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Accountability \* Integrity \* Reliability

Comptroller General  
of the United States

United States Government Accountability Office  
Washington, DC 20548

## Decision

**Matter of:** Controlled FORCE, Inc.

**File:** B-408853

**Date:** September 18, 2013

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Diana Grano, Controlled FORCE, Inc., for the protester.  
David L. Nimmich, Esq., Department of the Navy, for the agency.  
K. Nicole Willems, Esq., and Edward Goldstein, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

The Government Accountability Office lacks jurisdiction to consider disputes about infringement of intellectual property rights.

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### DECISION

Controlled FORCE, Inc., protests the terms of solicitation no. N40085-13-R-3314, issued by the Navy, for security guard services for Navy installations within the Navy's Mid-Atlantic region. Specifically, the protester argues the Navy is violating intellectual property laws by incorporating the protester's Mechanical Advantage Control Holds program into the solicitation requirements and Navy guidance.

We dismiss this protest because we do not consider questions of intellectual property infringement under our bid protest jurisdiction.

A patent or copyright holder's remedy for any alleged government violation of its intellectual property rights, resulting from a government procurement, is a suit for money damages against the government before the Court of Federal Claims. 28 U.S.C. § 1498. See Diversified Technologies; Almon A. Johnson, Inc., B-236035, Nov. 6, 1989, 89-2 CPD ¶ 427, See also Wynn Baxter/Educational Training Concepts, B-197713, May 20, 1980, 80-1 CPD ¶ 349. Additionally, original jurisdiction over trademark disputes lies in the "district and territorial courts of the United States," not with our Office. 15 U.S.C. § 1121. Accordingly, our Office lacks jurisdiction to consider the issues raised in the protest.

Susan A. Poling  
General Counsel