

insight

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THE FEDERAL CIRCUIT HOLDS THE E.D. TEXAS' FEET TO THE FIRE ON VENUE

BY: HARRIE SAMARAS AND LAUREN SCHMIDT

In *In Re TS Tech USA Corp.*, the U.S. Court of Appeals for the Federal Circuit granted a defendant's petition to transfer a pending patent infringement case from a District Court in the Eastern District of Texas (E.D. Tex.)

to a more convenient venue for the defendant. This case follows closely on the heels of an *en banc* order issued by the Fifth Circuit, granting a petition ordering a District Court in the E.D. Tex. to transfer a pending case to a more convenient venue. *TS Tech* garnered attention because the Federal Circuit granted the mandamus petition. It also calls into question whether the E.D. Tex. will continue to attract patent plaintiffs.



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9 OUT OF 10 ATTORNEYS RECOMMEND... EXAMINING INTELLECTUAL PROPERTY IN YOUR ADVERTISING

BY: REX DONNELLY

Every business needs advertising to attract customers. Advertising can be a minefield for the unwary, however, unless potential Intellectual Property (IP) issues are identified and resolved well before an ad goes to print or is broadcast on the airwaves. This article provides a brief overview of just some of the IP considerations involved in advertising, including issues relating to trademarks, trade dress, copyrights, rights of publicity, and false advertising.

TRADEMARKS

Before using a new trademark or service mark in an advertisement, the prudent advertiser makes sure the mark is clear for use. No one wants to invest significant time and money in an ad campaign for a new product only to find out too late that the product trademark allegedly infringes someone else's rights. Accordingly, a clearance search and analysis can

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A POPULAR VENUE FOR PATENT CASES

The E.D. Tex. became a popular venue for filing patent cases because plaintiffs traditionally fared exceptionally well there. According to a PricewaterhouseCoopers (PWC) survey, from 1995-2007, plaintiffs in patent infringement cases in the E.D. Tex. won 71.9 percent of the time, compared to the national average of 57 percent.¹ Also, the relatively short time to trial made this district popular. In this regard, the PWC Survey reported the median time to trial in the E.D. Tex. as 1.79 years.² Despite the popularity of the E.D. Tex. to patent plaintiffs, the *TS Tech* case illustrates the legal limits to what cases may stay there when a party challenges venue.

THE DISTRICT COURT REFUSES TO TRANSFER THE CASE

Lear Corp. sued three TS Tech entities in the E.D. Tex. for infringing its patent relating to headrest assemblies. TS Tech moved to transfer the case to a more convenient venue, the Southern District of Ohio, because (1) two of the defendant companies, Ohio corporations, have a principal places of business in the Southern District of Ohio, (2) physical and documentary evidence was located in Ohio, and (3) key witnesses lived in Ohio, Michigan, and Canada. Lear Corp. opposed the transfer on the ground that dealerships in Texas sold several vehicles containing the accused headrest assembly.

The District Court sided with Lear and denied the transfer. The court found that TS Tech failed to demonstrate that the inconvenience to the parties and witnesses clearly outweighed the deference to Lear's choice of venue. The District Court further found that the citizens of the E.D. Tex. had a substantial interest in having the case tried there because of sales in the venue of several vehicles containing the accused headrest assembly.

THE FIFTH CIRCUIT PAVES THE WAY FOR THE FEDERAL CIRCUIT

TS Tech filed a petition for a writ of mandamus with the U.S. Court of Appeals for the Federal Circuit. In its petition, TS Tech alleged that the District Court ignored Fifth Circuit precedent and clearly abused its discretion by refusing to transfer the case. The Federal Circuit agreed. In doing so, it relied on the Fifth Circuit's recently decided *en banc* decision in *In re Volkswagen of Am., Inc.*,³ a case involving a similar transfer issue. In *Volkswagen*, the plaintiff initially filed a product liability action in the E.D. Tex. concerning allegations about a traffic accident that occurred in the N.D. Tex. about 150 miles away. The Fifth Circuit granted defendant's petition and ordered the case transferred to the N.D. Tex., a venue with more meaningful ties to the action.

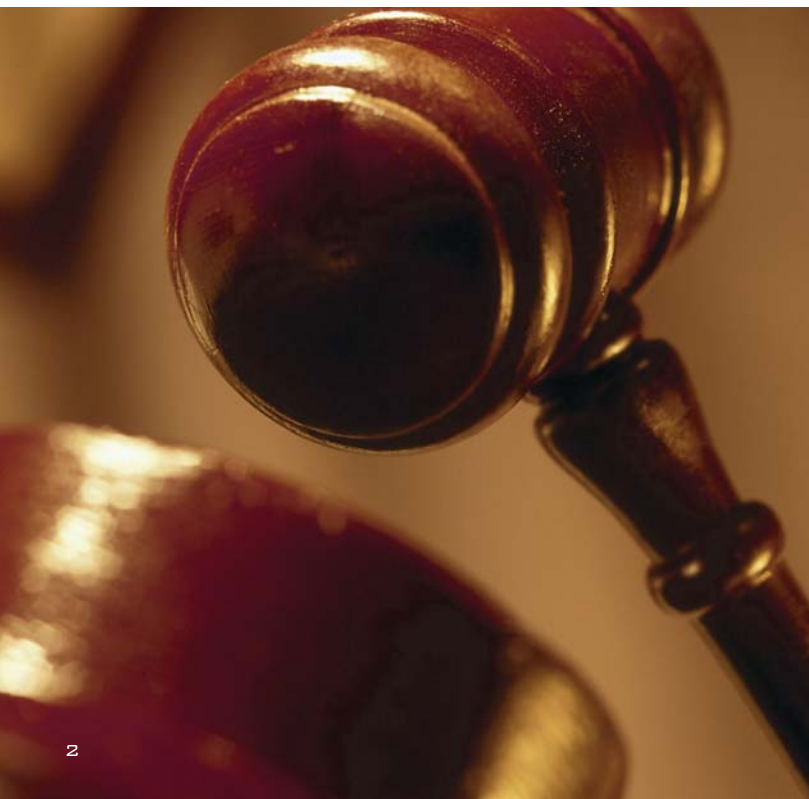
As in other circuits, the Fifth Circuit balances private and public interest factors in determining proper venue. As reiterated in the *Volkswagen* case, the private interest factors include: relative ease of access to sources of proof, availability of compulsory process to secure attendance of witnesses, cost of attendance for witnesses, and all other practical problems that make a trial easy, expeditious and inexpensive. The public interest factors include: administrative difficulties caused by court congestion, local interest in adjudicating local disputes, familiarity of forum with law governing the case, and avoidance of unnecessary problems in conflict of laws.

THE FEDERAL CIRCUIT GRANTS THE PETITION AND THE CASE IS TRANSFERRED

TS Tech requested extraordinary relief by its mandamus petition, thus requiring it to demonstrate that the District Court "clearly" abused its discretion and produced a "patently erroneous result." The Federal Circuit considered the District Court's errors in this case essentially identical to those in *Volkswagen*, held that TS Tech demonstrated a clear and indisputable right to a writ, and directed the District Court to transfer the case.

Although the Federal Circuit acknowledged that the District Court correctly applied some of the above-mentioned factors, it concluded the District Court's analysis contained several key errors in applying the Fifth Circuit's private and public interest factors.

- **Choice of Venue:** Applying Fifth Circuit law set forth in *Volkswagen*, the Federal Circuit observed that while courts should accord deference to the plaintiff's choice of venue, Fifth Circuit precedent "clearly forbids" treating the plaintiff's choice of venue as a distinct factor in the venue analysis. Because the district court weighed the plaintiff's choice as a distinct factor against transfer, affording Lear's choice of venue considerable deference, the Federal Circuit held that the district court erred.
- **Cost of Attendance:** The Fifth Circuit in *Volkswagen*, reaffirmed its previously established 100-mile rule, requiring that when the distance between the existing and proposed venues exceeds 100 miles, the factor of inconvenience to witnesses increases in direct relationship to the additional distance traveled. The Federal Circuit held that the District Court clearly erred by completely





disregarding this rule because the key witnesses located in Ohio, Michigan and Canada would need to travel approximately 900 more miles to attend trial in Texas rather than Ohio. The Court also found erroneous the District Court's refusal to weigh this factor considerably in favor of transfer.

- **Ease of Access to Sources of Proof:** The District Court found this factor "neutral" because of the electronic storage of many of the documents in the case, making their ease of access relatively equal whether the case proceeded in Texas or Ohio. The Fifth Circuit in *Volkswagen* explained that such ease of access does not render this factor superfluous. Considering the location of the physical and documentary evidence in Ohio, Michigan and Canada (not Texas), the Federal Circuit held that the District Court erred in not weighing this factor in favor of transfer.
- **Public Interest:** The District Court concluded that the citizens of the E.D. Tex. had a substantial interest in having the case tried locally based on the sale of several vehicles containing the accused headrest in the venue. The Federal Circuit likened this case to *Volkswagen* due to the lack of a relevant connection between the actions giving rise to this case and the E.D. Tex. — none of the companies had an office in the E.D. Tex., no identified witnesses resided there, and no evidence existed there. Furthermore, the Court held that the Fifth Circuit in *Volkswagen* unequivocally rejected the District Court's reasoning noting that the citizens in the E.D. Tex. had no more meaningful connection to this case than any other venue based on the sales of vehicles in the venue. The Court therefore held that the District Court erred by weighing this factor against transfer.

CONCLUSION

The benefits that attracted plaintiffs in patent cases to the E.D. Tex. still exist, for the most part. In granting the two recent mandamus petitions, however, the Fifth Circuit and the Federal Circuit have signaled to defendants that hope remains for venue challenges when they lack significant ties to the district. And with regard to patent plaintiffs, the two Circuit Courts have made clear that they will provide close oversight of lawsuits inappropriately brought in the E.D. Tex., insuring that cases continue in the truly appropriate venue, not just the chosen forum shopping venue.

The authors give special thanks to Stanley Weinberg for his contributions to this article. ■

“...plaintiffs in patent infringement cases in the E.D. Tex. won 71.9 percent of the time, compared to the national average of 57 percent.”

1 PricewaterhouseCoopers, *A closer look 2008 Patent Litigation Study: Damages awards, success rates and time-to-trial*, p.14 (2008), available at [http://www.pwc.com/extweb/pwcpublications.nsf/docid/EBC144CF6220C1E785257424005F9A2B/\\$file/2008_patent_litigation_study.pdf](http://www.pwc.com/extweb/pwcpublications.nsf/docid/EBC144CF6220C1E785257424005F9A2B/$file/2008_patent_litigation_study.pdf).

2 PricewaterhouseCoopers at p. 12. It bears mentioning, however, that the time to trial appears to be increasing with the increased filings in the E.D. Texas. See *The Rocket Docket*, Inside Counsel p. 72 (Aug. 2008).

3 *In re Volkswagen of Am., Inc.*, 545 F.3d 304 (5th Cir. 2008) (*en banc*).

identify potential risks of adopting a mark before starting a new branding initiative. Once a mark has been cleared for use, applying for federal registration will maximize the scope of its protection, which may be particularly worthwhile for any mark important enough to justify a substantial advertising budget.

The prudent advertiser also uses marks properly. Proper use entails using a mark as an adjective preceding a generic noun and highlighting the mark relative to surrounding text, such as by using all-caps, a stylized, bold, and/or different color or size font, or at least capitalization of the first letter of the mark (i.e. REX™ dog biscuits). Misusing marks has caused many marks to become generic over time, including the terms escalator, aspirin, cellophane, thermos, and pilates.

Each ad should also contain the mark used at least once with the appropriate symbol to provide notice of rights — ® for registered trademarks, ™ for unregistered trademarks, and SM for unregistered service marks — or include a statement at the bottom of the ad that “[Mark] is a [trademark, registered trademark] of [owner].” Failure to provide notice of registration for a federally registered mark can impact the award of damages in the trademark infringement suit.

Ads should be free of infringement or misuse of marks owned by others, and use of another’s mark should either be with explicit permission or permitted under the principles of fair use. For example, it is permissible fair use for a retailer of a product to use the product trademark to refer to the product being sold. Where an ad refers to a third party’s mark, however, it may be necessary to identify who owns the mark.

TRADE DRESS

Trade dress is the non-functional physical detail and design of a product or its packaging, which indicates or identifies the product’s source and distinguishes it from the products of others. Trade dress may include, for example, product configuration, packaging for a product, or the overall look and feel or theme of a service establishment, such as a restaurant. The trade dress of a product or service may therefore figure prominently in advertising for the product or service. An advertiser may want to make its product stand out from the crowd, or in some cases, such as for store-brand competition of branded products, may want the package to closely resemble the competition. When comparing elements of trade dress in an infringement lawsuit, a court looks at the trade dress as a whole, not at any single element.

From the standpoint of designing and promoting new and original trade dress that is difficult to copy, choose at least some elements that are unique or arbitrary, as opposed to elements that are descriptive of the product/service or commonly used by others in the field. To more rapidly establish secondary meaning (i.e. where consumers associate a particular feature with the source of the goods) in the most important elements, consider using “look for” advertising (i.e. “look for REX® dog biscuits in the doghouse-shaped box”). To avoid packaging being found confusingly similar to that of a competitor, use your own identifiable marks prominently. Where packaging necessarily has

elements that are similar to those of competitors (such as photos showing suggested uses for the product), make sure the arrangement of the various elements is distinguishable from that of the competitor. Furthermore, avoid copying elements of a competitor’s trade dress that have secondary meaning.

COPYRIGHTS

Copyrights protect “original works of authorship” fixed in a tangible form of expression. Copyrights do not protect ideas, titles, short phrases or slogans. For example, copyrights protect photographs and copy used in print ads, the audio presentation in a radio ad, and the audiovisual features of a TV commercial. Copyrights do not protect the underlying idea in an advertisement. Determining what will be considered protectable or not protectable can be very fact-specific. For example, one court found that elements in two photos, each of a business person considering leaping from a building, were unprotectable, because any similarities between the two images were dictated by the subject matter. Another court found that aspects of two photographs, each of a man wearing a t-shirt and a lot of jewelry, were protectable, and left it to a jury to determine whether the photos were substantially similar.

After identifying material that can be protected under copyright, it is next necessary to determine who owns the rights in the work. Some aspects of the work may be in the public domain or the user may have an implied right to use the work. For example, a retailer typically may have an implied right to use an image of a product to sell the product. In general, if a work is created by an employee within the scope of his/her employment, it is considered a “work-for-hire,” in which the rights in the copyright vest with the employer. If the work was prepared by a non-employee, the work will typically not be considered a work for hire, absent a specific contract term. Therefore, prior to preparation of advertising content (photos, jingles, mascot costumes, ad copy, etc.) by non-employees, advertisers wanting to own the copyrights for such content should have written contracts containing specific work-for-hire provisions.

If an advertisement uses a pre-existing work (such as a song written and/or performed by another), the advertiser likely will need a license or assignment of rights to use the work, unless the work is in the public domain or the use can be considered “fair use.” Because copyright rights, in most cases, are enjoyed for the life of the author plus 70 years, only very old works, or works for which copyright rights were not properly preserved under prior law, are currently in the public domain. Fair use depends upon how much of the work is used and the purpose of the use. Parody is one type of fair use. Accordingly, a movie advertisement for *Naked Gun 33 1/3*, which included a photograph of actor Leslie Neilson’s head superimposed on the body of a naked, pregnant woman, was held not to infringe the copyright owned by Annie Leibovitz for a famous Vanity Fair magazine cover featuring actress Demi Moore in a similar pose, because the ad was deemed to be a parody.

Copyright licenses take into consideration factors such as how much of the original work will be used, the way in which the work will be

used, whether the work will be changed in any way, how often the work will be reproduced, distributed and/or displayed, the amount of time the work will be used, whether the licensed rights will be exclusive or non-exclusive, and the jurisdiction of use.

Copyright considerations extend not just to the main focus of a photo or video, but also the background images or material. For example, does a photograph used in an ad show in the background a work of art or the recognizable trade dress of a restaurant? If so, the advertiser may need to secure the right to show the background work in the ad, or it may want to remove or obscure the background work using photo editing techniques.

RIGHTS OF PUBLICITY

Any ad that features a person's image, voice, signature, name, photo, or likeness, as the focus of the ad or even in the background, may involve rights of publicity. Key considerations are whether the person is recognizable and whether the characteristic of the person used in the ad has commercial value. For example, singers Bette Midler and Tom Waits have both recovered damages from advertisers who used voices that sounded like theirs. Vanna White and Woody Allen have both recovered damages from advertisers whose ads featured lookalikes (or, in White's case, a robot that looked and acted like her). In other cases, however, non-celebrities have failed to recover on the basis of right of publicity, where their likeness was not found to have any commercial value. Securing rights protected by rights of publicity typically requires a license from the owner of the rights.

Rights of publicity also depend upon whether the owner is alive or deceased and what state's law will govern. Certain states have statutes that set forth rights of publicity, whereas other states protect such rights only under the common law. Only some states, either by statute or under common law, recognize a postmortem right of publicity. Thus, consultation with counsel in the relevant jurisdiction may be important to understand the applicable rights of publicity.

FALSE ADVERTISING

Advertising that is untrue or materially misleading can expose the advertiser to a false advertising claim. False advertising can arise not just if a statement is literally and explicitly false — such as a false suggestion of geographical origin that something is “Made in the USA” that is not — but also if the advertising contains necessary implications that are false. For example, a pharmaceutical manufacturer that advertised a product as “Night-time Strength” was found to have falsely implied that the product was especially effective for night-time use, where the advertiser had no evidence of such effectiveness.

A false dramatization may also lead to false advertising liability. For example, the maker of plastic bags whose ad showed a goldfish in a competitor's leaking bag was found to have falsely dramatized the ineffectiveness of the seal on the competitor's bags, where only a very small percentage of the competitor's bags actually experienced such leakage. A false advertising claim can also arise if a photograph of

a competitor's product is shown in an ad and represented to be the advertiser's product.

Even if literally true, a misleading statement may be considered false advertising. For example, a misleading implication of official event sponsorship, a statement that presents less than the whole truth, or even a statement that is supported by valid test results, but for which the test does not support the advertising claim, may subject the advertiser to liability. For example, a motor oil manufacturer's ad claiming its oil protected better at start up than another leading motor oil was found to have engaged in false advertising, because, while tests indeed showed that the defendant's oil was quicker to reach engine parts, the advertiser had no proof that this quickness translated to reduced engine wear (i.e. better protection).

Only false or misleading statements relate to the inherent quality or characteristic of the product or that are likely to influence the purchasing decision are considered material enough to create liability. For example, in one case, a statement that a certain type of clothing contained cashmere was considered material, whereas in another case, a statement that basketball scores were reported “straight from the arena,” when the scores actually came from a public source not within the arena, was considered immaterial because consumers only care about receiving accurate scores, not how the scores were collected.

Statements that constitute exaggerated boasting or a general claim of superiority that is so vague that consumers will understand it as merely an expression of opinion are considered “puffery” (e.g. “Worlds Best Coffee”; “America's Favorite Pasta”). Puffery is not actionable, but if a statement contains specific and measurable claims, such as “longest ball on tour” for a golf ball or “longer engine life and better engine protection” for a motor oil, then the statement may be subject to a false advertising claim if a competitor can show that the statement is untrue. For a claim that the advertised product is better than another, a competitor who can show that his product is equal or better would be successful in bringing a false advertising claim. For a claim that “tests prove” that the advertised product is better, a competitor who can either show that the test results are false or that the test is insufficient to prove what it is alleged to show, would be able to successfully bring a false advertising claim.

CONCLUSION

The bottom line is to be on the lookout for potential IP issues in each and every advertisement. From including work-for-hire clauses in contracts with ad agencies or content providers, to reviewing ads for proper trademark use, to considering whether any of the elements in an ad require licensing or whether any statements could lead to liability for false advertising, the best practice is to review IP issues in advertising as early and as often as possible. RatnerPrestia attorneys are standing by and ready to assist!



Glenn Massina

Glenn Massina has become a Shareholder of the firm. Glenn has experience in counseling clients in all aspects of intellectual property law. He focuses his practice on client IP portfolio management, with an emphasis in the mechanical and electro-mechanical arts. With RatnerPrestia, Glenn has advised clients on the procurement and enforcement of protectable rights to gain and maintain a market advantage; the leveraging of client assets through licensing and other transactions; and the evaluation of competitor's proprietary rights to avoid market barriers and potential liabilities.



Harrie Samaras



Chris Rothe



Joshua L. Cohen

Harrie Samaras was recently selected for placement on the roster of mediators maintained by the U.S. International Trade Commission and on the roster of mediators for the American Arbitration Association.

Joshua L. Cohen authored a chapter for "Building Design Strategy: Using Design to Achieve Key Business Objectives," a book co-published by Allworth Press and Design Management Institute (DMI). In Mr. Cohen's chapter, 'Law Meets Design: Transforming Valuable Designs into Powerful Assets,' he introduces strategies for leveraging design innovations into long-term commercial assets. He also explains how these strategies are best integrated into design planning and development and continued throughout the full lifecycle of a product design.

RatnerPrestia is again one of 26 firms selected across the U.S. to host the 2nd Annual Women in Intellectual Property Law Cross-Country Networking dinner on February 12, 2009 on behalf of the American Intellectual Property Law Association (AIPLA). The dinners provided an opportunity for women IP lawyers to interact and to meet with female colleagues in the IP field. Simultaneous dinners took place across the U.S. and were joined via teleconference, which included a welcome by the president of the AIPLA, Teresa Stanek Rea.

Chris Rothe recently published an article titled "Understanding Patent Issues - Offensive and Defensive Approaches" in the January, 2009 issue of STRUCTURE® Magazine, a joint publication of the National Council of Structural Engineers Associations (NCSEA), the Structural Engineering Institute of the American Society of Civil Engineers (ASCE), and the Council of American Structural Engineers (CASE).





Peter Zacharias



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Chris Dervishian



Harrie Samaras



Ken Nigon



Chris Lewis



Robert P. Seitter



Jonathan H. Spadt



Benjamin Leace



Rex Donnelly

On Wednesday, May 20th **Jonathan H. Spadt, Stephen Weed,** and **Peter Zacharias** will team up with BNA to present an Audioconference entitled, "Effective Strategies for Handling the Shift in Negotiating Power Away From the Patent Holder".

Ken Nigon, a Shareholder of RatnerPrestia, partnered with BNA on two IP focused audioconference programs. The first, entitled "Patent Eligible Subject Matter Under 35 USC 101: Working with the Machine or Transformation Test in Litigation and Prosecution" took place on Wednesday, April 1st. The second, entitled "The Patent Disclosure, Serves Different Roles for Different People with Different Viewpoints: Drafting the Specification to Cover All the Angles" was held on Wednesday, April 22nd.

Chris Lewis, Chris Dervishian, and **Robert P. Seitter** presented "Emerging Intellectual Property Issues that Can Blindside Corporate Counsel" along with Alex Plache, Senior IP Counsel of Saint Gobain Corporation and John Gregory, General Counsel and IP Manager of Streamlight, Inc. as part of DELVACCA's Inaugural In-House Counsel Conference at The Union League in Philadelphia on April 1st.

Stephen Weed presented to Temple University faculty, staff, and students at the Fox School of Business on Tuesday, March 24, 2009 as part of Temple University's Research Week. Steve's presentation focused on protecting ideas.

Three RatnerPrestia Shareholders, **Rex Donnelly, Benjamin Leace,** and **Harrie Samaras,** participated in Pennsylvania Bar Institute's 3rd Annual Intellectual Property Law Institute held in Philadelphia on March 5-6.

- **Rex Donnelly** participated in an "IP in Advertising" Panel, where he discussed how the law affects comparative advertising, e-commerce strategies, package trade dress, proper trademark use, common copyright mistakes, right of publicity and other issues critical to avoiding disputes in the highly competitive world of advertising.
- **Benjamin Leace** was a part of a panel that discussed, "Tough Patent Litigation Issues," including Ben's topic, "How Reexamination Proceedings at the USPTO Impact the Strategy and Conduct of Patent Litigation."
- **Harrie Samaras**, on a panel with Hon. James R. Melinson (Ret.) of JAMS, Philadelphia, J. Alexander Hershey of Thorp Reed & Armstrong, LLP, and David M. Perry of Blank Rome LLP, discussed the topic of "How to Make the Most of Your Settlement Discussions with Parties, Courts and Mediators". Harrie addressed Early Case Assessment and how it can be used to prepare clients for settlement negotiations and to develop settlement strategies.

Peter Zacharias presented "How to Protect Your Process Inventions After Bilski" at the January 15th meeting of the PIPLA Computer Practice Committee.

RATNERPRESTIA CONTINUES INVESTMENT IN ITS ADMINISTRATIVE SUPPORT STAFF

BY: GLENN MASSINA

RatnerPrestia understands that a highly knowledgeable administrative support staff is an integral component in providing clients with a high level of legal service. A well trained support staff ensures that services are completed competently and in an efficient manner. To maintain a highly skilled support staff, attorneys and staff recently participated in *RatnerPrestia's Support Staff Training Course*. The seven session course is offered periodically to all support staff.

RatnerPrestia's Support Staff Training Course is open to all administrative assistants, foreign-filing assistants, docketing staff, and records management personnel and is mandatory for all staff who have yet to complete the course. The course provides staff members with an in-depth review of introductory and advanced topics in intellectual property law. Managers and senior level attorneys at RatnerPrestia have invested dozens of hours to develop these interactive lectures, which train the staff in core competencies and advanced skills in various areas of intellectual property law.

In fields like patent and trademark law, where there exists a multitude of legal and regulatory rules and procedures, it is vital to have a detail-oriented staff armed with the knowledge needed to interact with clients on a daily basis. As noted by Barbara Foley, the firm's Chief Operating Officer, "RatnerPrestia has hired wisely and is fortunate to be staffed with an abundance of talented administrative assistants. Unfortunately, talent alone is not enough - particularly in our specialized and evolving field of intellectual property law. Administrative staff not only need to master (and hopefully exceed) specific core competencies, but they also need to stay abreast of changes in the law and how those changes may affect their daily tasks." The benefits of dealing with staff members who are understanding of their matters and issues has been acknowledged by clients.

Training also provides staff with professional development, which encourages them to feel valued and integral in the final work product. Glenn Massina, a shareholder with the firm and the current organizer of the course, says "I always enjoy seeing the energy and engagement of the staff during the presentations and it carries over to their day-to-day work. The staff recognize the importance of their contributions and it is reflected in their active involvement in their work."

RatnerPrestia's Support Staff Training Course is a winning proposition for clients, attorneys, managers and support staff. Clients benefit from the quality and efficiency of the services they receive, while attorneys and managers are reinforced by a highly competent administrative team. The staff gains the professional skills needed to provide value to clients, with the realization that they play a vital and integral role in producing the firm's final work product.



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The insight® newsletter is published by RatnerPrestia to inform readers about developments in intellectual property law and news happening in the firm. Articles appearing in insight® are intended to provide only an overview of each subject, and do not necessarily reflect the opinion of the firm or its clients. No information in insight® should be considered or relied upon as legal advice.

Readers seeking assistance on a legal matter should always consult

with an attorney. Comments on insight® and suggestions for future articles may be submitted to the editor, Christopher A. Rothe, Esquire, at our Valley Forge Office.

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