



**SHAPING IDEAS INTO STRONG
INTELLECTUAL PROPERTY**



forge-ip.com

Forge IP is a team of innovative, energetic individuals specializing in all areas of intellectual property. We bring both intuition and experience to every project.





FORGET IT



FORGET

**FORGE IP IS A VERY DIFFERENT KIND OF INTELLECTUAL
PROPERTY LAW FIRM ... BY DESIGN.**



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FORGET IT

OUR STORY

While we were all different in many ways, we shared one important thing in common — we felt there had to be a better way to do things.



Before Forge IP existed, our professionals worked at a larger, more traditionally structured firm.

We all very much enjoyed actually practicing law. For us, that meant drafting and prosecuting patent applications, securing trademark and copyright registrations, drafting briefs, taking depositions, conducting trials and hearings in connection with litigations in court and contested cases at the U.S. Patent and Trademark Office, performing freedom to operate analyses and drafting opinions, negotiating and drafting licenses and various other types of agreements, and a variety of other tasks requiring us to exercise our analytical and creative abilities.

We also enjoyed working directly with our clients to assist them with developing and implementing IP strategies, including building and enforcing their IP portfolios, monitoring their competitors' activities, and intervening when appropriate.

However, due to the traditional structure of the larger firm to which we belonged, none of us were able to do these things for very long. As associates just starting out, almost all our time was spent creating substantive work product. Even as new, relatively inexperienced partners, we were still able to create work product, while increasingly enjoying various aspects of client development. But as we each gained experience and advanced within the law firm ranks, things started to change.

More and more of our time was spent servicing the firm, rather than servicing our clients: attending partners' meetings, then management committee meetings, and continually training associates, paralegals, and administrative assistants, only to have a majority of them leave the firm for greener pastures after only a few years. We spent significant time interviewing and hiring — and just as much time on exit interviews. And then there were countless hours spent dealing with firm politics and drama, as we watched firm resources repeatedly being wasted on pet projects of one partner or another with no added value to our clients.

We felt there had to be a better way — one where we could actually practice law again — where our time and energy could be spent adding value to our clients' businesses. But despite our efforts, we could not find that better way. So we decided to create our own: hence the birth of Forge IP, a very different kind of IP law firm.



OUR CLIENT RELATIONSHIPS

At Forge IP, our primary goal is to provide substantial value to our clients by offering them legal services of exceptional quality, but at a cost that is competitive with firms in our sector.



Toward this end, we focus on experience, efficiency, availability and responsiveness, flexibility, and strategically adding value.

We focus on experience. At Forge IP, we have no associates. Instead, our attorneys are partners with at least 20 years of experience practicing IP law. Every project is handled by a professional with extensive expertise. We have seen a lot, we have learned a lot, and we know how to leverage that knowledge.

We focus on efficiency. While our experience helps us operate extremely efficiently, that is not the only factor.

When we opened our doors, we looked extensively for an appropriate location for our office and settled on Shelton, Connecticut, due to its proximity to New York City and the Boston/Cambridge area. This enabled easy travel and ensured that our rent stayed low. We knew from experience that the vast majority of client visits took place at their facilities rather than ours.

We also knew the value of sophisticated practice management software, so we utilize the "gold standard" for IP-related practices, PerfectLaw® All-In-One® software (www.perfectlaw.com). While there are many less expensive options, the sophisticated PerfectLaw® software allows us to operate with an exceptional level of efficiency, which results in lower costs for our clients.

These are two examples illustrating how focused Forge IP is — and has been from its inception — on efficiency and providing our clients with "the most bang for the buck."

We focus on availability and responsiveness. It is incredibly frustrating for a business owner to open a cease and desist letter at 8 p.m. on a Friday evening and have to wait until Monday morning to talk to their attorney. We understand that, and we do all we can to ensure this does not happen. We happily provide our clients with our cell phone numbers; we regularly check voicemails and emails during evenings, weekends, and holidays; and we return calls at all hours of the day and all days of the week. We understand that our clients want to talk to us when *they* need us, not necessarily when it is most convenient for us. Even routine emails are always answered within one business day, so our clients are never left hanging.

We also ensure that every client has a primary contact attorney and a backup attorney familiar with the status of their matters. That way, if the primary contact attorney is unreachable for any reason, clients have a second point of contact in case of an urgent need.

In our view, any time we ask our clients to spend money, there should be a good reason for it.



One benefit of our size is that we can be extremely nimble and flexible.

We focus on flexibility. We do everything we can to accommodate our clients' wishes for how things should be done, and we never force them to accept a rigid set of "firm policies and procedures."

While our passion is assisting clients with all aspects of building and enforcing their IP portfolios, we have many clients that ask us to perform only a limited number of tasks. We do patent prosecution work for very large companies with in-house patent departments, where we are asked to perform individual tasks on an overflow basis, with the in-house paralegals attending to filing, docketing, etc. We have overseas clients where much of the substantive work is done by agents/attorneys in their home countries, and we are asked merely to ensure that their work complies with U.S. practice before filing.

We have clients that prefer to receive one invoice at the end of every month, while other clients prefer to receive one whenever any bit of work is done. We have clients that want to be copied on every piece of correspondence exchanged on their behalf; other clients prefer only to be kept apprised of important developments. And there are countless minor requests that we constantly receive from clients for ways we can make their lives easier.

When we were affiliated with a larger, more traditionally structured law firm, we were often unable to accommodate special requests — there were "firm policies and procedures" that made deviation impossible.

At Forge IP, we strive never to respond to client requests in this manner. If the request is reasonable, we can almost always find a way to make it happen.

We focus on strategically adding value. Just because something *can* be done does not mean it *should* be done. At large firms, if the answer to the question "Are we likely to win this motion if we file it?" is "yes," then a motion is drafted and filed, sometimes at great expense to the client. But at Forge IP, even if the answer to the threshold question is "yes," we do not stop there. We ask: "If we win the motion, how much does that help our client?" and "How much would it cost our client to win the motion?" Only after weighing these considerations can we determine whether or not the motion *should* be filed.

The same type of analysis applies to almost everything we do.

Because we too are small business owners, we pride ourselves on assisting our clients with examining these issues and making informed determinations. In our view, any time we ask our clients to spend money, there should be a good reason for it — how is the money being spent intended to add value to our clients' businesses? We are always happy to chat, and we encourage clients and potential clients to call to discuss these types of issues.





FORGET IT

OUR VISION

**At Forge IP,
we have no
associates.**



We are partners with 20 years of experience practicing IP law.

We have been part of a larger firm that used clients' important matters as training aids for first and second-year associates; we do not believe this is in the best interests of our clients. Rather, our attorneys employ our extensive experience to do our best to achieve success in the most efficient manner possible each and every time we pick up one of our clients' matters.

Even though we have no associates with extremely low billable rates, we still successfully implement top-tier IP services at competitive rates as compared to larger, more traditional law firms. In a traditional structure, an inexperienced, low-billable-rate associate may spend an extremely large amount of time on a project. And because of that inexperience, it may take two, three, or even more attempts for this associate to get things right. Add in the cost of a high-billable-rate partner to oversee the associate's work, and efficiency goes out the window.

At Forge IP, every project is handled by an attorney with extensive experience. So we get things done in a fraction of the time and with far fewer attempts than could be expected from an inexperienced associate. Plus, there is no need for anyone to oversee the work. Thus, we strive to ensure that our overall efficiency is higher than can be achieved with traditional models, without low-billable-rate associates being involved.

We also focus on client service. Generally, each of our clients is handled by two partners, one with primary responsibility for the client and the other acting as a backup. However, both partners are always very familiar with the business of the client, the status of the client's various matters, and the main points of client contact. So even if the primary partner is unavailable when a client calls, the backup partner will usually be available, up to speed, and familiar with the situation. Our view is that, when a client has an urgent matter that they need to discuss right away, they should not have to wait until it is convenient for an attorney.

By using a model where one partner is primarily responsible for each client, that attorney becomes extraordinarily familiar with the client's technology and the various matters the client entrusts to our care. This model improves both quality and efficiency, as opposed to the traditional law firm model, where there may be several different associates, as well as several different partners, working on various matters for a single client. From our past experience, we know that this type of arrangement is the epitome of the right hand not knowing what the left hand is doing.

Forge IP's goal is to provide our clients with end-to-end IP strategy and legal services of exceptional quality from attorneys who all have more than two decades of experience — and at a competitive cost. Our firm was founded with this goal in mind, and we continue to embrace this core principle.



FORCETIP

OUR LAW FIRM RELATIONSHIPS

We offer a number of courtesy presentations to our partner law firms on a variety of IP topics.



All we ask is that firms we visit consider involving us when their business clients have IP issues arise.

Shortly after opening our doors, Forge IP was invited to join an organization called LawPact™ (www.lawpact.org), an international association and network of independent business law firms. At the organization's semi-annual meetings, we soon discovered something unexpected — that we were the only member of LawPact™ that happens to be a U.S. IP boutique. When other members found out about our specialty, numerous IP-related questions and discussions followed.

Some of these questions were from attorneys with very little prior exposure to IP, as basic as determining the difference between patents, trademarks, and copyrights. Other questions were quite advanced; for example, involving the scope of estoppel for a petitioner in a failed *Inter Partes* Review (IPR). Regardless, we were pleased to answer them all.

After reviewing these topics with our colleagues, we developed a series of presentations so we could discuss these issues with multiple attorneys in a more organized format. We offer courtesy visits to our LawPact™ colleagues anywhere in the U.S., or to any non-LawPact™ law firms in the Northeast, to present on any IP-related topic. Forge IP does not expect any compensation for courtesy visits to discuss these presentations, nor any reimbursement for travel-related expenses.

On the right is a sample list of presentations we have created. We are happy to address new topics upon request. Presentations are specifically tailored to

general business attorneys with little or moderate IP exposure so they can identify IP issues, gain enough knowledge to converse intelligently about them, and know if/when it is time to get an IP specialist involved. Our current presentations include:

- **IP Basics** – Different types of patents, requirements, and options for trademark registration; how, when, and why to register copyrights; protecting trade secrets, etc.
- **Strategies for Patent Portfolio Building** – Why, when, and where to file for patent protection, including how to identify inventions worth patenting.
- **Competitive IP Surveillance** – Strategies for routine and early monitoring of competitors' IP activities and options for intervening early, when appropriate.
- **Challenging Third Party Patents** – Various options for challenging the validity of already issued third party patents.
- **Product Clearance** – The benefits of freedom to operate searches, design guidelines, and formal opinions of counsel.
- **Licensing as a Revenue Stream** – Strategies and options for licensing patent/trademark portfolios.
- **Protecting Aesthetic Features** – How design patent protection dovetails with trade dress protection — planning early is key.
- **Responding to Cease & Desist Letters** – Steps to take and potential costs involved.



FORGET IT

OUR PROFESSIONALS

Here are just
a few of our
professionals' proud
accomplishments.



Todd M. Oberdick | Partner

e: toberdick@forge-ip.com

- Assisted client in growing patent portfolio from fewer than 10 to more than 300 patents over 10 year period until client was recently acquired for a publicly reported \$315 million.
- Assisted small business client in developing patent portfolio ensuring protection within its own field, while also implementing licensing program generating millions of dollars from third parties in non-competitive fields.
- Gained extensive insight in managing a small business as a former managing partner of a 20 +-attorney law firm.



David W. Aldrich | Partner

e: daldrich@forge-ip.com

- Guided start-up company (with no intellectual property) through building portfolio of approximately 50 U.S. patents, as well as multiple foreign patents and various trademarks.
- Invalidated all three patents of blockbuster drug (annual sales exceeding \$1 billion) on behalf of generic drug client, clearing the way for launch of generic product.
- Protected clients' commercial endeavors by successfully persuading Patent Trial and Appeal Board to institute multiple *Inter Partes* Reviews (IPRs) of illegitimate patents.



Catherine (Flood) McCaffrey | Executive Director & Director of IP

e: cflood@forge-ip.com

- Acted as head patent paralegal and chair of the patent department for more than 14 years at 20 +-attorney IP boutique.
- Has trained numerous new patent paralegals in all aspects of their jobs.
- Has familiarity with U.S. Patent Office procedures rarely seen in non-attorneys, and has trained numerous associate attorneys in patent office procedures.



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