Dinsmore

Denise M. Everett

Of Counsel
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Denise's practice covers a broad spectrum of intellectual property matters with a focus on patent drafting and prosecution in the biotechnology, pharmaceutical, medical and chemical arts. She also has notable experience with mechanical arts and design patents; FDA regulatory law, including the Hatch Waxman Act; prescription and OTC drug regulation; biologics; and medical device regulation. Denise provides guidance on medical device reporting compliance and classification issues. In addition to copyright registration practice, she counsels clients on DMCA compliance, with particular emphasis on the safe harbor provisions of Title II. She is experienced at drafting copyright ownership transfer, work-for-hire, and author-illustrator agreements. Her trademark practice includes working closely with clients to develop branding programs; drafting strategic alliance agreements; licensing; and representing clients in trademark trial and appeal board proceedings.

Services

- Intellectual Property
- Patent Procurement & Management
- Intellectual Property Acquisitions
- Intellectual Property Litigation
- Life Sciences Industry

Education

- Brandeis School of Law at the University of Louisville (J.D., 2002)
  - Brandeis Scholar
- Rutgers College (B.S., *with high honors*, 1985)
  - Biochemistry
  - Henry Rutgers Honor Graduate
  - Phi Beta Kappa
- Rutgers College (B.A., 1985)
  - Psychology

Bar Admissions

- Ohio
- Kentucky
- U.S. Patent & Trademark Office

Court Admissions

- U.S. District Court for the Southern District of Ohio

Affiliations/Memberships

- Cincinnati Bar Association
- Girl Scouts of America
- Autism Society of America, state chapter Board of Directors
- United States Cycling Federation

Distinctions

- Top Lawyers by *Louisville Magazine (*2013, 2016)
- *Chambers USA*®: *America's Leading Lawyers for Business*, Intellectual Property

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)

NPE Experience

We have defended clients in challenges to their patents from a wide variety of NPEs. Several representative examples of patents we have defended are below:

- **Cascades Publishing Innovation, LLC**: U.S. Patent 8386484
- **Data Speed Technology LLC**: US Patent 5,867,686 – High speed real-time information storage system
- **eTagz**: US Patent 7,503,502 – Computer readable hang tag and product
- **eTagz**: US Patent 7,703,686 – Consumer computer-readable product label apparatus and method
- **eTagz**: US Patent 6,298,332 – CD-Rom product label apparatus and method
- **eWatch**: US Patent 6,970,183 – Multimedia surveillance and monitoring system including network configuration
- **Helfrich Patent Licensing**: Various US Patents related to mobile device technology
- **Honeywell International, Inc.**: Various US Patents related to bar code and QR code technology
- **Infinite Data, LLC**: US Patent 5,790,530 – Message passing multiprocessor system)
- **Innovatio IP Ventures**: Various US Patents related to local area network radio frequencies and multiple channel wireless access
- **Lemolson Foundation**: Various US Patents relating to bar code technologies
- **Lodsys**: US Patent 7,222,078 – Interactive applications (smartphone apps)
- **Mobile Logistics**: Various US Patents related to transportation yard management systems
- **MPHJ (formerly Project Paperless):** Various US Patents related to computer architecture and document management

- **Pragmatus Telecom, LLC**: US Patent 6,322,231 – Method and system for coordinating data and voice communications via customer contract channel changing system using voiceover IP)
- **Round Rock**: Various US Patents related to radio frequency identification
- **TPQ Development LLC**: US Patent 5,412,730 – Encrypted data transmission system employing means for randomly altering the encryption keys)
- **US Ethernet Innovations**: Various US Patents related to Ethernet connections and point of sale
- **Wireless Media**: Various US Patents related to transportation yard management systems
- **You Technology, Inc.**: Various US Patents related to biometric technology