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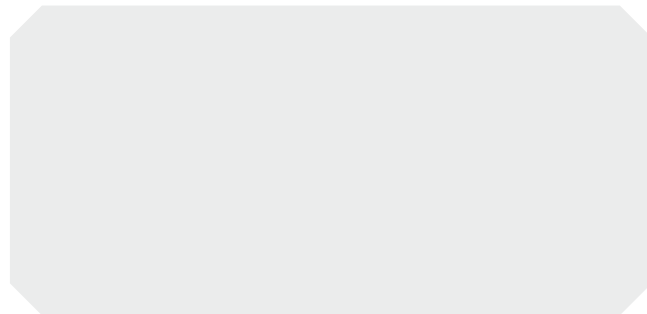
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the Compass Box

The Newsletter for Professionals Serving Professionals

AUTUMN 2008 NEWSLETTER

Alan G. Crone Introduces Readers to the Compass Box's Issue on Intellectual Property

Many people reading this newsletter may have a common reaction: Why are a bunch of employment lawyers interested in intellectual property law? There are many reasons for this: first, I have a very broad definition of employment law because I hate to turn down work; secondly, our employment law clients frequently have many intellectual property issues including non-compete and confidentiality agreements and other restrictions on their use of intellectual property; thirdly, many of our clients whom we represent in wrongful termination actions also go on to start their own businesses as entrepreneurs and frequently have intellectual property issues such as patent applications, trademark and trade name registrations, their own non-compete and confidentiality agreements, etc. And lastly it's a very interesting and professionally rewarding area of the law which we enjoy.

Intellectual property litigation is always a high stakes endeavor. Frequently, the essence of the enterprise is in the balance. While there is much a skilled intellectual property attorney can do during litigation to achieve a desired outcome, the most valuable work can be done before the dispute ever arises. It is very important to protect intellectual assets through the use of specific, customized, and thoughtful application of certain legal tools. These tools are



various federal and state registrations, agreements to protect intellectual property from misappropriation by employees, customers, vendors and third party consultants, and internal intellectual property protocols, policies and procedures, as well as training.

Everyone understands why the Coca-Cola Bottling Company keeps its famous secret formula in a vault. Unfortunately, many of these same people

do not apply this same logic to their own intellectual property whose value to their enterprise is just as great. Intellectual property could be formulas and processes used to create or manufacture a product. It could also be information gathered and compiled from many different sources to form intellectual property for use in assembling products, gaining customers or providing a service. Many times my clients say to me, "We really don't have any intellectual

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"Men go back to the mountains, as they go back to sailing ships at sea, because in the mountains and on the sea they must face up."

-Henry David Thoreau

Creating Original Logos and Names that Comply with Trademark Law

By Eric Christopherson, Creative Director at Combustion

With a mind-boggling number of new companies, products and services being spawned every day, you might think that there are no new ideas. And it would follow that you might think creating a name or logo for your business that can be legally protected is next to impossible.

Fear not bold entrepreneur. New trademarks are issued every day. And you don't have to reinvent the wheel to get one. If you simply follow the guidelines of creating what should be an effective and useful name or logo, odds are that it can be trademarked.

So how do you do that?

It starts with having an understanding of how the process works. Trademark requests are actually ranked into one of four categories. The strongest marks are "coined" phrases, which are made up words that don't exist anywhere else in the language. Names like Verizon or Exxon have little risk of being weakened or mimicked by other users because they only have meaning when tied to those companies.

"Arbitrary" marks are the second strongest type. These are words that do exist in the language but have nothing to do with the product or service that it has been applied to. Both Apple for a computer and Mustang for a car are strong because the only association that exists in the minds of consumers is that which the companies developed.

The third category, which starts getting pretty weak, contains what are called "descriptive" marks. They generally describe



"If one does not know to which port one is sailing, no wind is favorable."

-Seneca

the goods or services being provided, like Vision Center. Unless this type of name creates a secondary meaning in the minds of consumers, it will likely be refused a trademark.

Finally, there are "generic" marks like The Shoe Store, where the single product is also used to identify an entire category. While this name certainly makes clear what this store sells, it has no chance of getting a trademark.

However, the money required to inject meaning into a made-up name is substantial. That is why the graphic treatment of the logo is so important.

When you are ready to create your mark, be sure to incorporate style and imagery that is pertinent to the subject. And above all else, make it unique. Mimicry of other names and logos will create a myriad problems and are highly unlikely to be trademarked. Just as important, knock-offs create confusion in the minds of the consumer (which is why they won't get trademarked) and end up being ineffective. So unless your business strategy is to glom onto someone else's success and trick the customer into using your business, your name and logo need unique qualities.

That doesn't mean you have to incorporate elements that no one has ever seen before. You simply need to arrange your elements in a way that transcends marks that are similar.

Take the Michael Jordan logo for example. You can be certain that there were plenty of other athletic "action" logos in existence and even silhouettes of people jumping well before Nike unveiled the "Jumpman" icon. However, this name and image is completely ownable for it is based upon a signature and well-known on-the-court exploit of Michael Jordan. While the image isn't an exact reproduction of a specific, identifiable moment in time, it is very representative of Jordan's style and flair on the court.

Keep in mind that once you gain a trademark, you must vigorously protect it or risk losing it and the protection it provides. It would be a monumental blunder to spend so much time and money developing a mark and having it mean something to the public yet not keep that intellectual property in tact.

You've probably heard tales of Disney or Elvis Presley Enterprises bringing action against companies or even individuals that infringe even slightly upon one of their names, images or concepts. Companies whose primary worth are related to their trademarked material often employ large legal teams charged only with protecting those assets.

You'll have to decide for yourself how valuable your trademark is and how vigorously you want to protect it. For a local accountant or a restaurant, you probably won't care that a business 1500 miles away uses a similar logo mark. But if someone across town does the same thing, that creates a problem.

Eric Christopherson is the Creative Director for Combustion, a full-service creative agency located in midtown Memphis. For more information on Eric or Combustion, visit www.thesparkmachine.com or call 901.544.9500.

Trademark Tips

By Ken Barnes of Crone & Mason, PLC

- Trademark protection is based upon priority of first use.
- If you don't use the mark, you can eventually lose it.
- Federal registration is best if you use (or plan to use) the mark in interstate commerce.
- If you have, or can foresee having, customers from out of state -- register!
- Federal registration gives you nationwide priority of use except in locations where the mark is already in use by someone else.
- Federal registration can effectively "freeze" a prior unregistered user into their territory of actual use, perhaps with a small allowance for growth.
- Have proposed marks checked for possible conflicts before you use them, to avoid costly re-branding, or unintentional infringement.
- A thorough check should include domain name registrations, and an Internet search for conflicting use.
- Conflicting marks may sometimes be able to co-exist, so long as they are for different classes of goods and services, or used in geographically separate markets.
- The Internet is making co-existence of conflicting marks increasingly difficult, however.
- Always use the ® symbol with a federally registered trademark, to ensure that you can recover your lost profits and damages in an infringement suit.

continued from front cover

property." To which I reply, "But what makes your company competitive?" The answer to that question is their valuable intellectual property.

Each protection and enforcement strategy must be custom designed. Very few agreements, forms or processes in this arena are "one-size-fits-all". To the contrary, successful enforcement and protection depend on application which must match the specific and unique requirements of each organization and circumstance. In other words, to utilize tools which can be enforced successfully, the client must understand their intellectual property, know how they use it and why it's important. Once they know these things then they should develop agreements and protection devices that are custom designed to protect that particular asset. Many times agreements found in form books or even on the word processors of intellectual property lawyers, without custom design, are not ideal during the enforcement process.

Organizations must also train their employees to recognize and protect intellectual property. It is not enough to password protect certain files in locked cabinets, although this is very important. Employees should know what is the organization's intellectual property and how and why it is important to protect intellectual property. This is very important during an enforcement action, because without such training it can appear to a court that no one in the organization really believes that it has any intellectual property because of the lack of training.

Training also contributes to a consistency in internal memoranda, emails and letters where important decision-makers and actors within the organization use the correct terminology and do not inadvertently disclose trade secrets and confidential proprietary information on a day-to-day basis. Managers can also recognize situations where on a day-to-day basis the use of non-disclosure agreements with consultants or contractors is necessary to preserve intellectual property if at the time the protection mechanism was designed that particular use was not contemplated. Protection and maintenance of intellectual property is not a one time event. It is a day-to-day, ongoing process which involves the entire organization to one extent or another.

In this issue of the Compass Box, we have gathered some articles together to help illustrate these points. Proper planning, drafting and maintenance of the right intellectual property protection devices can save a lot of money when it comes time to enforce those agreements, processes and protection devices.

Patents and Trademarks for Product and Services

By Ken Barnes of Crone & Mason, PLC

Like packets of data blazing across the Internet, or the electronic entries that represent most economic activity today, intellectual property rights are invisible, but no less valuable. A trademark symbolizes the customer goodwill of a business or a brand. It is your business identity. A patent is the hard-won reward for innovation, and a business asset to be licensed or traded.

The United States Patent and Trademark Office (USPTO), like the county registrar's office for real property, keeps a record of who owns what in the areas of patents and federally registered trademarks. Unlike the county registrar's office, however, to register a trademark or patent with the USPTO, you must first prove that the property you want to register actually exists! Only once you've convinced the USPTO that your intellectual property qualifies for protection, and the patent issues, or the trademark is registered, do you then have rights in it under federal law.

Trademarks, and especially patents, are the product of an examination process where the USPTO acts like both judge and opposing counsel. In the case of trademark registration, the USPTO assigns an examining attorney to the application. For patents, the application is assigned to a patent examiner, who may or may not be an attorney, but who is a technical specialist in the area the application pertains to. In patent jargon, these areas are referred to as different technical "arts," and the examiner is part of an "art group" that examines only those kinds of patent applications. This specialization into different art groups means that the patent examiner should be very familiar with the "state of the art."

It is the job of your trademark attorney or patent practitioner to present the case for your application to the USPTO, so that the trademark examining attorney or patent examiner will grant a trademark registration, or issue a patent for your claimed invention. If you can show that you meet all the statutory requirements --and there are many-- you gain a potentially valuable set of rights that can be used to create great products, expand into new markets, and which can be enforced against business competitors, or licensed to business partners.

Trademarks: Your Business Identity

Like you, your business has an identity. A name and reputation that is the key to customer goodwill. Entrepreneurs starting a business know that choosing the right name is a critical decision. Choosing the wrong name for your business or other organization without careful checking can have consequences beyond poor customer acceptance, and can potentially invite

litigation. Getting the right advice and doing a trademark search early on can avoid the expense of renaming and rebranding your products or services.



Registering a trademark used in interstate commerce helps protect your business identity for future expansion, and establishes your use of the mark nationwide, pre-empting competing businesses from taking advantage of the business and brand identity you're working so hard to establish. Actual use of the mark is critical for validity of the registration, however.

Today's highly interconnected world presents many challenges and opportunities for protecting your business's valuable identity. Trademarks of companies in distant states that might once have coexisted are now just a few clicks away, and increasingly in conflict.

Protecting your business identity requires monitoring, just as protecting your personal identity does. Monitoring for infringement is the first step, but once possible trademark in-

fringement is discovered, you need an appropriate strategy to defend your business identity, whether it takes a warning letter, negotiation, or an infringement suit.

Patents: "Anything Under The Sun That Is Made By Man"

If your business develops a new technology or a new system, or if you're an individual inventor who's building the next big thing in your garage, you may have thought about getting a patent, but were unsure how to proceed. Few inventors can manage the paperwork involved in a patent application without the assistance of a patent professional. Mistakes in the application filing process, and actions taken well in advance of filing, could adversely affect your ability to get a patent. Once your patent issues, licensing agreements with potential business partners and manufacturers are the way to leverage your patented innovations, so that they can become part of great products.

Although a patent gives its owner the exclusive right to practice the invention inside the United States and to exclude products embodying the invention from being imported into the U.S., it can take filing suit in federal court to enforce your patent rights against those who would infringe them. If a business competitor is making unauthorized use of your patented inventions, you need a good legal team ready to bring suit if necessary to stop the infringement and collect the damages you're owed.

Ken Barnes is a patent, trademark and intellectual property attorney at Crone & Mason, PLC. For more information on Ken or Crone & Mason, visit www.cronemason.com or call 901.683.1850.

"My goal in sailing isn't to be brilliant or flashy in individual races, just to be consistent over the long run."

-Dennis Conner



Do You Know Someone who Needs an Intellectual Property Law Attorney?

The Crone & Mason Intellectual Property Law Practice Group brings their extensive experience to bear on the situation, they analyze each unique scenario and the complex issues that are often associated with intellectual property, patents, trademarks, trade secrets and non-compete agreements. The Crone & Mason Intellectual Property Law Practice Group focuses on providing solutions for clients' problems rather than just winning lawsuits.

The attorneys of Crone & Mason have represented clients from around the country as well as from the Memphis regional area. To find out if Crone & Mason, PLC is the right firm to help with a particular case, contact Alan Crone today at 901.683.1850 or visit www.cronemason.com.

Intangible Assets and the Value of Your Business

By B. Patrick Lynch of Mercer Capital

Intangible assets are easy to overlook—after all, in a sense, they're not really there. That being said, intangible assets play a primary role in creating and sustaining the value of businesses. This observation seems obvious in the context of companies such as Google or Coca-Cola, but it is equally true with smaller privately held enterprises, as well.

Valuable intangible assets allow a company to generate excess returns over some sustained period of time. This excess return is achieved through the creation of enhanced profitability by either 1) the ability to charge customers more for a comparable product, or 2) the ability to deliver a comparable product at lower cost.

The value of any intangible asset is driven by the magnitude and duration of the stream of benefits it creates. In other words, the greater the magnitude of benefits or the greater the duration of benefits, the more valuable a particular intangible asset is. Most importantly—the more valuable an intangible asset is, the more valuable the business that owns the asset is.

To generate a sustainable stream of benefits, an intangible asset must be protected from use by other competitors. If competitors can easily replicate a particular intangible asset, they will be able to compete away any enhanced profitability in short order.

For a business manager or owner who is interested in the value of his or her business, the ability to manage intangible assets is clearly important. Before intangible assets can be managed, however, they must be first identified. To identify intangible assets that a business may have, it can be helpful to categorize potential intangible assets by function:

- A company's workforce and management team can represent an intangible asset when employees are paid less than their generation of value for the company. Oftentimes, companies possess a unique combination of assets that allow employees to create more value. Other factors that can drive the value of a



company's workforce include accumulated employee loyalty and employment contracts².

- Customer relationships often represent a valuable intangible asset in industries where a significant portion of sales are driven by repeat customers. In such an industry, a company without customer relationships would need to develop such relationships at the expense of time and cash to generate sales. Customer relationships tend to be most important when there is a high degree of inertia in the relationship, the company has significant access to customer information, and the company does not have monopolistic control over its market³.

- A trademark (or brand) can represent a valuable intangible asset when it is widely recognizable in the relevant market place and helps customers identify a product. The importance of a trademark varies by industry, but generally, trademarks are most valuable for products that are purchased routinely, impulsively, or unexpectedly⁴.

- Proprietary technology does not have to be patented to be valuable (although it must be excludable). Valuable technology allows a company to produce a superior product or produce a comparable product more inexpensively.

- Know-how, the accumulated experience of an enterprise, is similar to proprietary technology in that it also directly allows a company to produce a superior product or produce a comparable product more inexpensively. Proprietary know-how is generally most important in industries characterized by slow innovation (rapid innovation, after all, can nullify accumulated experience).

- Proprietary operations software can be valuable if the software allows a company to operate more efficiently and would be difficult to recreate. Often, internally-developed software embodies significant company know-how, is thus more tailored to that company's specific needs and also more costly to replicate⁵.

"It is not the ship so much as the skillful sailing that assures the prosperous voyage."

-George William Curtis

This is not an exhaustive list, but should provide a good base on how to think about intangible assets from the perspective of a business manager. When thinking about intangible assets, a good question to ask is, "What would stop someone from entering our market space and effectively competing with us?" The answer to this question will often point you towards your business's intangible assets. Once the intangible assets have been identified, you can move on to the more important challenges of protecting and nurturing them, and in the process, protecting and nurturing your business.

B. Patrick Lynch is a senior financial analyst with Mercer Capital, a Memphis-based business valuation firm serving a national and international clientele. For more information about B. Patrick Lynch or Mercer Capital, visit www.mercercapital.com or call 901.685.2120.

2 Aswath Damodaran. "Valuing Financial Services Firms." <http://pages.stern.nyu.edu/~adamodar/>
3 Gordon Smith and Russell Parr, Intellectual Property. John Wiley & Sons, 2005.
4 Gordon Smith and Russell Parr, Intellectual Property. John Wiley & Sons, 2005.
5 Gordon Smith and Russell Parr, Intellectual Property. John Wiley & Sons, 2005.



Tax Treatment of Start Up Costs and Certain Intangible Assets

By Sandy J. Friedman, CPA

If you've recently started a business, or if you're in the process of starting one now, you should be aware that the way you treat some of your initial expenses for tax purposes can make a big difference in your tax bill.

Generally, expenses incurred before a business begins don't generate any deductions or other current tax benefits. However, taxpayers, whether they are individuals, corporations or partnerships, are permitted to elect to write off \$5,000 of "start-up expenses" in the year business begins, and the rest can be deducted over a period of 180 months that begins with the month business starts. The \$5,000 figure is reduced by the excess of total start-up costs over \$50,000.

Start-up expenses include, with a few exceptions, all expenses incurred to investigate the creation or acquisition of a busi-

ness, to actually create the business, or to engage in a for-profit activity in anticipation of that activity becoming an active business.

To be eligible for the election, an expense also must be one that would be deductible if it were incurred after the business actually began. An example of a start-up expense is the cost of analyzing the potential market for a new product.

A similar \$5,000/180-month election is available to corporations and partnerships for their "organization expenses." To qualify as an organization expense, the expense must be incident to the creation of the corporation or partnership, be an expense that, in the absence of the election, would be capitalized, and be an expense that, if it had been incurred in connection with a corporation or partnership that had a



limited life, would have been eligible to have been written off over that limited life. Examples of organization expenses are legal and accounting fees for services related to organizing the new entity (such as fees for drafting the corporate charter or partnership agreement) and filing fees (such as fees paid to the state of incorporation).

As you can see, it's important to keep a record of these start-up and organization expenses and, where called for, to make the appropriate write-off election. If an election isn't made, there is no current tax benefit derived from the eligible expenses covered by the election. Also, you should be aware that in each instance, an election requires the filing of detailed statements and, once made, is irrevocable.

The tax treatment of intangible assets such as goodwill, patents, copyrights or covenants not to compete can be complicated. Generally, an intangible asset is depreciable if it is used in a trade or business or for production of income, has a limited life and the taxpayer can determine the cost of that asset. Effective for intangible assets created on or after December 31, 2003, taxpayers may employ a useful life of 15 years. One of the exceptions to the use of a 15 year life applies if the useful life of the asset can be estimated with reasonable accuracy, such as would usually be the case with a covenant not to compete.

The cost basis of goodwill, a patent, a copyright, or a covenant not to compete is the amount taxpayer paid for it.

Where a patent is obtained from the government, the basis is the cost of development, such as research and experimental expenditures (but not if deducted currently), drawings, attorneys' and governmental fees, etc. The value of any time spent on an invention isn't part of an inventor's basis. The basis of a copyright acquired from the government is the cost of secur-

ing the copyright from the government, including the cost of producing the work covered by the copyright, but not including the value of the author's time.

As referred to above, taxpayers can choose whether to immediately deduct, amortize or to capitalize research and experimental (R&E) expenditures. If the taxpayer adopts current expense treatment, he must use it for all qualifying expenses for the year he adopts it and for all later years, unless he gets IRS permission to switch.

In general, expenditures that qualify as R&E costs are research and development costs in the experimental or laboratory sense. This includes all costs incident to the development or improvement of a product, including a pilot model, process, formula, invention, technique, patent or similar property.

Keep in mind that these are just some of the more basic issues regarding tax treatment of intangible assets. Please consult your tax advisor to discuss the implications relevant to your specific situation.

Sandy J. Friedman is a partner at Scott & Pohlman, a CPA firm in east Memphis. For more information, visit www.scottandpohlman.com or call 901.761.4692.

"Who is staring at the sea is already sailing a little."

-Paul Carvel



Intellectual Property Case Law Updates

By Anne Hunter Williams, Attorney at Law

This article will give you an overview of intellectual property cases of significance that have been ruled on in 2007 and 2008.

Quanta Computer v. LG Electronics

In a 9-0 opinion, delivered by Justice Clarence Thomas, the United States Supreme Court limited a patent-holder's ability to demand royalties on the use of a product after it's sold. LG Electronics bought up several patents in 1999, including patents for computer chips, which they later licensed to Intel. Intel then used the patents in making chips, which they sold to computer manufacturers. When they sold them, however, they included a provision in the sale agreement, insisted upon by LG Electronics, that essentially said that the purchaser, can't install the chips in a computer without an additional license from LG. Some purchasers paid the royalty for the license, but Quanta, a Taiwanese manufacturer, didn't pay for the license and was sued in federal court. The district court found, for the most part, for Quanta, but the Federal Circuit, a specialized court that hears all patent appeals, reversed. In ruling for LG, the Court said the patent for the method of combining the chip with other components was not included in the sale of the chip; therefore Quanta had to pay. Quanta appealed to the U.S. Supreme Court and won. The Court relied on the notion of patent exhaustion, the idea that once you buy something, you're entitled to use it, even if there's a patent on the product. To hold otherwise would place too great a burden on trade.

128 S.Ct. 2109 (U.S. 2008).

Jacobsen v. Katzer

The Federal Circuit Court considered the ability of a copyright holder to dedicate certain work to free public use and yet enforce an open source copyright license to control the future distribution and modification of that work. In this case, Jacobsen held a copyright to computer programming code. He made that code available for public download from his website without charge, pursuant to the Artistic License, an "open source" or public license. Katzer developed commercial software prod-

Non-Competition Agreement Checklist

By Alan Crone of Crone & Mason, PLC

- Identify the compelling business interest you are seeking to protect.
- Describe in detail the trade secrets to be protected.
- Describe in detail the connection between the employee or group of employees to be bound by the non-compete and the compelling business interest and/or trade secrets to be protected.
- Know the geographic scope of your core marketplace.
- Know the geographic scope of your competitors.
- Identify justifications for the particular length of time you have chosen for the non-compete to be effective.
- Consider ways to make the non-compete more reasonable by providing protections for the employee which do not hurt your business purpose. For example, consider making the non-compete only enforceable if the person voluntarily terminates her employment or is fired for a defined cause. (Courts are elected to enforce non-competes when the employee has been terminated without cause anyway.)
- Make sure consideration is adequate.
- Consider factual agreements to eliminate issues during litigation. For example, the parties agree that geographic limitations are reasonable, etc.



ucts for the model train enthusiast. Jacobsen accused Katzer of copying certain materials from his website and then incorporating them into its software packages without following the terms of the Artistic License. Jacobsen sued for a preliminary injunction and the district court denied his motion. Jacobsen appealed to the Federal Circuit, which held that the conditions of the Artistic License are "enforceable copyright conditions." According to the court:

Copyright holders who engage in open source licensing have the right to control the modification and distribution of copyrighted material. . . . Copyright licenses are designed to support the right to exclude; money damages alone do not support or enforce that right. The choice to exact consideration in the form of compliance with the open source requirements of disclosure and explanation of changes, rather than as a dollar-denominated fee, is entitled to no less legal recognition. Indeed, because a calculation of damages is inherently speculative, these types of license restrictions might well be rendered meaningless absent the ability to enforce through injunctive relief.

535 F.3d 1373, 1381. (Fed. Cir. 2008).

In re Stephen W. Comiskey
On appeal from the Board of Patent Appeals and Interferenc-

es (BPAI), the Federal Circuit was asked to consider whether Comiskey's "business method" claims constituted patentable subject matter under 35 U.S.C. § 101. Comiskey's claims recited a method and system for mandatory arbitration involving legal documents (such as wills or contracts). The Patent and Trademark Office (PTO) had argued that Comiskey's claims were an unpatentable abstract idea, and not a patentable process, because they were neither tied to a particular machine nor operated to change materials to a different state or thing. The appeals court, in upholding the PTO's position, noted that "patentable subject matter under the 1952 Act is extremely broad," but it is not without limits. When an abstract concept has no claimed practical application, it is not patentable. Mental processes—or processes of human thinking—standing alone are also not patentable even if they have a practical application. The courts have consistently refused to find processes patentable when they merely claimed a mental process standing alone and untied to another category of statutory subject matter, even when a practical application was claimed. Claims that were based on the use of human intelligence were not patentable. However, some of Comiskey's claims recited a "module," which might include use of a computer. Accordingly, the court found that Comiskey's claims that recited a "module" may be patentable.

499 F.3d 1365 (Fed. Cir. 2007).

Article Submission?

We welcome submissions from our readers. Submissions should be between 500-800 words and should be submitted in MS Word, or similar format to bokeon@comcast.net. All submissions will be considered, and authors of those to be published will be notified in advance.

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Crone & Mason Intellectual Property Law Practice Group Q&A

This Issue's Feature: Attorney, Ken Barnes

Where is your hometown?
Memphis, Tennessee

What are your favorite hobbies?
Playing with my daughters, working on computer and home automation projects.

Name your favorite book.
A Conflict of Visions, by Thomas Sowell.

What is your specialty at Crone & Mason?
I'm an intellectual property attorney in the Intellectual Property Law Practice Group. I am registered as a patent attorney with the U.S. Patent and Trademark Office, and I represent clients in protecting their trademarks, patents, copyrights and trade secrets.

What is the most rewarding aspect of your job?
It's an aspect of law that touches on so many different fields, from creative arts like music and film, to technical subjects like computer networks and internet domain names.

What is the most challenging thing about intellectual property law?
It tends to be somewhat abstract, because it's dealing with intangible forms of property. There are even some overlapping areas, such as between design patents and copyright.



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Alan Crone, Public Speaker

Alan Crone chose to become a lawyer because he "was always drawn to the courtroom. At first it was because of the drama of it. As I do it more, I really enjoy the challenge of putting all the pieces of a case together to tell my client's story. I also enjoy more and more solving my client's problems whether in or out of the courtroom. Complex disputes with both complex legal and factual issues are my favorite because of the challenge in analysis to figure out what is really going on and developing and executing a plan to solve the problem for my client."



An experienced public speaker, Crone is available to speak to any sized group on topics ranging from overtime law and wrongful termination to trade secret protection, non-competes, and general business disputes. He has been a panelist at the American Society of Industrial Security's Investigation Standing Committee, a speaker at the National Business Institute seminar, and a speaker at the Tennessee Defense Lawyers Association convention. Alan became accustomed to addressing large and small groups when he served as the head of the Shelby County Republican Party. Recently, Crone spoke at Rhodes College on Intellectual Property Law. If you are interested in having Alan speak to a group, please contact Crone & Mason, PLC at 901.683.1850.