




# Intellectual Property Law

Lewis & Clark  
Law School

*Portland, Oregon*





**Today's businesses understand that their intellectual property rights may be their most valuable assets. Intellectual property lawyers are the guardians and stewards of those assets.**

**To learn more about studying intellectual property law at Lewis & Clark, visit our website at [go.lclark.edu/law/ip](http://go.lclark.edu/law/ip).**

## **What Is Intellectual Property Law?**

Today's culture and economy are infused with content and creations that are protected by intellectual property: YouTube videos, television shows, movies, music, art, the formula for your favorite soft drink, pharmaceuticals, airplane engines, the Nike swoosh, or the Adidas stripes. Intellectual property law not only determines who owns the rights in these types of creations, but also sets the boundaries of how far those rights reach. For example, can the copyright owner of a motion picture prevent someone from using a clip from that movie in his or her video on YouTube? Or can a patent owner of the formula for a new pharmaceutical prevent a competitor from making a generic version of that drug?

At its core, intellectual property law involves the dynamic fields of copyright, trademark, and patent law. But intellectual property is much more diverse than those three basic fields of study. Intellectual property law also includes the areas of unfair competition, trade secret law, misappropriation, and rights of publicity, through which society encourages the progress of science, knowledge, learning, and the investment in business goodwill. Today, familiarity with intellectual property law is a critical component of every business law firm's practice.



Professor **Lydia Loren**, an expert in intellectual property, teaches the intellectual property survey course, copyright law, and advanced seminars in intellectual property law. She is the Henry J. Casey Professor of Law and associate reporter for the American Law Institute's Restatement of Law, Copyright. She has made her reputation among law students as a gifted teacher, using unusual props to demonstrate difficult concepts in intellectual property law. Creative, dynamic, and energetic, Lydia is known not only for her strength in the classroom and her cutting-edge scholarship, but also for her work in shaping the law school's Intellectual Property Law Program. Her research and scholarship focus on copyright law and issues created by the global economy and digital distribution.



### Opportunities

The increasing public recognition of the value of intellectual property is driving the demand for attorneys skilled at facilitating the strategic management of technology and information resources. In addition to knowing the substantive law governing copyrights, patents, and trademarks, intellectual property practitioners must be fluent in business transactions and litigation. Attorneys of all backgrounds may find themselves engaged in general practice matters involving clients with intellectual property assets.

With rich course offerings taught by distinguished faculty members and experienced lawyers, the Intellectual Property Law Program at Lewis & Clark Law School provides a solid academic platform for advancement in the practice of intellectual property law, including its diverse specialties. Course offerings include a variety of opportunities for hands-on practical experiences as well. Outside the classroom, students embrace exciting opportunities to combine theory with practice through

employment or other cocurricular commitments with our corporate and law firm neighbors. The relationship does not end there, however, as dedicated alumni and friends in the practice of intellectual property law embody a global network of resources for the continued career success of our graduates.

### Is a Technical Background Needed?

No. A technical background is not required for most areas of intellectual property. A technical degree is required for attorneys who wish to prosecute patent applications before the U.S. Patent Office. Patent attorneys must pass a separate patent bar exam administered by the Patent Office, and a technical degree or a technical background is a prerequisite to sitting for the patent bar. Taking this exam, however, is not a prerequisite to litigating about patents or to advising clients about patent licensing and sales. Additionally, a technical background is not necessary for practicing in the areas of copyrights, trademarks, or trade secrets.

### Overview of Our Program

Lewis & Clark's Intellectual Property Law Program invites students of all backgrounds and interests to explore how the strategic management of technology and creative resources is increasingly driving business dynamics and regulatory affairs.

For students interested in focusing on intellectual property law, Lewis & Clark Law School offers a curriculum that extends far beyond the core courses in copyright, patent, and trademark law. Our students can immerse themselves in specialties within intellectual property law practice through advanced courses and seminars in entertainment law, cyberspace law, sports law, patent prosecution, patent litigation, and trademark practice, as well as licensing and technology transfer. Students gain experience working on real client matters supervised by practicing lawyers in our Small Business Legal Clinic or through one of our internship seminars with placements at law firms or in-house corporate counsel offices of major technology companies in the Portland metropolitan area.

Additionally, the foundation for any intellectual property lawyer, a thorough understanding of key areas in business law, can be obtained through the law school's extensive business curriculum. Offerings include traditional business courses as well as transactional courses that give students practical experience. Students in these courses may draft documents, negotiate transactions, or complete other exercises where they seek solutions to challenging and complex real-world problems.

The heart of Lewis & Clark's Intellectual Property Law Program is the collective talents and enthusiasm of our people. The commitment to excellent teaching and scholarship by our faculty members, the drive and inspiration of our students, and the professional success and dedication of our alumni all showcase the supportive culture and cooperative atmosphere of our law school community.

The law school's diverse students bring with them knowledge and experience from the arts, music, and many high-technology industries, including computer software and hardware, electronics, medicine, and biotechnology. The classroom experience is further enriched because students may take classes in either the day or the evening, regardless of whether they are enrolled as a full-time or part-time student. This schedule flexibility also allows greater options for gaining legal employment experiences while attending law school.

### Intellectual Property Certificate

Lewis & Clark offers students the opportunity to earn a certificate in intellectual property law. This certificate signals to employers that students have focused their course of study and achieved at a high level in the field of intellectual property. To obtain the certificate, students must complete at least two courses from the core intellectual property courses (Copyright Law, Patent Law & Policy, or Trademark & Unfair Competition Law), and additional credit hours in upper-division courses in the intellectual property curriculum. The

wide range of available courses is listed in this brochure. In addition to completing the required coursework with qualifying grades, students must write a paper on an intellectual property topic. This paper may be completed as part of a seminar course or as an independent study. Detailed requirements for earning the certificate may be found on our website.

### Learning by Doing

In keeping with our mission of providing students with challenging practical experiences during their law school education, the Intellectual Property Law Program offers three specific hands-on learning opportunities. First, in the law school's Small Business Legal Clinic (SBLC) students work under the guidance of experienced clinical law professors representing local entrepreneurs involved in an extensive array of endeavors, from the makers of local artisan honey to metal and glass artists. Students discuss the legal issues facing the client, research the relevant law, and then provide advice to the client along with drafting any necessary legal documents, such as foundational business formation documents and licensing agreements. The SBLC is also a certified clinic by the United States Patent and Trademark Office, which allows students to practice trademark law before the USPTO under the supervision of an approved faculty clinic supervisor. In addition to the SBLC, the Entrepreneurship and the Law Seminar is taught with MBA, postdoctoral, and law students, and provides internships with local law firms working with high-growth-potential

technology companies. Finally, the law school offers a legal practicum course focused on in-house counsel legal practice. The practicum places students in the corporate counsel offices of a wide variety of businesses in the Portland metropolitan area, including Tektronix, Kaiser Permanente, Vestas, Knowledge Universe, and Oregon Health & Science University. The technology concentration in the greater Portland metropolitan area has earned the region a reputation as the Silicon Forest. A number of our students have gone on to work with the intellectual property departments of these companies after graduation.

### Beyond the Classroom

Another strength of our program is an unusually rich mix of on-campus experiences. As the center for the study of intellectual property law in Oregon, the law school routinely hosts luncheons, conferences, and other special events, including our annual Distinguished Intellectual Property Visitor Program, which features a prominent federal judge who engages with faculty and students. In addition, our IP in the Trees series brings leading intellectual property scholars from across the country to campus to discuss their works in progress. Through these events and programs, our students can engage in substantive discussions and career mentoring with prestigious practitioners of intellectual property law, distinguished members of the judiciary and government agencies, and renowned visiting scholars.



**Mark Tratos '79** attributes much of his preparation for his work in the fields of intellectual property and Internet and entertainment law to his clerking experience with Professor Douglas Newell. "Doug was writing the country's first sports law casebook. There were no sports law cases at the time, so we looked at every entertainment case that had been decided in the United States and England to find applicable legal principles. I could not have had better training for entertainment and intellectual property." Mark's practice in California and Nevada has evolved from representing performers to representing producers, studios, and venues. He is a partner with Greenberg Traurig, located in the Las Vegas, Nevada, office.

Mark has had the opportunity to draft Nevada's Trademark Anti-Dilution Act, Right of Publicity Act, and Trade Secret Loss Prevention Act. He teaches entertainment law, rights of publicity and privacy law, and the law of cyberspace at the University of Nevada at Las Vegas (UNLV) Boyd School of Law, and he teaches entertainment law and business at the UNLV Hotel School. Mark has represented numerous artists and performers, including the estates of Orson Welles, James Dean, Malcolm X, Marilyn Monroe, and Anthony Quinn as well as visual artists Ronnie Cutrone and Denny Dent. He is also the author of "Gaming on the Internet," published by the *Stanford Journal of Law, Business, and Finance*. He is a frequent speaker at national seminars, serves on the board of trustees of the National Judicial College, and is the chair of the Board of Visitors for Lewis & Clark Law School as well as the second vice chair of the Board of Trustees of Lewis & Clark College.

Students interested in intellectual property can also participate in the Intellectual Property Student Organization (IPSO). Each year this group plans several events, including brown-bag lunches with local intellectual property attorneys, a chili cook-off, IPA with IPA (India Pale Ale with Intellectual Property Attorneys), and other social gatherings. Additionally, the Entertainment, Art, and Sports Law Society (EASL) provides a forum for students to learn and discuss the complex legal issues involved with current entertainment, arts, and sports law practice.

### The Curriculum

Lewis & Clark Law School offers a wide variety of intellectual property law courses. Students may choose among the numerous course offerings to design a curriculum tailored to individual interests, ranging from an introduction to immersion in the subject matter.

#### Survey and Core Courses

The law school offers the following courses in intellectual property law every year.

#### Antitrust Law

The exclusive rights accorded by the grant of intellectual property protection, particularly patents and copyrights, can confer monopoly

status on their owners. Knowledge of antitrust principles is essential to distinguish proper business practices involving intellectual property rights from those that violate the Sherman Act.

#### **Copyright Law**

Copyright is the federal law that protects original works of authorship, ranging from literary works, movies, and musical works to computer programs. This course focuses on the balance between providing protections for creative works as an incentive for creation and allowing users of copyrighted works certain rights to use these works.

#### **Intellectual Property Survey**

This course provides an introduction to the main disciplines of intellectual property law: copyright, patent, trademark, and trade secret law. The course facilitates recognition of how intellectual property rights issues can arise in general legal practice and provides a basic understanding for addressing such issues.

#### **Patent Law and Policy**

This course explores the fundamentals of obtaining and enforcing U.S. patent protection on new and nonobvious inventions. Topics include the public policy of fostering innovation through the grant of exclusionary rights to inventors and a detailed examination of the statutory requirements of patentability and disclosure.

#### **Trademark and Unfair Competition Law**

This course offers an in-depth exploration of trademark law and federal and state laws that prohibit various kinds of business torts and related harms.

#### **Advanced Courses and Seminars**

The law school offers the following advanced intellectual property law courses every year or in alternate years.

#### **Advanced Trademark Practice and Strategy**

This is an advanced, hands-on trademark course focusing on “real world” issues encountered by trademark lawyers. Topics include the procedures and pitfalls in helping clients select, clear, and register trademarks and enforce trademark rights; selection and clearance of new trademarks and drafting opinion letters; practice in the United States Patent and Trademark Office, including ex parte and inter partes proceedings involving attempts to register trademarks; and trademark litigation strategies.

#### **Advanced Writing Seminar**

This course helps students develop skills necessary to advise clients and advocate on their behalf regarding their rights and obligations under complex statutory and regulatory schemes. Students have the opportunity to draft objective and persuasive documents analyzing the law on behalf of a client.

#### **Cyberspace Law**

This course surveys the legal and policy issues raised by computers and the Internet. The course considers how legal doctrine changes (or sometimes, stays the same) as more and more aspects of daily life move online.

#### **Legal Practicum: In-House Counsel/Intellectual Property**

This course enables students to complement their classroom experience with practical



Professor **H. Tomás Gómez-Arostegui** teaches trademark law and cyberspace law. He also teaches torts and a seminar on the history of the common law. Just prior to joining Lewis & Clark, Tomás served as a visiting researcher and lecturer at the Norwegian Research Center for Computers and Law at the University of Oslo. Previously he practiced law at O’Melveny & Myers and Hogan & Hartson, where he litigated matters relating to toxic torts, copyrights, trademarks, and patents, among others. Tomás also served as a law clerk to U.S. District Court Judge Edward Rafeedie in Los Angeles and Judge John C. Porfilio of the U.S. Court of Appeals for the Tenth Circuit. Tomás is currently researching and writing about the equitable remedies available in intellectual property cases.

hands-on training. In the classroom seminar setting, students complete contract drafting exercises and learn other skills typical of the work of corporate counsel. For hands-on training, students are placed in internships in corporate counsel offices that offer assignments concerning intellectual property issues.

#### **Legal Practicum: Entrepreneurship and the Law**

This seminar is a unique collaboration between the law school, Oregon Health & Science University (OHSU), and the University of Portland Graduate School of Business. It includes not only law students, but also postdoctoral students and M.B.A. candidates. Taught by an experienced lawyer who represents angel investors as well as entrepreneurs with high-growth-potential companies, the seminar features guest speakers from the local business and legal communities. In the seminar, students explore issues pertinent to both the law and emerging technology businesses such as negotiations, use of legal counsel, business and legal ethics, intellectual property,

firm governance, raising capital and exit strategies, and the anatomy of business/legal transactions. In the practical portion, law students intern in local law offices under the tutelage of experienced lawyers with high-growth-potential clients.

#### **Entertainment Law**

This course explores the legal issues relating to television, films, sound recordings, live performances, and other aspects of the entertainment industry.

#### **Intellectual Property: Advanced Seminar**

In this course students research and write an analytical paper on cutting-edge intellectual property topics.

#### **Patent Litigation**

This course offers an examination of legal and strategic considerations in patent litigation. Topics include antitrust restrictions on patent enforcement, approaches to determining infringement damages, nonliteral patent infringement analysis, and the phases of a patent case.



**Aruna Ghatak-Roy '12** practices at Conley Rose PC in Austin, Texas, focusing on various aspects of intellectual property with an emphasis on patent preparation and prosecution. Prior to law school, Aruna obtained her Bachelor of Science degree in electrical engineering from the University of Texas at Austin. Soon after graduating, she moved to Portland and joined Intel Corporation as an engineer.

It was after she started working at Intel that she considered going to law school to pursue patent law. “I had always been fascinated by the law, but was too timid to pursue it until after I had become an engineer,” Aruna explains. She started looking at law school and found that Lewis & Clark had both an intellectual property law certificate and a part-time evening option. “I was considering trying to do both, work and study, so I was thrilled to learn that that would be possible at Lewis & Clark.” She adds, “Of course, after touring the school and getting the sense that there was a collaborative environment instead of a cut-throat environment, I felt I had found a school where I could also be a good fit.”

Aruna enjoys utilizing both her engineering and law degrees. “I love that I can talk to inventors and get techy with them but am also able to write about the technology and use skills I learned in law school to craft arguments while prosecuting patents.” Aruna spends her free time reading, biking, training in martial arts, and enjoying the company of her husband and two young boys.



broad exposure to related areas of legal practice in which intellectual property rights are typically involved. The law school offers many such courses, including the following:

- Administrative Law
- Advanced Business Seminar
- Advanced Contracts: Commercial Transactions
- Advanced Contracts: Sales and Leases
- Alternative Dispute Resolution
- Business Associations I and II
- Business Principles for Lawyers
- Contract Drafting
- Cyber Crime Seminar
- Federal Courts

- Federal Litigation Practice Seminar
- Health Care Law
- Health Law and Policy Seminar
- International and Foreign Legal Research
- International Business Transactions
- International Dispute Resolution
- International Investment Seminar
- Law and Economics
- Law, Science, and Environment Seminar
- Nonprofit Law Seminar
- Secured Transactions
- Securities Regulation

**Patent Prosecution**

This course provides a working understanding of the core issues and strategies involved in prosecuting a patent before the U.S. Patent and Trademark Office (PTO).

**Small Business Legal Clinic (SBLC)**

In the SBLC, students work under the guidance of an experienced clinical law professor representing entrepreneurs involved in an extensive array of endeavors. Often the client matters involve advising on intellectual property issues. The SBLC is a certified clinic of the USPTO for trademark matters.

**Sports Law Seminar**

This course examines the labor and antitrust issues in professional sports, NCAA and Title IX issues, and the business of sports—athletes, agents, leagues, and marketing. The course combines discussions, mock negotiations, and student presentations.

**Technology Transfer and Licensing**

This course explores the core issues that common intellectual property licenses pose. Topics include the technology transfer agreements used in private commercial development of intellectual property generated by university researchers, as well as intellectual property policy and licensing challenges in industry-sponsored research and voluntary standard-setting organizations.

**Telecommunications Law Seminar**

This seminar examines significant recent developments in telecommunication law, as well as the interplay of current legal and policy issues in the rapidly evolving law of telecommunications regulation.

**Supporting Courses**

Lewis & Clark’s Intellectual Property Law Program encourages its students to obtain a



**Rich Roberson '09** is senior patent counsel practicing intellectual property law for Adidas Group in Portland. Rich began working in the legal department at Adidas during his third year of law school. He now manages all patent related work generated out of Portland including patent litigation and prosecution, patent clearance, patent license negotiation, and legal issues involving new technology. While he imagined himself in a narrow specialized patent law practice, he always looked for opportunities to explore complementary areas of law while in law school. “Only looking back now do I appreciate how that set me up for success as in-house counsel,” he says. Rich counts Secured Transactions, Information Privacy, Advanced Trademarks, and International Law among his favorite classes. “Each of these courses enhanced my skillset and helped me navigate the complex and interconnected legal environment in which a multinational corporation operates.”

Prior to working for Adidas, Rich worked as an engineer for Freightliner LLC and with the Department of the Navy. He received his bachelor of science degree in mechanical engineering at the University of Maryland. Rich spends his free time running (he is a two-time Boston marathoner), coaching youth soccer, playing in his rock band “autoRepublic,” and rooting for the Portland Trail Blazers and Timbers sports teams with his wife and their two sons.

**Amelia Forsberg '13** works as an attorney with the intellectual property law firm Chernoff Vilhauer LLP in downtown Portland. Her work focuses on patent prosecution and intellectual property litigation. Her exposure and interest in IP law stemmed from biotechnology research that she conducted at the Sanford-Burnham Medical Research Institute in La Jolla, California, while an undergraduate bioengineering student at UC San Diego. Amelia honed more practical skills while in law school as a student in Lewis & Clark's Small Business Legal Clinic, as a patent intern at Oregon Health & Science University, and as an intern at a few local technology companies.

Amelia is a member of the Multnomah Bar Association, Oregon Patent Law Association, and Oregon Women Lawyers, and is on the executive committee of the Oregon State Bar Intellectual Property Section. In her spare time, she tutors disadvantaged youth with Friends of the Children, bakes bread, works on darkroom photography, and goes on outdoor adventures with her family and friends.



## The Faculty

The Intellectual Property Law Program draws on a panel of distinguished full-time and adjunct faculty. Beyond the excellence of our faculty members in scholarship and teaching, a close faculty-student interaction fosters a team approach to study. This personal relationship is one aspect of the refreshingly cooperative learning environment at Lewis & Clark Law School.

### Full-Time Faculty

**Clinical Professor Susan Felstiner**, JD Lewis & Clark Law School, formerly was in private practice with the law firm of Cable Huston and teaches at the Small Business Legal Clinic.

**Professor Steve Johansen**, JD Lewis & Clark Law School, is the director of the Legal Research and Writing Program and teaches contract drafting.

**Assistant Dean Steve Goebel**, JD Lewis & Clark Law School, teaches the course on business principles for lawyers.

**Professor H. Tomás Gómez-Arostegui**, JD University of Southern California Law School, LLM University of Oslo, is the Kay Kitagawa and Andy Johnson-Laird Intellectual Property Faculty Scholar. He teaches trademark law, cyberspace law, history of the common law, and torts. He has clerked for two federal judges, worked in a global law firm, and been a visiting lecturer at the Norwegian Research Center for Computers and Law at the University of Oslo. His research interests lie primarily

in the history of intellectual property and in the remedies awarded in intellectual property cases.

**Professor Lydia Pallas Loren**, JD magna cum laude University of Michigan Law School, is the Henry J. Casey Professor of Law. She teaches the intellectual property survey course, copyright law, and seminars on advanced intellectual property topics. She also teaches civil procedure. Her primary research and scholarly interests are in copyright law and evolving technologies.

**Professor Douglas Newell**, JD Harvard Law School, is the Edmund O. Belsheim Professor of Law. He teaches contract law to first-year students and secured transactions and entertainment law to upper-division students.

### Adjunct Faculty

**Nika Aldrich**, of counsel, Schwabe, Williamson & Wyatt, teaches patent law and policy.

**Frank Curci**, Ater Wynne, teaches the course on technology transfer and licensing.

**Paul Ehrlich**, general counsel, Adidas America, teaches the sports law seminar.

**Mike Heilbronner**, IdeaLegal, formerly with Adidas, teaches the course on trademarks trial and practice.

**Sean Hoar**, Davis Wright Tremaine LLP, teaches cyber crime.

**Matthew Levin**, Markowitz Herbold Glade & Mehlhaf, teaches the sports law seminar.

**Christopher Lewis**, vice president and chief intellectual property officer, FLIR Systems, Inc., teaches the course on patent litigation.

**John Mansfield**, Mansfield Law, teaches patent litigation.

**David Olson**, former director, City of Portland Office of Cable Communications and Franchise Management, teaches the telecommunications law seminar.

**Matthew Phillips**, Renaissance IP Law Group, teaches patent prosecution.

**Joshua Smith**, Alto Law Group, teaches the practicum.

**Jon Summers**, White Summers Caffee & James LLP, teaches the practicum.

**Jeffrey Woller** teaches patent prosecution.

## Career Services

The law school's dynamic and active Career and Professional Development Center assists students in their job searches by creating programs like mentor partners and law firm receptions for first-year students. The center also actively assists qualified students in securing judicial clerkships and internship placements. The office staff provide help with resume writing and interviewing, post job listings, and visit potential employers nationally to discuss opportunities for our graduates. They also coordinate a network of dedicated alumni around the country who offer advice and information for graduates as they relocate after law school.



## Admission

Our academic program is rigorous and our standards for achievement are high. Although challenging, the environment is friendly and cooperative. If you are interested, please request an application from:

Office of Admissions  
Lewis & Clark Law School  
10015 S.W. Terwilliger Boulevard  
Portland, Oregon 97219-7799  
503-768-6613 or 800-303-4860  
503-768-6793 fax  
lawadmss@lclark.edu  
law.lclark.edu



Lewis & Clark adheres to a nondiscriminatory policy with respect to employment, enrollment, and program. Lewis & Clark does not discriminate on the basis of actual or perceived race, color, sex, religion, age, marital status, national origin, the presence of any physical or sensory disability, veteran status, sexual orientation, gender identity, gender expression, or any other basis prohibited by applicable federal, state, and local laws, and has a firm commitment to promote the letter and spirit of all equal opportunity and civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans With Disabilities Act of 1990, as well as their implementing regulations. Questions regarding Title IX may be directed to one of Lewis & Clark's Title IX coordinators ([go.lclark.edu/about/title\\_ix](http://go.lclark.edu/about/title_ix)) or to the U.S. Department of Education's Office for Civil Rights.

The law school encourages applications from persons in groups historically underrepresented in the legal profession.

Lewis & Clark Law School is fully accredited by the American Bar Association and is a member of the Association of American Law Schools. The law school follows the letter and spirit of all equal opportunity and civil rights laws.

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