute also implicitly separates patent applications into two categories. A patent application has to be examined to become a patent and must meet certain requirements for content and presentation.<sup>[7]</sup> This is sometimes referred to as a “regular” patent application since, historically, these were the only kind of applications that the statute allowed. Sometimes it is referred to as “non-provisional” application because it is not a “provisional application”. The statute expressly defines a “provisional application” with relaxed requirements for content and presentation.<sup>[8]</sup> Important distinctions between “provisional applications” and “non-provisional applications” include that provisional applications (1) are never examined, (2) cannot become patents, and (3) automatically expire after one year. To obtain a patent from a provisional application, the Applicant must “convert” the provisional application to a non-provisional application before the provisional application expires.

- [1.] The Patent Act of 1952, codified as Title 35 of the United State Code.
- [2.] *Diamond v. Chakrabarty*, 447 U.S. 303, 309 (1980) (quoting the legislative history).
- [3.] *Diamond v. Chakrabarty*, 447 U.S. 303, 309 (1980).
- [4.] 35 U.S.C. § 101.
- [5.] 35 U.S.C. § 171.
- [6.] 35 U.S.C. § 161.
- [7.] 35 U.S.C. § 111 (a).
- [8.] 35 U.S.C. § 111 (b).

QUESTION

Are Your Secrets Safe?



# Your Partners To Industry

## Howard N. Aronson

HAronson@NLS.LAW



As Managing Partner of the firm for almost two decades, Mr. Aronson is responsible for significant transformations within the firm. Starting with Lackenbach Siegel over 35 years ago, in the patent department, he moved into the trademark and litigation departments as infringements and piracy of designer brands became prevalent. Mr. Aronson prides himself in being a contract author to LexisNexis, the largest publisher in the IP field, in connection with four publications, the legal columnist for The Toy Book for the last decade and being routinely ranked among the top ten trademark filers nationally.

**Senior Counsel** | US and International Trademark Portfolio Management and Counseling; Litigation; Licensing; Patents; Intellectual Property Counseling

## N. Alexander Nolte

ANolte@NLS.LAW



N. Alexander Nolte is a founding member of the firm and focuses his practice on intellectual property matters with a special emphasis on electrical, electromechanical, and software related technologies. He is experienced in handling domestic and international patent procurement, infringement and invalidity opinions, freedom to operate studies, government contracts and rights in IP, trademark registration and enforcement, licensing, trade secret/confidential information protection, and intellectual property related client counseling.

**Firm Managing Partner** | Firm Management; Intellectual Property; Foreign & Domestic Patents; Government Contracts; Acquisition Diligence; IP Opinions; Post Grant Proceedings; IP Litigation

## Andrew F. Young

AYoung@NLS.LAW



As the Managing Partner of the Patent Department, Mr. Young has primary responsibility for acquisition, exploitation, management and enforcement of patents internationally, as well as international and cross-border risk and strategy assessment on behalf of firm clients. His experience includes intellectual property licensing, confidentiality management, patent opinions and searching and clearance, domestic and international patent portfolio management and preservation of technology and related due diligence for a wide variety of clients.

**Managing Partner Patents** | Firm Management; Intellectual Property; Foreign & Domestic Patents; Government Contracts; Acquisition Global Patent and Design Rights Acquisition; Preparation; Filing and Prosecution; Acquisition; Diligence; Risk Management and Diligence Regarding IP Assets; IP Counseling; IP Commercialization; Clearance Searching; Infringement Assessments; IP Opinions; Post Grant Proceedings; IP Litigation

## Renée L. Duff

RDuff@NLS.LAW



Renée is the firm's Managing Partner for the Trademark Practice and the New York office of Nolte Lackenbach Siegel. Over the course of her career, she has managed intellectual property assets from a business, law firm, and in-house perspective. This experience provides an uncommon combination of insight that makes her a valuable resource for clients on issues related to both the business and legal aspects of intellectual property. The creative and entrepreneurial spirit that is so often found within this area of law is what she thrives on.

**Managing Partner Trademarks** | Intellectual Property; Foreign & Domestic Trademarks; Trademark Litigation

## Robert B. Golden

RGolden@NLS.LAW



Rob Golden heads the firm's Litigation Department and additionally maintains an active licensing and general counseling practice. On the litigation front, Mr. Golden handles trademark, trade dress, trade secret, patent, copyright, right of publicity, domain name and related cases, all across the country, for a diverse client base. His experience includes trying both jury and non-jury cases in Federal District Courts, arbitrations and mediations, and appeals to Federal Courts of Appeals. He also represents clients in Proceedings before the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office and in domain name disputes under the Uniform Domain Name Dispute Resolution Policy before the World Intellectual Property Law Organization.

**Managing Partner IP Litigation** | US and International Trademark Portfolio Management and Counseling; Licensing; Intellectual Property Counseling

**Peter Hoppenfeld**

PHoppenfeld@NLS.LAW



Peter Hoppenfeld is widely recognized as a “go to” attorney and advisor in the representation of direct and digital marketers, speakers, authors, information marketers, “thought leaders,” entrepreneurs and domestic and international training companies and their founders in all aspects of their legal and business affairs. Peter is a seasoned transactional, commercial attorney with direct marketing, internet marketing, distribution, licensing, marketing, branding and operational expertise. On a daily basis, Peter helps authors, speakers, entrepreneurs, business owners and thought leaders create effective marketing, merchandising and expansion strategies. His mission is to rapidly, smartly, and strategically grow people’s businesses and help them reach revenue goals. Peter’s been described as “a lawyer who understands marketing and a marketer who happens to be a lawyer”.

**Managing Partner  
Entrepreneurial, Corporate,  
Distribution, & Digital Initiatives**

IP Transactions; Contracts; Start-Ups; Expansion Strategies; Trademark Law; Trade Secret Law; IP Commercialization; Acquisition Diligence; IP Opinions; Merchandising; IP Litigation; Foreign & Domestic Patents

**Ken Sidelinger**

KSidelinger@NLS.LAW



Ken Sidelinger has joined the firm's Austin office as Managing Partner - IP Transactions. Ken is a trusted legal advisor to executive management, especially for technology-based businesses. Ken has worked for such blue-chip law firms and companies as Vinson & Elkins, BMC Software, and Intel/McAfee, as well as fast-growing Fintech startups like Leeyo Software and HighRadius Corporation. Ken is a “roll up the sleeves leader” who will be spearheading the development of Nolte's new IP Transactions practice, with a heavy focus on Startups and Small to Medium Businesses.

**Managing Partner  
IP Commercialization**

IP Commercialization; IP Transactions – Contracts; Legal Department Management – Start-Ups & SMBs; Copyright Law; Trademark Law; Trade Secret Law; Patent Commercialization; Acquisition Diligence; IP Opinions; Post Grant Proceedings; IP Litigation

**Cathy Shore-Sirotin**

CShore@NLS.LAW



Cathy Shore-Sirotin heads the firm’s Advertising and Marketing Law Department. She is responsible for counseling clients and reviewing their advertising, catalogs, packaging, labeling, and promotional materials, including sweepstakes, contests, coupons, and give-aways. She additionally counsels clients on trademark and copyright transactional matters, due diligence, and licensing. Ms. Shore-Sirotin is also a member of the Litigation Department, and handles actions before the U.S. Patent and Trademark Office’s Trademark Trial and Appeal Board and in the Federal Courts.

**Managing Partner  
Advertising & Marketing Law**

Advertising; Marketing; Promotion and Labeling Review and Counseling; Intellectual Property Counseling; Acquisition IP Due Diligence; Licensing; U.S. Federal Court and Trademark Office Litigation

**Geoffrey I. Landau**

GLandau@NLS.LAW



As head of the firm’s U.S. Trademark Search Group, Mr. Landau is responsible for providing advice and counseling to clients seeking to introduce and protect new trademarks (brand names, sound marks, design marks, logos, etc.) in the U.S. market. His department provides guidance and formal legal opinions that are the essential “first step” in securing trademark rights. Clients who wish to satisfy their legal “due diligence” requirements - and to avoid or minimize infringement risks - know Mr. Landau well. Mr. Landau oversees a department that handles trademark clearance for a wide variety of industries, including pharmaceutical, automotive, electronics, computer hardware and software, as well as a host of cosmetics, fashion, hand tool, professional cutlery, chemical, and other manufacturers.

**Managing Partner  
Trademark Search Group**

U.S. Trademark Searching; Trademark and Brand Counseling; Due Diligence; Clearance and Legal Opinions

**Eileen DeVries**

EDeVries@NLS.LAW



Eileen DeVries practices in the Trademark and Litigation Departments. She is involved in representing and counseling various companies in connection with their intellectual property portfolios, the protection of intellectual property rights, and the use of federal trademark registrations. She assists clients in selecting and defending trademarks and in obtaining protection for them, as well as maintaining trademarks after registration.

**Trademarks &  
Litigation**

Trademark Counseling; US Federal Court and Trademark Office Litigation; US Trademark Searching and Clearance; Trademark, Search, and Litigation Departments

**Myron Greenspan**

MGreenspan@NLS.LAW



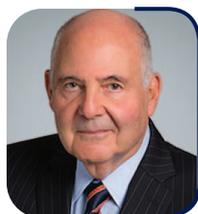
Myron Greenspan is senior patent partner and has extensive experience in patent, trademark and copyright prosecution, litigation and appeals. He has counseled clients in connection with numerous areas of IP including U.S. and foreign patent, trademark and copyright issues, licensing and related international IP portfolio management. He has extensive experience in high technology fields including complex mechanical and optical systems, electronic and electromechanical components including microwave components, radar and communication systems; semiconductor devices, computers and software applications, cable manufacturing machinery, medical and biomedical diagnostic devices and industrial designs.

**Senior Patent Partner**

US and International Patent Preparation, Prosecution and Litigation; Intellectual Property Counseling, Licensing and Litigation, Including Appeals in the Courts and Patent Trial and Appeal Board (PTAB)

**Marvin Feldman**

MFeldman@NLS.LAW



Marvin Feldman provides his extensive knowledge and experience based upon decades of domestic and international intellectual property representation to clients in a broad range of businesses and technologies to secure and commercialize patents in areas as diverse as the biomedical, pharmacological, information technology and the mechanical arts. Based on such acknowledged legal prowess, he has lectured extensively on the subject of patents in various forums.

**Patents & Litigation**

US and International Patent Preparation, Filing, and Prosecution; Intellectual Property Counseling

**Sumita Ghosh Ph.D.**

SGhosh@NLS.LAW



Sumita Ghosh specializes in intellectual property law with an emphasis on client counseling, patent prosecution, and agreement drafting, review and negotiation. Sumita was formerly in-house counsel at Scott & White Healthcare, Director of the Office of Technology Management at the University of Texas at Arlington, and Patent Advisor at the Centers for Disease Control and Prevention, Technology Transfer Office.

**Patent Department**

Intellectual Property; Foreign & Domestic Patent Prosecution; Strategic Patent Portfolio Development; Technology Licensing/Transactions; Clinical Trial and Research-Related Agreements/Transactions; Acquisition Diligence; Government Contracts; Domestic Trademarks; Domestic Copyrights

**William “Bill” Hubbard**

WHubbard@NLS.LAW



William “Bill” Hubbard focuses his practice on intellectual property matters with a special emphasis on electrical, electromechanical, computer networking, control systems, graphics processing, and other software and hardware design related technologies. He is experienced in handling domestic and international patent procurement, infringement and invalidity opinions, freedom to operate studies, trademark registration and enforcement, licensing, trade secret/confidential information protection, and may forms of intellectual property related client counseling for both individual inventors and large corporations.

**Patent Department**

Intellectual Property; Foreign & Domestic Patents; Patent Idea Farming; Acquisition Diligence; IP Opinions; Post Grant Proceedings; IP Litigation

**Hugh Kress**

HKress@NLS.LAW



Hugh’s combined technical and legal backgrounds enable him to contribute at all stages of the development and maintenance of his clients’ intellectual property portfolios. Experience over multiple disciplines has enabled Hugh to recognize and maximize intellectual property value in all forms, including not only utility and design patent protection, but also complementary and trademark and copyright portfolio development and enforcement.

**Patent Department**

US and International Patent Preparation, Filing and Prosecution; Intellectual Property Counseling

**Lindsey Leibowitz**

LLeibowitz@NLS.LAW



Ms. Leibowitz is involved in advising and representing clients in connection with their trademark matters. Her expertise covers all aspects of trademark law, including the evaluation and clearance of trademarks, trademark prosecution before the United States Patent and Trademark Office, and trademark litigation matters. In addition, Ms. Leibowitz has extensive experience assisting entrepreneurs, start-ups and sole proprietors with their intellectual property needs.

**Trademarks Department**

U.S. Trademark Searching; Filing and Prosecution; Copyright Filing and Prosecution; Licensing; US Federal Court and Trademark Office Litigation; Intellectual Property Counseling

**Grace Luppino**

GLuppino@NLS.LAW



As a member of the U.S. Trademark Department, Ms. Luppino is devoted to helping clients navigate the trademark prosecution process. While she provides legal advice in numerous industries, Ms. Luppino has a unique focus in the field of pet care products and services, due to her interest in animal rescue and passion for animal advocacy. She also enjoys working with women entrepreneurs in developing strategies to protect their intellectual property.

**Trademarks & Litigation**

Trademark Department; Search Department; Litigation Department

**Jennifer Medlin**

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Jennifer Pearson Medlin focuses her practice on intellectual property matters with a special emphasis on electrical, electromechanical, computer networking, control systems, artificial intelligence, telecommunications, and other software and hardware design related technologies. She is experienced in handling domestic and international patent procurement, infringement and invalidity opinions, freedom to operate studies, licensing, trade secret/confidential information protection, and many forms of intellectual property related client counseling for individual inventors, large corporations, and government agencies.

**Trademarks & Litigation**

Intellectual Property, Trademark, Trademark Licensing

**Lucas Mikeska**

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Lucas Mikeska has expertise in varied industries including oil and gas, finance, semiconductors, and software related technologies. He uses his business knowledge and technological expertise to assist companies in developing protectable intellectual property assets. His practice focuses on all aspects of intellectual property, including patent, trademark, copyright, and trade secret matters.

**Patent Department**

Intellectual Property; Foreign & Domestic Patent Prosecution; Strategic Patent Portfolio Development; Technology Licensing/Transactions; Clinical Trial and Research-Related Agreements/Transactions; Acquisition Diligence; Government Contracts; Domestic Trademarks; Domestic Copyrights

**Elizabeth “Liz” Nevis**

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Elizabeth Anne (Liz) Nevis, Esq. is a transactional attorney with experience in intellectual property (IP), entrepreneurial law, and cultural property. Liz’s experience includes patent and trademark applications, business contracts, business entity formation, and regulatory and administrative matters. Liz became a Registered Patent Attorney after graduating from Lewis and Clark Law School in 2006 and was admitted to the California bar in 2007.

**Patent Department**

Intellectual Property; Foreign & Domestic Patents; Patent Idea Farming; Acquisition Diligence; IP Opinions; Post Grant Proceedings; IP Litigation



**Jeffrey Parry**

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Jeff Parry is a registered patent attorney. He holds a degree in chemical engineering with additional training and education in electrical engineering. Mr. Parry has substantial experience in litigation related to various intellectual property areas. This experience guides him in instructing clients how best to protect their IP rights and avoid common pitfalls. Mr. Parry is also fluent in conversational Portuguese.

**Patent Department**

US and International Patent Preparation, Filing and Prosecution; Intellectual Property Counseling



**Jeffrey Pyle**

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Mr. Pyle's experience encompasses most aspects of intellectual property, including prosecution, litigation, and transactional matters involving patents, trademarks, copyrights, trade secrets, and unfair competition both domestically and abroad. Recent years have particularly emphasized domestic and foreign patent prosecution. The patent prosecution experience includes all facets of patent prosecution from the taking of invention disclosures and the filing applications to administrative appeals and post-administrative appeal procedures. International experience includes prosecution from filing through appeals and oral proceedings in many jurisdictions including, but not limited to, Europe and the Pacific Rim both directly and through the Patent Cooperation Treaty.

**Patent Department**

US and International Patent Preparation, Filing and Prosecution; Intellectual Property Counseling



**Jeffrey Rollings**

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Jeffrey Rollings has litigated copyright cases in many federal courts, and also litigates many of the firms' trademark, trade dress, trade secret, and patent cases, in both state and federal courts, and before the Trademark Trial and Appeal Board and arbitration panels, all over the country. His litigation experience includes all aspects of case initiation, management, discovery, motion practice, and trial, including both jury trials and bench trials.

**Copyrights, Trademarks, & Litigation**

Copyright Filing and Prosecution; US Federal Court and Trademark Office Litigation; Licensing; Intellectual Property Counseling



**Mark Terzola**

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Mark brings a combination of 20 years of business and legal experience to his law practice. He has worked with public and privately held companies across multiple industries including the energy (utility and OEM suppliers), software (SaaS and embedded control systems), communications and construction industries, handling of their day to day legal and IP needs. Prior to joining Nolte Lackenbach Siegel, Mark was the COO and CFO for Echogen Power Systems and was responsible for developing a world class IP program around the company's technologies.

**Patent Department**

Intellectual Property, Licensing, IP Agreements, Government Contracts, and Acquisition Diligence

Paralegal Team



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- Prosecution and maintenance
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- International and domestic trademarks
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Visit our website to see full bios of NLS's lawyers, paralegals, and support staff. Get in touch with our professionals and find out how to improve your IP footprint and monetize your inventions.

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**Nolte Lackenbach Siegel (NLS) is a venerable intellectual property law firm with a national footprint and an international client base.** For 98 years our practice has been devoted exclusively to trademark, patent, copyright, advertising, trade secret and related matters. We provide our clients with a full range of intellectual property legal services, including securing IP, litigation, licensing, patent and trademark searching, agreements, risk assessment, prosecution, rights assignment, due diligence in connection with transactional, financial, and venture capital matters.

**Brand management companies and other trademark dependent businesses** regularly call upon our Firm to negotiate, draft and conduct the necessary due diligence for asset purchase, assignment and other acquisition agreements, sometimes for deals worth hundreds of millions of dollars. We are asked to provide IP advice and opinions in connection with the financing of these acquisitions, including deals involving "Bowie bonds." We also help our clients to profit from the ownership and use of trademarks through licensing, both as licensors and licensees. As licensees' counsel, we have been instrumental in obtaining the right to use valuable movie and character properties and designer marks for a variety of clothing and accessory products. Working on behalf of licensors, we have helped a number of designers grow from single product producers to household name "life style" brands.

**Our Patent Department** reflects our specialization model, with senior attorneys having backgrounds in mechanical, electrical, and chemical engineering, pharmaceuticals, material science, life sciences, and computer science technologies. The firm has a recognized specialty in strategic design protection including design patents and patent valuation. After Apple secured a

\$1 Billion dollar verdict against Samsung, based in large measure on its design patents, such protection has become notable. The firms' product design protection expertise is evidenced by its renowned publication, "Intellectual Property Counseling & Litigation: Protecting Designs by Trademark, Copyright and Design Patents."

**In the current era of the "mega-firm,"** when most other intellectual property firms have disappeared through merger or acquisition, NLS has grown, by innovating our firm to provide excellent work product, economical billing rates, and strong client communication. While our overall size is modest with under 50 attorneys, our number of attorneys and support staff are often greater than that of the mega-firm IP departments. Our focus on quality and efficiency allows us to accomplish far more than other similarly sized firms.

**By virtue of our Houston and Scarsdale locations** and our enviable efficiency, we are able to operate at much lower overhead than competing law firms, resulting in substantially lower billing rates than those of our larger firm counterparts. Our lawyers' experience and specializations permit NLS to staff matters with fewer attorneys than other firms would need to accomplish the same outcome. Fewer attorneys, operating at lower hourly rates, results in significant cost savings and communication efficiency for our clients over other firms that offer comparable services.

**This is the NLS Advantage.**



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