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Artificial Intelligence & Copyright

No Monkey Business! Only Humans Need Apply

by Eileen Devries

Artificial Intelligence can do many things. But one thing it cannot do is register a U.S. copyright. That is because, under U.S. law, only a human being – not a Macaque monkey and not an Artificial Intelligence (AI) machine – can be the author of a copyrighted work.

In one example, Stephen Thaler, a physicist, sought to register in the Copyright Office a piece of art entitled, "A Recent Entrance to Paradise," showing train tracks entering a stone



tunnel covered in flowering vines. On the application Thaler listed as the author his AI machine – "The Creativity Machine." Thaler explained that the copyright should then transfer to him as the owner of the machine – on the theory that Thaler had hired the machine to create the work. Thaler stated that the work was "autonomously created by a computer algorithm running on a machine" – in other words, that Thaler played no part in the work and that the Creativity Machine had created the work all by itself.

The Copyright Office denied the application, and two requests for reconsideration, saying that the work lacked "the human authorship necessary to support a copyright claim." They ruled that because copyright law extends only to works created by human beings, the Copyright Office explained.

Thaler sued the Copyright Office, asking the court to set aside the Copyright Office decision as "arbitrary, capricious...

...and not in accordance with the law, unsupported by substantial evidence, and in excess of Defendants' statutory authority."

***"Good news is
that an author
can register an AI-
generated work
but the registration
would protect
only the author's
contribution"***

But the court agreed with the Copyright Office. Although the U.S. Copyright Act of 1976 does not define "author," the Court pointed to the U.S. Constitution and "centuries of settled understanding" to decide that an author must be human. The Constitution's protection of copyright (and patents, too) rested on the "need to provide incentives for recognizing exclusive rights"...

Continued on page 4

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IP EXCELLENCE



HAPPY 100TH BIRTHDAY: Celebrating 100 Years of Changes
by Howard Aronson



NOLTE·LACKENBACH·SIEGEL

SINCE 1923

INTELLECTUAL PROPERTY LAW

Houston | New York | Palo Alto | Austin | Boston

by Howard Aronson

Close your eyes and picture a small patent firm, in the New York Wall Street area, in 1923. That's where it all started - Nolte Lackenbach Siegel (NLS). Back when engineering college textbooks on electronics focused on vacuum tubes - transistors being merely a footnote - coming attractions of devices that might replace vacuum tubes in the future. No computers or Internet in the law offices of that day. The big communication technology was a Telex machine for instantaneous communication, requiring paper tape rolls and it created thousands of punched out paper dots to create communications.

Dictation was recorded on IBM dictator units that used loops of flat plastic strips with an exposed magnetic surface, easily subject to damage to the magnetic surface. Typing documents was also problematic. Documents were typed on manual and later electric typewriters - only marginally different from the first typing machine patented in 1714 during the reign of Queen Anne, the 18th Century British monarch. Needed multiple copies? No problem. Stack a number of sheets of paper and insert a sheet of carbon paper between each adjacent sheet. Making corrections to typos was more of a chore. "White-Out" tape or white dense liquid needed to be used to correct each mistake on each copy.

In 1971 IBM introduced the "Selectric" II typewriter that used a sphere no larger than a golf ball that bore all alphabet characters, numbers and punctuation symbols. Correcting mistakes was still a procedure. In 1973 IBM introduced the Correcting "Selectric" that was the first machine in the history of typing to make typing errors disappear by using "Lift-Off" tape to lift off mistakes by removing ink impressions from paper.

The first real "digital" typing and processing was introduced in 1973 when IBM came out with the Mag Card II Typewriter. It could store some 8000 characters and the

information could be recorded or stored on cards that were punched with holes (i.e. bits of information) that could be recalled and reproduced on paper by running the cards through a card reader. For larger documents a plurality or a stack of cards could be used. At the time that was amazing - the cutting edge - that made it easier, quicker and more efficient to type, save and reproduce documents. Then came the fax machine by Exxon that used chemically treated thermal paper that emitted acrid or harsh unpleasantly irritating pungent odors. People at that time said that the fax machine was a gimmick and would never last. After improvements were made to the fax machine it became the first viable method of rapidly transferring letters and documents locally and worldwide without the use of the mail or overnight delivery services. More recently, of course, the fax machine has been mostly supplanted by the computer and email to which documents could be attached and sent almost instantaneously to almost anywhere in the world without the use of telephones or "land lines" that resulted in telephone long distance telephone charges.

Patent Law Practice, — 100 Years of Changes —

In 1970, almost 50 years after NLS was born, the 3rd Edition of the Manual of Patent Examining Procedures had 246 pages. In 2018 the 9th Edition of that publication had almost 3000 pages, not counting appendices etc. - more than 12 times the size. By comparison, the IRS Code has tripled in size since 1975.

But more importantly changes to the practice of Patent law included:

a. Harmonization. The US Patent laws differed in important respects from those of many of the other countries of the world. In fact, most industrialized countries had already harmonized or were in the process of harmonizing their laws in many respects and the United States was a hold out,

FALL-NEWSLETTER 2023

reluctant to change its laws. Globalization, however, finally caused the US to change its fundamental patent statutes in 1999.

b. 18 Month Publication. Originally, patent applications were kept confidential until patents were issued. To harmonized the US with the global community, the America Invents Act (AIA) was passed in 2011.

c. The Internet. Back in the days NLS was created and practiced, prior art patent searches were made in the physical "stacks" at the USPTO search room in the main Washington D.C. Patent Office. When a practitioner needed a copy of a patent file history it had to be ordered and, depending on where the physical file was located, in one of a number of different storage facilities, it could take days to access that file.

d. Creation of the Court of Appeals for the Federal Circuit (CAFC).

Until 1982 appeals from the USPTO were heard by the Court of Customs and Patent Appeals (CCPA), including ex parte patent cases, appeals from interference proceedings, and trademark cases, appeals that had previously been heard by the Circuit Court of Appeals for the District of Columbia. The creation of the CAFC was unique among the courts of appeals, as it was the only court that has its jurisdiction based wholly upon subject matter rather than geographic location. This appellate court holds exclusive jurisdiction to review certain appeals from all of the United States District Courts, appeals from certain administrative agencies, and appeals arising under certain statutes. Patent Cooperation Treaty (PCT). Early on filing patent applications in other countries required national filings within the one year Paris Convention priority period. The PCT was signed in 1968 and organized in 1970 although the first PCT applications were not filed until 1978.

Continued on page 8



APRIL 2023

UPDATED FORMS 2023

Updated Forms For USPTO's Transition To eGrants From Paper Patents In 2023

United States Patent and Trademark Office (USPTO) Will Be Issuing Electronic Patent Grants (eGrants) Rather Than Paper Patents.

On April 18, the United States Patent and Trademark Office (USPTO) will join a growing list of nations and begin issuing electronic patent grants (eGrants) rather than paper patents. Part of this changeover involves modifying the Issue Fee form (PTOL-85B) and its web based version. The form no longer allows for advance orders of patent copies, because patents may be printed directly from Patent Center. Advance orders for copies of patents issuing on or after April 18 will not be processed. Additionally, since eGrants may be issued shortly after paying the issue fee and sooner than applicants are accustomed to, the PTOL-85B form includes a reminder to file any application requiring copendency prior to issue-fee payment so as not to jeopardize copendency.



ELECTRONIC GRANTS

- Utilize the Portable Document Format (PDF)
- Mirror the appearance of the currently produced bound patent grants (including color for design and plant patents)
- Use an encrypted certification/validation technology

BENEFITS OF ELECTRONIC GRANTS

- Provides electronic grants to patentee and public as a certified PDF on the day of issue
- Streamlines the patent grant process, minimizes paper waste, and provides the opportunity to reduce pendency and PTA time while enhancing the enforcement term
- Minimizes printing and mailing costs
- Increases printing flexibility and choice for the patentee and the public

QUESTIONS? | **Please feel free to contact us.**



Continued from page 1

Artificial Intelligence & Copyright

...in property, which “would further the public good by incentivizing individuals to create and invent.” Since “[n]on-human actors need no incentivization with the promise of exclusive rights under United States law...copyright was therefore not designed to reach them.”

The Copyright Act of 1909 stated explicitly that only a “person” could “secure copyright for his work.” There is no evidence that Congress intended to change that requirement in the 1976 law.

The Artificial Intelligence machine was not the first non-human to be denied copyright registration. The court related the cases of “supernatural voices” dictating works (although the person recording the messages from the “voices” had provided enough input to claim copyright in that work). Also the famous selfie of the Crested Macaque monkey, named Naruto.



The court in Naruto’s case found that the Copyright Act does not protect the work of “animals, since they are not human,” because the Copyright Act referred to “children,” “grandchildren,” “legitimate,” “widow,” and “widower” – all of which “imply humanity and necessarily exclude animals.”

Cameras offer a closer comparison to Artificial Intelligence, and photographs can be registered in the Copyright Office. But in the AI case, the court explained that “the copyrightability of a photograph rested on the fact that the human creator, not the camera, conceived of and designed the image and then used the camera to capture the image” – “[h]uman involvement in, and ultimate creative control over, the work at issue was key to the conclusion that the new type of work fell within the bounds of copyright.” So, because Thaler had stated in his application that the work was “autonomously created by a computer algorithm running on a machine,” there was no human creativity claimed at all.

The good news is that an author can register an AI-generated work in the Copyright Office – but the registration would protect only the author’s contribution and

would not cover any material created by the machine itself, without human direction or involvement.



Midjourney Image



The Work

Already the Copyright Office has refused to register an artwork entitled “Théâtre D’opéra Spatial,” because the claimant refused to exclude the creative work performed by the AI system Midjourney. And the Copyright Office also has canceled the copyright registration for a comic book, Zarya of the Dawn, issuing a new registration that excludes the artwork created by Midjourney.

So, in the Copyright Office – only humans need apply.



WOULD YOU LIKE TO KNOW MORE ABOUT OUR PROFESSIONALS?

Visit our website to see full bios of NLS’s lawyers, paralegals, and support staff. Get in touch with our professionals and find out how to improve your IP footprint and monetize your inventions.

**12 LINE ARC
CONFIGURATION**

MORINAGA & CO., LTD. (JP)
Registration No.: 7049998, 6987512

ACCELL

ACTIVATION PRODUCTS INC.
(CAN)
Registration No.: 6986703


ADK EM

ADK HOLDINGS INC. (JP)
Registration No.: 6969266

AGENT HERB

ETHITEC LLC (US)
Registration No.: 7044553

ATIPICO

LA PIACENTINA S.P.A. (ITLY)
Registration No.: 6959419

BITMAP

KRYPTON ENTERPRISES, LLC.
(US)
Registration No.: 6943615

CC Figurative

RANX 62 DI CESARE CASADEI
(ITLY)
Registration No.: 6998489

CHURROS EL MORO

IRIARTE HERMANOS, S. DE R.L.
(MX)
Registration No.: 7015184


CIRCLE DESIGN

MIKOTO CO., LTD. (JP)
Registration No.: 7057830

DAISO (stylized)

DAISO INDUSTRIES CO., LTD.
(JP)
Registration No.: 6986648

DERMIZAX

TORAY KABUSHIKI KAISHA
(TORAY INDUSTRIES, INC.) (JP)
Registration No. 6938269

**EVERLAST (stylized) +
E (stylized) (Diamond E)**

EVERLAST WORLD'S
BOXING HEADQUARTERS
CORPORATION (US)
Registration No.: 6996855


FENCEMATE

CONSUMER SOLUTIONS INC.
(US)
Registration No.: 7053120


FI-BEING (stylized)(color)

MORINAGA & CO., LTD. (JP)
Registration No.: 7020519


GELFIT

TOUGHBUILT INDUSTRIES, INC.
(US)
Registration No.: 6975500

GLOBAL EXPRESS

BOMBARDIER INC. (CAN)
Registration No.: 7057801

HEALRIGHT

ADVANCED MICRONUTRITION
LLC. (US)
Registration No.: 7035646

IONIC+

NOBLE FIBER TECHNOLOGIES,
LLC. (US)
Registration No.: 7070363

JALFLYSAFE & Design

JAPAN AIRLINES CO., LTD. (JP)
Registration No.: 7014630

JRC

JAPAN RADIO CO., LTD. (JP)
Registration No.: 6959361

KRISTIN PARADISE

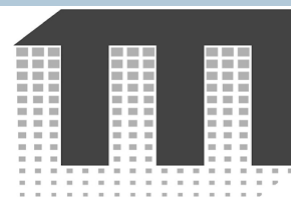
SKARYN ANDREI (US)
Registration No.: 6970545

LE PARFAIT

BERLIN PACKAGING FRANCE
(FR)
Registration No.: 6966026

M

AUDIO VISUAL PRESERVATION
SOLUTIONS INC. (US)
Registration No.: 6955677


PAYDAY

PAYDAY RECORDS INC. (US)
Registration No.: 6996013

PRO ARMOUR

PROSTHETIC SOLUTIONS
LIMITED (NZ)
Registration No.: 7057644

RESOLUCIA

TORAY KABUSHIKI KAISHA
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SUNBUZZ

AVALON GROUP, LLC (US)
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TOUGHBUILT

TOUGHBUILT INDUSTRIES, INC.
(US)
Registration No.: 6980631

XAI

MITSUBISHI CHEMICAL
CORPORATION (JP)
Registration No.: 6982723


**WATER-IN- OIL EMULSION
COSMETIC**

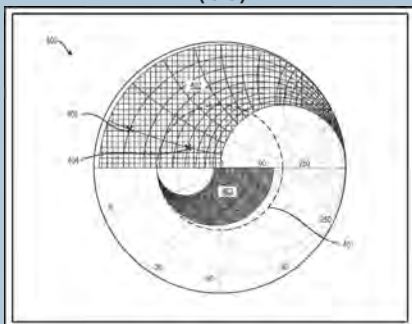
Patent No.: 11,540,998
Assignee: Shiseido (JP)

**BREAK-AWAY COUPLING WITH
ENHANCED FATIGUE PROPERTIES
FOR HIGHWAY OR ROADSIDE
APPURTENANCES**

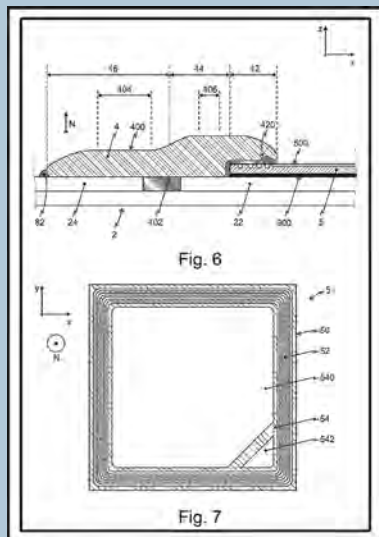
Patent No.: 11,555,281
Assignee: Transpo Industries
Inc. (US)

**AN ARC SUPPRESSION DEVICE
FOR PLASMA PROCESSING
EQUIPMENT**

Patent No.: 11,574,799
Assignee: COMET
Technologies USA
(US)


**POWER ELECTRONIC SWITCHING
DEVICE WITH A THREE-
DIMENSIONALLY PREFORMED
INSULATION MOLDING AND A
METHOD FOR ITS MANUFACTURE**

Patent No.: 11,581,245
Assignee: Semikron Elektronik
GmbH (DE)


**METHOD AND SYSTEM FOR
RECONSTRUCTION OF CEST
CONTRAST IMAGE**

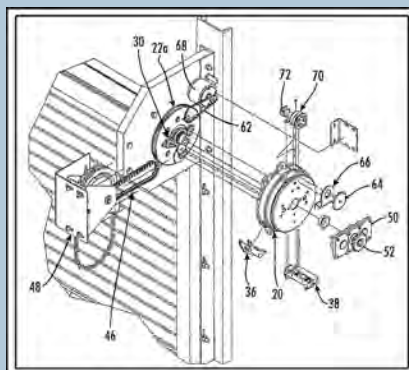
Patent No.: 11,587,270
Assignee: Xiamen University
(CN)


FOOTWEAR MIDSOLE

Patent No.: D978493
Assignee: Lp Royer Inc. (CA)

**ON-CHIP RESISTOR CORRECTION
CIRCUIT**

Patent No.: 11,592,853
Assignee: Motorcomm
Electronic Technol-
ogy Co Ltd (CN)


PLANETARY GEARBOX SYSTEM

Patent No.: 11,643,849
Assignee: Alpine Overhead
Doors Inc (US)

**X-RAY IMAGING APPARATUS
AND METHOD OF X-RAY IMAGE
ANALYSIS**

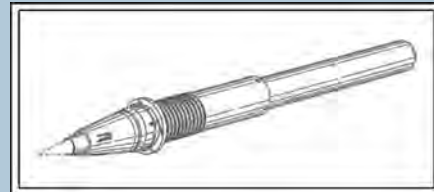
Patent No.: 11,672,499
Assignee: Shimadzu Corp. (JP)

TOTE BAG

Patent No.: D998329
Assignee: Streттrend LLC. (US)

**CINNAMATE AND SILANOL
ADDUCT COATED INORGANIC
SUNSCREEN AGENTS**

Patent No.: 11,679,068
Assignee: Vizor, LLC. (US)


**CARTRIDGE FOR COSMETIC
APPLICATOR**

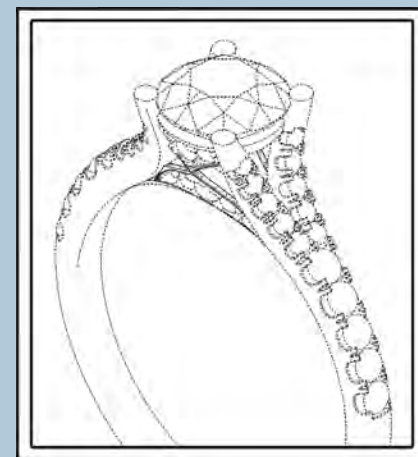
Patent No.: D990040
Assignee: Mitsubishi Pencil Co
Ltd. (US)

**TWO-PIECE VERTICAL CONTROL,
ARM BUSHING**

Patent No.: 11,738,614
Assignee: Research & Manu.
Corp. of America (US)

**BALL BEARING AND METHOD FOR
MANUFACTURING SAME**

Patent No.: 11,773,904
Assignee: Osaka Fuji Corp. (JP)


JEWELRY ARRANGEMENT

Patent No.: D987466
Assignee: Jewelex New York
LTD. (US)

DECANTER CENTRIFUGE NOZZLE

Patent No.: 11,772,104
Assignee: National Oilwell
Varco (US)

Continued from Page

f. Fees. In the “good old days” if an applicant needed more time to respond to an Office Action one only needed to request an extension. No fee was required. It was not until 1982 that President Reagan signed the Patent and Trademark Office Appropriations Bill H.R. 6260 that required the USPTO to be self-sustainable.

g. Interfacing with Examiners. For decades, patent attorneys could meet personally with an Examiner in the US Patent Office and conduct patent searches between interviews. This was an enjoyable and productive way to prosecute and expedite examinations of applications and to get to know Examiners. Telephone interviews were also available but personal interviews tended to be more productive and preferred. However, with the increasing frequency of airplane hijackings in the 1970s and implementation of cumbersome airport security regulations and restrictions, also considering improvements in technologies and advances in USPTO online searching options, travelling to the USPTO became less and less necessary or desirable.

h. Post-Grant Review. Post-grant review (PGR) was introduced by the America Invents Act (AIA) on September 16, 2012 as a counterpart to the inter partes review procedure. While courts have always been able to examine and invalidate claims, a post grant review is a trial proceeding conducted at the Patent Trial and Appeal Board (PTAB) to review the patentability of one or more claims in an issued patent. While the concept may be a good one, it has frequently been used by large companies with unlimited resources to invalidate patents of smaller entities and the PTAB has been criticized for its procedures and results. While the idea was to provide a presumably less costly procedure or alternative than

going to the courts to review issued patents that has not always been the case.

i. Patent Prosecution Highway (PPH). This was a new initiative for providing accelerated patent prosecution procedures by sharing information between some foreign patent offices.

It also permits each participating patent office to benefit from the work previously done by the other patent office, with the goal of reducing examination workload, reducing prosecution times in foreign countries once claims have been allowed in the home country and reducing costs to applicants. Previously, each patent office examined independently and did not consider examinations in other countries.

j. Patent Filings. In 1970 the USPTO issued 64,429 patents of which 17,357 or 26.9% were issued to foreign applicants. In 2020 the USPTO issued 352,049 patents of which 187,474 or 53.2% of the patents were issued to foreign applicants. The percentage of foreign to domestic applicants roughly doubled, reflecting globalization and increased ease of communications. Most of the foreign activity reflects patents issued to Far Eastern countries, including Japan, South Korea and Taiwan, but mostly China.

k. Direct Foreign Filings and Outsourcing. While filing patents and trademarks in foreign countries required knowing how to find overseas law firms to act on your behalf, the Internet changed all that and made it possible to identify and contact foreign associates, search firms etc., leveling the field and US firms could now deal directly with the foreign associates without using an intermediary law firm. The Internet has also made it easier for foreign firms to identify and target domestic firms and attorneys to market their services, including a wide spectrum of patent search services at much reduced rates compared with domestic services

that provide the same or similar services. As a result, patent-related services are being outsourced more and more to India and other countries.

l. The European Patent Office (EPO) Opened. In 1978 the EPO opened and quickly became popular as a place to file a patent application where protection in Europe was sought. Although it meant placing “all the eggs in one basket” the financial considerations and benefit were clear. The risk of having an EPO application rejected during a strict examination clearly outweighed, in the opinions of many, the enormous costs of filing and examining individual national applications unless only a few European countries are of interest.

m. Madrid Protocol. In 2003 the US ascended to the treaty that provides a procedure to file trademark applications globally and facilitates trademark applicants to register their marks in multiple jurisdictions directly with each country's PTO.

n. Machine Translations. Online translations made possible by the Internet and faster computers made it possible to translate foreign patents and, equally importantly, to communicate with those foreign law firms that could not correspond in English.



What fun to reminisce about the development of patent law practice over the last century and see how the new changes have benefited patent proliferation and made securing patent rights easier and faster. And NLS saw and experienced it all. Nolte Lackenbach Siegel grew and changed and developed during that same century from its one office on Wall Street, expanding to offices in Washington, D.C. and Westchester, NY offices. NLS now a national firm has planted office roots in addition to New York in Houston and Austin, Texas, as well as in Boston, Massachusetts and Palo Alto, California. And it brings 100 years of patent developments and changes to your door!

Your Partners To Industry



Andrew F. Young

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**Managing Partner
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As the Managing Partner of the Patent Department, Mr. Young has primary responsibility for acquisition, exploitation, management and enforcement of patents internationally, as well as international and cross-border risk and strategy assessment on behalf of firm clients. His experience includes licensing, [Read More](#)

Foreign & Domestic Patents; Government Contracts; Clearance Searching;



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Trademarks**

Renée is the firm's Managing Partner for the Trademark Practice and the New York office of Nolte Lackenbach Siegel. Over the course of her career, she has managed intellectual property assets from a business, law firm, and in-house perspective. This experience provides an uncommon combination of insight [Read More](#)

Foreign & Domestic Trademarks; Trademark Litigation



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Foreign & Domestic Patents; Government Contracts; Acquisition Diligence; IP Opinions; Post Grant Proceedings; IP Litigation



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**Senior
Counsel**

As Managing Partner of the firm for almost two decades, Mr. Aronson is responsible for significant transformations within the firm. Starting with Lackenbach Siegel over 35 years ago, in the patent department, he moved into the trademark and litigation departments as infringements and piracy... [Read More](#)

Foreign & Domestic Trademarks; Trademark Litigation



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**Managing Partner
IP Litigation**

Rob Golden heads the firm's Litigation Department and additionally maintains an active licensing and general counseling practice. On the litigation front, Mr. Golden has handles trademark, trade dress, trade secret, patent, copyright, right of publicity, domain name and related cases, [Read More](#)

US and International Trademark Portfolio Management and Counseling; Licensing; Intellectual Property Counseling



Wade A. Johnson

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**Senior Partner
IP Litigation**

Wade A. Johnson is an accomplished trial lawyer and Senior Partner with the firm. His practice involves representing clients in intellectual property and commercial litigation matters in Federal and State Courts, United States Patent and Trademark Office, and Arbitration. At the outset of any dispute... [Read More](#)

US and International Patent Preparation, Prosecution and Litigation; Intellectual Property Counseling, Licensing and Litigation, Including Appeals in the Courts and Patent Trial and Appeal Board (PTAB)



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Peter Hoppenfeld is widely recognized as a "go to" attorney and advisor in the representation of direct and digital marketers, speakers, authors, information marketers, "thought leaders," entrepreneurs and domestic and international training companies and their founders in all aspects... [Read More](#)

Entrepreneurial, Corporate, Distribution, & Digital Initiatives IP Transactions; Contracts; Start-Ups; Expansion Strategies; Trademark Law; Trade Secret Law; Acquisition Diligence; Merchandising, and more



Sergei Orel

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**Senior
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Sergei Orel is involved in representing and counseling various companies in connection with their portfolios, the protection of intellectual property rights, and the use of federal trademark registrations. He assists clients in selecting and defending trademarks and in obtaining protection for them,... [Read More](#)

IP Commercialization, Transactions, Litigation, Start-Ups & SMBs, Opinions; Contracts; Copyright Law; Trademark Law; Trade Secret Law; Acquisition Diligence; Post Grant Proceedings


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Cathy Shore-Sirotin heads the firm's Advertising and Marketing Law Department. She is responsible for counseling clients and reviewing their advertising, catalogs, packaging, labeling, and promotional materials, including sweepstakes, contests, coupons, and give-aways. She additionally counsels clients [Read More](#)

**Trademarks Partner
Adv. & Marketing Law**

Advertising; Marketing; Promotion and Labeling Review and Counseling; Intellectual Property Counseling; Acquisition IP Due Diligence; Licensing; U.S. Federal Court and Trademark Litigation


William "Bill" Hubbard WHubbard@NLS.LAW

Bill focuses his practice on intellectual property matters with a special emphasis on electrical, electromechanical, computer networking, control systems, graphics processing, and other software and hardware design related technologies. He is experienced in handling domestic and international [Read More](#)

**Patent
Department**

Intellectual Property; Foreign & Domestic Patents; Patent Idea Farming; Acquisition Diligence; IP Opinions; IP Litigation; Post Grant Proceedings;


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As head of the firm's U.S. Trademark Search Group, Mr. Landau is responsible for providing advice and counseling to clients seeking to introduce and protect new trademarks (brand names, sound marks, design marks, logos, etc.) in the U.S. market. His department provides guidance and formal [Read More](#)

**Managing Partner
TM Search Group**

U.S. Trademark Searching; Trademark and Brand Counseling; Due Diligence; Clearance and Legal Opinions


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Hugh's combined technical and legal backgrounds enable him to contribute at all stages of the development and maintenance of his clients' intellectual property portfolios. Experience over multiple disciplines has enabled Hugh to recognize and maximize intellectual property value in all forms, including [Read More](#)

**Patent
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Eileen DeVries practices in the Trademark and Litigation Departments. She is involved in representing and counseling various companies in connection with their intellectual property portfolios, the protection of intellectual property rights, and the use of federal trademark registrations. [Read More](#)

**Trademarks &
Litigation**

Trademark Counseling; US Federal Court and Trademark Office Litigation; US Trademark Searching and Clearance; Trademark, Search, and Litigation Departments


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Myron Greenspan is senior patent partner and has extensive experience in patent, trademark and copyright prosecution, litigation and appeals. He has counseled clients in connection with numerous areas of IP including U.S. and foreign patent, trademark and copyright issues, licensing and.... [Read More](#)

**Senior Patent
Partner**

US and International Patent Preparation, Prosecution and Litigation; Intellectual Property Counseling, Licensing and Litigation, Including Appeals in the Courts and Patent Trial and Appeal Board (PTAB)


Lindsey Leibowitz LLeibowitz@NLS.LAW

Ms. Leibowitz is involved in advising and representing clients in connection with their trademark matters. Her expertise covers all aspects of trademark law, including the evaluation and clearance of trademarks, trademark prosecution before the United States Patent and Trademark Office, [Read More](#)

**Trademarks
Department**

U.S. Trademark Searching; Filing and Prosecution; Copyright Filing and Prosecution; Licensing; US Federal Court and Trademark Office Litigation; Intellectual Property Counseling


Marvin Feldman MFeldman@NLS.LAW

Marvin Feldman provides his extensive knowledge and experience based upon decades of domestic and international intellectual property representation to clients in a broad range of businesses and technologies to secure and commercialize patents in areas as diverse as the biomedical, [Read More](#)

**Patent
& Litigation**

US and International Patent Preparation, Filing, and Prosecution; Intellectual Property Counseling



Trademark Attorney

Damola Fakunle DFakunle@NLS.LAW
Damola is a seasoned Trademark Attorney based in the Texas office of Nolte Lackenbach Siegel, specializing in all aspects of trademark law. Her practice centers on providing strategic counsel to clients on trademark registration, prosecution, due diligence, and portfolio management. [Read More](#)

Trademark Prosecution; Portfolio Management & Counseling; Litigation; Intellectual Property Counseling



Patent Department

Jeffrey Pyle JPyle@NLS.LAW
Mr. Pyle's experience encompasses most aspects of intellectual property, including prosecution, litigation, and transactional matters involving patents, trademarks, copyrights, trade secrets, and unfair competition both domestically and abroad. Recent years have particularly emphasized domestic and foreign patent prosecution. [Read More](#)

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Trademarks & Litigation

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Jennifer Pearson Medlin focuses her practice on intellectual property matters with a special emphasis on electrical, electromechanical, computer networking, control systems, artificial intelligence, telecommunications, and other software and hardware design related technologies. [Read More](#)

Intellectual Property, Trademark, Trademark Licensing



Patent Department

Elizabeth "Liz" Nevis LNevis@NLS.LAW
Elizabeth Anne (Liz) Nevis, Esq. is a transactional attorney with experience in intellectual property (IP), entrepreneurial law, and cultural property. Liz's experience includes patent and trademark applications, business contracts, business entity formation, and regulatory and administrative matters. [Read More](#)

Intellectual Property; Foreign & Domestic Patents; Patent Idea Farming; Acquisition Diligence; IP Opinions; Post Grant Proceedings; IP Litigation



Copyright Department Trademark, Litigation

Jeffrey Rollings JRollings@NLS.LAW
Jeffrey Rollings has litigated copyright cases in many federal courts, and also litigates many of the firms' trademark, trade dress, trade secret, and patent cases, in both state and federal courts, and before the Trademark Trial and Appeal Board and arbitration panels, all over the country. [Read More](#)

Copyright Filing and Prosecution; US Federal Court and Trademark Office Litigation; Licensing; Intellectual Property Counseling



Patent Department

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Mark brings a combination of 20 years of business and legal experience to his law practice. He has worked with public and privately held companies across multiple industries including the energy (utility and OEM suppliers), software (SaaS and embedded control systems), communications and [Read More](#)

Intellectual Property, Licensing, IP Agreements, Government Contracts, and Acquisition Diligence

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Brand management companies and other trademark dependent businesses regularly call upon our Firm to negotiate, draft and conduct the necessary due diligence for asset purchase, assignment and other acquisition agreements, sometimes for deals worth hundreds of millions of dollars. We are asked to provide IP advice and opinions in connection with the financing of these acquisitions, including deals involving "Bowie bonds." We also help our clients to profit from the ownership and use of trademarks through licensing, both as licensors and licensees. As licensees' counsel, we have been instrumental in obtaining the right to use valuable movie and character properties and designer marks for a variety of clothing and accessory products. Working on behalf of licensors, we have helped a number of designers grow from single product producers to household name "life style" brands.

Our Patent Department reflects our specialization model, with senior attorneys having backgrounds in mechanical, electrical, and chemical engineering, pharmaceuticals, material science, life sciences, and computer science technologies. The firm has a recognized specialty in strategic design protection including design

patents and patent valuation. After Apple secured a \$1 Billion dollar verdict against Samsung, based in large measure on its design patents, such protection has become notable. The firms' product design protection expertise is evidenced by its renowned publication, "Intellectual Property Counseling & Litigation: Protecting Designs by Trademark, Copyright and Design Patents."

In the current era of the "mega-firm," when most other intellectual property firms have disappeared through merger or acquisition, NLS has grown, by innovating our firm to provide excellent work product, economical billing rates, and strong client communication. While our overall size is modest with under 50 attorneys, our number of attorneys and support staff are often greater than that of the mega-firm IP departments. Our focus on quality and efficiency allows us to accomplish far more than other similarly sized firms.

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