

# INTELLECTUAL PROPERTY

**Q** Should I consider marking my products as “patented”?

**A** Assuming that you have patent claims that cover your products, then yes, you should consider “marking” those products with the appropriate patent number(s). Marking can have a deterrent effect. It also can help increase the potential money damages owed by infringers by providing what is called “constructive notice” of your patent rights, if done consistently and correctly. Marking is not always advisable, however. And, despite recent legislative changes that can make it easier to mark by utilizing the Internet to “virtually mark” products with patent numbers, there is still some potential risk from incomplete or incorrect marking. Consult an experienced patent attorney to help you implement a marking program for your patented products.

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