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B2B CFO Announces First Victory In Intellectual Property Suit

[Plagued by Multiple Cases of Theft of Intellectual Property, B2B CFO Makes Very Clear Statement with Recent Court Ruling](#)

Phoenix, Ariz., February 2011 – In 2009, Jerry L. Mills founder of B2B CFO, nation's largest provider of CFO services to small businesses, realized that his company had fallen victim to intellectual property theft.

"We were alerted to the fact that our website copy was being used verbatim by other companies," said Jerry L. Mills, founder and CEO. Upon examining the situation, Mills discovered that the website copy theft was only the tip of the iceberg.

B2B CFO's fast growth and success made the company an easy target for unethical competitors. The company quickly discovered nearly 55 cases of theft of intellectual property ranging from plagiarism to infringements on company's proprietary training materials, manuals and even the company's trademarked name. In response to these disturbing findings, B2B CFO quickly assembled a response team comprised of company Partners to monitor and take necessary legal action against all found offenders. But nothing could prepare the company for what they discovered next. Among the searches, the response team found that a former B2B CFO partner, who had been asked to leave the firm, had been using proprietary materials and manuals in his newly formed venture.

"This was a truly disturbing discovery," said Mills. "I knew that we would have to fight the legal battle to protect our intellectual property and to make a very strong statement about the fact that we do not let others steal from us."

Mills and B2B CFO filed a lawsuit against Ken Kaufman and CFO Wise and after many months of litigation and nearly \$170,000 in legal fees; B2B CFO is able to claim its first victory through an injunction made by Federal Judge on February 3, 2011 and a subsequent Summary Judgment ruling made on February 8, 2011.

The Injunction and the Court's Findings – Summary Judgment

On February 3, 2011 the Federal Court entered an injunction that prevents anyone affiliated with defendant Ken Kaufman and CFO Wise from retaining or using any copy or any derivative work or product of B2B CFO's training manuals.

On February 8, 2011 the Federal Court issued two key findings in the case. One of Kaufman's primary defenses to the copyright infringement claim was his contention that the B2B CFO 2005 Manual was not entitled to copyright protection. However, the judge squarely refuted that defense and specifically found, **"...as a matter of law ... the (B2B CFO) 2005 Manual is entitled to copyright protection."**

Regarding the second key finding, in ruling on our motion for partial summary judgment, the judge first considered the "extrinsic test" and concluded that B2B CFO passed that test. In fact, the judge unequivocally ruled, **"...as a matter of law... Plaintiffs have proven that the Kaufman 2008 and 2009 Manuals share a similarity of ideas and expression with the (B2B CFO) 2005 Manual."**

Marty Mercer, a Partner with B2B CFO who is a J.D. and a CPA said: "We have made a significant step towards establishing that our copyrighted intellectual property is judicially protected under federal law and that Kaufman and his entities have violated those copyrights."

B2B CFO is continually finding cases of plagiarism and theft of copyrighted proprietary information on other companies' websites. "This is a battle that we will keep on fighting," said Mills. "We were shocked to see strangers stealing from us," he added. "But we were more than disappointed when we had to take a former partner to court."

When Trusted Associates Steal

Maria Crimi Speth, Esq. a Phoenix lawyer specializing in intellectual property litigation recently published a book titled "Protect Your Writings." According to Speth: "It is surprising how often employees, businesses partners, and affiliates help themselves to a company's intellectual property when they leave. People who wouldn't think of stealing cash or tangible assets often have far less integrity when it comes to stealing intangible assets. Yet, copyright infringement or loss of a trade secret is just as damaging to a business."

"Preventative measures for protecting written works include registering the copyright with the U.S. Copyright office, marking documents with a proper copyright notice, having your employees and independent contractors sign agreements that make clear that the business owns the intellectual property they create, and clearly communicating with your employees that copying is prohibited," continued Speth.

One of reasons that Maria Crimi Speth wrote "Protect Your Writings" was to clear up the many misconceptions that people have about intellectual property. "The book provides easy and inexpensive steps that can help you avoid litigation or put you in a much better position if litigation is unavoidable," she added.

The Department of Justice and other agencies like The Global Intellectual Property Center (GIPC) are continually working to improve protections for intellectual property rights and the enforcement of intellectual property laws. Despite those efforts, intellectual property theft is continually increasing and costing businesses around the world significant losses each year. In a recent survey conducted by McAfee, more than 1,000 Chief Information Officers in eight countries found that last year alone their companies lost billions in intellectual property. In fact, that same poll further totaled the losses at a combined \$4.6 billion worth of intellectual property that had fallen into the thieves hands, costing the polled companies about \$600 million in damage repair.

McAfee estimates that total global economic losses due to data theft and security breaches by organized crime, hackers and inside jobs reached a whopping \$1 trillion last year.

"Are we alone in this?" asked Jerry L. Mills. "No. But that does not mean that we will continue to let anyone steal from our company."

Marty Mercer added: "As B2B CFO grows and our branding and intellectual property become more valuable each B2B CFO Partner can take comfort that our interests have been vigilantly protected and that all others that will try to steal our intellectual property are on notice that they will proceed at their own peril."

B2B CFO's growth is reflected in numerous awards this year. The company ranked in the Inc. 5000 and was also recently named in ACE Corporate Growth Awards, which recognized the 25 most successful and fastest growing companies in Arizona. B2B CFO was also selected among the 2011 top 25 Free Enterprise Honorees by the U.S. Chamber of Commerce for their strong business practices and contributions to the economy.

As of February 2011, B2B CFO has grown to 185 Partners across 39 states, representing more than 5,200 years of cumulative experience. Each Partner is a seasoned financial executive who serves as CFO to growing businesses on as-needed basis. Approximately 80% of the Partners have a background that includes senior executive positions at the Big Four, and all of the Partners have held high level executive finance positions in various industries in corporate America. Together, B2B CFO Partners work with more than 600 businesses in the nation with combined annual sales of more than \$3 Billion.

Headquartered in Phoenix, Ariz., the firm was founded in 1987 by Jerry L. Mills. B2B CFO is the nation's largest CFO firm serving entrepreneurial, growth and mid-market companies with revenue under \$75 million. The firm's partners have an average of 25 years of experience and each individual partner is a senior level executive with a broad range of expertise. Please visit online at www.b2bcfo.com