

Gillis, Diana L.

Subject: RE: Trademarks/Patent

From: Walsh, Kathryn E.
Sent: Wednesday, June 17, 2015 8:23 AM
To: [REDACTED] Gillis, Diana L.; Whitehead, Nora
Subject: RE: Trademarks/Patent

We agree with your take [REDACTED]

From: [REDACTED]
Sent: Tuesday, June 16, 2015 12:48 PM
To: Walsh, Kathryn E.; Gillis, Diana L.
Subject: Trademarks/Patent

Hi Kate and Diana:

I hope that all is well.

I have a question regarding foreign trademarks and foreign patents. My understanding is that these IP assets are considered to be assets located outside of the U.S. and that these types of foreign IP assets do not generate sales into the U.S. Foreign trademarks and patents are registered with the appropriate foreign government and are only enforceable in the country in which the IP is registered. U.S. sales are attributed to the comparable U.S. trademark or patent.

That said my question is whether foreign trademarks and/or patents held by a U.S. entity are treated as assets located outside of the U.S. The U.S. entity only holds the rights granted under a foreign trademark and/or patent and these rights are only valid and enforceable outside of the U.S. My view is that foreign trademarks and patents held by a U.S. entity are assets located outside of the U.S. and that such assets do not generate any sales into the U.S. Do you agree??

Best regards,

