



## Monika L. Jaensson

Partner

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For more than 20 years, Monika has represented businesses and individuals in intellectual property matters before the U.S. Patent and Trademark Office and U.S. Copyright Office. While she is experienced in trademark and copyright law, she particularly enjoys helping innovators strategically value and globally protect their proprietary developments.

In her prosecution practice, she has obtained significant patents for clients, including patents relating to algal biotechnology, water purification, mining and natural gas equipment, military applications, and polyethylene pipe welding industry. She has also represented clients in obtaining over 200 federal and foreign trademark registrations, including critical registrations for MedExpress Urgent Care, Alpha Natural Resources, Aplicare (now owned by Clorox), Renewable Algal Energy, and Fast Fusion. On the creative side, she has assisted photographers, authors, software developers, and other individuals and businesses in obtaining copyright protection and registrations for their original works.

Monika couples her technical knowledge with significant experience strategizing with clients on effective business organization and transaction structure, including licensing arrangements, acquisitions, and other business transactions. She has closed profitable business acquisitions, including several cookie companies, coal operations, and Internet start-ups, and other transactions, including licensing of technology, venture capital investments, and government contracts. Her varied experience makes her best suited for business transactions with significant intellectual property value.

Throughout her career, Monika has represented clients in the coal and natural gas industries, defense contractors, medical equipment industry and bioenergy. She has also presented on an array of intellectual property topics throughout the state of West Virginia and the country, including presentations on intellectual property to the Energy & Mineral Law Foundation, the TransTech Energy Conference, and SBIR/STTR conferences and webinars.

In recent years, Monika has concentrated her practice on helping clients not only protect all of their intellectual property but also effectively combat or work around the intellectual property of her clients' competitors, who may otherwise aggressively assert infringement or misappropriation claims. In doing so, she draws on the lessons

learned through her experience with past business conflicts, including roles the government and courts may have in such conflicts. While she prefers disputes be resolved quickly and to the benefit of her clients so business may productively continue, she encourages and supports aggressive litigation when necessary.

As a side practice, Monika also works with clients on child adoption and surrogacy arrangements. Having more than 20 years of experience with adoptions under West Virginia law and with the formation of many surrogacy agreements, she brings knowledgeable and compassionate representation to all facets of the adoption and surrogacy process.

## **Services**

- Intellectual Property
- Trademark Procurement/Management & Copyright
- Intellectual Property Acquisitions
- Patent Procurement & Management

## **Education**

- Washington and Lee University School of Law (J.D., 1993)
- Lafayette College (B.S., 1990)
  - Electrical Engineering

## **Bar Admissions**

- Colorado
- West Virginia
- U.S. Patent & Trademark Office

## **Court Admissions**

- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court for the Southern District of West Virginia
- U.S. District Court for the Northern District of West Virginia

## **Affiliations/Memberships**

- The Greater Kanawha Valley Foundation, Board of Directors; Distributions Committee, chair
- Kanawha County Library, Board of Directors, president
- The Episcopal Diocese of West Virginia, Standing Committee member
- Leadership West Virginia, Class of 2001

## **Distinctions**

- Peer Review Rated BV in *Martindale-Hubbell*
- Young Gun, *West Virginia Executive* (2003)

- Distinguished Young Alumna, Washington & Lee University
- *Best Lawyers*®
  - Copyright, Patent and Trademark Law (2021)
- IP Stars by Managing Intellectual Property (2020)

## Experience

### IP Licensing/Agreement Experience

Our attorneys have drafted a wide variety of agreements for clients to help them protect their intellectual property. Since 2011, we have drafted more than 575 total agreements, which can be broken down as follows:

#### Development Agreements (70)

- Independent Contractor Agreements (15)
- Talent Agreements (15)
- Presenter Agreements and Content Provider Agreements (10)
- Joint Ownership Agreements (10)
- Production Agreements (10)
- Employee Invention Policy and Agreements (5)
- Joint Development Agreements (5)

#### Litigation-related/Dispute Agreements (55)

- Pre-Litigation Settlement Agreements (15)
- Trademark Trial & Appeal Board Settlements (15)
- Co-Existence Agreements (10)
- Litigation Settlement Agreements – Patent Disputes (5)
- Litigation Settlement Agreements – Trademark Disputes (5)
- Joint Defense Agreements (5)

#### License Agreements (155)

- Software License Agreements (35)
- Patent License Agreements (35)

- Trademark License Agreements (20)
- End User License Agreements (15)
- Subscription Agreements (10)
- Software as a Service (SaaS Agreements (10)
- Channel Partner Agreements (10)
- Pilot Agreements (10)
- Copyright License Agreements (5)
- OEM License Agreements (5)

## **IT-related Agreements (170)**

- Terms of Use and Privacy Policy (35)
- Healthcare-related IT Agreements (30)
- Software IT Agreements (25)
- Hardware IT Agreements (25)
- Master Client/Service Agreements (25)
- Support and Maintenance IT Agreements (15)
- Reseller Agreements (15)

## **Research Agreements (55)**

- Advanced Research Agreements (25)
- Materials Transfer (20)
- Cooperative Research and Development Agreements (10)

## **Misc. Agreements (55)**

- Non-Disclosure Agreements (25)
- Participant Agreements (10)
- Exclusive Sales Representation Agreements (5)
- Termination Agreements (5)
- Domain Purchase Agreements (5)
- Domain Escrow Agreements (5)

## Publications

January 13, 2020

**WV House Bill 4005 – West Virginia Intellectual Property & Trade Secrets Act**