

# Entrepreneurship, Startups & Emerging Companies

## Protecting and helping monetize inventions from concept to production and beyond

For nearly six decades, Marshall, Gerstein & Borun LLP has assisted entrepreneurs, inventors, and emerging companies in protecting their valuable intellectual property (IP) rights. We are particularly adept in this area, and young companies need every ounce of our skills to help protect nascent inventions and technologies from competitors and knock-offs, which can destroy a market almost as quickly as it is created.

### IP formation and growth strategies

Marshall Gerstein attorneys, patent agents, and technical specialists have supported entrepreneurs, startups, and inventors providing business solutions in the following IP areas:

- Patent portfolio strategies
- US and foreign patent protection and life cycle maintenance
- Worldwide trademark portfolio management
- Broad legal and competitive patent landscapes and freedom to operate opinions
- Licensing and other IP transactions like collaborations and supply agreements
- IP policies and employee IP training
- Trade secret protection and portfolio maintenance, including secrecy agreements
- Brand protection and enforcement of rights against knock-offs (particularly post crowdfunding)
- IP litigation matters and alternative dispute resolution

Marshall Gerstein has guided emerging companies and entrepreneurs from concept, through funding rounds, initial public offerings, and beyond. We have worked with many well-known, “household brands” since the days when the founders were making the product just behind their storefront office and delivering it themselves to customers. We know the challenges of emerging companies and truly love the work that we do in this space.

Marshall Gerstein is regionally positioned in Chicago, IL and Raleigh, NC – two particularly fertile startup, incubator, and accelerator hubs. Although we work with many technology, life sciences, Fintech, AI, and other companies that are born in these regions, we of course counsel startups and entrepreneurs worldwide. We are a Premium Partner of The Council for Entrepreneurial Development (CED) dedicated to connecting regional entrepreneurs with the resources they need to build and launch a successful business. We are also active members of Keiretsu Forum Midwest that connects early stage investors, emerging companies, and regional economic development engines to become an epicenter in the Midwest for innovation and investment.

Through Marshall Gerstein’s counsel, startups and newly formed entities have prospered in the marketplace:

- Amgen Inc.
- Evozyne
- Final Co.

- Luminar Technologies
- Paragon Biosciences
- PopSockets
- Terasaki Institute for Biomedical Innovation

## Client Successes

### It's in our Blood

Today, cancer patients around the world will get more out of life, thanks to a remarkable therapeutic drug used during chemotherapy to stimulate the production of red blood cells and combat the debilitating effects of anemia. In 1983, the startup company that cloned the gene for this medication turned to the Marshall Gerstein Biotechnology & Life Sciences team to help protect its discovery. Nearly thirty years later, the patent applications written by our attorneys have withstood not only the breath taking changes in the field of biotechnology, but challenges in courts and patent offices throughout the U.S., Europe and the Pacific Rim. The result? Our client enjoys the rewards of its creativity, while millions of individuals experience the benefits of better health.

### Nanotechnology

Northwestern University licensed a patent portfolio of technologies from the laboratory of Chad A. Mirkin to launch AuraSense LLC., a biotechnology company founded to pursue the unique therapeutic potential of engineered nanoparticles.

Founded in 1851, Northwestern University is one of the premier U.S. institutions of research and higher learning. In 2010's fiscal year, Northwestern was awarded research grant funding of \$557.3 million.

Marshall, Gerstein & Borun LLP has been handling Northwestern's patent portfolio of inventions from Chad Mirkin's laboratory since 2005. Professor Chad Mirkin is recognized as a world leader in the research and application of nanotechnology. Currently, Dr. Mirkin is the most-cited chemist in the world, and he is the most-cited nanomedicine researcher in the world. Among other awards, Professor Mirkin is the first in the Midwest and the 10th in the world to be elected to all three branches of the National Academies, in 2009 he won the prestigious Lemelson-MIT Prize which recognizes outstanding inventors, and is named to the U.S. President's Council of Advisors on Science and Technology. Professor Mirkin is the Director of the International Institute for Nanotechnology.

For more than a year, we led the Northwestern University team in negotiating this portfolio license agreement to launch Professor Mirkin's third start-up company, AuraSense LLC. The company has gone on to license additional inventions from Northwestern and develop the technology. AuraSense plans to develop this nanoparticle technology for transfection of genetic material into cells to regulate protein expression, therapeutics to mimic HDL or "good" cholesterol, and to study and quantify intracellular agents and corresponding phenomena, including genetic and small molecule activity in live cells.

## Insights

October 9, 2024

### **USPTO Will Terminate the AFCP 2.0 Program**

Marshall Gerstein Alert

September 5, 2024

### **"Patent Publication Discloses Advances in Moon Mining Technology"**

Engineering News-Record

July 23, 2024

**"Trademarks, Copyrights, Brands, T-Shirts, and Champagne with Tiffany Gehrke and Kelley Gordon"**

Emerging Litigation Podcast

November 13, 2023

**"Federal Circuit Imperils Term-Adjusted Patents"**

ALM's IP Strategist

November 17, 2022

**"As Metaverse Evolves, So Do IP Protection Issues"**

Law360

January 26, 2022

**"Entrepreneurship through Intellectual Property"**

The University of Chicago Booth School of Business

March 2, 2021

**"Entrepreneurship through Intellectual Property"**

The University of Chicago Booth School of Business

January 25, 2019

**"The Startup Drugmaker's Post-Helsinn Survival Guide" (featured quotes)**

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