



Trade shows and intellectual property

The 2011 Offshore Technology Conference (OTC) is right around the corner. Trade shows always get us here at Arnold & Knobloch excited. People come representing companies from all over the world to showcase their products and technology and it is where they are most at risk. Designs can be copied, technology duplicated and ideas stolen — all in the good name of market share. Here are some things companies should consider when attending an industry trade show.

Secure before you go

If you have new ideas or technology, it is best to get them formally documented and recorded before attending any convention or trade show. This could mean preparing a patent application or executing a strategic filing to record your company's idea. This record can help a company defend against later claims of copying as well as secure the technology/idea against infringers that come about after a new product and its technology are showcased at a trade show. A preshow strategy meeting with counsel should be held about three to four weeks before the show. If patent applications are

anticipated, plan for an initial meeting at least eight weeks before the show.

Navigate competitors

If competitors are showing new ideas at a trade show that your company may have, you could be looking at the possibility of potential infringement problems down the road. To help avoid problems before they even begin, perform a postshow review of new products to see if any need further investigation to mitigate your risk. Patent infringement problems or freedom to compete might be dependent on the status of patents and/or old art. A postshow meeting with counsel could help to surface any problems that might hinder a company's freedom to operate. Furthermore, a thorough investigation of a competitor's intellectual property might surface holes that can create opportunity for advantage.

Spotting infringers

If you see a competitor infringing on your company's patents or trademarks, don't make an issue of it on the showroom floor. Gather available intelligence and document, in detail, the infringing activity. Upon spotting a poten-

tial infringement, an important action is for management to contact and confer with counsel, preferably while the show is still going on. Counsel then may advise for additional information gathering, or against certain activities, depending on the facts and circumstances. Postshow, have a review to go over the infringing activity so proper steps can be taken to resolve the issue legally.

Trade shows are wonderful venues for companies to show off their technology and products and strive to increase their market share in a given industry, but they create an ideal opportunity for a company's ideas/technology to be copied. It is important to have your intellectual property secured prior to any public disclosure. Consistently practicing these tips and training employees who attend trade shows will help maximize value from your intellectual property portfolio, and help to avoid costly disputes later, giving your company busi-

ness advantage.

For more information, please contact cknobloch@arnold-iplaw.com, visit www.usptclaw.com or call (713) 972-1150. ●

Trade Show: Intellectual Property Checklist

Before you go

- Formally document and record new ideas/technology
- Prepare a patent application/execute a strategic filing
- Strategy meeting with counsel (three to four weeks before show; eight weeks for patents)

At the show

- If you see infringement, gather intelligence and document in detail
- Management: Contact and confer with counsel

Follow up

- Review infringing activities that occurred at show, if applicable
- Review new products for potential infringement
- Meeting with counsel to surface problems
- Investigate competitor's intellectual property

Is Your Business Strategy Adapting?



Your business depends on the processes utilized in the acquisition, maintenance and protection of intellectual property.

With Arnold & Knobloch you'll know exactly where you stand.

713-972-1150

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Oilfield Christian Fellowship

"Everyone who calls on the name of the Lord will be saved."
- Romans 10:13

Tuesday, May 3rd, 2011
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