

Program – 2012-2013 Year

September 24, 2012 – Woodcock Washburn
Organizational Meeting
Oct 16, 2012 - Morgan Lewis
Masters: George Frank & Steve Stanton
Topic: Transactional Fact Pattern: Professor Smith has been a professor at the University for twenty years. In his time at the University he has conducted research related to aerodynamic bullets. He has a number of patents directed to these bullets that he has developed throughout the years in his research at the University. All of these patents have been assigned to the University under their patent policy. Professor Smith decides to retire from teaching at the University and wants to start a company because he believes he is on the cusp of the next invention relating to aerodynamic bullets. Professor Smith incorporates a company called Guns Inc. Guns Inc. enters into an exclusive, royalty bearing license from the University to the patent rights Professor Smith developed while at the University. The company received a SBIR grant from the federal government that requires the company to license to the government patent rights for the government’s use. Outside the government’s use in defense, there is a great market in military applications (outside the US), police forces, and hunters for these bullets. A potential collaborator, Defense, Inc., meets with Gun Inc. to discuss the combination of the bullets with a specific gun chamber design that together would create a synergistic effect. The University wants to ensure that any rights it has in the patent rights to Guns Inc. are protected in this collaboration agreement and the government wants to ensure that it will have the ability to license this new gun. The University, representatives from the government SBIR department and Professor Smith sit down to discuss the structure of this new venture with Defense, Inc. and to discuss their positions on what rights each of the parties is currently entitled to under the agreements today and negotiate the rights and license structure for the collaboration agreement between Defense Inc. and Guns Inc. Please include any additional facts or infer various intellectual property rights that can be reasonable inferred from the fact pattern for purposes of your presentation.
November 28, 2012 – TBD
Masters: Gary Levin
Topic: International Exhaustion Fact Pattern: ABC Toys sells a product that comprises a stuffed dog with a book about the dog. The book/toy combination is sold outside the United States together and individually. In the United States, the book/toy combination is only sold as a combination. The holidays are coming up and this book/toy combination is the “hot” present in the United States, but is not as popular outside the United States. Seeing an opportunity to capitalize on this market, John incorporates John’s toys and starts buying the books from one wholesaler in Europe and the toy from another wholesaler in Europe. John combines the book and toy and ships to the US for the holiday sales. Each wholesaler is obtaining the products from ABC Toys parent, Toys, Inc. who is manufacturing the toys and books in China. ABC Toys is furious that John’s company is selling the combination in the United States and the president calls their lawyers to determine what causes of action they have against John’s company and the wholesalers in Europe. What are the various intellectual property rights that are included in this book/toy combination and does ABC Toys have a cause of action (trademark, copyright or patent, ITC proceeding) against John’s new company and/or the wholesalers? Please include any additional facts or infer various intellectual property rights that can be reasonable inferred from the fact pattern for purposes of your presentation.
January 16*, 2013 – Federal Courthouse (Ratner Prestia Sponsor)
Masters: John Marshall/Josh Cohen
Topic: Judge Specific: Judge Linn/Judge Schiller/Judge Goldberg – Need to confirm Judges Fact Pattern: Dependent on Judge Linn
February 13, 2013 – TBD
Masters: Ben Leace
Topic: Trademarks and Design Patents Fact Pattern: Jane has developed a new case for the iphone 5 that is in the early prototype stages. The case is made of a certain polymer which is impenetrable by water, has a specific design and includes the words PhonePhilm on the case in a design. She has been approached to be on the show Shark Tank and would like to discuss what intellectual property rights she has in her designs and the case prior to going on the show. Shark Tank is a reality show on tv where entrepreneurs present ideas to various business people that would like to invest in the idea/company. She would like to protect these designs and apply for all necessary patents and trademarks before appearing on the show. She comes into your office and would like to discuss the various rights she has in her designs and trademarks and the best way to protect such rights prior to disclosure on Shark Tank.

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March 20, 2013 – Drinker, Biddle and Reath

Masters: Michael Fein, Stewart Wiener, Stan Weinstein, Richard Gilly

Topic: Re-exam- Discuss the new Post Grant Review, Inter Partes Review and Supplemental Examination

Fact Pattern: ABC Manufacturing holds patents directed to its proprietary gum dispenser. It has recently developed an improvement on this process and was granted a patent this month (June 2014) on the improved gum dispenser. The patent application for this patent was filed on April 1, 2013. Candy Company is a main competitor of ABC Manufacturing and wants to challenge the validity of this improved gum dispenser as it believes it is not valid due to prior art. Because Candy Company also has a gum dispenser patent application that appears to be close to issuance, it wants its new gum dispenser to hit the market before ABC Manufacturing's. Candy Company's attorneys meet to discuss the options available to it for challenging ABC Manufacturing's improved gum dispenser patent. ABC Manufacturing knows that Candy Company and other competitors will most likely file a declaratory judgment action challenging the validity of this patent or file a reexamination. After looking through the file history, ABC Manufacturing finds an additional piece of prior art that the prosecuting attorney deemed not relevant enough to submit as prior art. There is debate internally on whether such piece of prior art is relevant or not.

The attorneys at ABC Manufacturing and Candy Company separately meet to discuss their reexamination options with respect to the patent and discuss the new rule changes in effect.

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April 17, 2013 – TBD

Masters:

Topic: Ethics

May – Social Meeting

TBD