



OLIFF

ATTORNEYS AT LAW

FIG. 5



Fig. 1



*“Our “Big 3” philosophy -- providing the highest quality work product, very promptly and at a very reasonable cost.”*

—JAMES A. OLIFF

## Firm Overview

### KEY STATISTICS:

- We consistently rank among the top five law firms based on the number of U.S. utility patents issued.
- We ranked first in the category of U.S. Patent Prosecution Counsel, and tied for first in the category of U.S. Prosecution and Litigation Counsel, in a ranking of intellectual property law firms representing the world's largest companies. (IP Worldwide)
- We ranked among the top 10 firms in the country for patent quality in each of the categories of electrical, mechanical and chemical patents.

Olliff PLC was established in January 1983 with a commitment to providing the highest quality, most cost-effective and prompt intellectual property legal services. At Olliff PLC we maintain a client-centered approach, dedicated to handling each client matter as we would want it handled if we were the client, maintaining a close working relationship with our clients, based on clear, frank and prompt communications.

Our firm provides a full spectrum of intellectual property legal services from procurement, including patent and trademark application preparation and prosecution, opinions, counseling, licensing, litigation, and dispute resolution.

Olliff PLC represents a large and diverse group of domestic and international clients, ranging from large multi-national Fortune 200 corporations to smaller privately owned companies, universities, and individual entrepreneurs. Our services are tailored to meet the needs and style of each client. We travel worldwide several times each year to

meet with our clients, and we welcome all of our clients to visit our offices at any time. We also focus on client training to enhance our clients' ability to protect their important intellectual property in the U.S.

In 2021, our 38<sup>th</sup> year, our growth continues with the strong support of our clients, and our continued commitment to Olliff PLC's "Big 3" philosophy — providing the highest quality work product, very promptly and at a very reasonable cost.

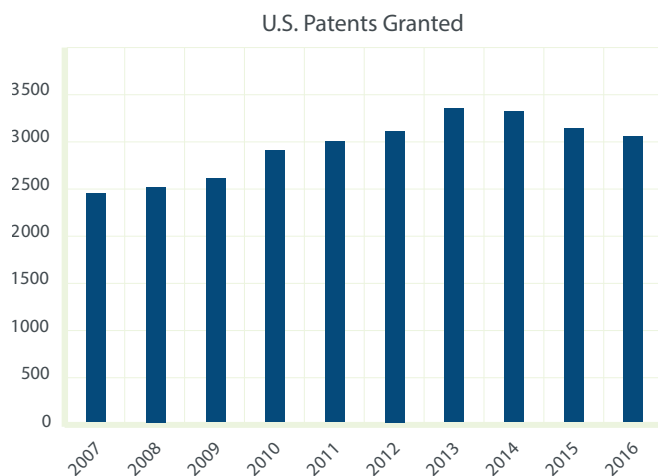
Firm Overview .....	1
Patent Prosecution Practice .....	2
Trademark Practice .....	4
Design Patent Practice .....	6
Litigation Practice .....	8
Post-Grant Practice .....	10
Opinion and Counseling Practice .....	12

# Patent Prosecution Practice

Our expertise in litigation, opinion drafting and counseling enhances our patent application preparation and prosecution practice, and vice versa, to maximize the value we add to our clients' intellectual property. We have developed substantial expertise in patent application drafting and prosecution, supported by well established systems to ensure an efficient, cost-effective patenting process, resulting in high quality, successful results across a wide range of technologies. Most importantly, our systems provide the ability to customize our patent practice to fit the needs of each client.

## GROWING DIVERSE PRACTICE

With the careful and thoughtful guidance of its members, Oliff PLC has experienced significant, virtually continuous growth since its founding in 1983. Published reports for many years show that we are consistently among the top five U.S. law firms in obtaining U.S. patents. The chart below shows U.S. patents obtained by our firm over a recent ten year period.



Our growth is the result of our determination to keep our clients satisfied through our ability and willingness to customize our procedures to our individual clients' needs, to provide high quality work in a prompt, cost-effective manner, and to communicate our ideas and strategies to our clients in simple, direct language.

Our focus on personal interviews results in a higher rate of issuance of broad patents, and reduces overall prosecution time and costs. Our location, just ten minutes from the USPTO, enables our attorneys to interview cases efficiently and without significant additional cost. This also allows us to develop a rapport with USPTO Examiners in technologies in which our clients have many applications. We also regularly assist our clients in providing technical presentations to Examiners and attending USPTO technology fairs, which further enhances the understanding of Examiners.

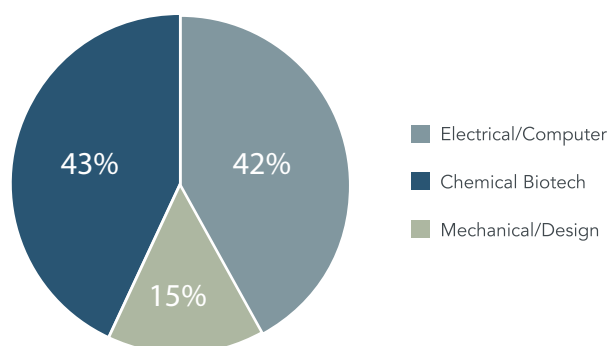
To further strengthen our working relationships and the quality of their patent portfolio, many of our foreign clients send members of their patent staffs to our office to work with our attorneys in patent application preparation and prosecution, and to study U.S. patent laws. These client trainees gain first-hand experience in U.S. patent prosecution, and utilize this knowledge to improve the quality and efficiency of their companies' patent departments.

The patent prosecution group at Oliff PLC has a wide range of academic and practical experience in a variety of technologies including:

- Aerospace
- Automotive
- Biochemistry
- Business Methods
- Chemistry
- Communications
- Computer Control
- Computer Hardware & Software
- Construction Equipment
- Consumer Electronics & Office Equipment
- Materials Science
- Medical Equipment
- Molecular Biology
- Physics/Optics
- Power Transmission Equipment
- Precision Measurement
- Robotics
- Textiles

The following chart shows the approximate distribution by technical field of the patent applications filed and patents obtained by our firm.

Distribution of Patents Granted And  
Applications Filed By Technical Field



We provide a broad spectrum of patent prosecution services to our clients, including:

- conducting patentability, validity and infringement searches and studies;
- drafting and filing applications for utility, design and plant patents;
- providing advice and strategies for effectively responding to Office Actions;
- drafting Amendments and Requests for Reconsideration in response to Office Actions;
- conducting personal interviews with Patent Examiners;
- drafting petitions to the USPTO Director and the Group Directors;
- briefing and arguing appeals to the Patent Trial and Appeal Board;
- instituting, prosecuting and monitoring interference, inter partes review, reexamination, reissue and patent term extension proceedings;
- patent portfolio management, counseling and licensing;
- coordinating foreign filings through our associates in Europe, Asia, South America and elsewhere;
- translating Japanese, Chinese and other foreign language documents in-house; and
- drafting drawings in-house to reduce costs, expedite the application process, and ensure accuracy.



# Trademark Practice

We recognize and appreciate that the inventions of today are the products of tomorrow, and that those products must be effectively marketed for our clients to reap the rewards they deserve for their investments. Thus, a significant portion of our practice on behalf of our clients is dedicated to registering, enforcing and licensing trademarks and service marks. Along with other aspects of our practice, we offer exceptional trademark and service mark registration expertise, customized and priced to fit our clients' needs.

## SUBSTANTIAL EXPERIENCE

As with our firm's patent practice, our collective trademark experience starts with our members. Our trademark practice is an integral part of our overall practice. All of the members also have significant litigation, opinion drafting, counseling and licensing experience, which provides a solid, diverse foundation for optimally handling our clients' trademark matters.

Our litigation practice complements our trademark practice, where litigation is necessary to enforce or defend our clients' rights. We have also tried multiple cases in the evolving field of product design trade dress, including a case that helped to establish the standards for determining when an asserted product design is functional.

## GROWING DIVERSE PRACTICE

Our trademark experience spans a broad spectrum of goods and services in all classes from consumer goods (clothing, food, etc.) to sophisticated industrial devices and computer hardware/software, and from restaurant and retail store services to website design and trade association services.

Our experience includes work with different forms of non-word marks, such as design and product configuration marks, as well as the special considerations involved with protecting a family of



marks, or a portfolio of house and product line marks. We work with our clients in implementing cost-effective strategies that take advantage of the different considerations involved in registering marks based on use, intent to use, or non-U.S. registrations and applications.

Domestic and international trademark services we regularly provide to our clients include:

- searches and advice relating to selection of new marks;
- preparation and prosecution of state, federal and international registration applications, including Madrid Protocol extensions, and maintenance of registrations over time;
- coordination of foreign filings through our worldwide network of foreign associates, with whom we have long-established and close relationships;
- licensing, assignment and acquisition of marks;



- enforcement and conflict resolution through negotiation, opposition and cancellation proceedings, and court litigation;
- performing trademark audits, and developing corporate policies and procedures relating to adoption, use and protection of marks; and
- counseling on related issues such as unfair competition, dilution, privacy and publicity rights, trade dress, trade secret protection, and copyright protection.

## CUSTOMIZED SERVICE

Oloff PLC provides varied trademark services based on our individual clients' requirements. The preparation and prosecution of applications is also tailored to our clients' priorities and rights so that the timing and basis for registration reflect our clients' goals.

## COST-EFFECTIVE, HIGH-QUALITY RESULTS

Our typical charges encountered during the trademark registration process — reflected in our trademark fee schedule that you may request at any time — are highly competitive. When provided with the necessary information, we can usually file a new application the same day we receive instructions.

For matters outside of our fee schedule, our charges are based on the hourly rates of our professionals. When our competitive billing rates are combined with our prosecution efficiency, our total service cost per project is typically well below that of comparable firms. While we are always pleased to discuss any unique billing options to respond to our clients' individual needs, our charges per project for high-quality work generally more than satisfy the cost concerns of our clients.

# Design Patent Practice

Our Design Patent Team assists our clients in developing and enforcing design patent portfolios to meet business objectives. Design patents quickly and effectively protect novel and inventive ornamental designs embodied by articles of manufacture. Patentable designs may be found in a wide variety of articles. For example, we help clients with patentable designs embodying tennis shoes, car bodies, truck grills, computer-generated icons, and even cable connectors and ink cartridges, and many others. Comprehensive intellectual property protection for a product can be achieved by recognizing patentable ornamental features of the product in addition to its patentable utilitarian features.

We take the time to understand our clients' products and the importance of those products in the overall business landscape, so that we can prepare and obtain strong, enforceable design patents. We

also have a staff of in-house draftsmen to assist us in preparing design patent drawings. The members of our Design Patent Team regularly:

- advise clients regarding infringement, validity and freedom to operate;
- prepare and prosecute design applications;
- enforce our clients' design patent rights, and defend against assertions by third parties.

While the rules relating to utility patent applications are generally applicable to design patent applications, a design invention is different than a utility invention, and some of the requirements are met in a different manner, in accordance with design patent-specific regulations. Our extensive experience with design patents ensures that our clients are proceeding in the most efficient way possible.

*“Our Team takes the time to understand our clients’ products and the importance of those products in the overall business landscape, so that we can prepare and obtain strong, enforceable design patents.”*





# Litigation Practice

Our litigation practice is diverse and long-established. Since we opened our firm in 1983, we have litigated extensively on behalf of our clients in courts and other tribunals throughout the United States, including:

- various state courts;
- all of the major District Courts;
- the Court of Appeals for the Federal Circuit;
- the International Trade Commission (ITC);
- the Court of Federal Claims;
- the Board of Patent Appeals and Interferences;
- the Patent Trial and Appeal Board; and
- the Trademark Trial and Appeal Board.

Our main office is just across the river from the U.S. Court of Appeals for the Federal Circuit, where all patent appeals and appeals from the USPTO are heard. We are also just up the street from the U.S. District Court for the Eastern District of Virginia (the “Rocket Docket”), where we have been involved in many cases, both as primary counsel and as local counsel. Our office is also very close to

the USPTO, where we have handled numerous inter partes matters, including patent interferences, inter partes reviews, reexaminations, and trademark opposition and cancellation proceedings.

We have represented plaintiffs and defendants in patent infringement and declaratory judgment actions across a range of technologies. In addition, we regularly represent clients in trademark and trade dress infringement actions. We also represent clients in trade secret misappropriation, unfair competition, antitrust matters, ITC investigations, and other IP-related litigation.

In the intellectual property field, only a small percentage of cases proceed through trial and appeal. Most cases are resolved prior to trial, typically after the parties have learned the strengths and weaknesses of the opposing positions through discovery. Thus, a firm’s litigation success can only be accurately measured by what it has achieved on behalf of its clients. As with all aspects of Oliff PLC’s practice, our team of experienced litigators provide our clients with very high quality cost-effective representation focused on achieving the most successful outcome possible.





THE RESULTS OF OUR LITIGATION EFFORTS FOR OUR CLIENTS INCLUDE:

- favorable decisions on motions for summary judgment leading to final judgments or settlements;
- favorable jury verdicts;
- favorable appellate decisions from the U.S. Court of Appeals for the Federal Circuit and other U.S. Circuit Courts;
- favorable interference and reexamination decisions; and
- favorable cancellation and opposition decisions of the Trademark Trial and Appeal Board.

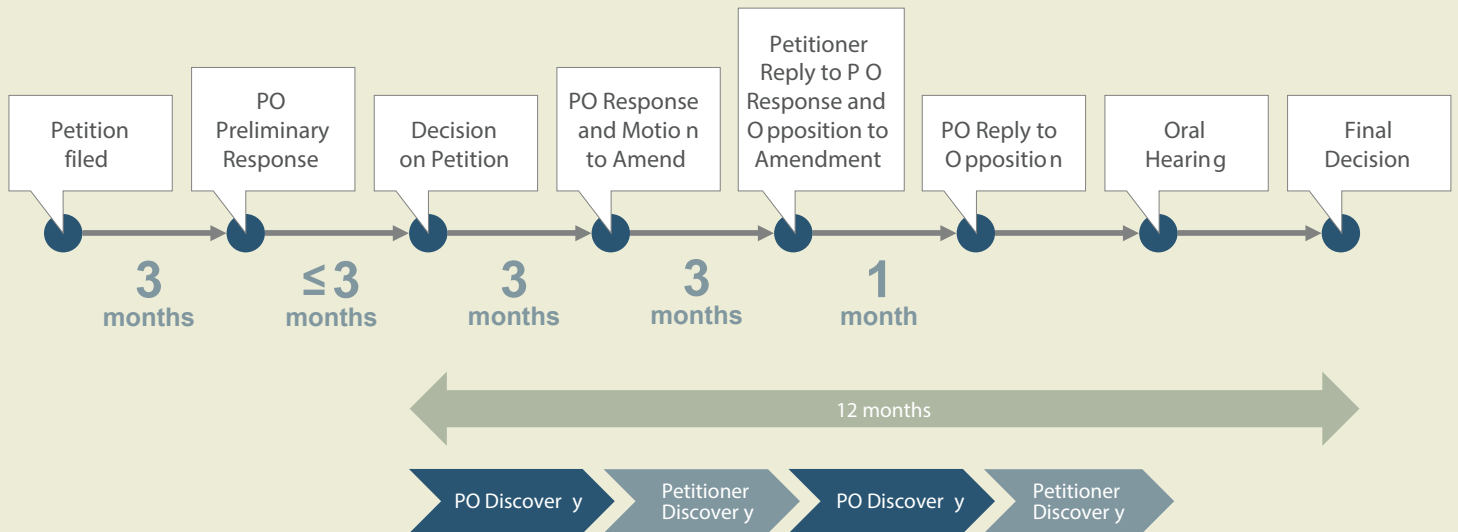
## Post-Grant Practice

**W**e understand the critical importance of bringing new products to market and maintaining markets for existing products while avoiding patent traps. Throughout the history of our firm, we have successfully represented numerous clients in post-grant matters, including ex parte and inter partes reexaminations, as well as hundreds of administrative appeals in the USPTO.

Post-grant proceedings available under the America Invents Act (AIA) can provide a relatively prompt, cost-efficient way of challenging the validity of third party patents. As shown in the following chart, the new Inter Partes Review proceeding, for example, has quickly become an effective, cost-efficient way to challenge a third party patent and can provide a less burdensome alternative to litigation.

With our significant experience in these matters, and our extensive litigation experience, we are well-suited to effectively handle Inter Partes Review and Post Grant Review proceedings under the AIA. Our highly-trained attorneys have handled and are prepared to handle these post-grant matters in all technical disciplines, and to advise our clients on the best and most sensible ways to achieve success in trials before the Patent Trial and Appeal Board. As with everything we do, our long-standing and widely regarded “Big 3” philosophy — providing high quality work product, promptly and cost-effectively — ensures that our clients receive the best results possible.

### IPR and PGR Timeline





# Opinion and Counseling Practice

Our clients rely on our substantial experience to help them make the best business decisions, taking into account the IP landscape, and third party patents. We work with our clients around the world to develop the best strategies for determining effective offensive and defensive patent strategies.

We regularly provide our clients with expert opinions in all technologies, advising them on patent infringement and validity issues, freedom to operate assessments, patentability assessments, and alternative design options. We work as a team with our clients' in-house IP staff and technical personnel to promptly evaluate and provide advice regarding the most effective strategies and potential risks.

As with everything we do, we take the most cost-effective approach by evaluating our clients' objectives. For example, in some situations, a brief "summary" opinion, or even an oral opinion,

may be appropriate, and can avoid significant expense to the client. In circumstances where litigation is anticipated and an opinion may be necessary to defend a potential willful infringement allegation, we can provide a comprehensive and detailed written opinion so the client is in the best position possible to ensure the strongest litigation position. Even after the Federal Circuit's Seagate decision, it is still important to obtain formal opinions from counsel. Post-Seagate, the Federal Circuit has reaffirmed that opinions of counsel can provide a basis for establishing that an accused infringer made an informed business decision in obtaining an opinion and did not act in an objectively reckless manner.

We also provide our clients with comprehensive counseling services in a variety of areas, including, for example, due diligence and patent portfolio assessments, licensing options, trade secret protection, potential unfair competition issues, etc.





# OLIFF

ATTORNEYS AT LAW

ALEXANDRIA  
11 Canal Center Plaza  
Suite 200  
Alexandria, VA 22314  
Telephone: (703) 836-6400  
Facsimile: (703) 836-2787  
Email: [email@oliff.com](mailto:email@oliff.com)

CHARLOTTE  
South Tryon Square  
201 S. Tryon Street, Suite 1200  
Charlotte, NC 28202  
Telephone: (704) 375-9249  
Facsimile: (704) 375-0729  
Email: [email@oliff.com](mailto:email@oliff.com)

ST. LOUIS  
600 Washington Avenue  
Suite 1650  
St. Louis, MO 63101  
Telephone: (314) 621-8383  
Facsimile: (314) 621-8666  
Email: [email@oliff.com](mailto:email@oliff.com)

[www.oliff.com](http://www.oliff.com)