

FUNDAMENTALLY IP

# IP STRATEGY

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**You need a calculated strategic plan for how you and your organization will develop, protect, fortify, and monetize your portfolio of patents, copyrights, trademarks, and other IP assets.**

For some, that portfolio may represent nearly all the company's or entrepreneur's assets and value; for others, creating value is a long-term pursuit requiring careful planning and maneuvering along the way.

IP strategy involves much more than a micro view of individual assets and rights. JMIN takes a macro approach, working with clients to assess their competition, legal risks, collaborations, brand reputation, market entries and exits, costs and expenses, profitability, and ROI. Whether your perspective and intentions are global, domestic, regional, or even local, your thoughtfully constructed strategy should reflect your unique objectives, brand attributes, and market position while also driving your bottom line.

At JMIN, we devise, execute, and manage comprehensive IP strategies and initiatives across a wide array of specialized industries. We partner with you to manage and exploit your domestic or international IP portfolio, including assessing portfolio values in merger, acquisition, or VC-related investment transactions. Our lawyers and professionals leave no stone unturned and are dedicated to knowing your assets and mitigating potential infringement with iron-clad prosecution tactics.

## **We Speak in Ways You Understand**

Clients appreciate that we speak their various languages – business, technical, scientific, operational, and legal. Because we interact with inventors, executives, C-suite officers, and others at every level, we must communicate in ways that resonate with them. We deliver clear answers to questions surrounding the actual value of your IP today and into the future.

JMIN works closely with portfolio owners and managers to implement internal protocols that capture creativity and add to the asset mix. We also monitor competitors' technologies and market activities to ensure our clients' IP rights remain robust, intact, and impenetrable.

## **Establishing and Supporting New and Existing Portfolios**

JMIN partners with clients on strategies to track and maximize new, existing, and fast-growing IP portfolios. We manage portfolios that are often global in scale and require continuous mapping

and analysis of patent, trademark, and trade secret risks, frequently negotiating licenses, joint development agreements, and technology transfers.

JMIN devises well-reasoned legal strategies that yield tangible results. We work with clients to establish best practices specific to their organizations and industries and are known for our responsiveness, in-depth analysis, streamlined communications, and bottom-line talking points.

## **Evaluating and Managing Risk Through IP Due Diligence**

An essential component of our practice is performing IP due diligence for M&A transactions and venture capitalist investment deals. We've created an exhaustive process for investigating IP assets and getting answers to questions such as:

- ◆ Are there ownership, regulatory, and compliance risks associated with the IP portfolios under scrutiny?
- ◆ Are the current IP assets valid and enforceable? What is their scope, and are they protected?
- ◆ Is public disclosure readily available?
- ◆ Is there freedom to operate in the field?
- ◆ Are employment agreements, restrictive covenants, and other contracts governing manufacturing, research, contractor, and consultant relationships in place to protect the company's portfolio and provide the company with IP rights?
- ◆ Are there existing licenses or security interests?
- ◆ How litigious is the target industry over intellectual property disputes?
- ◆ Is the IP already in play, manufactured, or developable? Are there design-around opportunities?
- ◆ What specific features of the IP are valuable?
- ◆ Are there IP litigation concerns relating to company technology or IP, and what strategies address litigation concerns?
- ◆ What is the competitive landscape, and what IP strategies will guarantee a competitive advantage?

Where IP is controlled by a start-up and owned by another party, we assess the company's right to buy the IP, its obligations to the owner, and any underlying licensing and enforcement matters.

JMIN has the skill, insight, dexterity, and sheer depth of IP legal knowledge to assess the risks and value of your potential M&A transaction or investment. Our conclusions and recommendations following an IP due diligence investigation are straightforward, contextual, and easily understood.