

Intellectual Property Practice One

Faculty: Eric Robbins, Esq. and Clayton Kuhnell, Esq., both partners at Ulmer & Berne

(both formerly at Dinsmore & Shohl, and UC College of Law, Class of 2001)

Grading: PASS/FAIL

The goal of this course is to introduce students to the ins and outs of what new lawyers practicing in the area of intellectual property are likely to be exposed to in private practice or a corporate setting. Particularly, this course will focus on many areas of intellectual property including patents, trademarks, copyrights and trade secrets and will include discussions and projects related to these IP topics, including for example, handling of confidential information, joint development issues, and due diligence reviews. This course will also address numerous other practical IP issues such as, for example, recognition of your client's IP rights, understanding how to protect those IP rights, and advising clients with respect to enforcement of IP rights.

Class 1: September 15- When do IP issues arise? When are IP rights needed? Who owns the IP? Strategies for protection and enforcement? Written project #1 assigned.

Class 2: September 22- Continuation of Class 1. Written project #1 due and discussed.

Class 3: September 29- Continuation of Class 2. Written project #2 assigned.

Class 4: October 6- Software presentation by Wayne Serra. Written project #2 due. Assign preparation for Oral Project #1.

Class 5: October 20- Written project #2 discussed. Conduct Oral Project #1 (JV Negotiation Exercise). Debrief.

Class 6: October 27- Due Diligence Process, Considerations. Oral Project #2 assigned.

Class 7: November 3- Conduct Oral Project #2. Debrief.

Class 8: November 10- Overflow. Probably not used.

Class 9: November 17- Overflow. Probably not used.

Written Projects:

1) Basic written CDA to potential vendor, investor, manufacturer, or acquirer. Partner comes to you, says we need this for our client.

2) Joint Development Agreement – students are asked to either draft or modify a joint development agreement (half of students on one side, other half on other side). Partner comes to you, says we need this for our client, make it bulletproof.

Oral Project:

1) After students prepare and turn in their JDA's, we will hand out respective fact patterns to each set of students which more accurately reflects the client's interests. We'll then have students negotiate their JDA's in light of their client's interests to reach an agreed upon JDA. Four concurrent negotiations with two students per team on each side of each negotiation.

2) Due Diligence Exercise – students develop and explain to mock partner and/or client outline strategy to assess IP portfolio and issues involved in acquisition of corporation. Company A wants to purchase Company B. Company A and B are in the same line of business. Software is involved. Transaction will be in cash.