

Fall 2020  
**First Assignment**

<b>Name</b>	Prof. Jessica Fajfar; Professor Cliff Kuehn
<b>Course</b>	Internet and IP Justice Clinic (IIP)
<b><u>Required Text/Reading</u></b>	<p>-You should refer to the USPTO Trademark Manual of Examining Procedure (TMEP) found at:  <a href="http://tmep.uspto.gov/RDMS/detail/manual/TMEP/current/d1e2.xml">http://tmep.uspto.gov/RDMS/detail/manual/TMEP/current/d1e2.xml</a>, when working on cases and completing assignments. You will find the answer to any TM questions in the TMEP, so you should be familiar with accessing it and searching through it when you have a question. Also, the uspto.gov website has great resources, including instructional videos. I suggest browsing through the trademark portion of the website.</p> <p>-Practical Law is a great resource that has many different types of agreement templates. For access to Practical Law Company materials go to Westlaw and click on the Practical Law Company link on the main page. You will be given reading assignments in Practical Law throughout the semester.</p> <p>-Types of Entities Readings (see attached) - IP is crucial to the start-up world and we have many requests from startups for IP help. In order to get a better understanding of the world of start-ups as a whole, it will be essential for you to understand the differences between different business entities. It is also essential that all trademarks be filed in the name of the correct owner, which can be a business entity, individual or two or more individuals (i.e., partnership), so, again, it is very important that you have some background in the differences in business entities.</p> <p>-Westlaw and LexisNexis: These two databases will be essential when researching case law, trademarks, and secondary sources. Through these databases, you will be able to search for Trademark Trial and Appeal Board (TTAB) cases, state and international trademarks, McCarthy on Trademarks (only through Westlaw) and other important treatises, such as Callmann on Unfair Competition, Trademarks, and Monopolies</p>
<b><u>1<sup>st</sup> Assignment</u></b>	<p><b>First Assignment TMEP Readings: DUE FIRST DAY OF CLASS August 24, 2020</b></p> <p>You need to be familiar with the resources you have at hand. This is a practical learning experience, and you may not learn everything you need to know in class. One of the most valuable skills as a lawyer is the ability to spot the issues and know where to find the answer, if you do not know it right away. The Trademark Manual of Examining Procedure (TMEP) is an amazing resource that has all information you need to know about prosecuting trademarks. You need to be accustomed to referring to the TMEP when you have a question (believe me, you will find the answer in the TMEP). Please find the TMEP by searching through the USPTO website at <a href="http://www.uspto.gov">www.uspto.gov</a>. A link to the TMEP along with many other valuable</p> <p><b>Monday, August 24, 2020, please read the following sections in the TMEP:</b> 1207.01; 1207.01(a); 1207.01(a)(i); 1207.01(a)(ii); 1207.01(a)(iii); and 1207.01(b) through 1207.01(b)(v). Also read 37 C.F.R. § 11.101-11.110, which you can access at: <a href="https://www.law.cornell.edu/cfr/text/37/11.101">https://www.law.cornell.edu/cfr/text/37/11.101</a> (press "next" to get to the next section).</p>

	<p>We will also discuss signature requirements, which are set forth in section 611 of the TMEP.</p> <p><b>First Assignment-Using Practical Law: DUE FIRST DAY OF CLASS</b>  For the first day of class, go to Practical Law and start to search for documents or notes regarding topics that you believe would be important for you to know as a start-up lawyer working for a new company. List the title of 3 documents that you found in your search, browse through the documents, and provide your reasoning as to why you believe such information is important for you to know as a lawyer for a start-up company (1-3 sentences per document you list). Please send it to <a href="mailto:jlfajfar@usfca.edu">jlfajfar@usfca.edu</a> by the first class.</p> <p><b>First Assignment-Understanding Likelihood of Confusion-In re Luna Cycle: DUE FIRST DAY OF CLASS</b>  After reading the TMEP sections, read the Trademark Trial and Appeal Board (TTAB) decision in In re Luna Cycles (see attached).</p> <p><b>--First Assignment-Understanding Different Business Entities: REFERENCE FOR CLINIC</b> Please review the basic overview of business entities (attached) and refer to it throughout the Clinic. Again, it is essential that you understand basic business entity differences.</p> <p><b>-TM Clearance Exercise—DUE SATURDAY, August 29</b> You MUST complete the Trademark Clearance and Office Actions Required Assignment by no later than <b>Saturday, August 29 by 11:59 pm by emailing Professor Fajfar at <a href="mailto:jlfajfar@usfca.edu">jlfajfar@usfca.edu</a></b>. This assignment will take quite some time to complete and <b>you should allocate about 6 hours</b> to completing the assignment. You must do the assignment in order from top to bottom or else you will miss certain steps. <b>If you do not complete the full assignment by the due date you will not receive credit for the course.</b> We suggest that you complete at least half before the first day of class. And please do not rush through this assignment, as this will lay a foundation for all cases this semester. <b>If you have any questions about the assignment, you must contact Prof. Jessica Fajfar at <a href="mailto:jlfajfar@usfca.edu">jlfajfar@usfca.edu</a> BEFORE the due date. No extensions will be granted.</b></p>
<u>Note to Students</u>	<p>If you have questions or email Prof. Jessica Fajfar at <a href="mailto:jlfajfar@usfca.edu">jlfajfar@usfca.edu</a> or our Clinic Administrator, Heidi Tate, at <a href="mailto:lawclinic@usfca.edu">lawclinic@usfca.edu</a>. You can always reach Prof. Jessica Fajfar at 415-999-6519 (text is fine as well).</p>