Appellate Advocacy

The Chicago-Kent team of Brittany Kaplan ’18 and Evan Kline-Edelen ’18 won first place in the national finals of the International Trademark Association’s 2018 Saul Leukowtz Most Court Competition, held in March in the U.S. Court of Appeals for the Federal Circuit in Washington, D.C. Along with their first-place finish overall in the competition, the team earned the first-place award for best oral argument and the second-place award for best brief. Ashley Bouches ‘14, a partner at Bouches & McAuliffe, coached the team, with help from Professor Michelle Paul, director of Chicago-Kent’s Program in Intellectual Property Law. Before this national championship, teams


Established in 1980 by the International Trademark Association, the competition is named for the late Saul Leukowtz, former chairman of the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office. In honor of his contributions to the development of trademark law and to the education of the trademark law, the firm Dolores K. Hanna & SB set up an endowed scholarship in establishing the competition: the best brief award is named in his honor.

Scholarly Writing

Meaghan Fontein, a 2018 graduate of Chicago-Kent, won the International Trademark Association’s 2018 Ladies Memorial Award for her article “Digital Resurrections Forgotten by Whom? Remembering “Invention of a Slave, ”” published in the September 2017 issue of trademark reporter, the office Society Journal of the U.S. Patent and Trademark Office, to honor his contributions to the education of the trademark law. The late Dolores K. Hanna & SB set up an endowed scholarship in establishing the competition: the best brief award is named in his honor.

For the past 17 years, Chicago-Kent College of Law and Loyola University Chicago Law School have jointly sponsored and hosted the Chicago Intellectual Property Colloquium, which promotes discussion of a range of issues in intellectual property. Each year, during the spring break, faculty, practitioners, and students from Chicago-Kent, Loyola, and other law schools are invited to Chicago to present and discuss their current research projects before selected Chicago-Kent and Loyola students—known as the Chicago IP Colloquium Fellows.

For those of you who think this is a great system, I don’t know how you ever came to that conclusion.” — The Honorable William Alsup

Speaking in his personal capacity, Judge Alsup criticized aspects of the patent system that he contended hampered innovation, particularly patent lawsuits asserting numerous unenforceable claims by non-practicing entities. Judge Alsup praised the Supreme Court’s recent patent decisions as well as the America Invents Act’s establishment of intermediate review before the Patent and Trademark Office as offering helpful changes.

Judge Alsup outlined a now “showdown” procedure he devised for some of his cases that requires parties in patent cases involving numerous (potentially hundreds of) claims to select their best claim to defend or contest in the lawsuit. If the patent holder/plaintiff wins, a motion for an injunction against the defendant may be raised. If the defendant wins, a motion for fee shifting, in an exceptional case, against the patent holder may be raised.

The morning panels focused on patent cases from last year’s Term and offered analyses of Supreme Court trends in IP cases. Lawyers from the upcoming IP cases previewed their own cases. The afternoon sessions, organized with the help of PTMO Bar Association members, focused on the changing practice and procedures at PTAB in light of Supreme Court decisions and the PTAB’s proposed changes.

SCIRP 2018 was made possible in part by the generous support of law firm sponsors, including Goldberg & Rainier LLP, McDermott, Heftel & Malloy LLP, McDermott Will & Emery LLP, Berle, Bloch & Goldfarb LLP, Morgan Lewis & Burrill LLP, Polsinelli PC, and Seyfarth Shaw LLP, as well as the PTMO Bar Association.
Center for new Design, Law & Technology (c∆) Hosts inter disciplinary Event and New Series on “what Is Design?”

Chicago-Kent’s new Center for Design, Law & Technology (c∆) will host an interdisciplinary conference “An Evening of Design” on October 14. The conference, which was organized and co-sponsored by the Young Lawyers Committee of the Intellectual Property Law Association of Chicago (IPALC) and Chicago-Kent’s Intellectual Property Law Society, features a talk-style presentations by a range of speakers from different disciplines.

Professor Sarah Burstein, design principal of Stooskin, Alina Abbott, attorney from Banner & Witcoff; and Rotimi Sobi, an industrial designer.

Chef Edward Kim of Mott Street

The conference will culminate with a panel discussion consisting of the entire group of speakers, led by Professor Gervase Dinwoodie, co-director and co-founder, who will moderate a discussion on design and design protection.

The conference also has an upcoming speaker series that will focus on answering the question “what Is Design?” Speakers and creators from different disciplines will offer their answers to this basic question, which is fundamental to design law. The question is central to the scope of design protection, yet the answer may differ depending on one’s view of design.

Professor Sarah Burestein of the University of Oklahoma College of Law.

Meet Runhua Wang, Chicago Kent’s new Empirical IP Fellow

Dr. Runhua Wang: an interview with Dr. Runhua Wang.

Dr. Runhua Wang’s interests are in the areas of intellectual property law and policy, corporate finance, innovation, and entrepreneurship. Her research employs empirical methods, law and economics theories, and comparative analyses. She teaches legal writing for Chicago-Kent’s LL.M. Program in International IP Law.

Professor Edward Lee gave a talk on his empirical study of fair use in music copyright cases.}

Distinguished Professor Lori Andrews is an internationally recognized expert on emerging technologies. The ABA describes her as “a lawyer with a literary bent who has the scientific chops to rival the scientific elite.” Professor Andrews’ book, Threats to Individual and Institutional Privacy in the Digital World, describes her as “a lawyer with a literary bent who has the scientific chops to rival the scientific elite.” Professor Andrews has been ranked 15th in the most recent rankings of most-cited health law scholars in the United States (by Greg Sisk).

The partnership is an innovative collaboration between a leading organization of legal practitioners and an academic law journal. Professor Gary Reilly serves as faculty advisor to the PTAB section of the Journal. Editors-in-chief Ulises Solano ‘18 and Managing Editor Jamison Mitchell ‘18 oversee the student editors for the first issue featuring the PTAB section, and all involved helped to ensure a successful, on-time publication.

Distinguished Professor Lori Andrews was named the 2018 AALL Spectrum Article of the Year Award from the American Association of Law Libraries for her article “Stop Threats to Individual and Institutional Privacy in the Digital World.” Professor Andrews is an internationally recognized expert on emerging technologies. The ABA describes her as “a lawyer with a literary bent who has the scientific chops to rival the scientific elite.” Professor Andrews’ book, Threats to Individual and Institutional Privacy in the Digital World, describes her as “a lawyer with a literary bent who has the scientific chops to rival the scientific elite.” Professor Andrews has been ranked 15th in the most recent rankings of most-cited health law scholars in the United States (by Greg Sisk).

Chicago-Kent Journal of Intellectual Property is the official law journal of the PTAB Bar Association, published the fine eight PTAB Bar Association annual issue as an online 2018 issue, covering various PTAB-related issues such as appeal, subject matter, and recent cases.

In her widely acclaimed book The Right of Publicity: Protecting Performers in a Pac-Man World (Harvard University Press 2010), Professor Jennifer Rothman of Loyola Law School, Los Angeles, argues that the right of publicity has lost its

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Empirical IP Fellow Runhua Wang

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Dr. Wang has two bachelor's degrees, in industrial engineering and music, from Beijing University in China. She earned her J.D. from the University of Chicago Law School, where she was the first person to take the course " Zotero for Legal Research." She also earned an LL.M. in Japan and a J.S.D. in China.

Professor Gary Reilly, Managing Editor James Mitchell ’18, Professor Reilly & Professor Gary Reilly.

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Scholarly Writing

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For the past 17 years, Chicago-Kent College of Law and Loyola University Chicago School of Law have jointly sponsored and hosted the Chicago Intellectual Property Colloquium, which promotes discussion of a range of issues in intellectual property. Each year, during the spring semester, six nationally renowned IP scholars present their current research projects before selected Chicago-Kent and Loyola students—known as Chicago IP Colloquium Fellows.

Chicago IP Colloquium Hosts Six Nationally Recognized IP Scholars for 2019

March 12
Deepa Venkatan
Georgia State University, J. Mack Robinson College of Business

March 26
Annamaree Birdy
University of Wisconsin Law School

April 12
Madhavi Sunder
Georgetown University Law Center

Februay 12
Christopher Tira
University of Pennsylvania Law School

February 26
Kara Swanson
Northwestern University School of Law

January 29
Randal Picker
University of Chicago Law School

For more information, please visit www.kentlaw.iit.edu/ip.

— The Honorable William Alsup

Judge William Alsup Delivers Address at 2018 Supreme Court IP Review

The Honorable William Alsup of the U.S. District Court for the Northern District of California delivered the 2018 Supreme Court IP Review (SCIPR) Address at this year’s conference, which was the largest to date in its nine-year history. SCIPR is the premier conference in the country focused exclusively on intellectual property cases before the Supreme Court. This year, SCIPR convened leading experts from academia, practice, tech and pharmaceutical companies, and the USPTO. Find out more about the sessions and speakers at www.kentlaw.iit.edu/scipr.

Judge Alsup’s address, “Bridge of Many Passes: How One District Judge Manages Them,” offered a rare view into the docket of one of the most important judges for intellectual property law today. Judge Alsup provided over 35 trials in IP cases and hundreds more IP cases that settled before trial, including the ongoing high-profile case involving Oracle vs. Google and the trade secret case Waymo vs. Uber, which settled during trial.

“For those of you who think this is a great system, I don’t know how you ever came to that conclusion.” — The Honorable William Alsup

Speaking in his personal capacity, Judge Alsup criticized aspects of the patent system that he contended hampered innovation, particularly patent lawsuits asserting numerous unenforceable claims by non-practicing entities. Judge Alsup praised the Supreme Court’s recent patent decisions as well as the America Invents Act’s establishment of inter partes review before the Patent Trial and Appeal Board (PTAB) as offering helpful changes.

Judge Alsup outlined a new “showdown” procedure he devised for some of his cases that requires parties in patent cases involving numerous (potentially hundreds of) claims to select their best claims to defend or contest on the merits. If the patent holder/plaintiff wins, a motion for an injunction against the defendant may be raised at that time. If the defendant wins, a motion for fee shifting, in an exceptional case, against the patent holder may be raised.

The morning panels focused on patent cases from last year’s Term and offered analysis of Supreme Court trends in IP cases. Lawyers from the upcoming IP cases and practitioners from the previous term’s cases. The afternoon sessions, organized with the help of FDARIA Bar Association members, focused on the changing practice and procedures at the PTAB in light of Supreme Court decisions and the PTAB’s proposed changes.

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Dr. Wang has two bachelor's degrees, in industrial engineering and中文, from Beijing University of Aeronautics and Astronautics. She attended the University of British Columbia and University of Wisconsin-Madison for her master's and Ph.D. in industrial engineering and Chinese literature. She was an assistant professor at the University of Illinois at Urbana-Champaign College of Law. Her dissertation was titled "Trade Protection and Technological Innovation in China, for which she did a firm-level analysis for the IP regime, and published the first eight articles on PTAB-related topics. The journal is the most-cited health law scholar in the United States (by Greg Sisk).

Dr. Wang has been published in approximately 50 articles, books, and other works. For a list of recent publications, visit www.kentlaw.iit.edu/faculty/lorenz-andrews.

Distinguished Professor Lori Andrews

Emerging at the 50th Annual Meeting of the American Association of Law Libraries for her article "Privacy Threats to Individual and Institutional Privacy in the Digital World." Professor Andrews was also recognized as "a lawyer with a literary bent who has the scientific chops to rival the Supreme Court's recent decision in SAS Institute v. Maxxim." Professor Andrews is an internationally recognized expert on emerging technologies. The ABA Journal describes her as "a lawyer with a literary bent who has the scientific chops to rival the Supreme Court's recent decision in SAS Institute v. Maxxim." Professor Andrews was also recognized as "a lawyer with a literary bent who has the scientific chops to rival the Supreme Court's recent decision in SAS Institute v. Maxxim." Professor Andrews is an internationally recognized expert on emerging technologies. The ABA Journal describes her as "a lawyer with a literary bent who has the scientific chops to rival the Supreme Court's recent decision in SAS Institute v. Maxxim."
Distinguished Professor Lori Andrews examines the question of statutory paper on “Whole Designs,” which November 14, she will present her Law, who is a c∆ research affiliate, University of Oklahoma College of design.

of design protection, yet the answer their answers to this basic question, speakers, led by consisting of the entire group of presentations by a range of speakers from different disciplines: Rotimi Sobi, an industrial designer, Joyce Zeledon, design principal of Stoelzle, Alina Abbott, attorney from Bannister & Witcoff; and Christopher Caran, salaried partner of McAndrews, Held & Malloy.
The innovative conference will culminate with a panel discussion of fferone, an internationally renowned designer based in Chicago. Ferrone will give her perspective on design and the design process, from idea to production. Ferrone’s design work is deeply informed by her early experiences as an architect in Milan, where she first was taught ‘blue boundaries.’ In 1988, she founded Ferrone, her international interior brand. Produced in close collaboration with master artisans, Ferrone’s handcrafted furniture and products continue to blue boundaries, challenge archetypes, and products continue to blur boundaries. In 2010, she was first taught ‘blue boundaries.’ In 1988, she founded Ferrone, her international interior brand. Produced in close collaboration with master artisans, Ferrone’s handcrafted furniture and products continue to blur boundaries. In 1988, she founded Ferrone, her international interior brand. Produced in close collaboration with master artisans, Ferrone’s handcrafted furniture and products continue to blur boundaries.

Felicia Ferrone, designer and author of Review.
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from Chicago-Kent placed second in the national competition in 2016 and finished in fourth place in 2014 and 2017. Established in 1980 by the International Trademark Association, the competition is named for the late Saul Lefkowitz, former chairmen of the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office, in honor of his contributions to the development of trademark law and to the education of the trademark bar. The late Dolores K. Hanna ’58, an influential trademark attorney and former NTBA president, was instrumental in establishing the competition. The best brief award is named in her honor.

Scholarly Writing

Megahan Fournier, a 2018 graduate of Chicago-Kent, won the International Trademark Association’s 2018 Ladies Memorial Award for her article “Digital Resurrections: Trademarks, Trademark Protection, and the Lack of Intellectual Property Protection for Digitally Created Characterizations.” She wrote the paper under the guidance of Professor Graeme Dinwoodie, Chicago-Kent’s Global Professor of Intellectual Property Law. For her spring 2017 seminar on Advanced Trademarks, the article was published in the September 2017 issue of the Columbia Journal of Intellectual Property and subsequently reprinted in the September 2017 issue of the Intellectual Trademark Association. The article argues that the current framework for trademark law is inadequate to provide appropriate protection for characters created solely in digital form.

IP THOUGHT LEADERS

Chicago IP Colloquium Hosts Six Nationally Recognized IP Scholars for 2019

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March 12

Deepa Varadarajan, University of Illinois College of Law, spoke on the topic of trademark law and its role in protecting cultural heritage. Her talk focused on the challenges faced by trademark attorneys in protecting cultural symbols and the importance of considering cultural sensitivity when evaluating trademark applications.

March 26

Kara Swanson, Georgia State University, J. Mack Robinson College of Business, spoke on the topic of trademark law and its role in protecting cultural heritage. Her talk focused on the challenges faced by trademark attorneys in protecting cultural symbols and the importance of considering cultural sensitivity when evaluating trademark applications.

AIPR 09

Madhuri Sunder, Georgetown University Law Center, spoke on the topic of trademark law and its role in protecting cultural heritage. Her talk focused on the challenges faced by trademark attorneys in protecting cultural symbols and the importance of considering cultural sensitivity when evaluating trademark applications.

The 2019 speakers are:

- The Honorable William Alsup
  - Judge William Alsup Delivers Address at 2018 Supreme Court IP Review

Judge Alsup addressed "The IP Thought Leaders," a session that examined the intellectual property implications of recent Supreme Court decisions.

FEBRUARY 12

Randal Picker, University of Chicago Law School, spoke on the topic of patent law and its role in protecting innovation. His talk focused on the challenges faced by patent attorneys in protecting innovative ideas and the importance of considering the public interest when evaluating patent applications.

Similar Secrets (co-authored with Joseph Fishman)

Perla Mendez, University of Illinois College of Law, spoke on the topic of trademark law and its role in protecting cultural heritage. Her talk focused on the challenges faced by trademark attorneys in protecting cultural symbols and the importance of considering cultural sensitivity when evaluating trademark applications.

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