



# Patents & Competitors

Todd M. Siegel  
Klarquist Sparkman LLP  
todd.siegel@klarquist.com  
503.595.5300 | klarquist.com

## Klarquist

**Q** Our competitor just received a patent on their latest product, and have demanded that my company stop selling a product that's similar. We were in the market before them – do we have to stop?

**A** It depends. At minimum, you should take the threat seriously. If in fact your company started selling your product before your competitor filed their patent application, then there is a chance that your own product and actions could be used to invalidate your competitor's patent, but the details matter. You may also wish to analyze in detail whether the patent is actually infringed, and whether the patent is invalid for any other reason. An experienced patent litigator can help advise you on these and other options.

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