

**Asset protection is a vital part of any business strategy, and OF&P's technology and intellectual property attorneys help clients shield their distinguishing copyrights, trademarks and trade secrets. We apply our business acumen, keen understanding of technology and digital commerce and legal expertise to guard against illegal or unauthorized use and, ultimately, help preserve the value of our clients' companies, products or services.**

Our Northern Virginia attorneys also secure appropriate licenses for our hospitality clients and prepare licensing agreements governing the use of their intellectual capital.

## **AREAS OF CONCENTRATION**

**We advise clients in Virginia, Maryland, Washington, D.C., and throughout the United States on the following:**

### **Technology.**

Our Northern Virginia technology attorneys understand the practical business issues of technology companies where product development cycles and time to market are compressed and the rules and laws governing these technologies are rapidly evolving and potentially span the globe.

We provide strategic legal counsel to Virginia technology companies spanning diverse industries at every stage of the business life cycle. Our attorneys stay abreast of the industry trends and issues as well as the legal decisions that affect them.

**In order to protect clients with best practices, we advise clients on the following:**

- Protecting software and hardware through the use of copyright, trade secret, and contractual arrangements
- Negotiating and drafting
  - Software licenses
  - Development, distribution and reseller agreements
  - Service level agreements, including maintenance and support agreements
  - Electronic rights agreements
  - Original Equipment Manufacturer (OEM) agreements
  - Electronic Data Interchange (EDI) agreements
  - Consulting agreements
  - Confidentiality and non-disclosure agreements
  - Non-compete agreements
  - Employment agreements
  - Subscription service agreements
  - Liability disclaimers
  - Data center and co-location agreements
  - Transactions, including contracts for the acquisition of computer hardware and software
  - Commercialization of products and services

# TECHNOLOGY & INTELLECTUAL PROPERTY

Even with best practices in place, disputes and issues can arise, and our attorneys also litigate matters including:

- Misuse and theft of source code
- Web harvesting and website scraping
- Violation of terms of use
- Unfair data mining
- Security breaches and data loss
- IP infringement and unfair competition

Our clients include:

- Software developers
- Internet and mobile-based businesses
- Value-added resellers
- System integrators
- Data center service providers
- SaaS providers
- Hardware developers
- IT consulting firms

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## INTELLECTUAL PROPERTY

### **IP attorneys in Northern Virginia.**

OF&P's Intellectual Property law practice provides services in copyright, trademark and trade secret law. In 2011, Google identified our firm as their Go-To Law Firm® for IP law. Our clients are predominantly located in Virginia, and we also work with businesses from across the United States.

# TECHNOLOGY & INTELLECTUAL PROPERTY

## **Copyright Law.**

Our Northern Virginia IP attorneys work with clients on copyrights for various original and derivative works, including computer software, literary works, art, industrial and graphic design, and multimedia and audiovisual products. We assist clients with the following:

- Registering copyrights
- Performing title searches
- Enforcing and litigating copyrights
- Analyzing infringements and defending infringements
- Negotiating agreements
- Conducting copyright audits and due diligence investigations
- Counseling on “work made for hire” issues

## **Trademark Law and Unfair Competition.**

Our IP attorneys work with clients to protect and defend their trademarks, assisting with the following:

- Searching and selections clearance
- Applications, prosecution and maintenance
- Enforcement
- Litigation for infringement, dilution, and unfair competition
- Licensing
- Due diligence
- Representation at Trademark Trial and Appeal Board of the United States Patent and Trademark Office, the International Trade Commission, as well as other proceedings

We also advise clients on trade dress infringement, false advertising, deceptive trade practices, passing off, counterfeit, and the Internet-specific areas of meta tags and hyperlinking without permission.

# TECHNOLOGY & INTELLECTUAL PROPERTY

## Trade Secrets.

Our IP attorneys work with clients to protect their trade secrets and confidential information. They assist clients with the following:

- Identifying trade secrets
- Ensuring company's protection program meets requirements of trade secret law
- Establishing in-house procedures for handling trade secrets and preparing appropriate employment and confidentiality agreements
- Negotiating the sale of commercially marketable trade secrets under favorable terms
- Analyzing potential for adverse claims of trade secret misappropriation and advising on appropriate courses of action
- Drafting nondisclosure, confidentiality, and non-competition agreements to protect trade secrets and confidential information and assisting with risk avoidance

## eCommerce.

Our eCommerce attorneys in Fairfax understand the unique business opportunities and obstacles presented by the Internet and are experienced with applying new and traditional legal principles to achieve our clients' goals. We serve clients and businesses with a wide range of needs, from one- and two-person startups to industry leaders.

We represent clients throughout the lifespan of their businesses, from initial formation and funding to implementation of an exit strategy. We also counsel eCommerce companies in a variety of industries and represent clients across the full spectrum of Internet law matters, including:

- The preparation and litigation of web hosting agreements, content and technology licenses, website disclaimers, terms of use, privacy policies, affiliate marketing agreements, electronic data interchange (EDI) agreements, and service level agreements
- Domain name disputes
- Matters raised under the Digital Millennium Copyright Act (DMCA)
- Interactive publishing issues, such as the protection of copyrighted material distributed online
- Internet marketing compliance and disputes
- Internet reputation management and Internet defamation claims
- Compliance with local, state, federal, and foreign laws and regulations applicable to online retailers, publishers, distributors, and developers
- Tax and duty obligations related to online commerce

Our eCommerce attorneys are thought leaders on the application of new and traditional legal principles to Internet transactions and have litigated a number of cases on emerging legal issues affecting e-commerce businesses including the imposition of personal jurisdiction based upon a party's Internet presence; the immunity afforded to website operators by Section 230 of the Communications Decency Act (CDA) of 1996; and trademark issues in keyword advertising.

# TECHNOLOGY & INTELLECTUAL PROPERTY

## Hospitality and Alcoholic Beverage.

Our attorneys strive to provide legal solutions that consider our clients' whole business because it is not enough simply to solve a legal matter if the solution compromises other areas of the enterprise. With that in mind, we provide business-focused legal advice to clients in the hospitality industry. We represent alcoholic beverage license applicants, licensees, and their licensed establishments before the Virginia Alcoholic Beverage Control Board to secure their liquor/alcoholic beverage license privileges and needs.

### Our clients include:

- Restaurants and pop-ups
- Hotels
- Theaters
- Retail stores, including grocers, gourmet shops and gift shops
- Distillers, Wineries, Breweries and other manufacturers
- Caterers

The Hospitality and Alcoholic Beverage attorneys at OF&P team with colleagues across the firm's practice areas to address the diverse legal issues our hospitality clients may encounter, including:

- Corporate
  - Software licenses
  - Development, distribution and reseller agreements
  - Service level agreements, including maintenance and support agreements
  - Electronic rights agreements
  - Original Equipment Manufacturer (OEM) agreements
  - Electronic Data Interchange (EDI) agreements
  - Consulting agreements
  - Confidentiality and non-disclosure agreements
  - Non-compete agreements
  - Employment agreements
  - Subscription service agreements
  - Liability disclaimers
  - Data center and co-location agreements
  - Transactions, including contracts for the acquisition of computer hardware and software
  - Commercialization of products and services
- Intellectual Property
- Labor and Employment
- Litigation
- Real estate