

DIPLANEWS

A Service of the Dayton Intellectual Property Law Association

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**Join us this Friday, October 14, 2011, at the University of Dayton School of Law to hear Professor Sam Han, Ph.D., Esq., present a CLE Substance Abuses seminar
Lunch from 11:30-12:15; Speaker 12:15-1:15**

FOURTH ANNUAL IPLA SYMPOSIUM THURSDAY, NOVEMBER 10, 2011

The fourth annual IPLA Symposium (formerly known as Quad City) will take place on Thursday, November 10, 2011, at the University of Dayton School of Law. The topic this year is "Pushing the Envelope on IP Reform." The full agenda and registration information are provided at the end of this newsletter. Note that paid members of DIPLA are entitled to the reduced "IPLA Member" fees.

DUES REMINDER

If you have not sent in your dues payment yet, please do so as soon as possible. If you have any questions, contact Treasurer Matt Molloy at Matthew.Molloy@dinsmore.com.

GUEST COLUMNIST

As promised last month, this month's DIPLA News is enhanced by a contribution from Ms. Breanne Parcels, a J.D. student at the University of Dayton School of Law, Class of 2012, and a journalist in her past life. In fact, Ms. Parcels deserves full credit for the remainder of this newsletter, after my comment in the next paragraph.

Even knowing the America Invents Act was low-hanging fruit as far as choices of available IP-related topics were concerned, Ms. Parcels chose to go off the beaten path and enlighten the whole DIPLA community, not just the patent folks, on another compelling issue, namely:

How Much Does the U.S. Postal Service Spend on Stamp-Related Intellectual Property?

*By BREANNE PARCELS
University of Dayton School of Law,
Juris Doctor Candidate, 2012*

The United States Postal Service ("USPS") announced a major change to its stamp policy (click [here](#) to see it) on Sept. 26, 2011, by lifting its prohibition on using images of living people on stamps.

The new policy is likely to generate intellectual property concerns related to copyright and use of likeness that didn't exist under the old policy. According to the Associated Press (click [here](#) to read), the USPS formerly required figures to be dead for a decade before they could be pictured on postage, with an exception for U.S. presidents, commemorated within a year after their deaths.

The other quirk of the stamp development process is the popularity aspect. The USPS encouraged submission of recommendations to the Citizens' Stamp Advisory Committee, as well as Facebook and Twitter. If a live person is the top vote-getter, that individual could have a strong bargaining position to demand compensation from the USPS, a drastic difference from depictions of historical figures whose likeness rights have expired.

Though the USPS pays fees to photographers and artists for artwork used to

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create stamp images, it typically does not pay estate to participate in the stamp program, said Roy Betts, a USPS public relations representative.

“The Postal Service spends about \$100,000 in staff time on research and \$50,000 in uses on average for an annual stamp program,” Betts said. “Of course, in the context of a \$67 billion organization, this is a fraction of our costs.”

So how much does the USPS spend on stamp-related intellectual property litigation? Just last year in *Gaylord v. United States*, 595 F.3d 1364 (Fed. Cir. 2010), [a sculptor won his case](#) after the USPS used a derivative-work photograph of his art on a stamp commemorating the Korean War. However, when the U.S. Court of Claims issued its [decision](#) in April this year, the court did not consider statutory damages for the infringement appropriate, reasoning that the plaintiff was entitled to just \$5,000, the most the USPS had ever paid anyone for permission to use an image for a stamp!

PATENT NEWS

As of Sept. 26, 2011, a [petition to end software patents](#) ranked sixth in the number of signatures of online petitions hosted at the [White House website](#), according to Brandon Sasso of *The Hill*. Which petition currently has the most votes? Legalization of marijuana. Click [here](#) for more information.

TRADEMARK NEWS

Mainstream news loves celebrity lawsuits, and a cybersquatting case filed by Lady Gaga against a fan site made headlines after the singer lost at the National Arbitration Forum. Click [here](#) for more information on the Sept. 21 ruling.

MORE UPCOMING EVENTS

Interested in regional activities and networking with IP attorneys outside the Dayton area?

- **October 19–21, 2011**, Washington D.C. The [AIPLA Annual Meeting](#) taking place on October 20–22, 2011, will be preceded by a [patent forum](#) on Oct. 19, 2011, billed as “An Open Dialogue Between the USPTO and the Bar.”
- **Thursday, October 27**: Cincinnati [CincyIP](#) will host Open Source & Security on Oct. 27, 2011, at the Northern Kentucky University’s Met Center. Click [here](#) for more information.

Several nearby [Ohio State Bar Association CLEs and events](#) with IP-related topics are available:

- **Monday, October 24**, Dayton: Fall Ethics, Professionalism, and Substance Abuse
- **Friday, October 28**, Columbus: Third Annual Great Lakes Antitrust Institute
- **Tuesday, November 8**, Columbus: iPad for Legal Professionals
- **Friday, November 18**, Dayton: Technology, Ethics, Professionalism, and Substance Abuse
- **Friday, December 2**, Dayton, Supreme Court Year in Review
- **Wednesday, December 14**, Dayton, Stress Management for Lawyers
- **Thursday, December 15**, Dublin, Legal Technology Conference

Contact the OSBA Member Service Center at (800) 232-7124 for more information.

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4th Annual IPLA Symposium
Pushing the Envelope on IP Reform

Thursday, November 10, 2011

Times: Seminar 8:00AM-4:30PM

Wine/Cheese Reception 4:30PM-5:30PM

Location: Seminar University of Dayton School of Law (Matthias Heck Courtroom)
<http://law.udayton.edu/> - This course has been approved by the
Supreme Court of Ohio Commission on Continuing Legal
Education for 6.00 total CLE hours, with 1.00 of ethics
instruction.

Cost:	<u>Seminar Early Bird</u>	<u>Seminar Late Registration</u>
IPLA MEMBER:	\$150	\$200
Non-Member:	\$200	\$250
Full Time Academic:	\$100	\$150
Student:	\$15	\$25
Sponsorship: (Guidelines on last page)	Supporter: \$300 Premier: \$1000 Venue: UDSL-PILT	

Registration Information: Registration will be available shortly through the University of Dayton School of Law website, most likely [here](#). An additional update will be sent to DIPLA members when the registration is officially open.

Overnight Accommodations: Dayton Marriott, 1414 S. Patterson Blvd., 800-228-9290 for reservations (Local Phone Number 937-223-1000). Rate: \$114/night/pretax. Block reserved for Wednesday and Thursday night. Reservations must be made by October 19, 2011. Request the "Quad City Block" by calling the hotel or by using this [Marriott Reservations](#) link.

Co-Sponsoring Organizations:

The Cincinnati Intellectual Property Law Association (CincyIP) (<http://www.cincyip.org>)

The Dayton Intellectual Property Law Association (DIPLA) (<http://www.dipla.org>)

The Columbus Intellectual Property Law Association (CIPLA)

University of Dayton School of Law - Program in Law & Technology (UDSL-PILT) (<http://law.udayton.edu/>)

AGENDA–Thursday–November10th–UNIVERSITYOFDAYTON

This course has been approved by the Supreme Court of Ohio Commission on Continuing Legal Education for 6.00 total CLE hours, with 1.00 of ethics instruction

- **8:00–8:30–Check-In&Breakfast**
- **8:30–8:45-Welcome/Introduction**
- **8:45–9:45-JohnBroderick(USPTO–OED-EthicsPresentation)**
- **9:45–10:45-Obviousness**
 - SteveGrant(STANDLEYLAWGROUPLLP)
- **10:45–11:00–Break**
- **11:00–12:00-PractitionerPanelonTherasenseincludingadiscussiononclientswithmultiplelaw firms.**
 - KevinKirsch(BakerHostetler).
 - MattWillenbrink(UDRI)
 - AndrewPaul(P&G).
 - ModeratorMikeRiesen(TIPLA)
- **12:00-1:30–Lunch**
- **1:30-2:30–Brand Rewired:** JenniferWolfe(TheWolfePractice)&AnneChasser(Universityof Cincinnati)
- **2:30-3:30-ReformYourPractice–** Howtousethetoolsavailabletoreformyourdrafting(e.g., RulemakingGuidesfromthePTOavailableonFederalRegister).Thespeakerswillprovidepracticaladvice fordealingwith101,102,103and112includinghowtocraftpatentablesubjectmatterother thanMachine-Transformation.
 - **ScottOldham(HahnLoeser):** [SpeakerBio](#)
 - **StephenJenei(FrostBrownTodd):**
[SpeakerBio](#) andseealso [PatentBaristas](#)
- **3:30–4:30-AvantGardeLawPracticesand WhatWeCanLearnfromOneAnother–**ChadBurtonwill moderatethispanel.Includearepresentativeofavirtuallawpractice,solo/nichepractice)
 - RobLech- [SpeakerBio](#)
 - TomLees- [SpeakerBio](#)
 - LindseyJaeger-TheWolfePractice- [SpeakerBio](#)
- **4:30-4:45-CLE&Dismissal**
- **4:45-5:30PM–HappyHour**

VENUESPONSORSHIP(1)ProvideVenue

- Company logo on all event signage
- Opportunity to introduce a keynote speaker or moderate a panel
- Your logo displayed during event either in print or on screen
- Receive a company listing in the exhibitor section in the CLE materials
- Receive five complimentary registrations for the premiere event
- Company name will be included on the promotional materials
- Attendees will display sponsor ribbon on their name badges
- Acknowledgement of sponsorship during the Opening and Closing Remarks
- A list of all conference attendees who opted in to allow their names to be released
- Opportunity to provide memo pads, gift bags, flashdrives, pens, or speakers gifts (opportunity given to each Platinum, Venue and Gold Sponsor on a first come first serve basis)

PREMIERSPONSORSHIP(UNLIMITED)\$1,000

- Company logo displayed on materials (menus, table tents or on screen) during event
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- Receive one complimentary registration for the premiere event
- Company name will be included on the promotional materials
- Attendees will display sponsor ribbon on their name badges
- Acknowledgement of sponsorship during the Opening Remarks

SUPPORTER(UNLIMITED)\$300

- Receive a company listing in the exhibitor section in the CLE materials
- Receive one complimentary registration for the premiere event