

IP Case Referral Checklist

This document is intended to assist an injured manufacturer (“IM”) draft an AG referral that is well organized and offers a fact-based narrative of the alleged unfair and/or deceptive acts by a competing company. When writing a referral, it is important for the IM to describe the situation in detail and clearly lay out the harm it has suffered. It is also helpful to include details, images, documents and other materials that support the narrative. While it is not mandatory to include all of the requested details if some are unavailable, the more of the following information that the IM is able to provide, the more likely it is that an AG office will accept the referral and launch an investigation.

Category	What to include in your case referral narrative as an Injured Manufacturer:	Status
#1		
The offending company’s actions or use of stolen IP in their manufacturing processes is “unfair or deceptive”		
Harm to IM	Estimated revenue lost and costs incurred by IM; employment impacts at IM (if any)	
	Describe IM’s business and include images/descriptions of the products, patents, trademarks, copyrights, and trade secrets that have been copied by the offending company	
Importance of IP	IM’s investment in its product (e.g., personnel costs, specialty equipment required, cost of CAD and other software, fees for obtaining patents, trademarks, copyrights) in round numbers	
#2		
The IM and the offending company’s product(s) are market competitors		
Visual	Images of IM’s and offending company’s competing products showing visual and functional similarities	
Product purpose and markets	Descriptions of the competing products’ similar purpose and use, and the markets in which both are sold	
Composition	Descriptions of competing products’ specs including component materials and dimensions. Where the goods are specialty-type items, explain how limited that particular market segment is	
Price differential	Selling price: offending company’s product is undercutting IM’s product	
#3		
The offending company has sufficient legal contact with the AG’s state		
Connection to state	Offending company has a facility, subsidiary or distributor/dealer in the state (or) List of some locations where offending company’s products are sold in the U.S., including the state which the AG represents	
#4		
Required contact and company information / request for meeting with AGO		
IM	Detailed description of the IM company’s size, structure, and function	
Offending company	Available information about the location of the offending company’s officers, including where they may be registered to accept service of process	
Meeting request	Request for meeting with AG and staff for review of complaint	