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The never-ending internal struggle: Do I disclose my invention and attempt to obtain a patent or forgo a patent and keep it as a trade secret?

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Companies are often forced to internally debate whether to apply for a patent or keep the invention “secret.” This question is particularly ripe in the field of nanotechnology, where methods of producing nano particles/structures are difficult to reservably engineer. Thus, the consequences of the public disclosure mandated during the patenting process can be especially harsh if an attempt to obtain a patent is ultimately unsuccessful. This presentation will explore the essential factors that should be balanced when debating whether to apply for a patent or maintain a trade secret. This presentation will also discuss relatively new procedures at the United States Patent and Trademark Office that, if leveraged correctly, will allow an applicant to have its cake and eat it too.

Biography

Daniel Chojnowski is an Intellectual Property Attorney who concentrates his practice in the chemical and material science arts. His practice includes global patent procurement and opinion preparation. He also counsels clients on clearance/freedom-to-practice issues, as well as on strategies for management of their global intellectual property portfolios. Prior to becoming an attorney, he was employed as an RD&I Chemist.

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