

# HOW CAN I STOP MY IP FROM WALKING OUT THE DOOR?

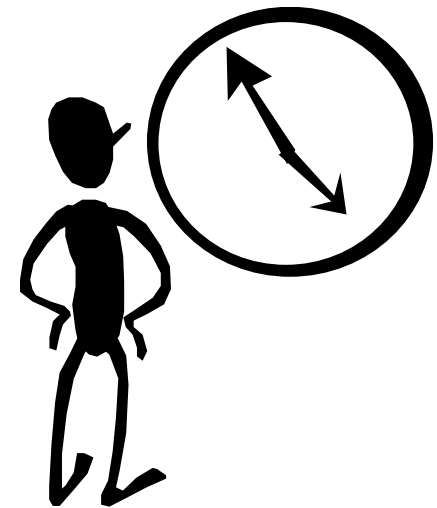


# HOW DO I PROTECT MY INTELLECTUAL PROPERTY?

- Identify important IP and develop a strategy to protect it--
  - Copyrights and Trademarks
  - Design Patents
  - Provisional Patents (inexpensive way to get a placeholder—must be converted to a utility patent application within 1 year of the provisional filing date)
  - Utility Patent
  - Black Box/Trade Secret Protection—Limit the number of people in your company that have access to 100% of your code.

# HOW MUCH CAN I TELL POTENTIAL INVESTORS ABOUT MY IP?

- If you publicly disclose your invention or engage in business with your invention (alpha or beta tests), you start the 1-year clock ticking to file a patent application.
  - There is no such grace period in many overseas jurisdictions, so you might lose any foreign patent protection.
- Always try to execute non-disclosure/confidentiality agreements. Some VCs will not sign them until you are at the term sheet stage. In that case, you must make a judgment call as to the amount you're willing to disclose to entice the investor.



# HOW DO I PROTECT MY IP FROM MY EMPLOYEES?



- Proprietary Information and Invention Assignment Agreement
  - Every employee and consultant must sign one (You will be required to represent and warrant this to be true to potential investors, so start from company inception)
  - States that all developments belong to the company
  - Employee and/or consultant must cooperate with company in filing patent applications or protecting trade secrets
  - Creates a presumption about IP developed by employee or consultant post termination

# More questions?

Ask Us:

Lori Hoberman

[lori@hobermanlawgroup.com](mailto:lori@hobermanlawgroup.com)

646.844.4860

Nick Scannavino

[nick@hobermanlawgroup.com](mailto:nick@hobermanlawgroup.com)

646.856.9962

Angela D. Loc

[angela@hobermanlawgroup.com](mailto:angela@hobermanlawgroup.com)

646.844.4863