**PART I INSTRUCTIONS**

**PLEASE READ THE FOLLOWING DIRECTIONS CAREFULLY!**

Please edit the excerpt in this Part for grammar, style, and overall clarity, **focusing only on the text above-the-line**. Part I is designed to test, among other things: your editing prowess above-the-line; your ability to follow directions and guidelines; your style-tendencies; your proficiency in evaluating articles/notes; and your skill in communicating with authors.

**PLEASE MAKE ALL EDITS USING THE TRACK CHANGES FUNCTION IN WORD! Failure to do so will disqualify you from receiving points on this Part even if you complete it!**

The table of contents for the work has been provided for you to use as the formatting guide when editing the excerpt. Since you do not have our new internal style-guide and purchase of the *Redbook* was not mandatory, please make all other edits pursuant to your best judgment and typical English-language conventions. If you feel an edit warrants further explanation, please do so in a comment bubble using the designation **PB** (for Publication Board).

**DO NOT edit the footnotes in this Part and DO NOT concern yourself with Bluebook compliance.**

If, however, you find places in the excerpt that you feel require a citation, please indicate as such by adding a footnote where applicable and writing “CITE” below-the-line.

Finally, if you have any questions, concerns, or suggestions for the author on any part of the work above-the-line, please add a comment bubble where applicable, writing the comments as if conversing with the author directly. Please use the designation **AU** (for Author) in that comment.

**Remember to include your GWID (and NOT your name) in the upper-left corner of every page of your Competition.** You may achieve this by putting it in the header or by writing it at the start of each page, so long as you ensure it appears on every page before submitting.

INSERT ‘REALITY TYPE’ HERE:

How Attorneys Will Facilitate the Dawn of a New Era in Entertainment

**I. Introduction**

**II. Augmented-Reality Entertainment: A Diverse Emerging Market**

**A. The Big Three: Augmented Reality, Virtual Reality, & Mixed Reality**

*1. Augmented Reality.*

*2. Virtual Reality.*

*3. Mixed Reality.*

**B. ‘Hyper Reality’ Entertainment**

**C. The Missing Link for Projected Success — Compelling Content**

**III. Opportunities & Issues for Entertainment Attorneys**

**A. Facilitators of a New Age in Entertainment**

*1. Video Games.*

*2. Movies and Television.*

*3. Music.*

**B. Contract & Licensing Issues**

*1. Hybrid Licensing Problems with Multiple Forms of Intellectual Property.*

*2. The Impact of Multiple Enterprises.*

*3. International Considerations for a Globalized World.*

**IV. Conclusion**

This article will use alternate-reality entertainment (“ARE”) as an umbrella term for the distinct realities developing along similar trajectories. First, this article will provide a brief overview of the major ARE genres, describing how early market successes can be improved. Next the article will discuss a survey of several ways in which attorneys will find and facilitate business opportunities in ARE across the major traditional entertainment industries of video games, movies, television, and music. Finally, this article will conclude by highlighting some of the inherent contract complexities practitioners must be wary of as they lead clients through this new age of business entertainment.

**II. Alternate reality Entertainment: A diverse Emerging market**

Each ARE is a composition of intellectual property brought together to offer a distinct and unique user experience. Eachof these technologies share common-ground through uses of hardware (e.g. opaque or transparent head-mounted displays) and software (e.g., programs that generate the content) to make they’re products work for consumers. Understanding the commonalities and distinctions of these mediums, is an important first step in establishing the proper legal framework for clients to diversify into new realities.

**A. The Big Three: Augmented Reality, Virtual Reality, and Mixed Reality**

Three types of AREhave gained the market prominence thus far: Augmented Reality (“AR”), Virtual Reality (“VR”), and Mixed Reality (“MR”). How to distinguish these technologies from one another has sparked a technologically and commercially driven debate over proper term usage.[[1]](#footnote-1) Some believe that the clash of terms is become largely irrelevant and give way to a unified way of reference as this type of technology becomes more commonplace in society.[[2]](#footnote-2) Others express concern for such descriptive terminology becoming an intellectual property battleground for trademark protection and brand distinction regarding how the technology is referenced.[[3]](#footnote-3) While a handful of other terms have also entered the market, *see infra* section II.B, AR, VR, and MR currently sit at the forefront of company and consumer minds.

*1. Augmented Reality.*

AR can be generally understood as the overlay of computer-generated data onto the real environment through use of hardware (e.g. smart phone or HMD), which "augments' the sensory experience of the user in a variety of ways.[[4]](#footnote-4) Early industry leaders such as DAQRI[[5]](#footnote-5) and Niantic[[6]](#footnote-6) have already emerged, while more traditional tech powerhouses- such as Microsoft and Google – are rapidly expanding their portfolios to include augmented reality. This type of technology existed for decades prior to its debut into mainstream entertainment in 1998,[[7]](#footnote-7) when the award-winning "1st & Ten®" system (most commonly recognized as the yellow-first down line) premiered in its first NFL broadcast. Despite incorporation into America’s favorite sports obsession, AR remained largely unknown and obscure to the general consuming public in the United States. The mainstream adoption of the medium was accelerated almost overnight with the success of the first real example of a brand-boosted ARE experience.

**PART II INSTRUCTIONS**

**PLEASE READ THE FOLLOWING DIRECTIONS CAREFULLY!**

Part II is designed to test your ability to cite according to the *Bluebook*. Please edit according to the 20th edition of the *Bluebook* and our style guide. This may require locating the source in order to properly follow these rules and guide.

**PLEASE MAKE ALL EDITS USING THE TRACK CHANGES FUNCTION IN WORD! Failure to do so will disqualify you from receiving points on this Part even if you complete it!**

**Remember to include your GWID (and NOT your name) in the upper-left corner of every page of your Competition.** You may achieve this by putting it in the header or by writing it at the start of each page, so long as you ensure it appears on every page before submitting.

Please note that the excerpt in Part II does not refer to the excerpt used in Part I at all. The two should be read and edited entirely independent of each other.

PART II

|  |  |  |  |
| --- | --- | --- | --- |
| Source Number | Full Citation | Short Cite | BB Rules used |
| 1 | U.S. Patent & Trademark Office, AIA Trial Statistics November 2016 (2016), <https://www.uspto.gov/sites/default/files/documents/aia_statistics_november2016.pdf> |  |  |
| 2 | 35 U.S.C. § 314(d) (2018). | § 314, 35 U.S.C. § 314(d) | R12 |
| 3 | Dennis Crouch, *Traditional equitable defenses do not apply to IPR proceedings*, PatentlyO (Sept. 25, 2016) |  |  |
| 4 | Dorothy Wu Chang, *Assignor Estoppel May Apply to A Competitor That Never Owned (Or Assigned) the Patent*, (2016), <https://sunsteinlaw.com/assignor-estoppel-may-apply-to-a-competitor-that-never-owned-or-assigned-the-patent/> |  |  |
| 5 | *Aruze Gaming Macau, Ltd. v. MGT Gaming Inc.*,IPR2014-01288, 2015 WL 780607 (P.T.A.B. Feb. 20, 2015) (Paper 13). | *Aruze*, 2015 WL 780607, at 13. | T1 |
| 6 | Manual of Patent Examining Procedure § 2141 (9th ed. Rev. 7, Nov. 2015) [hereinafter MPEP]. | MPEP § 2141 | T1 - |
| 7 | Hani B. Gazal, *“I used to [Steal Jokes], I still do, But I used to, too”: A new test for providing copyright protection to Stand-Up Comedians*, 45 AIPLA Q.J. 759, 767 n. 35 (2018). |  |  |

**PART III INSTRUCTIONS**

There are **seven (7)** different Publication Board positions currently available for a total of **eleven (11) slots.** This distribution is subject to change based on the needs of the Journal and overall participation in the Competition:

* Student Editor-in-Chief [SEIC] — 1 Slot
* Executive Articles Editor [EAE] — 1 Slot
* Executive Notes Editor [ENE] — 1 Slot
* Executive Production Editor [EPE] — 1 Slot
* Executive Managing Editor [EME] — 1 Slot
* Notes Editors [NE] — 3 Slots
* Articles Editors [AE] — 3 Slots

Please list any Publication Board positions **you would *refuse* to serve in if selected. Do so WITHOUT using the Track Changes function.**

Leading up to interviews you will be asked to rank the remaining positions in order of preference, so do not worry about that now.

If you are willing to take *any* position, please indicate that in writing.

**PART III ANSWER**

**PART IV INSTRUCTIONS**

Please upload your résumé to the appropriate place on TWEN. See the TWEN Instructions for additional guidance on how to do so.

Please remove your name and other identifying info from the document and replace it with your GWID.

You will also need to save your file to submit as your GWID\_Résumé (e.g., G12345678\_Résumé.docx).

Please also remove all indicators of GPA from any institution that may be present.

**Failure to follow these instructions could result in a points deduction or disqualification!**

**☺ !!Congratulations on Completing the Competition!! ☺**

1. *See, e.g.*,Brian D. Wassom, Augmented Reality Law, Privacy, and Ethics 18-23 (2015) [hereinafter Wassom Book] (defining AR and VR, breaking down basic word structure, and distinguishing them by technological capability); Larry Greenemeier, *Is Pokémon GO Really Augmented Reality?*, Scientific American (July 13, 2016), <https://www.scientificamerican.com/article/is-pokemon-go-really-augmented-reality/> (discussing Microsoft’s commercial-marketing push for adoption of “mixed reality” for its HoloLens). [↑](#footnote-ref-1)
2. *See* DAQRI – CEO Brian Mullins, *What is Augmented Reality?*, YouTube (Sept. 30, 2016),https://youtu.be/nfViN8sLpH0 (“What does this [terminology debate] matter in the long run? . . . I think, when we get the technology right . . . calling something [VR] or [AR] or [MR] will be like calling the internet the information superhighway — we just won’t do it — it will just be that awesome thing that we do . . .”). [↑](#footnote-ref-2)
3. *See* Brian D. Wassom, *“Augmented Reality” by Any Other Name: Still As Sweet?*, Wassom.com: Augmented Legality (Mar. 6, 2015),<http://www.wassom.com/augmented-reality-by-any-other-name-still-as-sweet.html> (“[Hard to say] which AR-related terms will merit trademark protection and which are merely descriptions of the technology being used. But those terms that don’t get registered as trademarks can be useful in shaping the conversation about the technology and getting the public comfortable with adopting it.”). [↑](#footnote-ref-3)
4. *See, e.g.*,Eric Johnson, *What Are the Differences among Virtual, Augmented and Mixed Reality?*, Re/code: Mobile Commentary (July 13, 2016, 6:45 PM EDT), <http://www.recode.net/2015/7/27/11615046/whats-the-difference-between-virtual-augmented-and-mixed-reality> (“AR takes your view of the real world and adds digital information and/or data on top of it. This might be as simple as numbers or text notifications, or as complex as a simulated screen . . .”); Wassom Book at 19 (“[AR] therefore, is a technology that gives us more to see, smell, touch, taste, or hear in the physical world.”). [↑](#footnote-ref-4)
5. *See* Bruce Sterling, *Augmented Reality: Daqri*, Wired (June 15, 2013, 1:20 PM) (“DAQRI powered more than 1,000 [AR] experiences for some of the most popular brands and publishers in [2013] alone, and is trailblazing advancements in the fields of education, medical, brand communications, entertainment, and industrial manufacturing.”) [↑](#footnote-ref-5)
6. Eric Markowitz, *Exclusive: Inside the Mind of Google’s Greatest Idea Man, John Hanke*, Inc.com: Wire (Dec. 20, 2012), <http://www.inc.com/eric-markowitz/inside-the-mind-of-googles-greatest-idea-man.html> (explaining the origins of Niantic, Inc., which created Pokémon GO). [↑](#footnote-ref-6)
7. *See Infographic: The History of Augmented Reality*, Augment: Industry & Augment News (May 12, 2016), <http://www.augment.com/blog/infographic-lengthy-history-augmented-reality/> (providing a timeline of AR technology, beginning with the first head-mounted display in 1968, an ‘artificial reality’ lab in 1974, and the coining of the term “Augmented Reality” by Boeing researcher Tom Caudell in 1990). [↑](#footnote-ref-7)