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CENTER FOR INTELLECTUAL PROPERTY LAW

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THE
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Reasons to Study Intellectual Property at John Marshall

PREPARE FOR A CAREER IN A GROWTH FIELD OF LEGAL PRACTICE

Intellectual property practice is a rapidly growing field. Numbers of intellectual property interests being sought and enforced provide concrete evidence of the rapid growth in this area. For example, the number of patents sought in the United States more than tripled in the two decades from 1986 to 2006. Patent licensing and enforcement litigation also increased significantly in importance in this period. The number of patent lawsuits filed annually in the United States doubled in the 1990s. Increases in other intellectual property areas such as copyright and trademark acquisitions and litigation are also striking.

Intellectual property specialists are in demand in part because intellectual property interests now lie at the heart of many business enterprises. As summarized by one commentator:

[I]n the late 20th century and into this century, a new level of wealth creation has been occurring. In the present economic climate, the new industrial tycoons are not primarily in the steel and other types of traditional industries. In today's economic climate, valuation of companies is based more on the value of their intellectual property than on the value of harder assets, such as inventory, plants, and equipment. The real growth has been in the computer, telecommunications, pharmaceutical, and other related industries. Because the companies in these fields have committed enormous resources to the development of inventions and the products that accompany

them, they are also more than willing to commit enormous resources to protect their intellectual property.

A. Harrison Barnes, *Guide to Intellectual Property Law*, <http://www.bcgsearch.com/crc/ip.html>.

However, even as more parties have become interested in intellectual property rights, the nature of those rights has become more diverse and complex, creating even more need for intellectual property lawyers to help avoid and resolve related controversies. Rapidly changing modes of creative activity have produced more and more types of discoveries and creative works. Producers of these discoveries and works frequently need advice from intellectual property attorneys about how to avoid limitations in their creative efforts from the intellectual property rights of others. The originators of discoveries and creative products may also need legal advice on how to protect their new works by acquiring or perfecting intellectual property rights.

The trend here is clear — changing patterns of creativity raise new creative opportunities, commercialization paths, and potentials for rights conflicts, all of which increase the demand for intellectual property lawyers. These changes are affecting our legal system from top to bottom. As Sean Johnston, senior vice president and general counsel of Genentech has noted, “The number of patent ... cases being considered by the U.S. Supreme Court is unprecedented. It’s a reflection of how very important intellectual property has become in our economy and the world economy.”

STUDY WITH A TOP ACADEMIC TEAM

The Center for Intellectual Property Law at The John Marshall Law School has one of the deepest and most well-rounded teams of IP-oriented academics of any law school in the country. Our faculty members associated with the Center for Intellectual Property Law include:

Professor Richard S. Gruner is the Director of the Center. Professor Gruner is the co-author of two casebooks in the intellectual property field: *Intellectual Property in Business Organizations: Cases and Materials*, a 2006 text published by Lexis/Nexis that addresses the growing role of intellectual property in the founding, growth, and disposition of business enterprises, and *Intellectual Property: Private Rights, the Public Interest, and the Regulation of Creative Activity*, an intellectual property survey casebook published by West Publishing in 2007. His article on “Corporate Patents: Optimizing Organizational Responses to Innovation Opportunities and Invention Discoveries” was rated by the editors of *Intellectual Property Law Review* as “One of the Best Articles on Intellectual Property” published in 2005–2006. Prior to coming to John Marshall, Richard Gruner was on the faculty at the Whittier Law School in Costa Mesa, California, where he taught courses in patent law, computers and law, corporate law, and white collar crime. Before joining academia, Professor Gruner was an inside counsel to the IBM Corporation.

Professor William T. McGrath is the Associate Director of the Center. He is a partner in the Chicago law firm of Davis McGrath LLC and has practiced in the fields of intellectual property and business litigation since 1976. His primary areas of concentration are copyright, trademark, and computer law, as well as publishing law, entertainment law, trade secret law, software licensing, and other matters relating to the high-tech and information industries. Professor McGrath teaches courses in Copyright Law and Copyright Litigation in the graduate program. He is a past president of the Intellectual Property Law Association of Chicago and a past chair of the Patent, Trademark & Copyright Committee of the Chicago Bar Association. He has also served on the Board of Trustees of the Copyright Society of the USA and the Board of the Lawyers for the Creative Arts. Professor McGrath has published numerous articles on copyright law topics and authored two chapters on Copyright Law in *Intellectual Property Law*, a treatise published by IICLE in 2005. He is also on the editorial board of the *Journal of the Copyright Society of the U.S.A.*

Professor Doris Estelle Long is the Chair of the Intellectual Property, Information Technology and Privacy Group at The John Marshall Law School and the author of several books and articles in the area of intellectual property law. She teaches Copyright and Trademarks, Intellectual Property in the Global Digital Environment, Unfair Competition and Trade Regulation, International Intellectual Property Law, International Trademark Law, International Copyright Law (LLM), Patent Law (LLM), and Intellectual Property, Globalization, and the Internet (LLM). Before joining the faculty of The John Marshall Law School, Professor Long was an attorney for over 14 years with the Washington, D.C., law firms of Arent Fox Kintner Plotkin & Kahn, and Howrey and Simon where she specialized in the areas of intellectual property, unfair competition, entertainment, computer and commercial law. She is a frequent lecturer in the areas of intellectual property law, e-commerce, and culture and technology. She has been actively involved in training intellectual property enforcement officials in the nations of the former Soviet Union under the auspices of the Federal Judicial Center and has served as a consultant on IP rights protection and enforcement matters for diverse foreign government agencies under the auspices of the US Department of Commerce Commercial Law Development Program and the US State Department International Information Programs. In 2000, Professor Long served as an attorney advisor in the Office of Legislative and International Affairs of the US Patent and Trademark Office where she helped negotiate the IPR Enforcement Sections of the Jordan Free Trade Agreement (among others), participated in various bilateral consultations, and had responsibility for international IP enforcement issues, including TRIPS compliance, and WTO accessions. She served as a Fulbright Professor at Jiao Tung University in Shanghai in 1998, where she taught International Intellectual Property Law and International Business Transactions.

Professor Robert Jay Nye is the author of *Business Franchise Law: Cases and Materials*, published by Carolina Academic Press. He teaches courses in Business Franchise Law, International Business Franchise Law, Agency and Unincorporated Business Entities, Contracts, Illinois Civil Procedure, Secured Transactions, and Remedies. Professor Nye represents The John Marshall Law School on the steering committee of the Chicago Consortium for Higher Education and has chaired the Chicago Bar Association’s Committee on Science and Technology.

Professor David Schwartz teaches courses in Patent Law, Trade Secret Law, Intellectual Property Law Survey, Intellectual Property Litigation, and Civil Procedure. Prior

to joining the John Marshall faculty, Professor Schwartz was an associate with the Chicago law firm of Jenner & Block, focusing on intellectual property law matters. Professor Schwartz was also a partner at an intellectual property boutique law firm in Chicago. Professor Schwartz is registered to practice as a patent attorney before the U.S. Patent and Trademark Office. He has also served as an adjunct professor at the University of Illinois Law School, where he taught advanced patent law.

Professor William K. Ford teaches Unfair Competition and Trade Regulation, Copyright and Trademark Law, and Video Game Law. Prior to

joining the John Marshall faculty, Professor Ford was an intern at the U.S. Supreme Court in the Office of Administrative Assistance to the Chief Justice. He served as an associate in the Los Angeles law firm of Irell & Manella, specializing in intellectual property matters. Professor Ford was also a Bigelow Teaching Fellow and Lecturer in Law at the University of Chicago Law School. His article, “Judging Expertise in Copyright Law,” was published in the *Journal of Intellectual Property*, and a second co-authored article on “The Phantom Philosophy? An Empirical Investigation of Legal Interpretation” was published in the *Maryland Law Review*.

BENEFIT FROM PRACTICAL EDUCATION BY EXPERIENCED ADJUNCT PROFESSORS

The Center for Intellectual Property Law at The John Marshall Law School benefits from a highly experienced and knowledgeable group of judges and practitioners who serve as adjunct professors in our program. The exceptional adjunct professors who have recently taught courses at John Marshall include:

Meredith Martin Addy
Partner
Brinks Hofer Gilson & Lione
Substantive Patent Law I

Vicki Elaine Allums
Associate General Counsel
Defense Information Systems
U.S. Department of Defense
Globalization, IP and the Internet

Cory Aronovitz
Principal
Casino Law Group
Gaming Law

Mark T. Banner
Partner
Banner & Witcoff
Master Class on Adv. Topics in Patent Law

Beverly A. Berneman
Partner
Querrey & Harrow
Bankruptcy & Security Interests in IP

John Bostjancich
Partner
Smart & Bostjancich
Copyright Law & Practice

Mary K. Braza
Partner
Foley & Lardner, LLP
Sports and the Law

David J. Bremer
Patent Agent
Sabre Technical Services
Corporation
Patent Clinic

David C. Brezina
Partner
Barnes & Thornburg
Antitrust and Misuse Aspects of IP

Lisa A. Carroll
Staff Attorney
Applied Systems Inc.
Law of Patents

Stacy Chronopoulos
Trademark Attorney
William Wrigley, Jr. Company
IP Paralegal Course

Helen S. Cordell
Former Chief Patent Counsel
Argonne National Laboratory
Of Counsel
Emrich & Dithmar
IP Licensing

Jeffery M. Cross
Partner
Freeborn & Peters
Business Franchise Law

Jeffery M. Duncan
Partner
Brinks Hofer Gilson & Lione
Substantive Patent Law I

Jesse M. Feder
Director of International Trade and Intellectual Property
Business Software Alliance
International Copyright Law

Dr. Lulin Gao
Former Commissioner of Chinese
Patent Office and Founding
Commissioner, State Intellectual
Property Office (SIPO)
People's Republic of China
*Master Class on Patent Law and
Practice in China*

Raymond I. Geraldson Jr.
Partner
Pattishall McAuliffe Newbury
Hilliard & Geraldson
*Trademark Law
Unfair Competition Law*

Jerry W. Glover
Former Senior Vice President
& General Counsel
WTTW/Chicago
Partner
Entertainment &
Intellectual Property
Group, LLC
Entertainment Law

Robert F. Green
Partner
Leydig Voit & Mayer Ltd.
Substantive Patent Law I

Christopher T. Griffith
Partner
Leydig Voit & Mayer Ltd.
Patent Office Practice

David A. Haas
Vice President
CRA International
*Master Class on
Valuation of IP*

R. Mark Halligan
Treatise Author
Partner
Lovells
*Trade Secrets Law
Trade Secret Litigation*

Eldon Ham
Co-Founder
Gameplan, Inc.
Sports and the Law

Brent Hawkins
Partner
McDermott Will & Emery
Intellectual Property Law

Brendan J. Healey
Partner
Mandell Menkes LLC
Legal Writing for the IP Practice

Hon. James F. Holderman
Chief Judge
U.S. District Court
Northern District of Illinois
Trial Advocacy for IP Attorneys

Jonathan Jennings
Partner
Pattishall, McAuliffe, Newbury,
Hilliard & Geraldson
*Right of Publicity & Protection of
Personality*

Salvador K. Karotki
Senior Intellectual Property Counsel
The Tribune Company
Legal Writing for the IP Practice

Dr. Gerd F. Kunze
Past President
International Association for
the Protection of Intellectual
Property
Of Counsel,
Walder Wyss & Partners
Zurich, Switzerland
*Master Class on Adv. International
Trademark Law*

Jerome S. Lamet
Former Assistant Regional Director
Federal Trade Commission
Principal
Lamet & Associates
Advertising Law

Michael Lufrano
Vice President & General Counsel
Chicago Cubs
Publishing Law

John J. McDonnell
Partner
McDonnell Boehnen Hulbert &
Berghoff
Biotechnology Patent Law

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Treatise Author
Partner
Davis McGrath LLC
*Copyright Law & Practice
Copyright Litigation*

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Patent & Trade Secret Law

Molly Mosley-Goren
Formerly Of Counsel
Fish & Richardson
Substantive Patent Law I

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Hilliard & Geraldson
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Trademark Transactions*

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Patent Litigation

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Charles W. Shifley
Partner
Banner & Witcoff
*Master Class on Appellate
Practice and Procedure*

Catherine Simmons-Gill
Past President
International Trademark
Association
Former General Counsel
General Media International
International Trademark Law

Robert E. Sloat
Former General Patent Attorney/
Licensing Manager
British Petroleum/Amoco
Intellectual Property Licensing

Patricia S. Smart
Partner
Smart & Bostjancich
Copyright Law and Practice

William A. Streff, Jr.
Partner
Kirkland & Ellis
*Master Class on Appellate
Practice and Procedure*

Angela Washelesky
Partner
Reed Smith Sachnoff & Weaver
Advertising Law

Steven Weissman
Associate General Counsel
Time, Inc.
Publishing Law

John M. White
Of Counsel
Liniak Berenato Longacre
& White
*Patent Law: Statutory &
Regulatory Fundamentals*

EXPERIENCE A RICH INTELLECTUAL PROPERTY COMMUNITY

Since the initiation of its intellectual property specialty program in 1940, The John Marshall Law School has been the focal point for presentations and analyses of intellectual property issues by many of the country's judicial, governmental, and legal community leaders. These contributions by the figures who shape intellectual property laws have not only enriched the educational experience of our students, they have significantly added to the support that The John Marshall Law School provides to intellectual property practitioners in Chicago and throughout the country. Significant legal leaders who have participated in intellectual property programs at The John Marshall Law School in recent years include:

- 1) United States Supreme Court Justice John Paul Stevens visited John Marshall as the first Beverly W. Pattishall Distinguished Lecturer in Trademark Law.
- 2) Chief Judge Paul R. Michel of the United States Court of Appeals for the Federal Circuit has been a frequent visitor to John Marshall, teaching Master Classes on Effective Oral Advocacy, Persuasive Brief Writing, and Preliminary Injunctions.
- 3) United States Secretary of Commerce (and John Marshall alumnus) William M. Daley delivered the Inaugural address for the Howard T. Markey Distinguished Lecture in Patent Law.
- 4) Assistant Secretary of Commerce and Commissioner of Patents and Trademarks Q. Todd Dickinson (a member of the Center for Intellectual Property Law's Advisory Board) spoke to a patent law class.
- 5) Register of Copyrights Marybeth Peters (a member of the Center for Intellectual Property Law's Advisory Board) was a featured speaker at the Center's 65th Anniversary Celebration Program.

- 6) Executive Vice President of Law and Corporate Affairs for the Microsoft Corporation (and current ABA President) William H. Neukom spoke at John Marshall on “The Importance of the Rule of Law and Intellectual Property Rights in the Economy of the 21st Century.”
- 7) President of Touchstone Television Studios and Executive Vice-President of ABC Entertainment Television Group Mark Pedowitz (also a John Marshall alumnus) spoke on “The Art of the Deal.”
- 8) Acting Chief Judge of the Beijing No. 1 Intermediate People’s Court Zhang Guangling (also a John Marshall alumnus) is one of many visiting judges and attorneys from the People’s Republic of China who have spoken at John Marshall.
- 9) Noted Professor and Patent Law Treatise Author Donald Chisum delivered a Howard T. Markey Distinguished Lecture in Patent Law on “The Patent System: The Best of Times or the Worst of Times?”
- 10) Assistant General Counsel of Motorola and Director of Patents, Trademarks and Licensing Jonathan P. Meyer delivered a Howard T. Markey Distinguished Lecture in Patent Law on “The Changing Views of Intellectual Property at Large Companies.”
- 11) Senior Vice-President and General Counsel of Eli Lilly & Company Robert A. Armitage delivered a Howard T. Markey Distinguished Lecture in Patent Law on “The Conundrum Confronting Congress: The Patent System Must Be Left Untouched While Being Radically Reformed.”
- 12) Donald R. Dunner of Finnegan, Henderson Farabow Garrett & Dunner LLP, the nation’s largest firm dedicated solely to intellectual property law, has spoken at a number of programs presented by the Center for Intellectual Property Law and is also a member of the Center’s Advisory Board.
- 13) Morton David Goldberg, a nationally and internationally recognized copyright expert, spent a week at John Marshall as a Visiting Distinguished Practitioner, during which time he spoke on “Gimme Some Music: The Role of Napster in Copyright History,” visited several classes, and spoke to students at an evening session sponsored by the Intellectual Property Law Society.

- 14) The Honorable Matthew F. Kennelly, U.S. District Court for the Northern District of Illinois, presented a program on “Patent Claim Construction in the Eight Years since *Markman v. Westview Instruments* — Can This Flawed System be Fixed?”

GAIN INSIGHTS ABOUT THE FUTURE OF INTELLECTUAL PROPERTY LAW FROM THE COUNTRY’S LEADING ACADEMICS

Intellectual property law is a fast-moving field where the insights of academic researchers about trends and likely future developments are critical in assessing the scope of intellectual property rights and restrictions tomorrow. Fortunately, The John Marshall Law School has benefitted from academic presentations by many of the country’s leading professors in the IP field. Professors who have recently presented their work at conferences at John Marshall include:

Conference on Innovation and Its Discontents

- Professor Margo Bagley
Emory University School of Law
- Professor Cynthia Ho
Loyola University Chicago School of Law
- Professor Timothy Holbrook
IIT/Chicago-Kent College of Law
- Professor Christopher Holman
University of Missouri – Kansas City School of Law
- Professor Adam Jaffe
Brandeis University
- Professor Jay Kesan
University of Illinois College of Law
- Professor F. Scott Kieff
Washington University in St. Louis College of Law
- Steven G. Kunin
George Mason University School of Law
- Professor Kimberly Moore
George Mason University School of Law
- Professor Katherine Strandburg
DePaul University College of Law

Professor Toshiko Takenaka
University of Washington School of Law

Conference on Creative Processes and the Public Domain

Professor Ann Bartow
University of South Carolina School of Law

Professor Michael Carroll
Villanova University School of Law

Professor Julie Cromer
Thomas Jefferson School of Law

Professor Dennis Karjala
Arizona State University College of Law

Professor Roberta Kwall
DePaul University College of Law

Professor Llewellyn Gibbons
University of Toledo College of Law

Professor Kembrew McLeod
University of Iowa School of Law

Professor Jerome Reichman
Duke University School of Law

Professor Diane Zimmerman
New York University School of Law

Conference on Taxation of Intellectual Property

Professor David L. Cameron
Northwestern University School of Law

Professor Jeffrey Maine
University of Maine School of Law

Professor Xuan-Thao Nguyen
Southern Methodist University Dedman School of Law

STUDY WITH IP STUDENTS FROM AROUND THE WORLD

By virtue of having provided instruction in IP law for more than 65 years, The John Marshall Law School has acquired a world-wide reputation for excellence in IP education. As a result, the school has attracted a substantial number of students from all parts of the world to come to Chicago and study IP law in the United States. For example, for over a decade, the Center for Intellectual Property Law at John Marshall has provided LLM training in intellectual property to patent examiners from the Chinese State Intellectual Property Office (SIPO). Many of these John Marshall graduates are now in management positions within the SIPO or are partners in IP specialty law firms within China. Numerous JD and LLM students from John Marshall have received fellowships and gained working experiences in major IP law firms and offices in Beijing and Taipei each summer for the past several years.

By studying IP law at John Marshall, you will have a chance to meet and learn with students having diverse legal backgrounds from around the world, but a shared interest in IP law and its impact on creative activities. While the backgrounds of our students vary somewhat from year to year, in the last five years students have come to John Marshall to study IP law from Argentina, Brazil, the Czech Republic, Colombia, Germany, India, Korea, Lebanon, Mexico, Panama, Taiwan, Thailand, and Turkey. While here, they have both benefitted from and contributed to the rich multi-cultural environment that John Marshall and the City of Chicago have to offer. Many of our LLM graduates are now teaching in IP programs in prestigious educational institutions overseas.