



# Legal System and IP Overview

Law 115 | Week 1 | Lecture 2  
Rachael Vaughn

# Agenda

1. Rachael's Money Making Idea
  - a. Contract/Licensing Implications
  - b. Litigation Implications
2. Filing Lawsuits
3. US Court System
4. Civil Law vs. Criminal Law
5. Sources of Law
6. Example

# Rachael's Money Making Idea

- Do you object to my use of your art? Your name?
- Does your opinion change if I do not charge for the book?
- Does your opinion change if I attribute your art to you?
- Does your opinion change if I used your art to advertise or sell another a product?

# Litigation Implications

How would you go about stopping me from publishing the Art Book if you did not want your art by appear in it?

- File a lawsuit against me to enjoin me from publishing the book
- Send me a “nasty gram” threatening a lawsuit in hopes that it will convince me to cease publication activities

# Contract/Licensing Implications

What if you did not want to stop me from publishing the Art Book, but you wanted a share of the profits? How would you go about getting this?

- Approach me and negotiate a deal where you license to me rights to the image for the book in exchange for a share of the profits
- Initiate litigation in hopes that to avoid the costs I will agree to pay you for a license

# Filing Lawsuits

## Parties in a Lawsuit

- Plaintiff: the party bringing the case (or “claim”)
- Defendant: the party whom the claim is brought against

## Examples of Types of Civil Claims

- Breach of contract
- Patent/copyright infringement
- Trade secret misappropriation

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HOPEWELL CULTURE & DESIGN, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	Civil Action No. 2:10-CV-00586
ADOBE SYSTEMS INCORPORATED,	§	
APPLE, INC., HTC AMERICA, INC.,	§	
LG ELECTRONICS MOBILECOMM	§	
U.S.A, INC., MOTOROLA, INC.,	§	
NOKIA, INC., OPERA SOFTWARE ASA,	§	
PALM, INC., QUICKOFFICE, INC.,	§	
SAMSUNG ELECTRONICS, USA, INC.,	§	
SAMSUNG TELECOMMUNICATIONS	§	
AMERICA, L.L.C.	§	
	§	
Defendants,	§	
	§	

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**PLAINTIFF’S ORIGINAL COMPLAINT**

Plaintiff Hopewell Culture & Design, LLC (“Plaintiff”), by and through its undersigned counsel, files this Original Complaint against Adobe Systems Incorporated, Apple, Inc., HTC America, Inc., LG Electronics Mobilcomm U.S.A., Inc., Motorola, Inc., Nokia, Inc., Opera Software ASA, Palm, Inc., Quickoffice, Inc., Samsung Electronics USA, Inc., and Samsung Telecommunications America, L.L.C. ( collectively, “Defendants”) as follows:

**NATURE OF THE ACTION**

1. This is a patent infringement action to stop Defendant’s infringement of Plaintiff’s United States Patent No. 7,171,625 entitled “Double-Clicking a Point-and-Click Interface Apparatus to Enable a New Interaction with Content Represented by an Active Visual Display Element” (the “’625 patent”; a copy of which is attached hereto as Exhibit A). Plaintiff

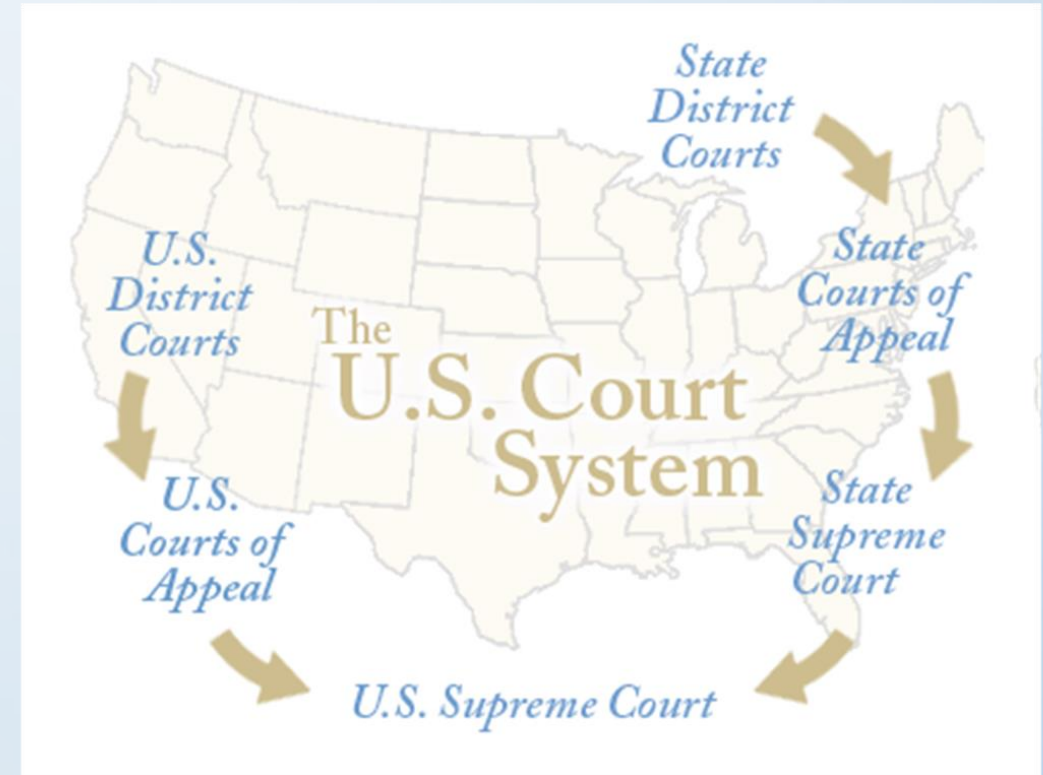
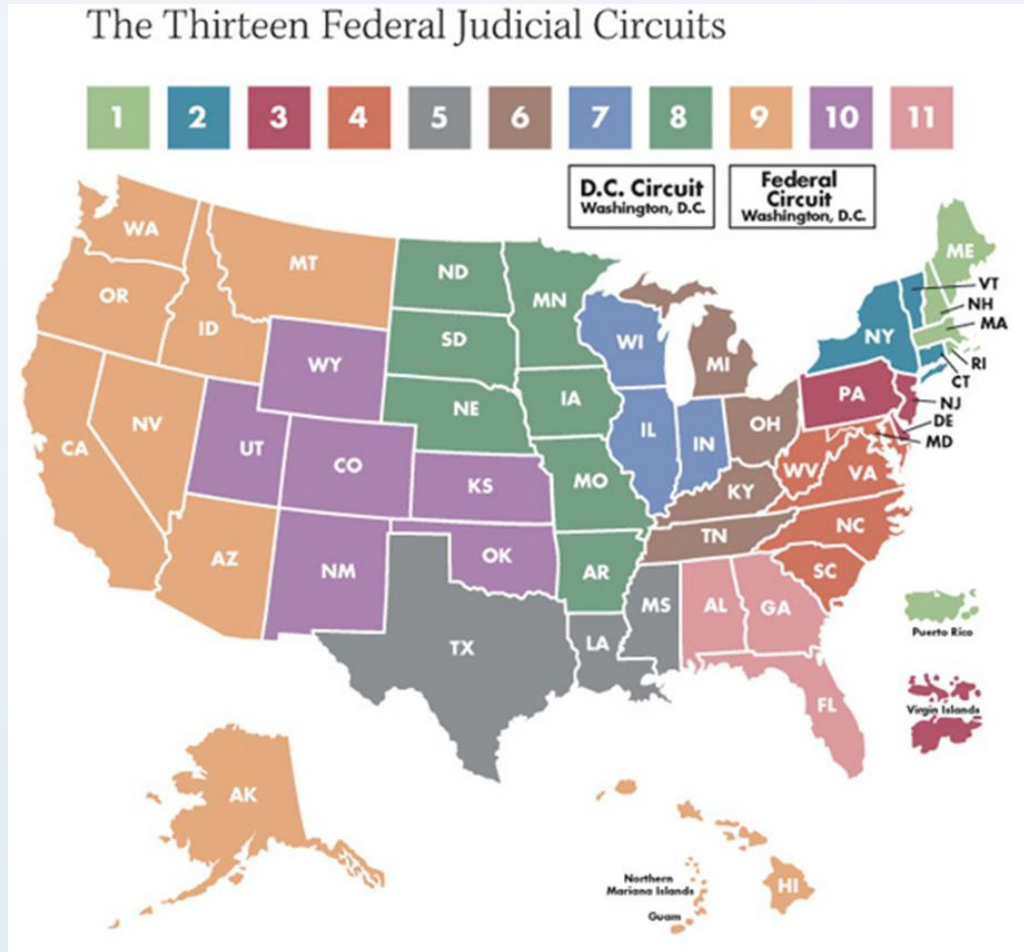
# Filing Lawsuits

Federal courts only hear cases that involve a set of very limited, specific legal issues. Along with certain federal crimes (e.g., terrorism), federal courts hear civil (non-criminal) cases:

1. If the case is premised on a **question about the meaning of a federal statute** or application of the U.S. Constitution;
2. If the parties are from **different states** or if one is a citizen of a foreign country, and more than \$75,000 is at stake; or
3. If the **federal government** itself is suing another party or itself has been sued.



# US Court System

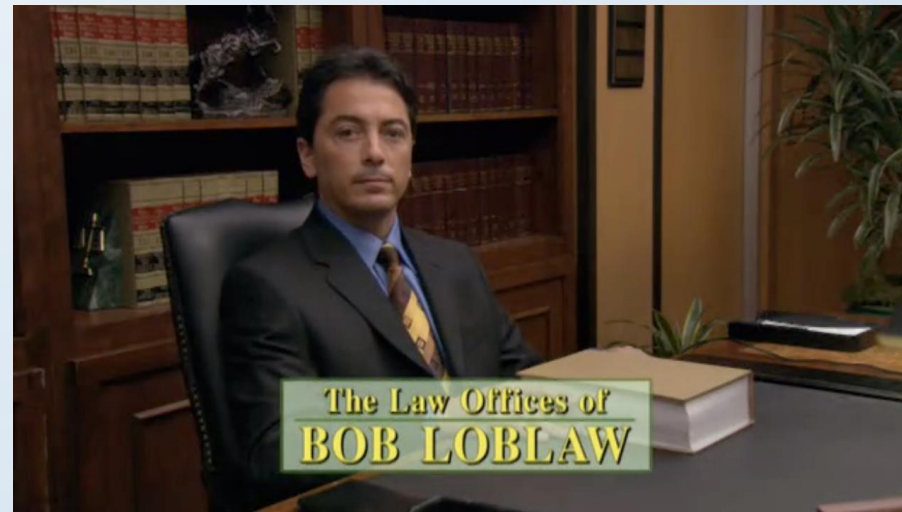




# Civil Law vs. Criminal Law

Criminal vs. Civil Law→

- Criminal = offense against society
- Civil = offense against individual(s)



# Sources of Law

- US Constitution
- State Constitutions
- Federal statutes
- State statutes
- Administrative law (FCC, FTC, EPA)
- Judge-made law or “common law”

# Sources of Law: Patent

## **U.S. Constitution:**

Congress shall have Power to Promote the Progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors the exclusive rights to their respective Writings and Discoveries.

## **Statute:**

Congress has passed laws based on the Constitutional authority given to the legislature.

*United States Code Title 35*

# Sources of Law: Patent

## **Common Law:**

Courts have interpreted patent laws as applied to the facts of individual cases. The interpretations of law set forth in these cases is now a part of the law of patents.

## **Administrative Law:**

The USPTO makes regulations for governing how to apply for patent rights.

*MPEP and 37 CFR*

# Example



Genius, billionaire, playboy, philanthropist Tony Stark has invented and patented the Iron Man technology (assigned to Stark Industries). Justin Hammer's company is using the technology without a license.

1. Where can Tony sue Hammer?
2. What law will apply to govern the case?