

Due Diligence

Rothwell Figg's Due Diligence team is an invaluable resource for clients seeking to acquire companies, divest of companies, or audit their existing portfolios of intellectual property assets - including their patents, trademarks, and copyrights. A versatile, truly multidisciplinary team, this practice combines a number of attributes to offer clients a unique combination of legal expertise, scientific and technical knowledge, teamwork, and efficiency.

Thanks to our unique combination of deep experience and personal attention, we can handle due diligence matters of any size and complexity, from simple one-question issues to grinding through fifty litigations and thousands of patents, trademarks, copyrights, and other IP assets for a multinational giant. We also have an in-depth and hands-on understanding of the business contexts within which our work will be applied. As practitioners, we balance theory with market reality which relates to the nature and size of the transaction.

For patents and technology, we determine what type of patent protection is available or in place for assets a client seeks to acquire or sell. For early-stage companies, we determine whether an invention is patentable and likely to get strong protection, or will experience challenges, and what those challenges will be. Our role is to determine what will happen in the real world with respect to a client's intellectual property in the event of a contemplated transaction. For trademark and brand-driven companies, we identify not only the registered assets, but all potential and important branding features, from unregistered product names and slogans, to product packaging, trade dress, and web content. We look at registered and potentially copyrighted content, as well as uses of copyrighted materials of third parties and the issue of whether all such third parties' uses are properly licensed.

We also understand that in many situations, our clients are competing with other firms for a transaction. Regardless of the client we work with, we know that the goal is always to do the deal, or understand why it should not be done. On larger due diligences, we often work with our clients' in-house legal team. If we are working on a startup project, we may work directly with management, businesspeople, or investors. Whoever the client contact, we strive to become a reliable, trusted member of the client's team, and deliver value all along the way.

Our clients are businesspeople, and we strive to think, work, and make decisions as they do. While our job requires knowing the legal landscape, it also requires understanding our clients' needs, and how the legal landscape will affect their business. We see ourselves as interpreters of the unique and complex language of IP law for the businesses we serve, and resources to help them achieve their strategic and marketplace objectives.