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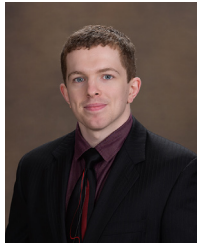
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## Protecting My Intellectual Property



Brett Bunnell, Esq.

Palo Alto business owners are faced with heavy competition in the Silicon Valley, all of which are looking for the best practices, methods, and trade secrets. Some of a company's most valuable assets can be found in your intellectual property. Each year intellectual property theft costs businesses billions of dollars. If you think your intellectual property might be at risk of being stolen or you can confirm it has been stolen, you need to act fast. In order to protect yourself from Intellectual Property theft, a business owner must first define what they need to protect.

In order to protect yourself from Intellectual Property theft, a business owner must first define what they need to protect. Some of the forms of protection are the following:

**Copyrights:** Copyrights are rights that attach to an original work of authorship that is fixed in some sort of tangible medium. Examples include software, music, photographs, books, a newspaper article, and poems. Copyright protection attaches the minute something is created. Copyrights can also be federally registered.

**Patents:** All patents are issued by the government. It provides the patent holder with exclusive rights to the "patented" design, process, or invention for a period of time. Obtaining a valid patent can take years.

**Trademarks:** Trademarks can be applicable to either goods or services. A trademark is a word, symbol, or phrase that a person can use to identify the source of a specific good or service. Often trademarks are identified by using the ™ symbol or the ®. Each of these symbols provides different legal protection. An example of a strong trademark is the signature yellow "M" for McDonald's.

**Trade Secrets:** A trade secret is information that is held closely by a company and is not generally known or easily discoverable. Trade secrets are confidential and highly proprietary. For instance, Coca-Cola's Coke recipe is a trade secret.

### Identifying Key Facts About Intellectual Property Theft

If your intellectual property is stolen, you will need to identify the source of the theft. Depending on the nature of the theft, this source may be obvious, or it may be hard to identify the perpetrator. Here are some things you may want consider when trying to identify the scope and source of the theft:

- Was the theft internal or external to the company's personnel?
- Can you hire third parties to conduct an investigation or try to find the source?
- Do you need to immediately change business processes to contain the damage?
- Do you have any reporting obligations based on the theft?
- Consider contacting the local authorities or the FBI.

### Asserting Your Company's IP Rights

The different types of intellectual property each come with a bundle of rights. Further, it is the infringer's burden to prove that their use of the mark is not infringement.



## Success Story

"My last legal battle consumed 6 years of my life on three fronts. The last matter was close to bringing me into bankruptcy. Any other firm would have gone on to an easier case looking for "Best return on efforts". My case was difficult to say the least, but the teamwork of the SLG Attorneys and their staff not only kept me from bankruptcy ,but far exceeded my expectations. I know they went far and above what they could have and if I could add five more stars on this review, they deserve every one!"

## What Should I Do If An Employee Sues My Company?



Jaclyn Ford, Esq.

A lawsuit can be an overwhelming experience for any business owner – particularly if you have not previously had any dealings with the court system. But it's not cause for panic. An experienced employment litigation attorney can help navigate through employment disputes and allow for fast and effective resolution of employment claims with the least expense possible.

### The Many Strategies for Dispute Resolution

Sometimes, a motion to the court can be used to end the litigation before it begins. This is what Yahoo's legal team did to effectively end a gender discrimination lawsuit that had been filed against the company. The San Francisco Chronicle reports that the tech giant had been sued by a former manager who alleged that the company's performance evaluation system could be manipulated to produce a gender bias. In an interesting twist, the bias was alleged to favor women, and the lawsuit was filed by a male manager who claimed to have been treated unfairly by it. Yahoo maintained that the manager had been fired as a result of his poor performance. A federal judge dismissed the case before Yahoo incurred the expense of discovery, mediation, arbitration, or settlement negotiations. Not all cases can be dismissed so quickly or easily, but that does not mean they must have devastating effects on

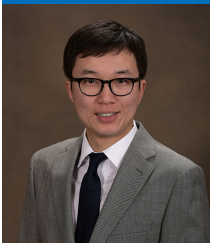
employers. According to Crain's Detroit Business, Penske recently settled employment claims with a class of workers who claimed wage and hour violations. While the \$2.1 million dollar settlement approved by the court may seem a steep price to pay, experts estimate that Penske faced potential liability of \$20.58 million had the automotive retailer lost the case at trial. The aggrieved workers will receive approximately \$1,205 each.

Mediation and settlement conferences can also be used to settle legal disputes short of trial. These are formal settlement negotiations which invoke the assistance of a third party. They are faster and cheaper than formal litigation at trial. For these reasons, many employers use these tools to resolve claims by employees. Some employers even require these tools to be used before litigation is initiated, and include provisions to that effect in an employment contract.

### Finding the Right Resolution Tool for a Specific Claim

Every legal claim presents different considerations meaning the appropriate tool for resolving a claim will be different in every case. A claim that is frivolous or has no sound legal basis can sometimes be managed with a motion to dismiss the claim from the court entirely. Valid claims with no tenable legal defense are often settled, to mitigate the financial damage to both sides.

## SLG welcomes a new face!



Da Zhuang, Esq.

Structure Law Group, LLP, is pleased to announce Da Zhuang has joined the firm as our newest transactional attorney. Da Zhuang's practice focuses on corporate transactional matters and complex business and commercial litigation.

Mr. Zhuang represents clients in a wide variety of transactional matters including, but not limited to, technology agreements, software licensing, commercial contracts, and mergers and acquisitions. Mr. Zhuang is also involved in litigation and dispute resolution, from pre-lawsuit advice, to managing discovery, to motion practice, as well as mediation and arbitration.

Mr. Zhuang received his J.D. from Santa Clara University's School of Law. While in law school, Mr. Zhuang was an associate editor with the Santa Clara Law Review and High Technology Law Journal.

## Employment Corner

### Defining Independent Contractors

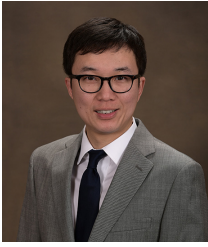
In 2016, Uber agreed to settle a class-action lawsuit brought by two separate groups of plaintiffs (Uber drivers). The plaintiffs claimed that they should be classified as employees and not as independent contractors, because if they are classified as employees then they will be entitled to benefits. The case settled for roughly \$100,000,000.

### Independent Contractors vs. Employees

The IRS treats independent contractors and employees very differently for tax purposes. According to the IRS, an independent contractor is a person who has a high degree of control over their work. Independent contractors are also typically not offered benefits.

The IRS classifies employees differently, and in several different ways, but in general an employee is someone who the employer manages more closely than they would an independent contractor.

## What is An ICO?



Da Zhuang, Esq.

Initial Coin Offerings (ICOs) have recently become a popular new source of funding for Silicon Valley businesses. They are new and exciting, but they can also be risky. It is important for business owners considering an ICO to understand both blockchain processes and the securities laws which apply to digital currencies.

An ICO is a method of funding a new (or even established) company by selling its own form of cryptocurrency. The company may accept traditional payments or even other forms of cryptocurrency. This financing is then used to fund the company's operations. Its new cryptocurrency gains value, and this allows many of the initial investments to appreciate.

While the goals of an ICO are the same as those of an initial public offering, the process has some critical differences. IPOs are heavily regulated by the Securities and Exchange Commission. Investors are left with stock and voting rights which are clearly defined, and the entire process is underwritten by an investment bank. By contrast: an ICO has no underwriter, no equity or voting rights, and little regulation by the SEC. (The SEC is quickly adapting to this emerging market, and the regulatory landscape.)

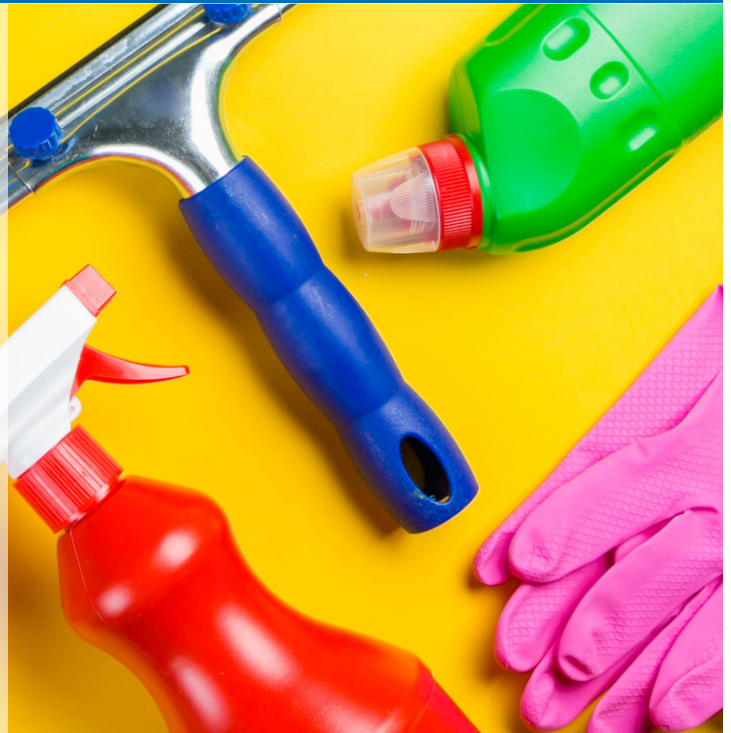
### The Dangers of ICOs

Because ICOs are so unregulated, consumers face a wide variety of risks to their initial investment. The New York Times notes that many cryptocurrencies are designed to work only with programs that the offering company intends to build. For example, Filecoin issued currency to be used as payment for data storage on a global cloud network that has not yet been created. BET is a coin designed to be used as chips in an online casino that BET plans to create. Neither the storage network nor the casino has actually been built. This means that investors may be left with a digital currency that is worthless in the event these plans do not come to fruition.

An unregulated market also paves the way for unscrupulous companies to take advantage of eager investors. Digital Trends reports that a fake startup company managed to steal more than \$2 million in digital currency from investors in an ICO scam. Now the company is offline, and the cryptocurrency is gone. Companies who wish to have a successful ICO must be thorough in their processes in order to offer consumers a product that provide some security in a highly unstable market.

## Secrets, Tips, and Tricks for Spring Cleaning!

1. Remove water stains from the faucet by rubbing them with half of a lemon and wiping with a cloth.
2. Clean stainless steel sinks by wetting the surface, sprinkling baking soda and wiping away the mess.
3. Dissolve mineral buildup around your showerhead by pouring white vinegar into a ziplock bag and securing it around your showerhead overnight.
4. Use lazy-susans and rotating platforms in your cabinets and fridge to free up space.
5. Get rid of that burnt-on food from your stovetop by wetting a dryer sheet and laying it on the mess for 15 minutes, then scrubbing off the residue.







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**DID YOU KNOW?**

- The painting of George Washington used on the dollar bill was never finished.
- Coffee is most effective if consumed between 9:30 am and 11:30 am.
- Bananas are a natural sleep aid because they contain natural melatonin.
- Sea Otters hold hands while they sleep so they don't drift away from each other.
- There are more English speakers in China than in the United States.



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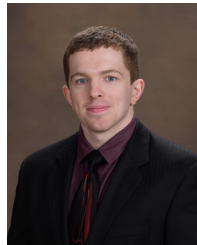
Clint Webb, Esq.



Jaclyn Ford, Esq.



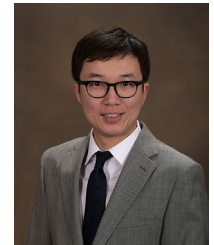
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