

# BRIEFS

## Patent Tips and Tricks



### **Luke T. Mohrhauser**

Partner,  
Intellectual Property Attorney,  
Chair, Mechanical-Electrical  
Practice Group

### **The Patent Prosecution Highway**

According to the latest data (January 2022) released from the United States Patent and Trademark Office (USPTO), the average number of months from the patent application filing date to the date a First Office Action is mailed by the USPTO is 17.9 months. The average time from filing to final disposition (e.g., issued patent) is currently 23.4 months.

There are numerous programs and tools for applicants to utilize to help speed up the patenting process. One of these is the Patent Prosecution Highway (PPH). PPH speeds up the examination process for corresponding applications filed in participating intellectual property offices. Under PPH, participating patent offices have agreed that when an applicant

receives a final ruling from a first patent office that at least one claim is allowed, the applicant may request fast track examination of corresponding claim(s) in a corresponding patent application that is pending in a second patent office. PPH leverages fast-track examination procedures already in place among participating patent offices to allow applicants to reach final disposition of a patent application more quickly and efficiently than standard examination processing. There is no fee under the PPH programs.

If a PPH request is granted, the examiner will generally examine the application within 2 to 3 months from the grant of the PPH request provided the application has completed all its pre-exam processing and is ready for examination.

The current list of patent offices that the USPTO will recognize for the PPH are Australia, Austria, Canada, Chile, China, Colombia, Denmark, Europe, Estonia, Finland, Germany, Hungary, Iceland, Israel, Japan, Korea, New Zealand, Nordic, Norway, Peru, Poland, Portugal, Singapore, Spain, Sweden, UK, and Visegard. This means that a patent that has been deemed to include at least one allowable claim in the US can be used to speed up the process in other patent offices as well.



Keep in mind that acceptance into the PPH does not automatically mean that the claims of the patent application will be allowed. Instead, this is a tool to speed up the process and to minimize costs associated with the patent prosecution process. Therefore, the PPH can be a valuable tool for any patent applicant to use when considering filing in more than one country.

The attorneys at MVS are well versed in many programs and procedures to help maneuver your patent application through the process as efficiently as possible to help you obtain your goal of receiving an issued patent. Using these processes and programs can aid in keeping costs down and helping you reach your goals for the patents.

# The Criticality

---



**Kirk M. Hartung**

Partner  
Intellectual Property Attorney

## Of Early Patent Application Filing

A commonly asked question is when to file a patent application for an invention. The answer depends on various factors. Generally, the sooner an application is filed, the better. The benefits for filing early include:

1. Getting your place in line at the Patent Office;
2. Cutting off the prior art;
3. Preserving foreign filing options; and
4. Obtaining a patent sooner.

### Let's look at each benefit.

1. Simultaneous invention by independent inventors is not unheard of. Think Thomas Edison and Nikoli Tesla and their work on the light bulb more than a century ago. Since the American Invents Act of 2012, there has been a race to the US Patent and Trademark Office. The AIA changed the U.S. patent laws from a first-to-invent system to a first-to file-system. Whomever files first on a particular invention will have priority over anyone who files later on the same invention. Before the AIA, an applicant who filed second, after a first application was filed by another, could jump ahead of the first filer, in some circumstances, if the second filer proved that they were the first inventor. Now, the first inventor will lose out to a later inventor who files an application before the first inventor files his/her application. Therefore, any delay in filing your application increases the risk that someone may file ahead of you and cut off your opportunity to obtain a patent on the same invention, if the inventions are developed independently of one another.
2. A patent application is examined in view of the prior art, which includes prior publications, such as issued patents and published patent applications which were filed before the new application. When the application is filed, it effectively cuts off the prior art to that existing before the filing date. Thus, filing early establishes an earlier effective date for prior art.

3. A few countries, including the United States and Canada, allow an inventor to publicly disclose and commercially exploit the invention before filing a patent application. For example, an inventor in the U.S. can market and sell his/her invention for up to one year before filing a patent application. However, that is not the rule in most of the world, which requires absolute novelty at the time the first patent application is filed. If the first application is filed before any public disclosure anywhere in the world of the invention, then the applicant preserves the option to file in foreign countries within 1 year of the initial filing date (6 months for a design application). On the other hand, if the application is filed in the U.S. after a publication of the invention (which includes an offer for sale, an actual sale, a trade show display, or other non-confidential disclosure of the invention), then foreign patent protection is forfeited for most of the world.
4. Examination of a patent only begins once a utility or design application is filed. Average pendency is approximately 2-3 years for a utility (non-provisional) application and 1-1.5 years for a design application. Delay in filing means a delay in examination, and a delay in allowance and issuance. So, the sooner an application is filed, the sooner it is examined, and the sooner a patent may issue.

Of course, when to file an application depends on answers to many questions. For example, how complete is the invention? Is it still in research and development? Does it need testing? Will it work as intended? Is it ready for sales and marketing? When will the invention be publicly disclosed? Will there be sufficient sales to justify the cost of patenting?

Some inventions evolve and improve over time. In such instances, it may be possible to obtain multiple patents as the invention changes. Also, timing may also depend on other pieces to the puzzle, including financing, manufacturing, marketing, and distribution. It usually takes a team of skilled people to move from conception of an idea to a commercially successful product, with patent protection being one of the important pieces to fit together into a profitable business plan.

# Color as a Trademark



**Michael C. Gilchrist**  
Registered Patent Attorney

## Why is the Yellow TOLLHOUSE Bag a Trademark, but the Yellow CHEERIOS Box is Not?

Nestlé (formally Société des Produits Nestlé S.A.) successfully registered a trademark for the color yellow applied to product packaging for its famous TOLLHOUSE chocolate chips. (See United States Trademark Registration No. 6,662,688 issued March 8, 2022).

## United States of America

United States Patent and Trademark Office



Reg. No. 6,662,688  
Registered Mar. 08, 2022  
Int. Cl.: 30  
Trademark  
Principal Register

Société des Produits Nestlé S.A. (SWITZERLAND société anonyme (sa))  
Case Postale 353  
Vevey, SWITZERLAND 1800

CLASS 30: Morsels and baking pieces, namely, confectionery chips and pieces for baking; chocolate chips for baking  
FIRST USE 12-15-1939; IN COMMERCE 12-15-1939

The color(s) yellow is/are claimed as a feature of the mark.

The mark consists of the color yellow as applied to the surface of the product packaging. The dotted lines show placement of the mark on the packaging and do not form part of the mark.

OWNER OF U.S. REG. NO. 6224796, 6203069, 6224797  
SEC 2(F)  
SER. NO. 90-322,576, FILED 11-16-2020

Conversely, General Mills recently failed in its attempt to register the color yellow as applied to its CHEERIOS cereal boxes. (See United States Trademark Application No. 68/757,390, finally rejected November 20, 2017).

So why is the yellow TOLLHOUSE chocolate chips bag protectable as a trademark but the yellow CHEERIOS box is not?

### General Principals

Trade dress is a species of trademark. It relates to the tangible features of a product or its packaging that create a distinct commercial impression. A trade dress is protectible as a trademark when it is “distinctive” such that consumers recognize the trade dress as indicating a single source for the

goods. In other words, when the appearance of the product itself or its packaging is a brand identifier.

Unlike logos or words, single-color marks cannot be inherently distinctive. Consumers do not immediately view a color as being a trademark. Colors can only become trademarks by acquiring distinctiveness through long-term substantially exclusive use. Over time, consumers come to see the color as identifying a single source—for example a yellow bag of chocolate chips is recognized from afar as being Nestlé TOLLHOUSE chips even without seeing the name on the package. This new meaning for the color as a source identifier is referred to as “secondary meaning.”

Therefore, when registering a color as a trademark, the applicant is required to present evidence that the color has acquired distinctiveness. A review of how Nestlé and General Mills attempted to show that their respective yellow packages were trademarks is instructive.

### The Two Applications

A first requirement for showing a color is a trademark is that the owner must be using the feature as a trademark—rather than just as a pleasing design element. Usually this means that the owner draws attention to the feature in some fashion in advertising. Sometimes this is referred to as “look for” advertising—as in “look for the yellow wrapper to know you’re getting genuine TOLLHOUSE chips.” This can also be accomplished by including a statement to the effect that the color is a trademark—as in “the color yellow on the CHEERIOS box is a trademark of General Mills.”

Both Nestlé and General Mills satisfied the use as a trademark requirement. General Mills attached numerous examples of advertisements and promotional campaigns, including a jingle in some television advertisements, that referred to the “yellow box.” Nestlé submitted several print advertisements telling customers to look for the yellow package.

In order for the trademark usage to create secondary meaning it must be of sufficient duration and volume to convert the primary meaning of the color into an indicator of who made it. The Trademark Office generally requires at least five years of substantially exclusive use, though that is not a hard and fast requirement. Both Nestlé and General Mills were easily able to show decades of usage and many millions of dollars of advertising.

However, such long-term use must be substantially exclusive to create secondary meaning. If there are other users of the same color on closely related products, purchasers will associate the color with more than a single source.

This is where General Mills failed. The Examining Attorney cited at least 23 other cereals that come in yellow boxes, including at least seven other toroidal-shaped oat-based cereals. General Mills argued that these were not “substantial” third party uses and introduced survey evidence showing that about half of the respondents were able to identify a yellow cereal box as being a CHEERIOS box. On appeal the Trademark Office found the survey unpersuasive in view of the many other yellow cereal boxes, and specifically criticized the survey for only permitting the respondents to provide a single brand when asked to identify the cereal brand in a yellow box.

Nestlé used an incremental strategy to register the color yellow. It first registered packaging with a colored slanted quadrilateral on a yellow field, as shown below:



Having the additional specific shape and color of the quadrilateral gave Nestlé an easier path to registration. Once that composite mark was registered, then Nestlé filed on yellow alone, relying in part on the earlier registrations that included a yellow background to show acquired distinctiveness. This strategy was successful, and the application was allowed without appeal.

### Lessons

These cases suggest a few best practices when attempting to trademark a color (or a product shape, which is treated generally the same as a color):

1. Be sure to include “look for” type notifications in advertising to alert consumers that the color is being used as a trademark rather than just decoration. Such notifications can be simple like “look for the green package to know you are getting a genuine Acme widget” or “the color green is a trademark of Acme.” Alternatively, more creative campaigns might be used to draw attention to the color as a source identifier, for example using the Pink Panther cartoon character in advertisements for Owen Corning’s pink fiberglass insulation.
2. Keep records of the volume, type, and cost of any promotional materials that use the color as a trademark. Any third-party references indicating that your company is associated with the color can also be very helpful in showing recognition of the color as a trademark.
3. You can register a color as a trademark once there has been a significant period of substantially exclusive use. The Trademark Office may accept five years of substantially exclusive use of a trademark as evidence of distinctiveness; however, the Office can, and likely will, require significant evidence showing “look for” promotional material.
4. Do not delay too long before seeking to register your mark. Cheerios made this mistake and did not attempt to register its mark until there were many other users of yellow cereal boxes for toroidal-shaped oat-based cereal.
5. Consider adopting Nestle’s strategy of registering a more specific design that includes the color first, then seeking to protect the color alone.

# Can I



**Julie L. Spieker**

Intellectual Property Attorney

## Patent My App?

You've created a smartphone application and are wondering if patenting the app is an option for protecting your intellectual property. The answer is maybe, and it might be an uphill battle.

According to 35 USC §§ 101-103, patent protection for an invention is available for any 1) process, 2) machine, 3) manufacture, and 4) composition of matter that is new and non-obvious, within certain guidelines. The US Supreme Court, in an interpretation of the statutes, has held that there are exceptions to these four categories: laws of nature,

natural phenomenon, and abstract ideas are not patentable.

To illustrate, in *Alice Corp. v. CLS Bank International*, a case of seminal importance for patentable subject matter regarding software, the Supreme Court invalidated several granted patents on the grounds of ineligible subject matter. Alice Corp. owned several patents on computer programs for financial trading systems. Generally, the patents were directed to methods of risk mitigation in financial settlements. The Court decided that risk mitigation is a fundamental economic practice and the patents merely required computer implementation. The Court held that known ideas are abstract (i.e. not patentable), and reciting the use of a computer to implement a known idea does not make a patentable invention. If a patent is directed to a patent-ineligible concept, like an abstract idea, the patent needs *more* – an element that transforms the invention into something patent-eligible.

The Supreme Court has expounded on what are considered abstract ideas and includes in that category fundamental economics practices, certain methods of organizing human activities, an idea itself, and mathematical relationships and formulas. For instance, abstract ideas include organizing information through mathematical correlations (*Digitech v. Electronics for Imaging*) and detecting events on an interconnected electric power grid (*Electric Power Group v. Alstom SA*). Additionally, collecting data, analyzing and recognizing data within the collected data set, and displaying certain results are not enough to transform the abstract idea into a patentable invention. (*CyberSource Corp v Retail decisions, Inc.*)

As it currently stands, a patent application directed to a computer software application that is wholly implemented as software performing functions, or wholly software, is considered nonstatutory subject matter. These types of applications require something *more*. The Federal Circuit has distinguished and significantly *more* could be specific materials or structures for performing a method, an improvement to another technology or a technical field, and/or an improvement to the functioning of a device. (see e.g. *Enfish LLC v. Microsoft Corp.*, *McRO, Inc. v. Bandai Namco Games Inc.*) Something more is not adding a computer to perform functions that are well-understood, routine, and conventional, but improves the technology or functionality.

The bottom line is that unless there is some type of advancement in technology or function in the inventiveness of a software patent, obtaining an issued patent may be challenging.

An alternative that all software inventors should consider is copyright protection. Copyright protection protects the actual code and can be sought in addition to, or instead of, patent protection.

# Federal Circuit Provides Insight



**Joseph M. Hallman**  
Intellectual Property Attorney

## Regarding an IPR Petitioner's Inability to Maintain an IPR Proceeding Based on a Ground that was Raised or Reasonably Could have been Raised During a Previous IPR

On February 11, 2022, in **Intuitive Surgical, Inc. v. Ethicon LLC**, the United States Court of Appeals for the Federal Circuit ("Federal Circuit") dismissed Intuitive Surgical, Inc.'s ("Intuitive's") appeal after the Patent Trial and Appeal Board ("PTAB") found Intuitive to be estopped from maintaining an underlying inter partes review ("IPR") and terminating Intuitive as a party to the IPR under 35 U.S.C. § 315(e)(1) ("§ 315(e)(1)"). Upon appeal, the Federal Circuit affirmed the PTAB's decision holding that Intuitive is estopped from maintaining an underlying IPR and that Intuitive, as a non-party, may not challenge the PTAB's decision.

The patent at issue was U.S. Patent No. 8,479,969 ("the '969 patent"), which is titled "Drive Interface for Operably Coupling a Manipulatable Surgical Tool to a Robot". The '969 patent is directed to "a robotically controlled endoscopic surgical instrument, which is a commonly used tool in minimally invasive surgery procedures." As background, this case began on June 14, 2018, wherein Intuitive filed three IPR petitions, which the Federal Circuit now refers to as "the Timm/Anderson IPR", "the Prisco/Cooper IPR", and "the Giordano/Wallace IPR". The three petitions challenged particular claims of the '969 patent, and each challenged the patentability of claim 24. Between the Timm/Anderson and Giordano/Wallace IPRs, Intuitive argued that claims 24-26 of the '969 patent are unpatentable as obvious in view of the prior art. On January 13, 2020, the PTAB issued final written decisions in the Timm/Anderson and Giordano/Wallace IPRs which upheld the patentability of claims 24-26 of the '969 patent. In the Prisco/Cooper IPR, Intuitive argued that claims 24-26 of the '969 patent lacked novelty over a prior art reference. The Prisco/Cooper IPR was still ongoing at the time the decisions in the Timm/Anderson and Giordano/Wallace IPRs were issued. On January 21, 2020, about a week after the decisions for the Timm/Anderson and Giordano/Wallace IPRs were issued, Ethicon LCC ("Ethicon") moved to terminate Intuitive as a party to the Prisco/Cooper IPR arguing that Intuitive was "estopped from proceeding with that IPR under 35 U.S.C. § 315(e)(1) by virtue of the January 13, 2020, decisions in the companion IPRs." The PTAB subsequently issued a final written decision that terminated Intuitive as a petitioner to the Prisco/Cooper IPR and found claims 24-26 to be patentable on the merits. In the decision, the PTAB further concluded that Intuitive was estopped from maintaining the Prisco/Cooper IPR by § 315(e)(1). The PTAB further included in its decision that estoppel under § 315(e)(1) could still be applied in instances of simultaneously filed petitions by the same petitioner regarding the same claim. Intuitive subsequently appealed.



Upon appeal, Intuitive made a multi-faceted argument. First, Intuitive argued that the PTAB erred in its assertion that Intuitive was estopped from maintaining the Prisco/Cooper IPR because “§ 315(e)(1) estoppel should not apply to simultaneously filed petitions”. Section 315(e)(1) provides that:

[t]he petitioner in an inter partes review of a claim in a patent under this chapter that results in a final written decision . . . may not request or maintain a proceeding before the Office with respect to that claim on any ground that the petitioner *raised or reasonably could have raised during that inter partes review*.

35 U.S.C. § 315(e)(1) (emphasis added). Intuitive argued that it could not reasonably have raised the grounds of all three IPR petitions in a single petition based on the word count limit and because additional grounds cannot be added after institution of IPR proceedings. Intuitive also argued that simultaneously filings are not as abusive as successive filings and, thus, Intuitive’s conduct does not conflict with the purpose of § 315(e)(1). The Federal Circuit was unpersuaded by Intuitive’s arguments. The Federal Circuit held that “§ 315(e)(1) estops a petitioner as to invalidity grounds for an asserted claim that it failed to raise but ‘reasonably could have raised’ in an earlier decided IPR, regardless of whether the petitions were simultaneously filed and regardless of the reasons for their separate filing.” The court cited the plain language of the statute in support of its holding. The Federal Circuit also noted in its opinion that because all three petitions were filed on the same day, Intuitive knew of the prior art asserted in the Prisco/Cooper IPR and knew which claims would be challenged based on that art at the time the other two IPR petitions were filed. Therefore, the Federal Circuit found that Intuitive could have raised the grounds to challenge the claims from the Prisco/Cooper petition in one of the other petitions. The Federal Circuit rejected Intuitive’s argument regarding the word limit. The court noted that Intuitive could have fit all of its grounds to challenge the claims in two petitions. Additionally, the Federal Circuit noted that Intuitive had other options available to it to submit three full length petitions without encountering the § 315(e)(1) issue. The court noted that Intuitive failed to take advantage of these other options. Thus, since Intuitive did not pursue these options available to it, the Federal Circuit disagreed with Intuitive’s assertion that it could not reasonably have raised its grounds from the Prisco/Cooper IPR in the other proceedings.

Intuitive further argues that, based on relevant case law, because it is prohibited to amend a petition after institution, Intuitive could not have asserted the Prisco/Cooper grounds during the IPR. The Federal Circuit noted that the cited case law did not directly shed light on the issue in the present case. While acknowledging that a split exists among district courts on the current issue, the Federal Circuit rejected the case law cited by Intuitive, noting that the relevant portion of the cited case law had been abrogated by the U.S. Supreme Court in a subsequent case. The Federal Circuit also noted that applying estoppel under the circumstances of this case is in furtherance of the legislative purposes of the statute such as to “discourage ‘abusive serial challenges to patents’ and provide ‘faster, less costly alternatives to civil litigation to challenge patents’”. 157 Cong. Rec. S936, S952 (daily ed. Feb. 28, 2011) (statement of Sen. Grassley).

Intuitive additionally asserted that even if the PTAB correctly applied estoppel in this case, Intuitive “still has the right to appeal the [PTAB]’s merits determination because it was once a party to that IPR.” The Federal Circuit disagreed. The court noted that, based on the language of § 315(e)(1), estoppel is effective as of the issuance of a prior final written decision. The Federal Circuit further held that, since only a party to an IPR can appeal a final written decision, “[o]nce § 315(e)(1) prohibited Intuitive from maintaining this IPR, Intuitive ceased to be a party . . . placing it outside the zone of interest established by the congressionally authorized right to appeal”. Thus, the Federal Circuit affirmed the PTAB’s decision estopping Intuitive from maintaining the Prisco/Cooper IPR. Therefore, because Intuitive cannot appeal the PTAB’s decision since Intuitive is not a party to the IPR, the Federal Circuit could not consider the merits of the case.

The decision by the Federal Circuit reinforces the idea, and perhaps provides clarification, that once a final written decision is reached in an IPR, the petitioner cannot maintain another IPR proceeding with respect to the same challenged claim on any ground that the petitioner raised or could have reasonably raised during the prior IPR *regardless of whether the petitions were filed simultaneously and regardless of why the petitions were filed separately*.



# We've been and will be

## January 6, 2022

Luke T. Mohrhauser, Patent Attorney and Chair, MVS Mechanical-Electrical Practice Group and Richard Marsolais, Business Development Director attended the the Business Record Book of Lists Unveiling Event in Des Moines, Iowa.

## January 18, 2022

Heidi S. Nebel, Managing Partner and Chair, MVS Biotechnology and Chemical Practice Group, attended the AUTM Board of Directors Meeting.

## January 21, 2022

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

## January 28-February 1, 2022

Heidi S. Nebel, Managing Partner and Chair, MVS Biotechnology and Chemical Practice Group, and Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS Licensing Practice Group attended the ASTA 61st Vegetable & Flower Seed Conference in San Diego, California. Jill also presented on January 29th to seed companies about protecting innovations associated with breeding programs.

## February 16, 2022

Luke T. Mohrhauser, Patent Attorney and Chair, MVS Mechanical-Electrical Practice Group attended the the National Farm Machinery Show in Louisville, Kentucky.

## February 19-20, 2022

Heidi S. Nebel, Managing Partner and Chair, MVS Biotechnology and Chemical Practice Group, attended the AUTM Board of Directors Meeting.

## February 20-23, 2022

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, Sarah M.D. Luth, Intellectual Property Attorney in the MVS Biotechnology and Chemical Practice Group, Gregory Lars Gunnerson Intellectual Property Attorney in the MVS Mechanical-Electrical Practice Group, Kevin M. Kercher Intellectual Property Attorney in the MVS Mechanical-Electrical Practice Group, and Brian D. Keppler, Ph.D., Patent Agent, in the MVS Biotechnology and Chemical Practice Group attended the 2022 AUTM Annual Meeting in New Orleans, Louisiana.

## February 23, 2022

Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS Licensing Practice Group presented at the 2022 AUTM Annual Meeting as a moderator and speaker on the topic of "Plant Licensing" along with colleagues from Bayer Crop Sciences, Michigan State University and Cornell University.

## February 24-25, 2022

Glenn Johnson, Attorney Practicing in Commercial, Employment and Intellectual Property Law and Litigation and Jonathan L. Kennedy, Partner practicing in Intellectual Property Law and Litigation presented at the Iowa Academy of Trial Lawyers Annual Virtual Meeting.

## March 1-2, 2022

MVS attended and sponsored the Iowa Biotech Showcase and Conference. Heidi S. Nebel, Managing Partner and Chair, MVS Biotechnology and Chemical Practice Group, received the 2022 Iowa Biotech Leader Award.

## March 10, 2022

Heidi S. Nebel, Managing Partner and Chair, MVS Biotechnology and Chemical Practice Group, attended the USPTO PPAC Public Meeting.

## March 20-24, 2022

Jonathan L. Kennedy, Partner practicing in Intellectual Property Law and Litigation attended the American Chemical Society Spring Conference in San Diego, California.

## March 24, 2022

Charles P. Romano, Ph.D., Senior Patent Agent, MVS Biotechnology and Chemical Practice Group and Jill N. Link, Pharm.D., Patent Attorney and Chair, MVS Licensing Practice Group gave a presentation on Inventorship, Public Disclosures, and Success Stories for an audience of over 140 scientists of the Donald Danforth Plant Sciences Center.

## March 30, 2022

Richard Marsolais, Business Development Director will be attending the Business record 40 Under 40 Event at Prairie Meadows in Altoona, Iowa.

## April 2, 2022

MVS will be attending and hosting a table for the Drake Law School Supreme Court Celebration Banquet in Des Moines, Iowa.

## April 7, 2022

The Women Attorneys of MVS will be hosting an AIPLA Women of IP Global Networking Event In Des Moines, Iowa.

## April 18-22, 2022

Brian D. Keppler, Ph.D., Patent Agent, in the MVS Biotechnology and Chemical Practice Group will be attending and the firm is sponsoring the CSU Demo Days Virtual Conference.

#### April 18, 2022

**Heidi S. Nebel**, Managing Partner and Chair, MVS **Biotechnology and Chemical Practice Group** will be attending and the firm is sponsoring the Michigan State University Innovation Celebration for 2022 in East Lansing, Michigan.

#### April 19, 2022

**Kirk M. Hartung**, Patent Attorney in the MVS **Mechanical-Electrical Practice Group** will be presenting to students at Drake University Law School on the topic of Intellectual Property Law.

#### April 28-29, 2022

**Kevin M. Kercher**, Intellectual Property Attorney in the MVS **Mechanical-Electrical Practice Group** will be attending and the firm is sponsoring the **Invent Penn State Venture & IP Conference** in Bridgeville, Pennsylvania.

#### April 30-May 1, 2022

**Christine Lebrón-Dykeman**, Intellectual Property Attorney and Chair, MVS **Trademark Practice Group** and **Brandon W. Clark**, Copyright and Trademark Attorney and Chair, MVS **Copyright and Media Law Practice Group** will be attending the **2022 INTA Annual Meeting** in Washington, DC.

#### May 3, 2022

MVS will be attending and sponsoring the University of Maryland Division of Research, Innovate Maryland Event in College park, Maryland.

#### May 24 2022

**Luke T. Mohrhauser**, Patent Attorney and Chair, MVS **Mechanical-Electrical Practice Group**, **Kirk M. Hartung**, Patent Attorney 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**, will be attending the Central Iowa Business Conference at Prairie Meadows in Altoona, Iowa.

#### June 9, 2022

MVS will be attending and sponsoring the Des Moines Downtown Chamber Annual Celebration in Des Moines, Iowa.

#### June 14-16, 2022

**Luke T. Mohrhauser**, Patent Attorney and Chair, MVS **Mechanical-Electrical Practice Group**, **Kirk M. Hartung**, Patent Attorney in the MVS **Mechanical-Electrical Practice Group**, **Kevin M. Kercher**, Intellectual Property 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 will be attending and sponsoring the **ABI Taking Care of Business Conference** in Dubuque, Iowa.

#### June 23-25, 2022

**Kirk M. Hartung**, Patent Attorney in the MVS **Mechanical-Electrical Practice Group** and **Jonathan L. Kennedy**, Partner practicing in **Intellectual Property Law and Litigation** will be attending the Legus Annual Meeting in London, England.

#### June 26-28, 2022

**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** will be attending the Marcus Evans IP Law Summit in Chicago, Illinois.

#### June 26-29, 2022

MVS will be attending and sponsoring the **AUTM Central Region Meeting** in Frisco, Texas.

#### July 26-27, 2022

**Kevin M. Kercher** and **Gregory Lars Gunnerson**, Intellectual Property Attorneys in the MVS **Mechanical-Electrical Practice Group** will be attending the **InfoAg Conference** in St. Louis, Missouri.



McKEE  
VOORHEES  
& SEASE

PLC | Global Intellectual Property

Your Worldwide IP Partner Since 1924™

801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721

P. 515-288-3667  
F. 515-288-1338  
[www.ipmvs.com](http://www.ipmvs.com)

BRIEFS is published periodically and is intended as an information source for the clients of McKee, Voorhees & Sease, PLC. Its contents should not be considered legal advice and no reader should act upon any of the information contained in the publication without professional counsel.