

Brett Joseph Trout

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Professional Profile

<i>Patents</i>	<i>Consulting</i>	<i>Website Policies</i>
<i>Trademarks</i>	<i>IP portfolio management</i>	<i>ecommerce Compliance</i>
<i>Copyrights</i>	<i>Technology Licensing</i>	<i>Strategic Planning</i>
<i>Software</i>	<i>Settlement negotiation</i>	<i>IP Policy Implementation</i>
<i>Trade Secrets</i>	<i>Litigation</i>	<i>IT Security/Privacy</i>

Career History

Founder, *Senior Patent Attorney/Founder*, AV-Rated [Law Offices of Brett J. Trout P.C.](#),
Des Moines, Iowa, 2001 to present.

Founding Shareholder, *Senior Patent Attorney/Founder*, [Gunderson, Sharp, Trout & Rhein](#),
Des Moines, Iowa, 2000 to 2001.

Shareholder, *Senior Patent Attorney*, [Brown, Winick, Graves, Gross, Baskerville & Schoenebaum, P.L.C.](#), Des Moines, Iowa, 1998 to 2000.

Shareholder, *Patent Attorney*, [Shearer, Templer & Pingel P.C.](#),
Des Moines, Iowa, 1995-1998.

Associate Patent Attorney, *Davis, Wine, Brown, Koehn & Shors P.C.*,
Des Moines, Iowa, 1992-1995.

Educational History

The University of Iowa, College of Law, Iowa City, Iowa
J.D. with distinction, 1992

Grinnell College, Grinnell, Iowa

- B.A. Chemistry, 1988
- Organic Chemistry, Inorganic Chemistry, Mathematics.
- Background in Physics, Computer Programming and Genetics

Patent

- **Registered patent attorney-USPTO Registration Number 37,250**
- Patent prosecution resulting in seven figure licensing royalties
- Prosecuting 100+ patents toward subsequent registration
- Anticipating future USPTO guidelines toward drafting Business Method patent applications having broad, allowable claim coverage
- Successfully defended patent validity
- Working with clients to develop unique claim protection strategies
- Undeclared prosecuting numerous cases before the United States Board of Patent Appeals and Interferences
- Developing broad, complimentary patent portfolios
- Limiting client infringement exposure
- Maximizing efficiency through effective utilization of staff
- Successfully interviewing Patent Examiners
- Developing patent department for one of Iowa's largest law firms
- Prosecuting patent appeals
- Negotiating patent licensing and settlement agreements
- Litigating complex patent issues in Federal Court
- Prosecuting patent interference action
- Developing full scale international PCT prosecution practice

Information Technology

- Premier intellectual property service provider for Des Moines' largest Information Technology incubator
- Producing Iowa's only comprehensive Information Technology Legal Resource Guide
- Negotiating equity-driven international IT joint ventures
- Drafting Business Method Patents for IT clients
- Creating information technology due diligence and audit reports
- Negotiating and drafting IT license, assignment and settlement agreements
- Litigating complex information technology issues in Federal Court
- Marshalling IT intellectual property resources for strategic market placement
- Assisting clients in developing and marketing websites
- Negotiating the sale and transfer of domain names
- Conducting due diligence for websites, domain names and trademarks
- Drafting novel privacy policies and strategies
- Drafting website usage agreements for large scale corporate clients

Software

- Developing licensing strategy and custom contracts for software developers
- Developing software rights purchase agreements for buyers
- Negotiating complex licensing issues toward successful resolution
- Relieving clients from burdensome licensing restrictions
- Advising clients as to appropriate pre-licensing protection of software
- Negotiating architecture, ownership, server and development schedule issues
- Delivering statewide presentations on software licensing and liability issues

Trademark

- Drafting applications which reduce costs and facilitate enforcement
- Leveraging technology resources to maximize efficiency and reduce costs
- Securing trademark opinions on an expedited basis
- Successfully litigating trademark disputes
- Negotiating trademark dispute settlements toward the desired resolution
- Providing full maintenance and support services for trademark clients
- Negotiating domain name disputes toward successful conclusion
- Facilitating domain name transfers

Copyright

- Advising clients of appropriate copyright protection strategies
- Successfully litigating copyright infringement matters
- Filing copyright registrations for serials, text, software, brochures, architectural works and three dimensional works
- Providing copyright protection strategies for software programs
- Negotiating settlements for client copyright claims

Trade Secret

- Drafting employee non-competition/nondisclosure agreements
- Drafting employee exit agreements covering retained trade secrets
- Consulting clients on reasonable measures to protect trade secrets
- Successfully litigating trade secret case against client's former employee
- Providing opinion letters to clients regarding trade secret misappropriation

Litigation

- Litigating Trade secret case to successful jury verdict
- Litigating multiple Patent cases
- Litigating multiple Trademark cases
- Litigating complex Information Technology cases
- Brought in as consultant on Copyright, Trade Secret and Design Patent litigation
- Litigating domain name cybersquatting case
- Litigating Copyright infringement matters
- Admitted to Practice
 - United States Supreme Court
 - Illinois - U.S. District Court, Central District of Illinois
 - Iowa - U.S. District Court, Northern and Southern Districts of Iowa
 - District of Columbia – Court of Appeals
 - U.S. Court of Appeals - Federal Circuit

Consulting

- Preparing intellectual property due diligence reports
- Preparing freedom to operate opinions
- Negotiating software development and licensing strategies
- Negotiating and non-compete agreements for employees and employers
- Drafting confidentiality agreements
- Negotiating licensing provisions for various Intellectual Property owners
- Fostering close working relationship with several in-house attorneys to better provide full-scale service to larger corporate clients
- Advising in-house clients on Intellectual Property portfolio maintenance
- Providing nationwide intellectual property advice to ARAG Group clients
- Developing and administering Intellectual Property portfolio audits

Professional

- AV–Rating Martindale Hubbell
- Immediate Past President of the Iowa Intellectual Property Law Association
 - Largest and most recognized group of patent attorneys in the state of Iowa
 - Orchestrated largest event in IIPLA history
 - Generated largest ever revenue increase and year-end cash balance.
 - Oversaw largest philanthropic outlay in IIPLA history
- Admitted-Bars
 - Iowa-1992
 - Washington D.C.-2000
- Admitted-Courts
 - Northern/Southern Districts of Iowa
 - Court of Appeals for the Federal Circuit
 - United States Supreme Court
 - Central District of Illinois
 - District of Columbia Court of Appeals
- Member of Iowa State Bar Association, 1992 to present
 - Iowa State Bar Association Technology Committee
 - Chair 2003 to present
 - Member, 1999 to present
 - Organized 2004 Iowa Bar Association Annual Meeting Technology Track
 - Orchestrated Largest event in ISBA Tech Committee History
 - Member of Intellectual Property Section, 1992 to present
 - Member of Corporate Counsel Section, 1998 to present
 - Young Lawyers Division
 - Publicity Committee 2001 to 2003
 - 5C District Representative 1999 to 2000
 - Membership Committee 1998 to 2000
- Member of District of Columbia Bar Association, 2000 to present
- Member of Polk County Bar Association, 1992 to present
- Member of Iowa Intellectual Property Law Association, 1992 to present
 - Immediate Past President/Director 2002 to present
 - President 2001 to 2002
 - Director, 1999 to 2001
- Member of American Bar Association, 1992 to present
 - Member of Intellectual Property Section, 1992 to present
 - Member Corporate Counsel Section
 - Member Technology Committee

- Registered Patent Attorney, 1993 to present
- Blackstone Inn of Court, 1994 to present
 - Master of the Bench – Highest rank attainable
- Software Information and Technology of Iowa
 - New Technology Consultant
 - Member since 2001
- Journal of Corporation Law, 1991-92
 - Articles Editor

Publications

Hard Copy

- Internet Law and Your Company, 2005 Brett J. Trout
 - Broadened coverage of legal information technology issues
- Internet Laws Affecting Iowa Companies, 2002 Brett J. Trout
 - First publication addressing Internet law impact on Iowa
- The E-Business Legal Arsenal: Practitioner Agreements and Checklists, American Bar Association, Contributing Author, 2004
- Find it Fast and Free on the Internet 2004, Lorman, Contributing Author
- Computer Based Legal Education in Iowa, Iowa Lawyer, October, 2003.
- E-Commerce in Iowa 2001, NBI, Contributing Author
- Intellectual Property in Cyberspace, Iowa State Bar Association, Contributing Author
- The Law of the Internet in Iowa 2000, NBI, Contributing Author
- The Law of the Internet in Iowa 1999, NBI, Contributing Author
- Intellectual Property Lawyers honor inventors, Iowa Lawyer, December 2002
- Comment: *A Patient Seeks a Portion of the Biotechnological Patent Profits in: Moore v. Regent's of the University of California*. 17 J. Corp. L. 513 (1992).

Digital

- www.bretttrout.com
 - Site Design and Content Contributor
 - One of the highest Google pageranks of any Iowa-based law firm
- www.Lawlacart.com
 - Iowa's first online continuing legal education provider
 - Site Creator
 - Content Provider
 - Site Manager
- Lockergnome Digital Media,
 - Electronic Newsletter with over 40,000 subscribers
 - Weekly content provider 2002-03.

Teaching

- *Online Security Issues and the Law*,
 - Iowa State Bar Association Annual Meeting, June 2004
 - Bar Technology Track Lecture Series
 - Chair, Moderator and Presenter
- *Legal Mistakes Online*, American Society of Women Accountants 2005
- *Find it Fast and Free on the Internet*, Lorman Education 2004
- *IT Based Reverse Class Actions*, Iowa Trial Lawyers Seminar 2004
- *Intellectual Property in Cyberspace*,
 - Iowa State Bar Association Annual Meeting, June 2000.
 - Highest-rated presenter of the ISBA Annual Meeting.
- *Ethics: Iowa Lawyers and Their Websites—Do's and Do nots*, Iowa Bar Association eCommerce Committee Annual Program, December 2003
- *IT Security Issues: What Can You Do, What Can They Do*, Academy of Private Investigators 2004
- *Online Legal Ethics in Iowa*, Polk County Bar Association CLE November 2003
- *Storytelling into Court*, Iowa Professional Storytellers, October 2003
- *Who Stole My House?*, Construction Specifications Institute, November 2003
- *IT Legal Issues Affecting Small Business*, Lorman Seminar, November 2003
- *Expanding Technology Use in Iowa*, WHO 1040 radio broadcast with Van Harden Chuck Offenburger, February 2003.
- *eCommerce Legal Issues*, Quad Cities Computer Society, April 2003.
- *Cyberspace and the Law*, Central Iowa Computer Users Group, April 2003.
- *Cyber Security and Legal Liability*, Iowa Contingency Planners, Jan. 2003.
- *ecommerce Legislative Transformation in Iowa*, Expert Panel Discussion, Development Strategies to Build a Tech-Based Economy Legislative Seminar, January 2003
- *Director and Officer CyberLiability*, Iowa State Bar Association eCommerce Section Annual Seminar, December 2002.
- *Cybersecurity Laws*, ITEC Showcase Sponsored by FBI's Infraguard, October 2002.
- *Cybersecurity Panel Discussion*, ITEC Showcase Sponsored by FBI's Infraguard, October 2002.
- *Ethics Panel Discussion*, Iowa State Bar Association Trade Regulation Annual Seminar, September 2002
- *Information Security Laws*, Iowa State University Information Assurance Center, July 2002.
- *Internet Basics for the Iowa Lawyer*, National Business Institute, June 2002.
- *Trademark Law and the Internet*, ISBA Bridge the Gap Seminar, May 2002.
- *Using the Internet to Enhance Your Practice*, Iowa State Bar Corporate Counsel Section, March 2002.
- *Protecting Information Technology*, National Business Institute, Feb. 2002.
- *E-Commerce in Iowa*, National Business Institute, Nov. 2001.

- *Internet Essentials*, National Business Institute, Dec. 2000.
- *Defamation, Privacy and Right of Publicity on the Net*, National Business Institute, Dec. 2000.
- *Intellectual Property Issues on the Internet*, National Business Institute, Dec. 2000.
- *Employee Privacy in an Online World*, Iowa ICN live statewide broadcast, Jan. 2000.
- *Intellectual Property in Cyberspace*, NBI, Dec. 1999.
- *Defamation and Right of Publicity on the Net*, NBI, Dec. 1999.
- *The Internet: Then, Now and Tomorrow*, NBI, Dec. 1999.
- *Online Liability*, Construction Specifications Institute, 1999.
- *e-lawyering*, Iowa Trade Regulation Seminar, 1998.
- *Using the Internet in Your In-house Practice*, ISBA Corporate Counsel Meeting, 1998.
- *Intellectual Property*, Iowa Legal Administrators, 1998.
- *Copyright Fact and Fiction*, Construction Specifications Institute, 1997.