

## 7 Intellectual Property Acquisition and Transfer

Patent attorneys assist attorneys involved in commercial transactions to the extent intellectual property may be involved to evaluate the potential strength of the intellectual property and other IP-specific considerations.

Patent attorneys may perform a search of the business' existing intellectual property to identify both the intellectual property at issue and its strength. Such an intellectual property audit may include meeting with various employees to identify any trade secrets or inventions created by the business which may be of value, copyrightable subject matter, and trademarks used by the business. The search of each property must include all times from its creation to the present to identify the inventor or author, its date of invention, disclosure, publication, or use, and each manner in which it has been used since that time. It may be of little value to obtain inventions which are no longer patentable, or on which the patent has expired, or which have no trade secret status because it has been disclosed on at least one occasion. It may also be of little value to obtain copyright interests from the business if the authorship is less than clear. Alternatively if the acquisition of the intellectual property from a predecessor in interest was flawed, the intellectual property may have little value. As a result candor with the patent attorneys trying to identify such facts is essential.

