



workman  
nydegger

Intellectual Property Law

the art of  
**IP**

## Who are we?

We are designers, innovators, engineers, scientists, developers and most of all craftsmen who recognized a need to protect the work in which we were immersed. We'll understand your ideas, appreciate your hard work and take a creative approach to protecting your intellectual property. Our custom, hand-tooled solutions give your work a craftsman's touch from day one.

### OUR SERVICES INCLUDE:

- Patents
- Trademarks
- Copyrights
- Litigation
- Licensing
- Trade Secrets
- Post-Grant Patent Proceedings
- IP Counseling & Prosecution
- Mediation & Arbitration

We provide custom solutions for prominent local, national, and international companies ranging from Fortune 500 companies to the latest start-ups.

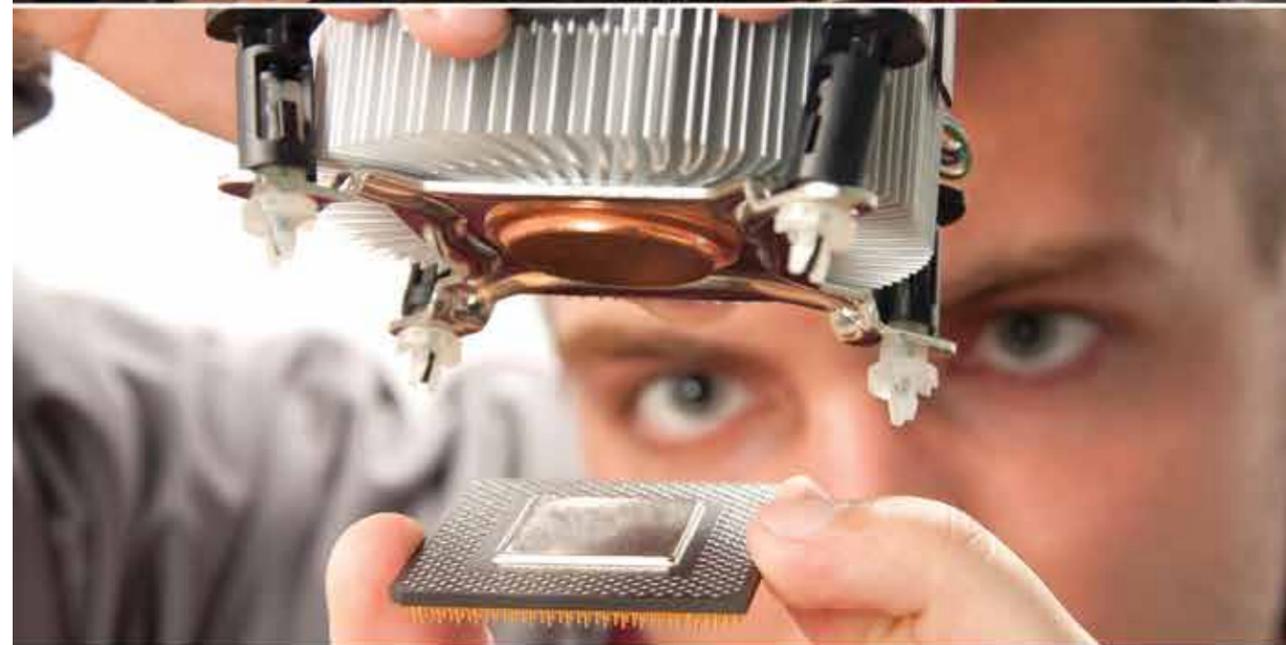
Craftsmen, Specialists, Advocates



Designers, Researchers, Protectors



Innovators, Scientists, Scholars



Engineers, Programmers, Leaders



# Our Experience



Our attorneys have advanced technical degrees (including master's degrees and PhDs) and hands-on industry experience. We intimately understand many scientific and engineering disciplines.

- Biochemistry
- Metallurgical Engineering
- Electrical Engineering
- Chemical Engineering
- Nutraceuticals
- Environmental Engineering
- Civil Engineering
- Physics & Optics
- Materials Science
- Computing & Software
- Biology
- Mechanical Engineering
- Electronics & Solid State
- Chemistry
- Pharmaceutical Chemistry
- Life Sciences
- Computer Science
- Telecommunications
- Medical Devices
- Industrial Design
- Nanotechnology

## ATTORNEY BACKGROUNDS



15+ biotech & chemical



20+ electrical



20+ mechanical & materials



25+ software



Workman Nydegger drafts **100s** of applications and files **1000s** of applications each year.

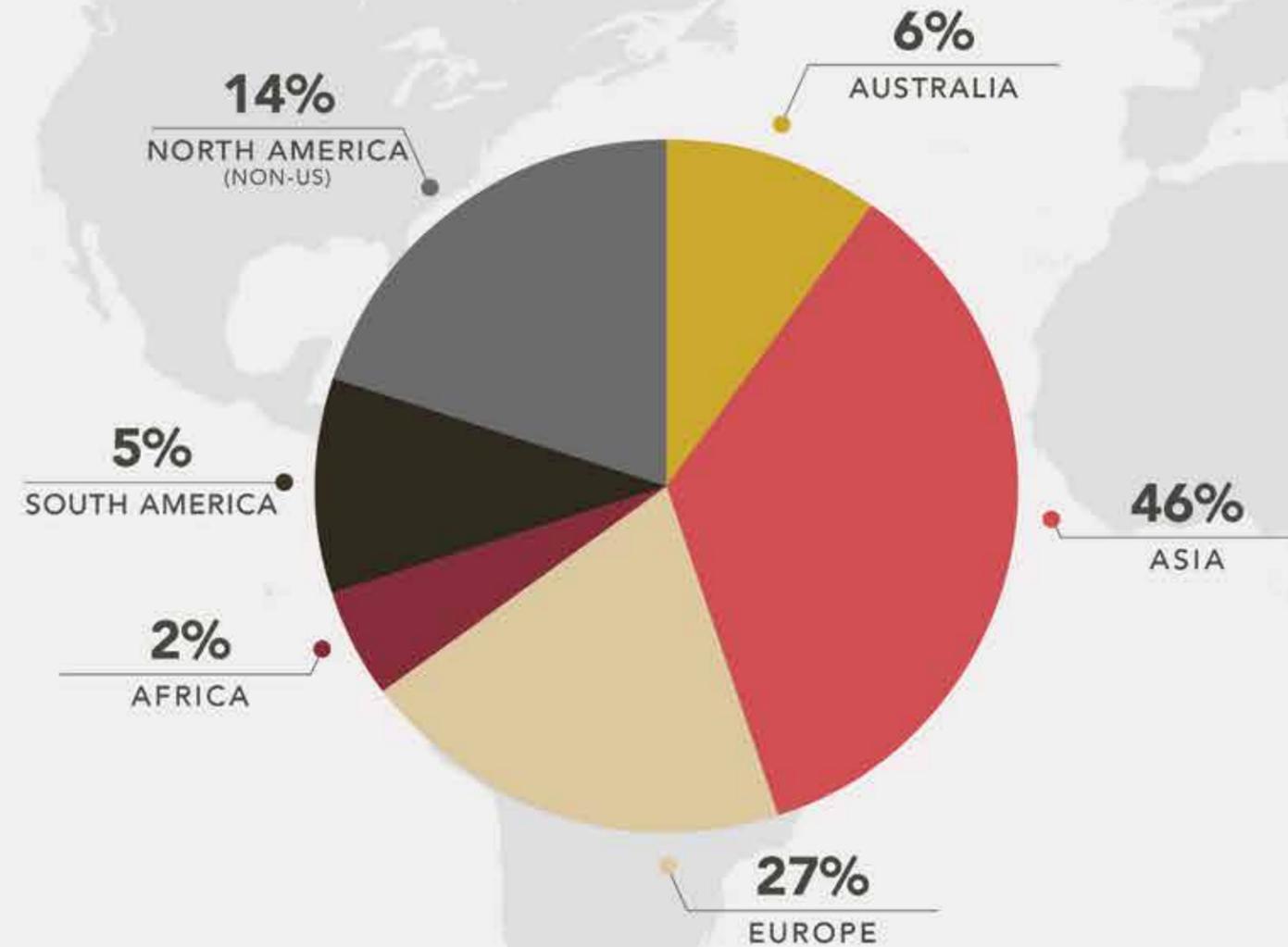
PROTECTING YOUR IP:

## Global Filings

Workman Nydegger represents clients and their interests around the world. We work quickly to protect and defend your ideas from potential problems including infringement, validity, misappropriate ideas, licensing and more.

We have a strong relationship with the United States Patent and Trademark Office (USPTO) and work extensively with international patent offices in Europe, Japan, Korea, and a broad network of international IP law firms. Our attorneys will work closely with you to understand how international filing fits within your overall business strategy and provide custom solutions to protect your work.

## IP FILED AROUND THE WORLD FOR OUR CLIENTS



### 25+ Attorneys

Speak a second language (over 50% of attorneys at our firm)



### 10+ Languages Spoken

Mandarin Chinese, French, German, Portuguese, Spanish, Italian, Japanese, Korean, Swedish, Russian

## PROTECTING YOUR IP:

# Trademarks

A trademark is a key component in establishing a company's identity and promoting the quality of its products and services. A trademark includes the names, words, phrases, trade dress and symbols that convey trust to your customers and set you apart from your competition. We focus on building strong trademarks and effective strategies to protect and defend your brand. We provide a full range of trademark services, including:

- Trademarks and service marks
- Logos and standard character marks
- Selection and screening of potential marks
- Trade dress
- Registration
- Maintenance
- Licensing
- Counseling/Risk Avoidance
- Litigation/Enforcement



## OUR WORK IN ACTION

A publicly traded company and client of the firm was sued for cancellation of several of its trademarks, some of which have been in place for nearly thirty years. The complaint asserted claims for cancellation based on alleged fraud on the trademark office, cancellation for falsely suggesting a connection with the plaintiff, cancellation for likelihood of confusion, and declaratory judgment of non-infringement.

Workman Nydegger was successful in forcing a withdrawal of the fraud and false suggestion of a connection claims, and obtained a dismissal of the complaint for lack of case or controversy. The dismissal saved the client the considerable expense of the cancellation/declaratory judgment trial.



**14,000+**  
Trademark filings in the U.S.  
since 1984



**11,000+**  
Trademark filings internationally  
since 1984



DEFENDING AND ENFORCING YOUR IP:

# Litigation

Workman Nydegger litigates in virtually every forum to defend and enforce your work. Our experience spans state and federal courts throughout the country, the Patent Trial and Appeal Board, Trademark Trial and Appeal Board, and various courts of appeal. We represent both plaintiffs and defendants from start-ups to well-established Fortune 500 companies.

Our team of expert litigators are some of the most recognized IP lawyers in the state of Utah. With Utah's exploding technology scene, we are at the forefront of successfully protecting and defending numerous emerging technology companies. We'll customize a pricing model that maximizes the value of our services for you and your company.



**200+ Appeals & District**  
court cases since 2008



**450+ Oppositions/Cancellations**  
For Trademarks since 1984



## DEFENDING AND ENFORCING YOUR IP:

# Post-Grant Proceedings

Patent owners and third parties have several procedures available through Post-Grant Proceedings at the USPTO to correct or challenge a patent that has been granted. These proceedings have become an important part of litigation strategy since the enactment of the America Invents Act (AIA) in 2012. The AIA was established to create a more efficient system for reviewing and challenging the patentability of issued patents. These proceedings can be a **cost-effective** and **time-saving** alternative to litigating patent validity in federal or district courts.

Workman Nydegger attorneys have robust experience with both patent prosecution and litigation making them more adept in defending your patents. They understand the complexities of post-grant challenges and use their breadth of knowledge to help secure your competitive advantage in the marketplace.



55+ Post-grant proceedings



## OUR WORK IN ACTION

In concert with defense of a software client in a patent infringement case, we filed a petition for inter partes review with the Patent Trial and Appeal Board (PTAB) at the USPTO. This petition challenged the patentability of the subject patent.

Three weeks after the filing, the patentee requested adverse judgement, resulting in cancellation of each of the challenged claims. Shortly thereafter, the patentee stipulated to a dismissal of its claims in the litigation.

## POST-GRANT OPTIONS



### Inter Partes Review

Challenge the claims of U.S. patents



### Post-Grant Review

Challenge the validity of a patent outside the courtroom



### Ex Parte Re-examination

Obtain another examination of a patent that has already been granted



### Covered Business Method

Challenge the validity of business method patents at the USPTO

## E-Commerce

The success of online marketplaces such as Amazon, eBay, and Etsy has intensified the need to protect and defend the intellectual property of your e-commerce business. Our team of legal and technology experts can help you handle the unique challenges facing your online business by moving quickly to resolve your disputes and providing custom solutions to protect your IP from online infringement.

- Domain name disputes
- Digital media and intellectual property litigation
- Online retailer agreements
- Online infringement notices and counter-notices
- Contract disputes
- Copyright infringement
- Trademark infringement
- Privacy policies
- Web hosting agreements
- Internet and mobile advertising litigation
- Commercial internet litigation
- Unfair competition litigation
- User agreements and terms of service
- Website development agreements
- Software licenses
- Business & partnering agreements
- Advertising placement and insertion orders
- Content licenses

## CASE HIGHLIGHTS



### AMAZON COMPLAINTS

We worked quickly and efficiently with Amazon to get our client's shop operating after it was closed down by Amazon for receiving illegitimate customer complaints originating from a competitor.



### COPYRIGHTS

Anticipating that our client's jewelry business might take off before patent applications were completed, we developed a copyright strategy and enforced copyrights against competitors selling similar items on Etsy, eBay and Amazon.



### TRADEMARKS

We obtained a temporary restraining order, preliminary injunction, and permanent injunction against a competitor selling numerous products on Amazon using our client's name and trademarks.



### KNOCK-OFFS

We filed an infringement report against a company selling knock-offs of our client's product. Within 24 hours, the competitor's products were off the market.

# Why Utah?

Utah is known worldwide for its scenic beauty and geographic diversity. However, there's something attractive about Utah that goes beyond its rugged scenery. From a highly educated work force to a pro-business regulatory climate, Utah is at the forefront of economic growth and was named the nation's fastest growing state by the U.S. Census in 2016. The area of connected cities along the Wasatch front has been dubbed "Silicon Slopes" due to the extraordinary growth of successful tech and start-up companies worth more than \$1 billion. We work with many of the fastest growing companies in Utah.

Salt Lake City and its many nearby ski resorts hosted the world during the 2002 Winter Olympics bringing international recognition for locations such as Park City and Sundance. These sites bring culture, diversity, entertainment, and economic opportunity to Utah. Beautiful red rock deserts and 5 world-renowned National Parks attract many visitors annually and provide unparalleled opportunities for mountain biking and hiking enthusiasts. The Salt Lake City area is also home to a wealth of cultural entertainment. The Sundance Film Festival, Utah Symphony, high-class theaters, and highly rated restaurants and hotels are just a few of the city's attractions in addition to our professional sports teams including the Utah Jazz and Real Salt Lake.



**#1 Fastest Growing State**  
-2016 U.S. Census



**#1 Best State for Business**  
-Forbes Magazine



**Over 5,700+ applications filed  
for Utah-based clients**

## Our Work

Whether you are a small startup or a Fortune 500 company, Workman Nydegger's team of legal and technology experts can help you handle the unique intellectual property challenges your business may face. Here are just a few examples of our work.



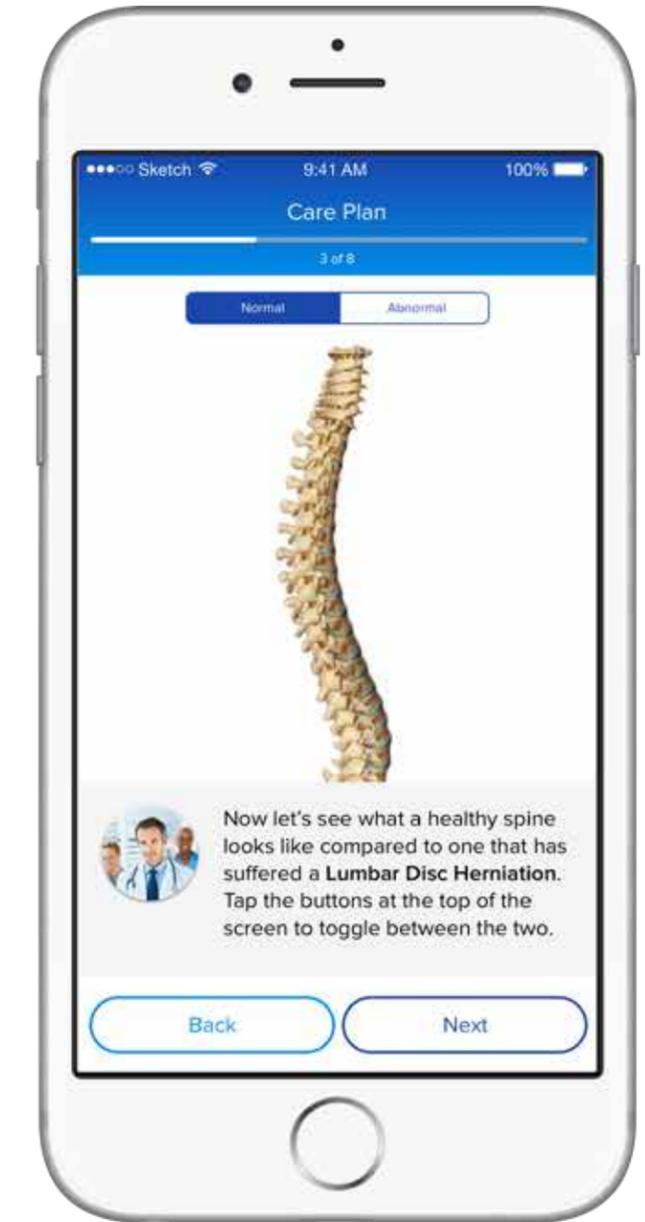
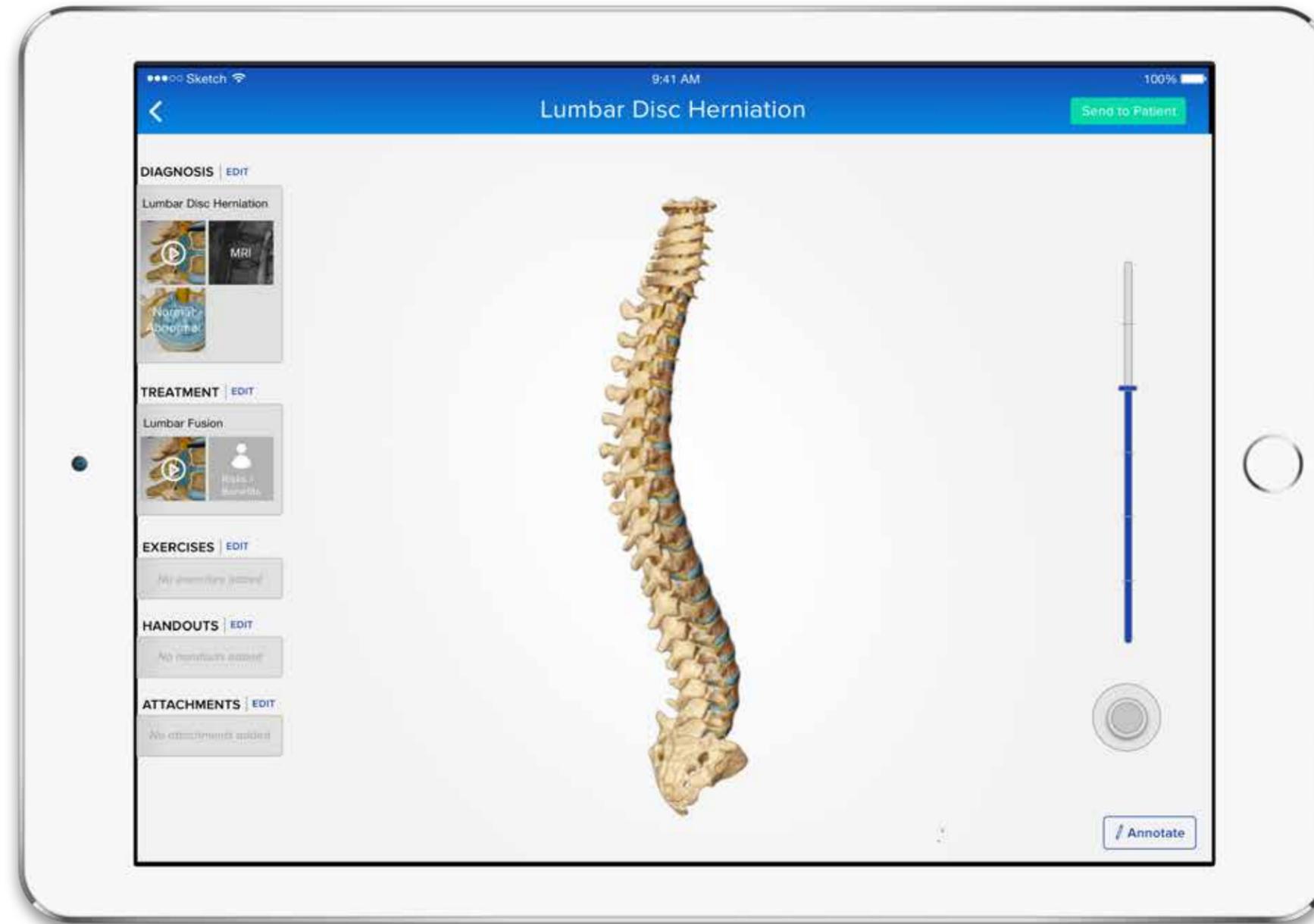
Traeger Pellet Grills is a distributor of commercial and residential wood-fired grills and barbecue smokers. Traeger executives approached Workman Nydegger to help better align their IP portfolio with their ambitious business objectives and create a custom solution to expand their IP position. Our attorneys worked closely with Traeger to develop a comprehensive, custom strategy employing a variety of utility patents, design patents, and trademarks in the U.S. and international markets where Traeger has significant business interests. In cooperation with Workman Nydegger, Traeger's properly aligned and expanding international IP portfolio enables Traeger to continue its dominance as the international leader in the industry.





Orca Health is an innovative mobile software company bridging the gap in provider-patient understanding, leading to increased patient satisfaction and improved outcomes. Orca Health's apps rank among the best-selling health education tools in Apple's App Store. Orca Health has been awarded numerous granted patents and trademarks from the USPTO for their mobile application tools and services used by physicians and patients.

Workman Nydegger has worked directly with the USPTO on several occasions to resolve difficult issues and to help secure Orca Health's trademarks and patents. Our attorneys have interfaced directly with the Examiners at the USPTO in face-to-face meetings, resulting in expedited application processes and the granting of patents with a broader claim scope.



# DIRTT

Build better.™

DIRTT Environmental Solutions is a leading technology driven manufacturer of highly customized interiors, providing custom prefab modular interior solutions customized to suit spaces dimensionally, functionally, and aesthetically. On a recommendation from a business partner, DIRTT approached Workman Nydegger to assist with difficult patent claims related to their 3D space design software.

Workman Nydegger attorneys developed innovative claims on multiple fronts that were approved by the USPTO and international patent offices. Thereafter, Workman Nydegger developed a custom approach for DIRTT's other products that included a mixture of utility and design patent protection to cover other important aspects of DIRTT's business. Through their ongoing partnership with Workman Nydegger, DIRTT now holds a substantial intellectual property portfolio in the U.S., Canada, and multiple other countries, positioning DIRTT as a market leader in the highly competitive architectural space design industry.





MARIA SHIREEN

Maria Shireen is a functional fashion accessories company and maker of the original hair tie bracelet. It designs, produces, and markets three premium hair tie bracelet collections. Shireen's husband, Arni, created the bracelets in an effort to eliminate pressure exerted on the wrist when wearing a hair tie elastic and to make the hair tie look more like a stylish bracelet. Shireen and Arni approached Workman Nydegger early in the innovation process to ensure comprehensive IP protection. Recognizing that the jewelry industry is exceptionally prone to imitations, our experienced attorneys promptly completed extensive research to ensure their products were unique and tenable.

Working closely with Shireen and Arni, our attorneys developed a thorough IP strategy and obtained significant protection for the company in the form of copyrights, trademarks for brand names, and multiple design and utility patents for the jewelry. Maria Shireen now holds multiple patents worldwide and has become a successful company selling products at some of the largest retailers in the U.S. and in over 40 countries. Through our ongoing partnership, we look forward to continuing to protect and defend Maria Shireen as it develops new designs and continues to grow its brand.

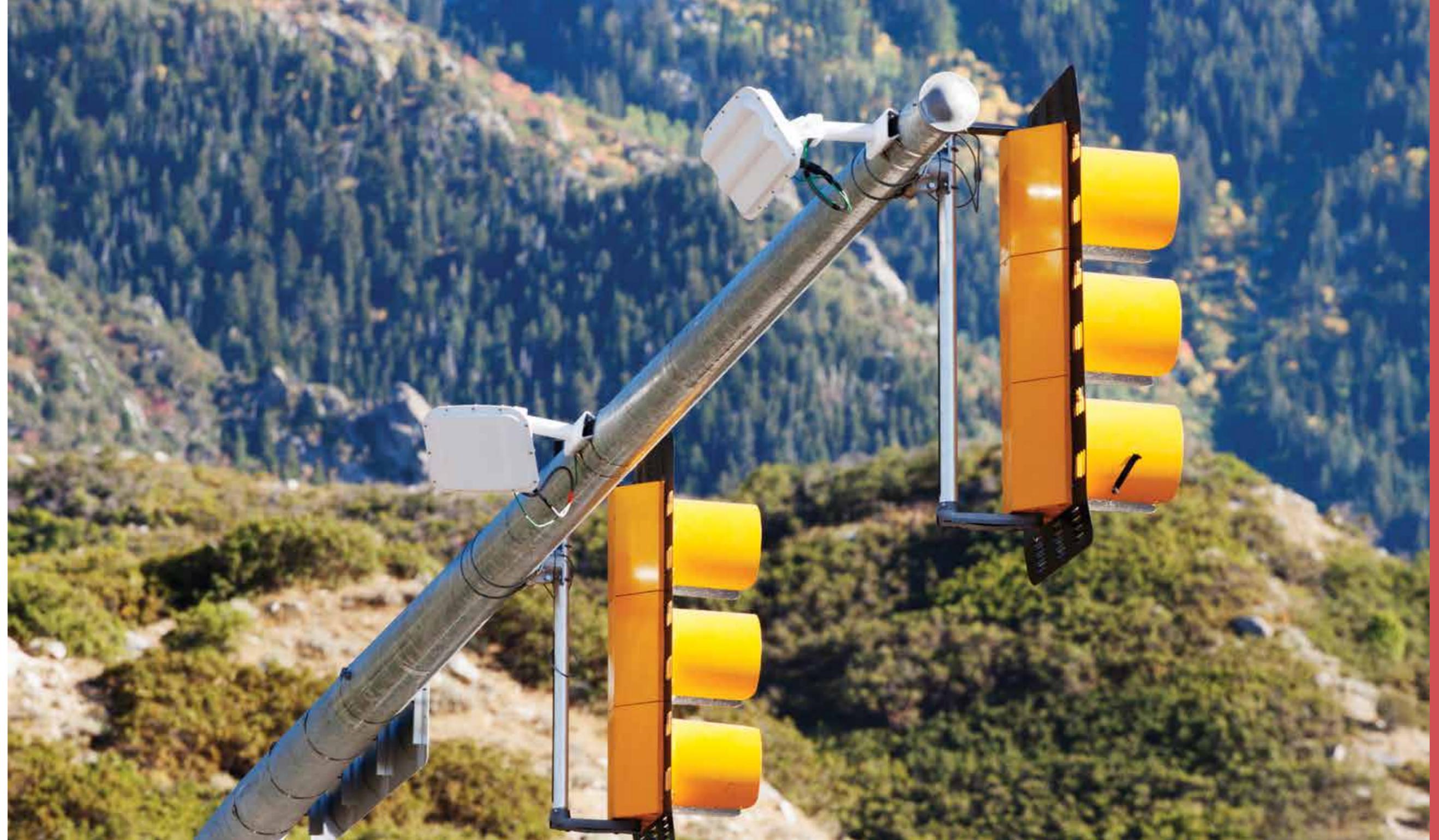


## WAVETRONIX

Wavetronix creates innovative tools for intelligent transportation systems designed to increase roadway efficiency and safety. One of the technologies pioneered by Wavetronix is its radar-based “dilemma zone” family of sensors, which monitor vehicles within 2-5 seconds of an intersection, a zone where studies show drivers cannot decide whether to accelerate through the intersection or slam on the brakes.

Workman Nydegger has twice led patent enforcement efforts to enforce Wavetronix’s “dilemma zone” patent. We obtained preliminary and permanent injunctions in the first case and a decision resulting in a favorable outcome in the second case.

Our attorneys obtained favorable infringement findings and defeated an Alice-based invalidity challenge, resulting in an agreement by the defendant to remove the feature accused of infringement from its products. Wavetronix has continued to use Workman Nydegger for its litigation needs for the past 10+ years.





Walker Edison is an innovative furniture manufacturer that provides high quality, ready-to-assemble furniture sold through a variety of dealers including e-commerce distributors. In the spring of 2016, Walker Edison discovered a competitor had copied at least 70 of Walker Edison's furniture products (including assembly instructions) and was selling identical knock-offs under Walker Edison's name on Amazon.

Workman Nydegger's litigation team quickly went to work and obtained a temporary restraining order enjoining the competitor's conduct, a rare feat in IP law. We ultimately helped Walker Edison secure a stipulated permanent injunction, thereby avoiding the costs of drawn-out litigation.





Teal Drones creates the world's fastest production drone with a powerful computing platform. George Matus, Jr., founder of Teal, was named one of the most influential teens of 2016 by TIME magazine. George has been flying drones since the age of 11 and building them since age 12. He now runs his own startup, Teal, selling the first consumer drone that can soar at 70 miles per hour, notably faster than many rivals.

Workman Nydegger helped counsel George about different intellectual property matters during the initial phases of starting his company and filed patent applications and trademark registration applications to protect Teal's products and brands. Workman Nydegger continues to provide counsel on intellectual property issues that may arise as Teal continues to launch throughout the world. Our team of skilled attorneys is committed to helping position George, Teal Drones and other startups for success.



# 3form

3form is one of the world's leading manufacturers of sustainable building materials and architectural hardware solutions. Early in the company's history, 3form developed an innovative process for encapsulating decorative material in resin, thereby preventing the materials from being crushed when manufactured. Obtaining patent coverage for this innovation was challenging, yet 3form engaged Workman Nydegger attorneys to draft and prosecute creative patent claims that capture the essence of their invention.

Through regular, in-person interviews, Workman Nydegger attorneys have successfully educated Examiners at the USPTO on 3form's unique material features, enabling 3form to secure multiple patents to protect its innovations from multiple angles. In cooperation with Workman Nydegger, 3form has developed a substantial portfolio of utility and design patents that has helped position 3form as the dominant force in the architectural materials market.





Grabber Construction Products Inc., is widely recognized throughout the construction industry as a supplier of high quality screws, nails, and other professional construction-related products. This recognition lends great value to the GRABBER trademarks. On our recommendation, Grabber instituted a worldwide watch in order to be able to quickly identify the attempted registration of confusingly similar trademarks.

The watch paid dividends when we received a notification that a party in China had applied for registration of a trademark identical to one of the Grabber trademarks. With significant assistance from Grabber, we were able to effectively deal with this situation by employing a multi-pronged approach that involved institution of a trademark opposition proceeding in China, registration of copyrights and additional trademarks in China, and registration of the Grabber trademarks with U.S. Customs and Border Protection.

As a result of this approach, we were able to oppose registration of the Chinese trademark application, strengthen Grabber's intellectual property rights in China, and prevent importation into the U.S. of goods from China bearing the infringing trademark.

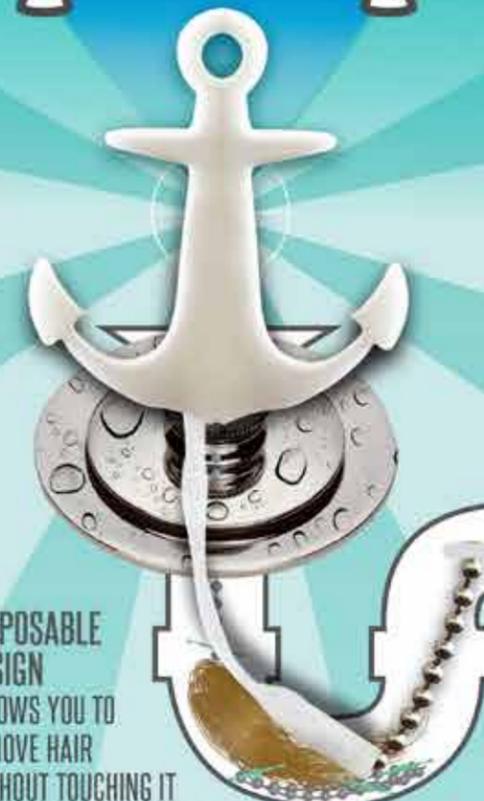




If you've ever had to clean out your clogged shower drain, you know how disgusting that blob of wet hair is. DrainWig is an innovative product that catches hair and prevents clogs in a simple, stainless steel chain and rubber whiskers you insert into your drain.

Workman Nydegger patent prosecutors arranged in-person interviews with the patent examiners to discuss DrainWig's patent applications during the earliest stages of pursuing patent protection. The face-to-face interactions with the Examiners at the USPTO by our experienced attorneys helped to expedite the allowances of DrainWig's patent applications with a broad scope of claim coverage. With expedited and secure patents in place in the U.S. and other international jurisdictions, DrainWig was able to securely pursue other business partnerships to bring its products to market on a global scale through Amazon, Bed Bath & Beyond, Walmart, QVC, CVS Pharmacy, Walgreens and other global retailers.

**BATHTUB**  
CATCHES HAIR. PREVENTS CLOGS.

**DISPOSABLE DESIGN**  
ALLOWS YOU TO REMOVE HAIR WITHOUT TOUCHING IT

INSTALLS IN SECONDS  
NO TOOLS REQUIRED

**SET OF 2**

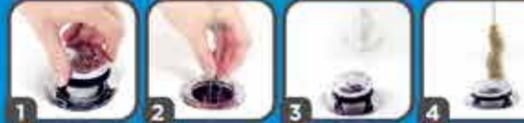
**drainwig**

**HOW IT WORKS**



Drainwig® Drain Cover  
Water Line  
Hair Tangle

**HOW TO USE**



1 Remove stopper. 2 Insert chain, guiding rubber whiskers through crossbar. Turn on water & chain will flow into place. 3 Attach suction cup to bathtub. Replace stopper. 4 Leave in drain to catch hair. Dispose after use.

**REMOVE & REPLACE EVERY 2-4 MONTHS**

**HELPFUL HINTS!**  
**FIRST TIME USERS: For the Drainwig® to work properly, first remove existing hair or drain clog.**  
When water starts to drain slowly, it's time for the Drainwig® to be replaced.

WARNING: Keep out of reach of children. This product should be used only as intended. This product is not a toy & should not be worn. This product should not be placed in the mouth. Improper use may result in serious injury or death, including risk of strangulation. Wash hands after use.

ITEM# DW021132  
©2015 APG  
Drainwig is a Registered Trademark of Washroom Decor, LLC.  
Distributed by Allstar Products Group Hawthorne, NY 10532  
Product Color and Appearance May Vary.  
Patent Info: Patent # 8910322 & Other Pat. Pending.



Made in China

**SHOWER**  
CATCHES HAIR. PREVENTS CLOGS.




**DISPOSABLE DESIGN**  
ALLOWS YOU TO REMOVE HAIR WITHOUT TOUCHING IT

INSTALLS IN SECONDS  
NO TOOLS REQUIRED

**SET OF 2**

**drainwig**

**HOW IT WORKS**



Drainwig® Drain Cover  
Water Line  
Hair Tangle

**HOW TO USE**



1 Insert chain through top of drain cover. Guide rubber whiskers through hole. 2 Daisy cap lies flush on top of drain. 3 Leave in drain to catch hair. Dispose after use.

**REMOVE & REPLACE EVERY 2-4 MONTHS**

**HELPFUL HINTS!**  
**FIRST TIME USERS: For the Drainwig® to work properly, first remove existing hair or drain clog.**  
Monitor the amount of hair collecting by simply lifting the chain until you see the hair appear below the drain cover. Don't let it grow too big.

WARNING: Keep out of reach of children. This product should be used only as intended. This product is not a toy & should not be worn. This product should not be placed in the mouth. Improper use may result in serious injury or death, including risk of strangulation. Wash hands after use.

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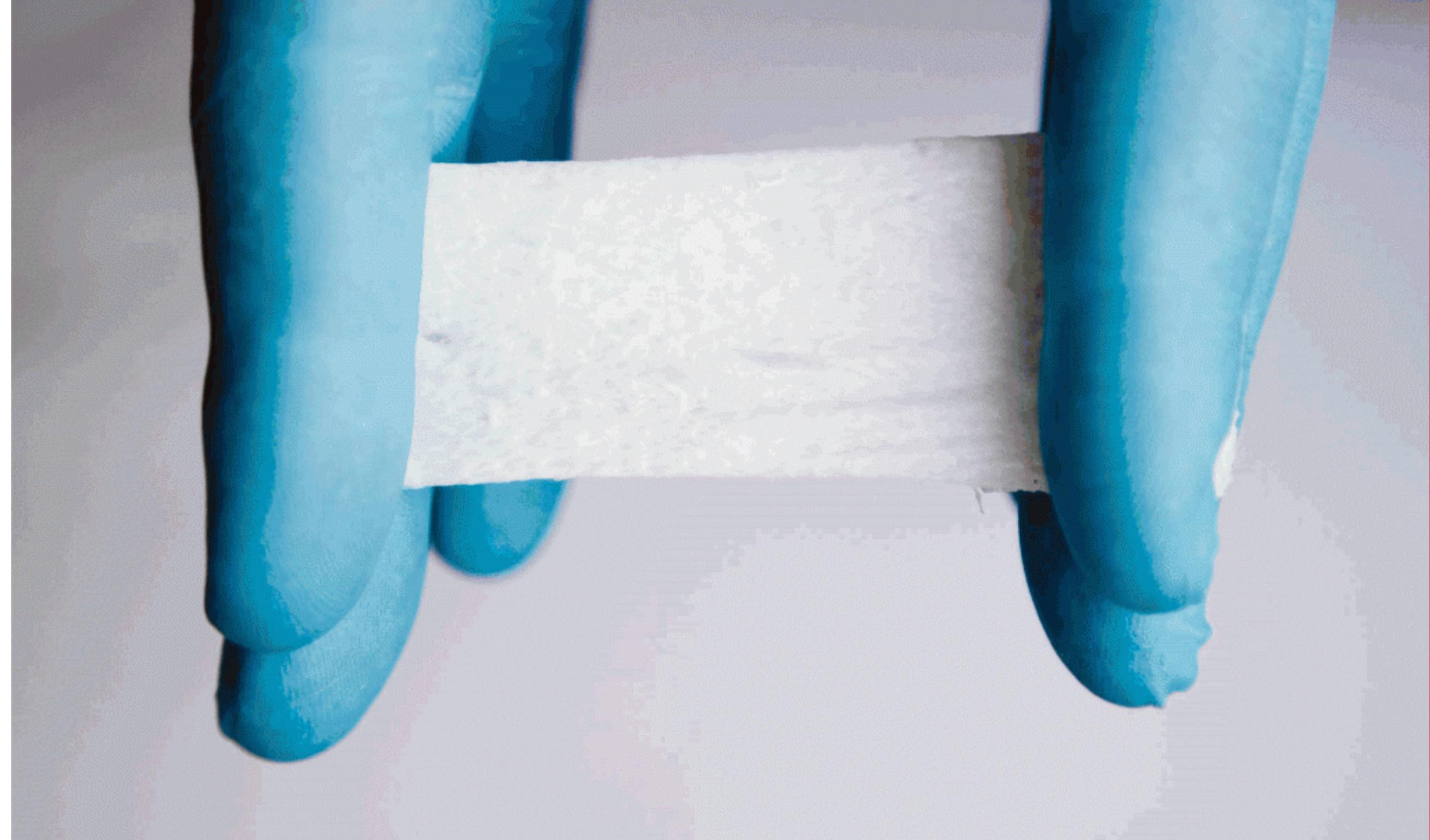


Made in China

## KERECIS

Kerecis, based in Iceland with a U.S. subsidiary, developed a revolutionary technology using fish skin to repair damaged human tissue, including severe and chronic wounds. Kerecis discovered a way to transform fish skin so that it retains its natural three-dimensional structure and the naturally occurring omega-3 fatty acids while sterilizing and drying the skin so that it can be used in a scale-free form for direct placement on a wound. FDA-approved and sourced from freshly caught fish from the cold North Atlantic Ocean, the unique fish-skin product called Kerecis Omega3 is inserted into damaged human tissue, where it is vascularized and populated by the patient's own cells and ultimately converted into living tissue.

The attorneys at Workman Nydegger, with advanced degrees in biotechnology and hands-on industry experience, have been instrumental in securing patents and other intellectual property rights for Kerecis in the U.S. and other countries since it was established in 2009. We are proud to continue to represent this Icelandic based company as it strives toward its goal of becoming an international medical device supplier.





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