



Gregory Lars Gunnerson

Intellectual Property Attorney

MLB Pitcher Re-Files Lawsuit

Against Astros Alleging Misappropriation of Trade Secrets

On the 14th of May, Mike Bolsinger **refiled his lawsuit** against the Houston Astros. This time, Bolsinger names only Houston Astros, LLC as the sole defendant. Bolsinger alleges his signs are trade secrets under Texas' Uniform Trade Secrets Act.

If you recall, the Houston Astros sign stealing scandal resulted from a series of rule-breaking actions by the Houston Astros of Major League Baseball, whereby members of the Astros used technological aids to steal signs of opposing teams during the 2017 and 2018 seasons. Bolsinger, then playing for the Toronto Blue Jays, has not pitched in the majors since allowing four runs and four walks while garnering only one out during a blowout loss to the Astros on August 4, 2017.

According to a confidential document obtained by ESPN, any individual who utilizes electronic devices or visual-enhancement devices during the game to identify, communicate or relay the opposing team's signs or pitch information will be subject to discipline, according to a confidential document obtained by ESPN.

Bolsinger has since garnered evidence suggesting of the twenty-nine pitches he threw, a dozen of them were preceded by trash can banging. Trash can banging is the means of communication the Astros used to signal which pitch was about to be thrown. Moreover, fan Tony Adame has apparently compiled data that revealed the Astros used trash can banging a season high of 54 times during the August 2017 contest between the teams.

Bolsinger's personal grievances with the Astros surfaced only after Bolsinger learned of the depths of the sign stealing scandal. Bolsinger, who states he had formerly accepted responsibility for his performance, detailed his reasons for changing his opinion on that subject in a **Washington Post opinion** dated February 14, 2020.

Bolsinger's first case, which was filed in California, was dismissed because there was not sufficient contact between the August 4, 2017 contest, Bolsinger, the Astros, and California. The judge feared Bolsinger was simply trying to take advantage of lingering resentment of Los Angeles Dodgers fans held as a result of the Astros defeating the Dodgers in the 2017 World Series. The theory is that such resentment could cause potential jurors

to render a biased verdict if given the chance.

With respect to his current claims, Bolsinger must hurdle the fact that signs given by a catcher to the pitcher can be seen by bystanders sitting in the outfield, opposing team runners at second base, and the second base umpire. Legally, Bolsinger will likely have to establish (1) that his signs included information that derive independent economic value; (2) were not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure; and (3) that he took reasonable efforts under the circumstances to maintain the secrecy of his signs.

It is also unclear whether Bolsinger owns/possesses his signs, rather than the Blue Jays. This may be another important key in maintaining standing in the case and surviving dispositive motions. Presently, Bolsinger's complaint states only: "Plaintiff Bolsinger owned, possessed, or had the right to immediate possession of the signs used by Plaintiff Bolsinger and the Toronto Blue Jays on August 4, 2017, which was confidential information and thus a form of personal property."

It is unlikely relief for Bolsinger's claims will be quickly realized. Instead, it appears Bolsinger's chances of success will increase if Bolsinger can survive dispositive motions, garner more evidence through the discovery process, and approach his lawsuit one inning at a time. If Bolsinger can continue to get outs throughout the legal process, the Astros may be pressured into a position where they are more likely to negotiate a settlement favorable to both parties.

Warning



Mark D. Hansing

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Copyrights and Distance Learning

I. THE ISSUE

Can teachers or educational institutions use the copyrighted work of others without permission in either a live or on-line classroom?

II. SHORT ANSWER

Sometimes yes. Many times, no.

III. WHY?

Exceptions for educational purposes are narrower than many assume, whether live classroom teaching or digital on-line remote teaching.

IV. DISCUSSION

A. The idea that "fair use" applies to anything used by teachers is a myth.

The general rule is that a copyright owner can sue for infringement for any use of copyrighted content without permission. Thus, the safest practice is to never use someone else's content (writings, pictures, art or graphic

work, sound recording, video, etc.) without express written permission of the copyright owner. This is why much of traditional education content is taught with purchased textbooks. The publisher has obtained written permissions.

The copyright law certainly recognizes there are circumstances where having to seek prior permission is “unfair”. Sometimes there is not enough time for permission—a television station newscast showing an image of a copyrighted painting that has just been stolen probably is “news reporting” fair use.

B. What is “fair use”?

The 1976 U.S. Copyright Act, 17 U.S.C. § 107 defines “fair use”. It even mentions “non-profit educational purposes”. The problem is that fair use is a defense to a charge of copyright infringement. The person accused of infringement has the burden of proof. You cannot just decide your use is fair use. It only helps you if you get sued and you get a judge or jury to agree that it is.

Furthermore, copyright fair use requires a balancing of at least four factors:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.
2. The nature of the copyrighted work.
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

As can be appreciated, there are no bright lines here. And the person arguing the use is “fair” has the burden to prove a balancing of these factors tilts clearly to him/her. This can be difficult, particularly when courts tend to put most weight on factor 4—whether the person claiming fair use is unfairly denying the copyright content owner to make a reasonable commercial return on its content. Consider the following example.

A teacher uses one of the copyrighted “HARRY POTTER” books to study writing styles in an on-line writing class. It is non-profit educational use (factor 1). It is a wildly popular work to study writing style and genre (factor 2). Only one chapter of the book was copied (Factor 3). Students interested in the whole story would buy the complete book (Factor 4). All that is a reasonable “fair use” argument.

However, J.K. Rowling’s publisher could argue the opposite. The book is highly original fiction and not non-fiction (Factors 1 and 2), copying of a whole chapter is excessive (factor 3), and it certainly could affect the commercial value of the book (factor 4).

In short, whether or not related to education, fair use is not a blanket, bright-line exception to copyright infringement. Any reliance on fair use carries uncertainty and risk.

C. Copyright law tries to help teachers, but the main exception has limitations because it only applies to “face-to-face” teaching.

There is an explicit exception for teachers. The Copyright Act of 1976, 17, United States Code Section 110 exempts from copyright infringement (emphasis added):

“...performance or display of a work by instructors or pupils in the course of **face-to-face teaching activities** of a **nonprofit educational institution**, in a classroom or similar place devoted to instruction,



unless, in the case of a motion picture or other audiovisual work, the performance, or display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made....”

But note the significant limitations:

1. The copyrighted content can only be performed or displayed; copies cannot be made and passed out to students. In other words, a teacher can bring a copyrighted photograph of President Eisenhower the teacher has obtained with permission, and show it to students in a live classroom during teaching about it. The teacher cannot make copies or pin it to bulletin board outside the classroom door. Interestingly, it might allow a teacher to recite a copyrighted poem, sing a copyrighted song, or act out a copyrighted scene of a play (“performance”). This does not apply to a school-wide or public event. It gets trickier regarding showing a copyrighted movie or playing a copyrighted song from a CD. First, as the statute says, it must be a legal copy. Someone must have bought the movie or song from a legitimate source (it cannot be an unauthorized copy). Second, it might not apply if the movie is on a DVD or streamed, or the song is on a CD or downloaded. Many courts have held that even if the DVD, CD, or streaming/downloading service is legally obtained or accessed, each time the movie or song is played, a digital copy is moved to the machine playing it and, therefore, this is not just “performance” or “display”, but making a copy--and that is not permitted without express permission by the copyright owner.

2. The copyrighted content can only be used in face-to-face teaching with students; the exception does not apply to on-line or remote teaching. This law was created in 1976, which was before the Internet as we know it today. However, the statute is explicit. Face-to-face teaching only. Unfortunately, it is likely that the explosion of on-line or remote education during the COVID-19 pandemic will result in a lot of liability. It is important to know that a copyright owner can sue the teacher that infringes and, if relevant, the school that employs the teacher. The law says both teacher and school can be jointly and severally liable—meaning teachers risk personal liability for any money awarded for infringement. Furthermore, if the copyrighted content is registered with the U.S. Copyright Office, it allows the copyright owner to ask for between \$750 and \$30,000 for each infringed work. If it can be proved the infringement was “willful” (i.e., with knowledge there is copyright in the content, or should have known likely copyrighted), these amounts can be increased, and the teacher and/or school forced to pay the copyright owner’s attorneys’ fees. Those fees alone can be thousands of dollars.

3. The activity must be that of a non-profit school; it does not apply to for-profits. The proliferation of for-profit educational institutions, both bricks-and-mortar and virtual classrooms, makes this limitation quite pertinent. Think about on-line teaching. The school itself might be non-profit. But the distance-learning software or company that facilitates remote teaching might be for-profit.

Thus, this statutory “teaching” exception is quite narrow.

D. Congress tried to expand for distance learning, but it has more limitations than “face-to-face” teaching

In 2002, Congress recognized the ambiguities that Section 101 had regarding distance learning. They passed what is named the Technology Education and Copyright Harmonization (TEACH) Act. It was in the form of an amendment to Section 110 to add a new sub-section “b”. On the one hand, it specifically expanded the ability of non-profits to “perform” and “display” certain copyrighted content that was transmitted in digital form. On the other hand, because of the greatly increased risk of abuse that comes with digital content, the TEACH Act is subject to more limitations than uses permitted under the face-to-face exemption.

It is not possible in this article to itemize these specifics. But it is important to be aware that any teacher or educational institution should become fully informed of and comply with the more stringent requirements of the TEACH Act. For example, there is a difference between “on-demand” distance learning (the student can access pre-recorded or pre-stored content at their time of choosing) versus a live web-meeting type session between a teacher and a number of remote students. The latter is more of a “face-to-face”, but virtual, classroom. The rules are different than the TEACH Act. Therefore, many of these live webinar courses are likely not in compliance with copyright law. Remember that the potential penalties of copyright infringement can be severe, and implicate both teacher and institution. Just because an institution requires a teacher to have an on-line class does not mean the teacher is off the hook for liability.

Thus, even the recognition of need for guidance in this area, the TEACH Act is narrow. But as importantly, it creates uncertainty and risk.

E. Practical Considerations Related to These Times

The strictness of copyright law can certainly be questioned, particularly to activity like non-profit education. However, it must always be remembered that Congress had its reasons. They skewed Copyright law towards authors, artists, photographers, and musicians because of unequal bargaining power. It is hard for a struggling musician to control and make money on his/her song when digital copies can be made as the same quality as the original and distributed without permission, and music recording and distribution companies would require sometimes one-sided agreements. It is hard for a text-book author to earn a living without those restrictions.

However, one can hope that, at least during a pandemic, copyright owners would exercise some restraint in pursuit of teachers and schools. One example is J.K. Rowling. She granted what is called an “open temporary license” for the 2019-2020 school year. It was her express permission to non-profit schools to read her books aloud and to display the Harry Potter videos without charge during this time. See, “Harry Potter at Home: Temporary Open License for Teachers”. Once expired, these materials will become restricted again.

One can imagine that courts might be willing to apply “fair use” principles more liberally during these times. But there is nothing explicit in the fair use statute of this nature (e.g., a force majeure type exception). The four fair use factors could allow a court some leeway, particularly when current lack of access to libraries and print sources exist.

Also, once the present crisis has lifted, there may be more incentive for copyright owners to pursue compensation. Thus, it will become even more important, from a risk management point of view, to comply with the Copyright Act and the TEACH Act provisions in any educational context. This is particularly true when distance learning as a mode of teaching is likely to proliferate even after the pandemic has passed.

Avoiding Claims of Copyright Infringement



Christine Lebron-Dykeman

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For Use of Creative Work on the Internet

Some things are worth repeating... just because a photograph, image, or song is on the Internet does not necessarily mean that it is available for use for free.

This issue arises often—via individuals, small business, and large corporate entities. Perhaps you are writing a blog post and remember an image you saw online that would work perfectly because as they say, a picture is worth a thousand words. Or perhaps you are posting something on social media and want to use a photograph you saw on another entity’s webpage. Or your company is developing a webpage and uses images from

other websites as “place holders” with the intent to replace them before going public with your page, but simply forget to do so. Or you use a song as background in your social media post. Then weeks, months, or years later you receive a Demand letter advising that you are infringing a copyright and demanding payment of anywhere between several hundred and several thousand dollars. If you are unable to prove a legitimate defense, you are likely to have to pay the demand or negotiate a lesser amount, but rarely will you be able to avoid any financial consequence.

This is because these photographs, images, songs (i.e., “Works”) and the like are protected by Copyright. As soon as a Work is published by the creator/author, it is protected under United States Copyright laws—regardless of whether the Copyright has been registered or whether the Copyright owner includes a copyright notice (though registration and notice can provide additional rights to the owner). Under the laws, the owner of a copyright has the exclusive right to use, reproduce, sell, display, or create derivative work. Anyone who infringes on those rights may be liable for monetary damages and if a copyright infringement case is filed and the copyright owner wins, you may be required to pay their attorney’s fees and costs.

To avoid this frustrating and often expensive situation, remember the following:

- Use Works you or your employees have created—this avoids any concerns and has the benefit of being entirely original.
- Hire an artist/photographer/graphic designer/musician to create a work specifically for you—and have them execute a Work for Hire Agreement.
- Look for legitimately free images online via the variety of public domain storehouses, such as Pexels, Getty Search Gateway, Flickr Commons, Pixabay, Wikimedia Commons, and Unsplash. Each of these include at least some entirely free images for use by photographers who have donated their works to the public domain or images in which the copyright has expired. You can use or alter these images without needing permission.

- Look for U.S. government sites such as the Library of Congress (loc.gov/free-to-use) Nasa Image Library which generally permit the use of their images for free under the terms of their usages guidelines.
- Pay an upfront license to the copyright owner for the right to use the image. Websites such as iStock by Getty, Stock Food America, AP Images, and others provide images for use under a paid license – either an individual license or via a subscription.
 - If you take this route, download and retain a copy of the license and payment in case you later receive a Demand letter.
 - Read and follow the terms of the specific license. By way of example some licenses require that you include a legend indicating the work is used under license. Others require you include attribution. Others have limitations on how the Work is used—for example it may only be used for editorial use meaning you can use it in a newsletter or blog, but not on a homepage, promotional material or the like.
- If you can't locate the owner of a Work, choose a different one.
 - Ways to locate a copyright image include searching at the US Copyright Office, looking at file's metadata or doing a reverse image search.

Finally—there are some times when use may be perfectly legitimate (e.g., where you provide a link to someone's webpage or blog, or when you share, retweet or embed a tweet as long as you are in compliance with the Social Media Platform's Terms of Use, or where you can establish "fair use" which is an intensely fact-dependent inquiry), but these are outside the scope of this article and require specific analysis of the facts. If you have questions on any of these, you should consult an intellectual property attorney.

We've Seen It All



Jill N. Link

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Considerations for Strategic Use of Provisional Patents

Provisional patents have been available in the US since 1995. I strongly support using provisional patents as a tool for establishing a first filing date. There are broad spectrums of style and strategy that patent attorneys and agents utilize for provisional patent applications. This article summarizes considerations for provisional applications to ensure your strategic use of provisionals extracts the intended value, as well as provides a few reminders to ensure you obtain the legal rights you intend to secure.

1. Cost Benefits and Practical Considerations

Provisionals have a lower government fee and do not require the same formality requirements as non-provisional applications. This is true; they are not 'examined' by the Patent Office. As long as you pay the fee, complete



a provisional cover sheet and submit a document that appears to disclose an invention, you have complied sufficiently for the Patent Office to give you a filing receipt and a filing date. However, it is critical to know that the content and the quality of the provisional disclosure are not assessed until a later date when priority of the application is reviewed by a Patent Examiner. This does not mean that provisionals should be a ‘DIY’ endeavor, nor does it mean that the content of the provisional application does not require the same thorough analysis to ensure quality and completeness of the disclosure.

Often times the speed of preparation (due to less formality requirements) is a reason that clients take advantage of a provisional application. If there is less attorney time required to prepare a provisional then there is less of an investment in the cost of the application. We often hear from clients who voluminously file provisional applications that they take a “more shots on goal” approach to provisional filings. Simply put, a large number of provisional patent applications are filed at a reduced cost and then only a portion of the filings are ultimately converted into a non-provisional application.

A provisional can be used as a way to obtain a filing date with the Patent Office without having to adhere fully to formalities. Many clients take advantage of filing supporting documentation (e.g. a proposed publication draft, an inventor’s thesis, or the like) in a form that is not yet finessed into a patent application format. Other clients include an abbreviated claim set. Yet still others provide a full and complete disclosure that looks the same as any non-provisional application. Clearly there are many ways in which clients utilize a provisional application as a means to either more quickly get a patent application on file (or at least get a first patent application on file).

2. Establishing a Filing Date

Establishing a filing date (your priority date) for an invention is important. Most patent applicants establish this date to pre-date a public use, sale, or some type of disclosure or publication. Filing your application before such uses and disclosures is critically important to ensure you can also make foreign filings (as most countries lack a ‘grace period’ in favor of absolute novelty). However, this is where things get tricky with a provisional patent application – the balancing of perceived lack of formality and race to the Patent Office with the need to fully describe your invention to ensure claims are enabled in both the provisional and subsequent non-provisional application. Here is where the skilled advice and services of a patent attorney or patent agent are needed.

Simply put, there are risks associated with a poorly drafted provisional application or any provisional application that does not define and enable the scope of the invention. Failing to fully describe and enable your invention risks having a provisional application that does not legally afford you that filing date you so critically wanted to obtain. Moreover, such a provisional could actually be used as evidence that your invention was not yet in your possession. This is what we refer to as “the bad and the ugly” side of provisionals.

3. Demonstrating Possession of the Invention

To ensure your filing date actually demonstrates you have possession of your invention, it is best to file a provisional with drawings¹ and with claims (in addition to your description of the invention). So even if you are wanting to take advantage of the ability to more quickly get an application on file and/or doing so in a cost-effective manner resulting from fewer formalities, this needs to be balanced with the need for a complete disclosure such that your filing is done in a strategic manner. Simply put, you need to invest in this legal disclosure. This will best position you to be able to establish a useful priority date.

Although many patent applicants will add information to a non-provisional application that is timely filed within 12 months from the provisional application, it is important to note that “new matter” should not be added if you want to rely on the earliest filing date. Adding new matter (i.e. something not disclosed and/or enabled in the provisional application) can result in your invention being afforded a new filing date. This can present significant risks for purposes of there being intervening prior art that could prevent patentability, as well as your own disclosures, uses, publications, etc. causing issues of destroying novelty for such new matter.

There are many other factors that can be considered in deciding whether your invention is ready for patenting. These should be discussed with your patent attorney to obtain legal advice specific to your factual scenario. Jill N. Link and other patent attorneys with MVS are available to advise on these matters.

¹ *Patent Law Treaties Implementation Act of 2012 (PLTIA) effective December 18, 2013 changed the law such that filing dates can be afforded without drawings in a provisional application. However, this does not remove drawing requirements from applications and for many inventions they are critical to demonstrating (and expanding the description of) the invention.*

Innovation Continues to Thrive



Tina G. Yin Sowatzke
Intellectual Property Attorney

As the USPTO Issues Patent No. 11,000,000

The United States Patent and Trademark Office (USPTO) issued its 11 millionth patent on May 11, 2021—less than three years from the issuance of the 10 millionth patent—making it the fastest the U.S. has reached another million-patent milestone. Since the first numbered patent issued in 1836, the number of issued patents has only continued to grow exponentially. From taking nearly 75 years for the U.S. to reach its first million patents, to now reaching a million-patent milestone in less than 3 years, innovation continues to grow to “promote the Progress of Science and useful Arts” as stated in the Constitution of the United States.

In a Press Release from the USPTO, Drew Hirshfeld, performing the functions and duties of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, was quoted as stating, “Since the founding of our nation, American inventors have driven our culture and commerce with incredible ideas that have improved every function of our lives . . . We owe a debt of gratitude to inventors who continue to show up day after day with solutions to the world’s most pressing problems. We congratulate the inventors behind patent 11 million and all of the innovators who helped the country reach this milestone.” U.S. Patent Number 11,000,000 is directed to a method for delivering, positioning and/or repositioning an expandable prosthetic heart valve issued to applicant 4C Medical Technologies, Inc. in Maple Grove, Minnesota. The method utilizes a non-looped wire and a looped wire pair to expand a collapsed prosthetic heart valve to a working configuration.

In celebrating the milestone of 11 million patents, we take a look back through history to see the exponential growth of innovation in America as shown in the “Million-Patent Milestones” below. However, it is noted that



prior to the first numbered patent that issued in 1836, about 10,000 patents were issued unnumbered, known as the “X-patents”. The first U.S. patent to have ever issued was signed by President George Washington in 1790 to inventor Samuel Hopkins for improvements in the making of pot ash and pearl ash.

Million-Patent Milestones

- U.S. Patent No. 1 (Issued July 13, 1836): Invention for a traction wheel for steam locomotives.
- U.S. Patent No. 1,000,000 (Issued August 8, 1911, **75 years** from first numbered patent): Invention for a tubeless vehicle tire.
- U.S. Patent No. 2,000,000 (Issued April 30, 1935, **23 years** from 1 millionth patent): Invention for a vehicle wheel to increase the safety and longevity of pneumatic tires (to prevent slippage).
- U.S. Patent No. 3,000,000 (Issued September 12, 1961, **26 years** from 2 millionth patent): Invention for an automated system that translated letters, numbers and symbols to data processing code.
- U.S. Patent No. 4,000,000 (Issued December 28, 1976, **15 years** from 3 millionth patent): Invention for a process of recycling asphalt aggregate compositions.
- U.S. Patent No. 5,000,000 (Issued March 19, 1991, **14 years** from 4 millionth patent): Invention for a method of producing ethanol using E. coli bacteria.
- U.S. Patent No. 6,000,000 (Issued December 7, 1999, **8 years** from 5 millionth patent): Invention for a method of transferring data between computers.
- U.S. Patent No. 7,000,000 (Issued February 14, 2006, **6 years** since 6 millionth patent): Invention to textile fibers that mimic the quality of cotton.
- U.S. Patent No. 8,000,000 (Issued August 16, 2011, **5 years** since 7 millionth patent): Invention to a device to aid vision by electronically stimulating the retina.
- U.S. Patent No. 9,000,000 (Issued April 7, 2015, **3 years, 7 months** since 8 millionth patent): Invention to a system of collecting rainwater to replenish a windshield wiper reservoir and windshield washer conditioner.
- U.S. Patent No. 10,000,000 (Issued June 19, 2018, **3 years, 2 months** since the 9 millionth patent): Invention to a laser detection system with applications for medical imaging and autonomous vehicles.
- U.S. Patent No. 11,000,000 (Issued May 11, 2021, **2 years, 10 months** since the 10 millionth patent): Invention to a method of delivering and positioning a prosthetic heart valve device.

As the patent examination process for a single patent application may take years to reach issuance, the impacts of COVID-19 on the issuance of patents remain to be fully seen, and may not become more apparent until the next few years. However, the current trend in the rate of patent issuances reflects the continued growth of innovation in America, and a system that hopefully continues to incentivize continued research and development to improve the functions of our daily lives.

We've been and will be

April 13, 2021

Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group** presented at the Center for Sorghum Improvement Virtual Seminar on the topic of “Enforcing PVPs and Other Remedies for Plants and Plant Varieties.”

April 14-15, 2021

Tina G. Yin-Sowatzke, Pharm.D., Intellectual Property Attorney in the MVS **Biotechnology and Chemical Practice Group** attended the CHIPs 2021 Virtual Next Gen Summit.

April 15-16, 2021

Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group**, **Jonathan L. Kennedy**, Partner practicing in **Intellectual Property Law and Litigation**, **Oliver P. Couture, Ph.D.**, Intellectual Property Attorney in the MVS **Biotechnology and Chemical Practice Group** attended the Invent Penn State Virtual Venture & IP Conference.

April 23, 2021

Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS **Licensing Practice Group** attended the Drake Law School Board of Counselors meeting.

May 11, 2021

Cassie J. Edgar, Patent Attorney and Chair, MVS **Regulatory Law Practice Group**, presented at the Cultivo Virtual Academy on the topic of “U.S. Regulatory and IP Strategies.”

May 17, 2021

Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS **Licensing Practice Group**, **Luke T. Mohrhauser**, Patent Attorney and Chair, MVS **Mechanical-Electrical Practice Group**, **Michael C. Gilchrist**, Intellectual Property Attorney in the **Mechanical Practice Group** and **Tina G. Yin-Sowatzke, Pharm.D.**, Intellectual Property Attorney in the MVS **Biotechnology and Chemical Practice Group** participated in a LES Iowa event.

May 28, 2021

Cassie J. Edgar, Patent Attorney and Chair, MVS **Regulatory Law Practice Group**, cohosted a discussion on BioTech during the Iowa Breakfast Club from STARTUP IOWA.

June 4, 2021

Charles P. Romano, Senior Patent Agent in the **Biotechnology and Chemical Practice Group** attended an appreciation luncheon for CoverCress Executive Chairman, Co-Founder, and former CEO Jerry Steiner and toured the CoverCress seed handling and analysis facility located near the 39North Agtech Innovation District in Saint Louis.

June 8-10, 2021

Luke T. Mohrhauser, Patent Attorney and Chair, MVS **Mechanical-Electrical Practice Group**, **Kirk M. Hartung**, Patent Attorney in the MVS **Mechanical-Electrical Practice Group**, **Gregory Lars Gunnerson** and **Joseph M. Hallman**, Intellectual Property Attorneys in the MVS **Mechanical-Electrical Practice Group**, **Julie S. Spieker**, Intellectual Property Attorney in the MVS **Mechanical-Electrical Practice Group** and **Biotechnology and Chemical Practice Group** and **Richard Marsolais**, Business Development Director attended the ABI Taking Care of Business Conference in Coralville, Iowa.

June 9, 2021

Luke T. Mohrhauser, Patent Attorney and Chair, MVS **Mechanical-Electrical Practice Group** and **Christine Lebrón-Dykeman**, Intellectual Property Attorney and Chair, MVS **Trademark Practice Group**, presented at the ABI Taking Care of Business Conference on the topic of “Mitigating Fear of IP Infringement Claims & Stopping Infringement of Your IP.”

June 11, 2021

Joann C. Tucker, CFO and Firm Administrator, **Tina G. Yin-Sowatzke, Pharm.D.** and **Sarah M.D. Luth**, Intellectual Property Attorneys in the MVS **Biotechnology and Chemical Practice Group** attended the Des Moines Downtown Chamber Leadership Education and Advancement Pipeline (LEAP)[®] Program titled “**The Required Art: Using public speaking to achieve personal and professional breakthroughs**” featuring **Erik Dominguez**.

June 15, 2021

Joann C. Tucker, CFO and Firm Administrator, **Sarah M.D. Luth**, Intellectual Property Attorney in the MVS **Biotechnology and Chemical Practice Group** and **Gregory Lars Gunnerson**, Intellectual Property Attorney in the MVS **Mechanical-Electrical Practice Group** attended the Des Moines Downtown Chamber’s Annual Celebration.

June 20-23, 2021

Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group** attended the ASTA Policy and Leadership Development Virtual Conference.

June 22-24, 2021

Several MVS attorneys attended the Legus Annual Zoom Meeting.

June 24, 2021

Kirk M. Hartung, Patent Attorney in the MVS **Mechanical-Electrical Practice Group** moderated a panel at the Legus Annual Zoom Meeting on the topic of “Getting Back to The Office: Strategies to Create a New Normal in the Office.”

June 24, 2021

Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS **Licensing Practice Group** attended the ASTA virtual workshop with the USPTO examiners.

June 25, 2021

Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group** participated on an IP Law Panel for the SIPA Ed Unit for University Tech Transfer Offices/Breeders Seminar.

July 20-22, 2021

Heidi S. Nebel, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group**, **Jill N. Link, Pharm.D.**, Patent Attorney and Chair, MVS **Licensing Practice Group**, **Jonathan L. Kennedy**, Partner practicing in **Intellectual Property Law and Litigation** and **Gregory Lars Gunnerson**, Intellectual Property Attorney in the MVS **Mechanical-Electrical Practice Group** will be attending the 2021 AUTM Central Region Virtual Conference.

July 22, 2021

Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS **Licensing Practice Group** and **Cassie J. Edgar**, Patent Attorney and Chair, MVS **Regulatory Law Practice Group** to present at the 2021 AUTM Central Region Virtual Conference on the topic of “Protecting Regulated Products with Coordinated IP Strategies.”

August 22-26, 2021

Jonathan L. Kennedy, Partner practicing in **Intellectual Property Law and Litigation** will be attending and speaking at American Chemical Society Conference. Jonathan’s topic will be “Post issuance proceedings: Certificates of Correction, Supplemental Examination, and Reissue Patents.”

September 24, 2021

Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS **Licensing Practice Group** to attend the Drake Law School Board of Counselors meeting.

September 30 - October 1, 2021

Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS **Licensing Practice Group** to attend the **Virtual Future Food Tech Summit**. This summit will drive forward a collaborative, science-based approach to nutrition innovation.



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