

Merchant & Gould

An Intellectual Property Law Firm



George C. Lewis, P.E.

303.357.1638
glewis@merchantgould.com

Denver Office
1050 Seventeenth Street
Suite 1950
Denver, CO 80265 USA

303.357.1670 phone
303.357.1671 fax

George emphasizes developing and managing patent and trademark portfolios to support the business goals of his clients. Whether coordinating the IP clearance and protection for a new product or handling the ongoing management of an existing corporate intellectual property (IP) portfolio that spans multiple product lines, George focuses on creating a coordinated portfolio of IP assets (encompassing patent, trade secret, trademark and copyright protection as appropriate) that supports his clients' strategic business plans and goals. Drawing on his extensive experience as an engineer in research, design, operations and project management, George develops and integrates IP protection programs that suit his clients and their products, business models and markets to aggressively protect their market positions and provide a strong foundation for future growth. Because of his diverse experience and his training in both electrical and chemical arts, George is uniquely suited to assist clients in responding to the modern IP challenges confronting corporate counsel, challenges that include not only protecting a company's core business and brands, but also must address IP issues associated with the ancillary technologies and corporate functions necessary to a modern business, such as manufacturing techniques, environmental concerns, IT infrastructure, business methods, internet presence and supply chain management.

In his legal practice, George relies heavily on the experience gained in his prior career as a consulting engineer in Electrical and Chemical Engineering. As an electrical engineer, George worked for ITT's Antarctic Services on advanced sensors including magnetometers, photon counters, radio frequency receivers and ultraviolet radiation sensors and for a small electrical consulting firm on lighting and power distribution technologies. After earning his Master's degree in Chemical Engineering, George worked as a consultant primarily to the mining, railroad and oil and gas industries designing and building chemical process systems including the electrical control systems. This work focused on manufacturing processes, water treatment, hazardous waste treatment and air quality treatment but also included industrial process

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development, environmental remediation projects and hazardous materials emergency response. His engineering consulting career has provided George with first-hand experience with most major industrial processes including food processing; brewing; oil refining; natural gas production; hard rock, coal and commodity minerals mining operations (surface and underground); railroad, shipping and transportation operations; silicon chip manufacturing; aluminum manufacturing; research facilities; and consumer electronics manufacturing.

As one would expect, George has provided legal assistance to a similarly diverse group of clients over the years including medical device manufacturers; software developers; pharmaceutical and chemical manufacturers; plumbing fitting manufacturers; natural gas transportation clients; mining companies; water storage and treatment clients; mass media clients; and consumer product clients including clothing, consumer electronics and sporting goods to name but a few.

George also practices copyright and trademark law for media and entertainment clients in the Rocky Mountain region. His work includes clearance of trademarks for nationally-broadcast television and internet programs and assisting writers and artists with registration and enforcement of copyrights on their works, including internet enforcement against pirates and counterfeiters. George has extensive experience in the seizure of domain names from cybersquatters (both via ICANN proceedings and where that is not possible through court action) and taking down webpages and websites that contain infringing copies, works or counterfeit goods. His work also includes clearing trademark usage in screenplays, clearing copyrighted song and other work usage in videos and films, analyzing script clearance reports for filmmakers and supporting filmmakers during the filming and distribution process.

For consumer product clients, George assists his clients in determining the best mix of copyright, design patent, trademark and patent protection for each product and product line. By the very nature of the consumer product markets, this determination is made in light of the anticipated foreign and US competition and also takes into account the realities of overseas contract manufacturing so common in the industry.

Education

Cornell University
B.S., Electrical Engineering, 1988

University of Denver
M.S., Chemical Engineering, 1993
J.D., 2002

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Bar Admissions

Colorado State Bar, 2002
U.S. Patent and Trademark Office, 2002

Professional Affiliations

Professional Engineer, State of Colorado
American Chemical Society

Professional Listings

2010 Best Lawyers in America

Articles

Cablevision: Remote DVR Service Creates Copyright Challenges for Content Providers, Intellectual Property Today - September 2009

Invention Harvesting Begins At The Top, Law360, July 2009

Intellectual Property Holding Companies: A Strategic Analysis, Intellectual Property Today, May 2009.

A Cautionary Crocs Tale, The New World of Instant Competition, Colorado Biz Today, June 2008.

Domain Brand Enforcement Offers New Challenges Post-ICANN, Intellectual Property Today, August 2008.

The Crocs Cautionary Tale And Instant Competition, Law360, September 2008.

Experience

Confidential Industrial Waste Client - Protection of New Wastewater Treatment Processes A wastewater treatment company developed a very effective treatment technology using different unit processes from various vendors. It was known that ultimately, as soon as the technology was put in service, the technology would be disclosed to the vendors, the vendors' temporary employees and many other parties. From the pilot data it was also determined that no other known treatment systems could come close to the cost-efficiency of the new technology and that there would be an instant desire throughout the industry to implement the technology. The issue was how to protect the new technology from being stolen and used by competitor treatment companies and by the client waste producers. Through a combination of stringent Non-Disclosure Agreements, identification and protection of Trade Secrets and seeking selective U.S. and foreign patent rights on specific components and sub-processes within the technology, a multi-layered protection of the technology was created. Furthermore, through the information learned about the vendors' own processes as applied to this new treatment application, the client's patents as they relate to the new technology created a mutually-beneficial situation allowing the client and vendors to more closely work together in prorogating the new technology through the industry.

Confidential Mechanical Client - Protection of New Product from Theft by Giant, Established Competitors A contractor identified a common deficiency in a nationally used product for common plumbing repairs and invented a more effective and less expensive product. However, the marketplace was dominated by several

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huge manufacturers that would be able to flood the market with knockoffs within moments of seeing the client's invention. By developing an integrated trademark and patent protection strategy that focused on keeping details of the design secret for as long as possible and, upon public launch of the product then focused on developing a strong brand recognition while simultaneously keeping details of the scope of the client's patent protection secret, the client is penetrating the market quickly and with strength. The competitors, because of the risks of the unknown scope of the patent rights the client may ultimately obtain, the strength of the client's marks and the risk that another competitor may buyout the client and obtain the trademark and patent rights, are now competing against each other to woo the client, each hoping to obtain the intellectual property rights to the invention in order to lock up the market.

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