



About EMP&A

Erik M. Pelton & Associates PLLC is a boutique trademark law practice planted firmly and accessibly a few miles away from the U.S. Patent and Trademark Office (USPTO) in Falls Church, Virginia. In 1999, Erik Pelton launched his own firm after serving as a trademark examiner at the USPTO.

The EMP&A team brings extensive experience to all things intellectual property law. More than just attorneys who represent clients before the USPTO or the courts, they are counselors who strive to work closely to support the business goals of clients. Merging today's technology with a collaborative approach allows them to deliver superior service. As a complete trademark partner, EMP&A helps clients make the most of their brand assets – all reasonably priced on a flat-fee basis.

Above and beyond trademark registration, EMP&A:

- Guides and advises regarding intellectual property
- Combines legal counsel with experience borne of years in the field
- Helps grow and protect their clients' brands
- Delivers legal expertise in emerging media
- Adds financial value to businesses by strengthening brands

Who Is Erik Pelton?

EMP&A founder and lead attorney Erik M. Pelton is a recognized expert in the intellectual property and trademark law fields. He is well-versed in all aspects of trademark registration as well as proceedings before the Trademark Trial and Appeal Board (TTAB) because he's worked the registration process from both sides.

One look at his credentials explains why:

- Worked as a Trademark Examiner for the USPTO from 1997–1999. There, he earned ratings of “commendable” or “outstanding” in all categories of his performance reviews
- Registered more than 1,300 trademarks for clients at EMP&A
- Named a top-10 trademark filer twice by NameProtect's *Trademark Insider*®
- Created Apptorney®, an iPhone® application for intellectual property attorneys
- Popular expert speaker to business and law groups and conferences on all areas of trademark law and intellectual property as well as on starting a law firm
- Has been recognized by the Falls Church Economic Development Authority for contributions to their city's trademark efforts
- Earned his Juris Doctorate (J.D.) – Catholic University, Washington, D.C. in 1997, and his Bachelor of Arts, Anthropology (B.A.) – Boston University, Boston, Massachusetts in 1994
- Holds professional memberships in:
 - New Jersey State Bar
 - District of Columbia Bar
 - American Bar Association Section of Intellectual Property
 - American Intellectual Property Law Association
 - International Trademark Association

Experience is our trademark. Trademark is our experience.

What EMP&A does

Anything and everything to do with U.S. Patent and Trademark Office (USPTO) trademark and copyright protection. From a basic search to the most complex brand analysis, EMP&A covers the gamut:

- Search
- Register
- Defend all aspects of infringement
- Monitor for infringement
- Help businesses stop infringements
- Represent parties in Trademark Trial and Appeal Board disputes
- Negotiate trademark compromises
- Draft licenses
- Strategize regarding brand creation, use or redevelopment
- Handle Federal Circuit Court of Appeals cases
- Provide specialized feedback

Internet/Social Media

Intellectual Property:

- Resolve domain name disputes
- Develop terms of use and privacy policies
- Advise on trademark strategy and protection online

“When a foreign company applied to the USPTO for the same mark, he suggested and mounted a vigorous opposition.”

– Stewart Wilson, Concord, MA

“Not only is Erik an expert and a reliable advisor, but he also understands from a business perspective what the big picture is. He just gets it.” – Nick Fishman, Chicago, IL

“Not very often can you say your attorney is batting 1,000. I highly recommend Erik for any copyright and/or trademark issue. He is innovative and smart. And he’s a heck of a nice human being.”

– Billy Phillips, Beverly Hills, CA

Why EMP&A Does It Better

EMP&A is the opposite of a big, dark-paneled, austere law firm. They believe in treating their clients the way they would like to be treated. And, as experts in the field, they make every step of the process easier and more effective for clients – no matter what the case entails.

- Person-to-person service
- Insider experience at USPTO
- More efficient and affordable technology
- Easy access to the USPTO
- Abreast of current issues via involvement in industry associations

Who Are Their Clients?

EMP&A clients range from start-up businesses to multinational corporations, and from businesses with one trademark to those with hundreds. Whether large or small, trademarks play a significant role in the success of a business. Hundreds of Internet ventures, software companies, inventors, restaurants and other small businesses have built and sustained strong brands with EMP&A’s help.

Multiple trademark portfolios containing several hundred marks benefit greatly from EMP&A’s active management. With more than 10 years of experience in this arena, they help clients make trademarks work harder to produce strong business results.

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EMP&A Track Record

The firm has worked with clients in 48 states and more than 20 countries and has deftly counseled hundreds of businesses about how to make the most of their intellectual property.

EMP&A has:

- Successfully appealed numerous refusals to register trademark applications to the Trademark Trial and Appeal Board (TTAB)
- Successfully defended cases at the TTAB
- Successfully blocked trademark applications or registrations at the TTAB to protect client's interests
- Filed numerous international trademark applications via Madrid Protocol
- Acquired more than 1,300 registered trademarks for clients

EMP&A Cares about the Future

To support future practitioners and help them gain traction for their careers in trademark law, they have mentored an ever-growing number of interns. In fact, several interns participate in this program every year from law schools across the nation.

"Whenever I've asked for something, Erik provides a full, complete answer. He really attacks all aspects of a trademark issue."

– Matt Gerber, Denver, CO

A True 21st Century Law Firm

A wholehearted commitment to technology makes EMP&A not only efficient, but also more affordable. Specifically developed by EMP&A for intellectual property practitioners, their proprietary software does the administrative heavy lifting so the attorneys can focus on the casework at hand. Simply put, their clients get more for less.

But it doesn't stop there. A whole new realm of intellectual property law has arisen with new media. Erik is leaps and bounds ahead of the curve in this area. His early immersion in new technology poises him to lead his clients through the maze of new and complex issues surrounding it.

In order to keep clients abreast of current issues, EMP&A has developed and launched a blog, social media pages, and even an original iPhone application.

Find us online: [LinkedIn](#), [Twitter](#), [Facebook](#). Search Erik Pelton.  iPhone app: find on iTunes®. Search Apptorney®.

EMP&A's Notable Case Wins

Never afraid to go up against the big names, EMP&A has taken them on and won significant cases in favor of their clients:

- Won case against Kraft Group, owners of New England Patriots
- Received six-figure settlements for multiple clients
- Represented clients before oral argument at U.S. Court of Appeals for the Federal Circuit
- Presented multiple oral arguments before the TTAB
- Successfully defended and resolved more than 20 oppositions where the result was that the client received or won permission to continue using a trademark. Opponents have included:
 - Adidas
 - Microsoft
 - Starbucks
 - Disney
 - RE/MAX
 - Harman International
 - U.S. Department of the Army
 - Payless ShoeSource Worldwide, Inc.
 - Gianni Versace S.A.

Disclaimer: Each case is unique and dependent on the relevant facts; prior results are not a guarantee of future outcomes.

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In the Client's Own Words

Working with Erik: "I love working with Erik. He's pragmatic, he's flexible, he's always accommodating and always goes the extra mile."

Emerging Media: "Somebody squatted on the Twitter user name for our 'Transparent Me' brand name. When we tried to register the user name, it came to our attention. Erik quickly got Twitter to cancel their registration. The reason I bring it up is I think it's a new area of law that Erik is already deeply involved in. It's great knowing our attorney is on top of all this emerging media."

Personal Service: "We started registering trademarks on our company name. We soon found out there was another company with the same name in another state. Erik helped us navigate exactly how to get through that process. He handled all our filings for us and told us what was going on each step of the way."

Expert Guidance: "Erik's advice was crucial from the time we first filed, through all the motions, and to the time we got the first opposition to one of the trademark applications. He navigated us successfully through how it would work with the USPTO and, ultimately, a federal case."

Enforcement: "Another thing Erik is really good at is enforcement. We have a lot of content online, a lot of material, and he's been very vigilant when people have flat out copied our website or copied articles that we've written, or tried to poach on the domain name that we have. He's been extremely vigilant and successful at getting it corrected quickly."

The Big Picture: "Not only is he an expert and a reliable advisor but he also understands from a business perspective what the whole big picture is. Erik just gets it."

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Client

Nick Fishman
Chief Marketing Officer

Company

EmployeeScreenIQ®

EmployeeScreenIQ was named a 2010 Weatherhead 100 Award Winner as one of the 100 fastest growing companies in Northeast Ohio for each of the last six years.

Scope of Work

EMP&A has worked with EmployeeScreenIQ on a variety of projects including:

- Rebranding the company to create a more distinctive brand name and identity
- Registering multiple brand names and logos with the USPTO
- Defending Internet intellectual property assets from brand name and content infringement
- Dealing with multiple social media issues including a Twitter account squatter

Trademark is our experience.

In the Client's Own Words

Difficult Filings Solved: "We wanted to file our brand names, including Collectorz.com®. It proved to be very difficult because it was initially found to be too descriptive. So Erik had to do a lot of work to prove that we were using Collectorz.com since 2000 and that it was not descriptive. And he was successful in getting the registration for us."

Flat-Fee Terms: "With other firms, every time you phone them you know you get billed for 10 minutes by phone. We work with Erik on a flexible retainer. He's not counting every five-minute email unless it gets substantially over the agreed project scope. But it's always very reasonable pricing."

Technology Focus: "We have companies copying our software. And then we hire Erik to do a cease and desist. He usually only has to send a letter and then the infringer stops. We have hired him three or four times now."

International Liaison: "We've hired him for software filings, trademark filings, and cease and desists. He has also looked at our new terms of service from his U.S. perspective because we are in Europe. There are different laws. I see him as the expert in his area."

Attorney with a Smile: "I think he is an expert. He is also a very funny guy. He always responds to my emails and adds a personal note. Yes, he is an expert but he's also very friendly."

Connects with his Audience: "Erik's speeches are really to the point, filled with information, and it's not too, too much. There was another lawyer I heard talking about patents; I did not understand a word from it. When he speaks, Erik can give good examples, and you know what he is talking about."

Software Forte: "He knows his stuff because he works for a lot of software vendors – big and small ones. He knows what the industry is all about."

No More Sleepless Nights: "Before we discovered Erik, we did the 'cease and desist' ourselves. It took a lot of time, a lot of work, a lot of negative energy. Then we hired Erik and, with him, it's just a breeze. I just send him an email. I say we have another infringer. We can focus on our business and know that Erik is handling the negotiation. No more sleepless nights worrying about some guy in India who is making money off your software."

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Client

Sytske Hermans

Company

Bitz & Pixelz®

Scope of Work

EMP&A has worked with international client Bitz & Pixelz based in Amsterdam regarding their brand names for several years. Projects include:

- Registering multiple names in the U.S.
- Applying to register iPhone app brand name
- Dealing with multiple infringers and cybersquatters
- Advising regarding terms of use and other issues
- Registering U.S. copyrights for software

Trademark is our experience.

In the Client's Own Words

Experience Matters: "He's been involved with the Patent and Trademark Office for quite a while. He's very well-versed in these matters – all sorts relating to registration, infringement or trademarks."

Protecting the Business: "We've had a number of situations in which certain search firms or vendors have tried to piggyback on our marks – in all their variations and misspellings. And people have tried to capture our potential students and steer them towards other colleges or other sites that have nothing to do with us. This has been a big problem in recent years. Erik has helped us craft some cease and desist actions which have had a very good effect."

Tried & True: "I turn to Erik for all my intellectual property needs, especially relating to trademarks. Good things happen with Erik."

Success with a Tough Mark: "Study Cafe is a fairly generic set of words but, with Erik's expertise, we were able to position the mark as a pretty unique mark. And successfully get it approved for registration."

Clear Counsel: "Erik provides a very complete evaluation of a trademark so that, when his research gets back to me along with his opinion, it's very clear what action we need to take. So I think that's one of the greatest things that he offers."

How Is It To Work with Erik? "Very, very simple. I think maybe one or two times I've had to get on the phone with him. Which is rare – a lot of attorneys I have to get on the phone with and explain things further. He can grasp what is necessary just by reading an initial email. And he's prompt in his response. I never have any issues with his customer service."

Good Value: "Absolutely. Even if I could do it in-house, it's worth my while and to the company's benefit to have someone who is really experienced and who can get it done economically and efficiently."

Thorough Approach: "He's been great to work with. Whenever I've asked for something, he provides a full, complete answer. And really attacks all aspects of a trademark issue."

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Client

Matt Gerber

Company

CollegeAmerica®

Scope of Work

EMP&A has worked with in-house counsel for CollegeAmerica and their related companies to register and protect several brand names and deal with several infringement/cybersquatter issues over the years.

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Erik Pelton as Speaker

After a few years in the trenches at the USPTO and more than a decade in his own practice, Erik has learned a thing or two about brands. From his perch, he's seen trademarks and copyrights of all varieties – brands that flourish or fade away. He's gotten a firm grasp on things that work and things that don't.

Erik can talk for 15 minutes or two hours on the most interesting aspects of trademarks, intellectual property and branding to strategies for building and marketing a boutique law firm. He makes complicated subjects clear with real-world examples from current events. These topics always prove engaging and entertaining with Erik's unique perspective, refreshing approach, and his down-to-earth demeanor.

Erik has deservedly gained a great reputation and has become a popular speaker to a wide variety of groups:

- Branding workshops
- Trade associations
- Industry conferences
- Chambers of commerce

"His speeches are to the point, filled with good information, and it's not too, too much."
– Sytske Hermans, Amsterdam, Netherlands

See www.erikpelton.tv for video clips



Erik's Presentations

Basic tips for protecting and leveraging your trademark and copyright

- Software Industry Conference (2008, 2009, 2010)
- RESA Home Staging International Conference (2010)
- National Association of Professional Background Screeners Mid-Year Conference (2010)
- Society for Advancement of Consulting of New England (2009)
- Falls Church Chamber of Commerce (2010)
- Falls Church Arts (2010)

Online and social media issues

- Harrisburg University's Social Media Summit (2010)
- American Bar Association's Cyberspace Institute (2011)

Other topics

- **How to Market Yourself as a Lawyer** webinar (2010)
- **How to Become Tech Savvy as a Lawyer** webinar (2010)
- **Negotiating Tips** Software Industry Conference (2010)
- **Agreements: Do You Know What Your Terms of Use, License and Privacy Agreements Say?** Software Industry Conference (2010)

Interviews

- Radio interview: **Starting and Managing a Successful Law Firm** on *The Independent Business Owner Show* <http://bit.ly/pelton4>
- Video interview: **Trademark Infringement** with the IP Society <http://bit.ly/pelton3>
- Podcast interview: **Using Trademarks to Enhance the Strength and Value of your Brand** <http://bit.ly/pelton2>
- Radio interview: **Trademarks, Copyrights and Patents: Are They Necessary for Solopreneurs?** <http://bit.ly/pelton1>

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