

Lecture 1

Law 115
Rachael Vaughn

Agenda

Course Overview

- Course Objectives
- About the Instructor
- Procedural Matters
- Grades
- Course Tumblr
- Class Ice Breaker

Legal System Overview

- Civil Law vs. Criminal Law
- US Court System
- Lawsuits
- Sources of Law
- Example

Course Overview



Course Objectives

- Understand the basics differences between each of the 5 types of intellectual property
- Identify the need for key agreements such as nondisclosure agreements, licensing agreements, etc.
- Become familiar with the typical legal issues encountered in the gaming industry

Course Objectives

Topics we will cover include...

- Overview of legal framework and litigation in the United States
- IP rights (copyright, trademark, patent, rights of publicity, trade secrets)
- Contracts and licensing
- Business entities and start-up formation
- Special topics: Open Source Software, Creative Commons

About the Instructor

- Registered patent attorney, also practiced licensing law and product counseling
- Experience working for several large companies in various industries in both the United States and Europe
- Currently a patent attorney for Microsoft's Applications and Services Engineering Group
- Member of legal committee for Organization for Transformative Works

More info: <http://www.rachaelip.com>



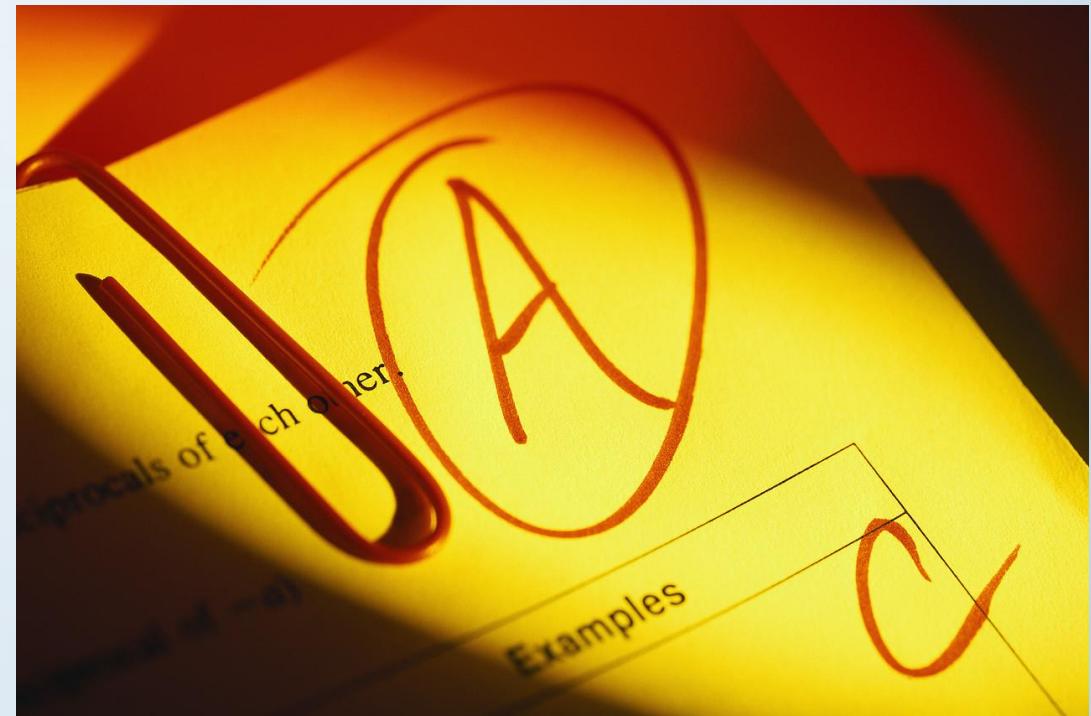
Procedural Matters

- Slides: PPT slides from the lectures will be posted to Moodle within one week of the lecture
- Format: 6:00 PM to 7:15 PM, 15 min break, 7:30 PM to 8:50 PM
- Attendance: Please email me if you plan to be absent for class (an attendance sheet will be circulated during each class)
- Syllabus
- Participation

Grades

Grades will be calculated based on the following breakdown:

- Class Attendance and Professionalism: 10%
- Quizzes and Assignments: 60%
- Final Exam: 30%



Course Tumblr

Course Tumblr URL: <http://digilaw.tumblr.com>

What is the purpose: An archive of links, news, comments, and questions from all DigiPen students in my Law 115 courses, both past and present

How to use it: Register with Tumblr and submit a post pertaining the legal issues in the gaming industry such as

- News stories relating to a legal or IP topic we covered
- Thoughts or questions related to class and/or the reading
- Notes or drawings inspired by class and/or the reading

At the beginning of each session, the instructor will select one submission to discuss briefly. Be here to explain the submission and you will receive a prize (and participation points!).

Questions?

Class Ice Breaker

On the sheet of paper provided write...

1. Your name
2. Your role and a picture that somehow describes your role
3. A number that represents something significant

Introduce yourself to the class (1 minute per student)

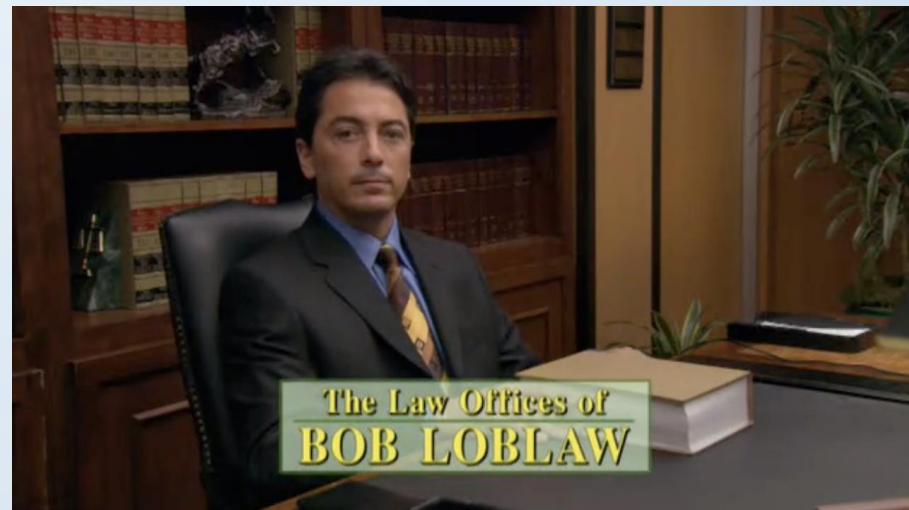
Legal System Overview



Civil Law vs. Criminal Law

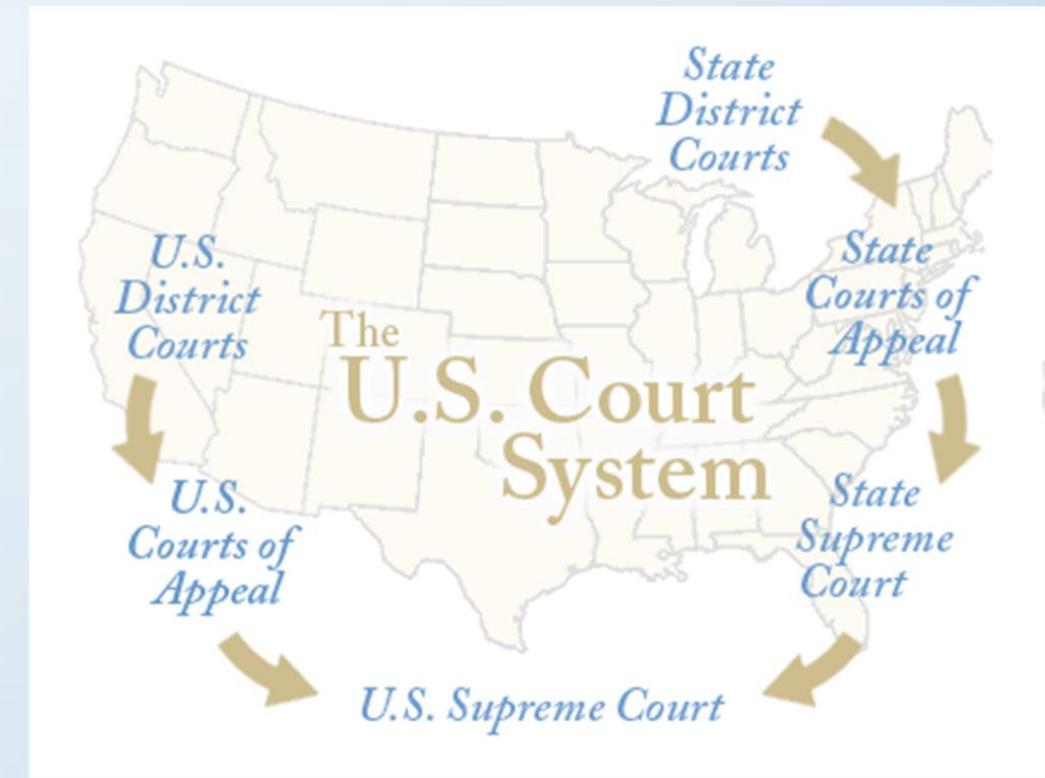
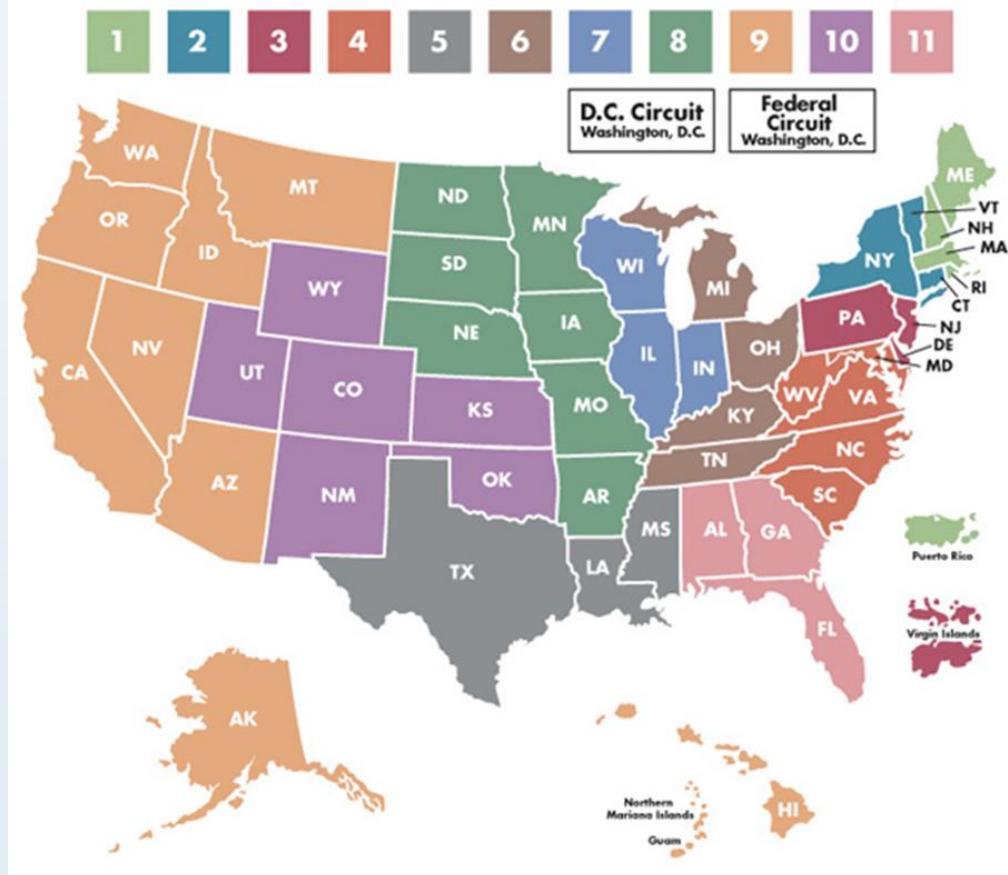
Criminal vs. Civil Law→

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



US Court System

The Thirteen Federal Judicial Circuits



Lawsuits: Filing

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. §
ADOB 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, §

Civil Action No. 2:10-CV-00586
JURY TRIAL DEMANDED

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:

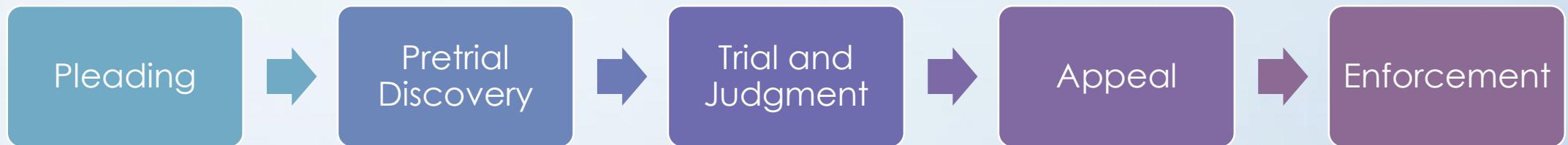
NATURE OF THE ACTION

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

Lawsuits: Judge vs. Jury

- A jury is a group of people summoned and sworn to decide on the facts in issue at a trial. The
- Composed of people who represent a cross-section of the community
- Decides questions of fact
- A judge is an official person who presides over court proceedings, either alone or as a part of a panel of judges
- Usually trained as a lawyer
- Decides questions of law

Lawsuits: Procedure



Lawsuits: Federal or State

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.

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. Stark's company is headquartered in New York and Hammer's company is headquartered in California.

1. Is this a criminal or civil action?
2. Could Tony sue Hammer in federal court?