

Getting to Know Our IP Attorneys

Neil Martin

Since first starting practice in 1969, many things have changed in patent, trademark, copyright, and in litigation practice and there has been much to learn along the way. Neil believes that experience is potentially the most significant characteristic an attorney can offer clients. There are two types of experienced attorneys, those who learn from their mistakes and those who don't. Neil believes he is in the former category.

Pride in the quality of your work is the best motivation to insure that learning never stops and never stops being applied to the work you do for your clients.

Neil has always been a hands-on attorney. He started writing patents and filing trademarks and still does. He became an experienced litigator. Litigation teaches a patent attorney how to write patent applications that will stand up under a defendant's attack. A well-drafted patent makes it less likely that litigation will be necessary, and if litigation is necessary a well-drafted patent makes litigation less expensive and less uncertain. There is a strong synergy between skill in patent prosecution and skill in litigation.

Neil has a strong belief that you cannot represent any IP client well unless you understand their business, including what determines their profitability and where their customers come from.

Increasingly business is obtained and conducted through the Internet. That means a website with strong protectable content (usually protected by copyright and also used for Search Engine Optimization) and a strong selection of domain names linking to the website is a must. Neil has experience in negotiating with domain name owners to acquire the best domain names, and he has experience in protecting those domain names from encroachment such as through obtaining trademark registrations on the domain name, and through cost effective enforcement against infringers including the use of the UDRP arbitration procedure.

Of course, protection and enforcement cost money and that expense should be measured against the value it provides. Neil provides IP valuation studies to determine how much of a client's existing IP should be reflected in a pro forma balance sheet. An IP Valuation study also determines where there are gaps in the protection that should be filled by new filings. With a strong sense of the value of current and prospective IP, a business can make informed decisions on when and if the cost of protection and enforcement is justified.