

Overview

- Competency:
 - A simple way to explain Section 101 to clients!
 - How to explain to a client why the application must disclose the best mode when it doesn't matter if it doesn't!
 - How to conduct effective examiner interviews.
- Conflicts of Interest
 - How much business do you lose while someone's a client?
 - How much do you lose after the representation is over?
- Why you, not the target of a C&D letter, be Groucho Marx.

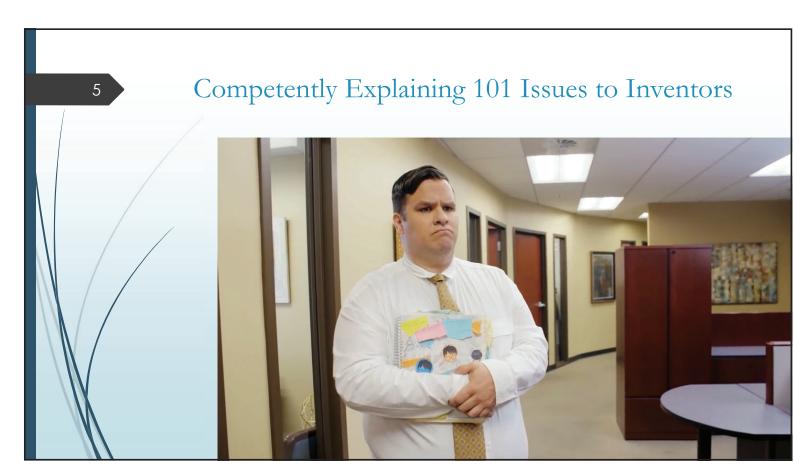
What I Learned While Preparing This First Part.

- My Cousin Vinny and Legally Blonde never get old.
- Criminal law is way more interesting than IP law.
- There's a YouTube series by a patent lawyer/stand-up comedian... with a sometimes a juvenile sense of humor... so I loved it and watched the entire "The IP Section" by Wes Austin.
- The amount of time a particular person has to make videos is inversely proportional to their talent for doing so.

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Communication and Competency

- A lawyer must explain the law to clients so they can make informed decisions about the matter, including discussing the material risks and alternatives to the course of action. *See* Model Rule 1.4; USPTO 11.104.
- A lawyer must act competently. Model Rule 1.1; USPTO 11.101.
- Particularly challenging tasks:
 - explaining Section 101;
 - · explaining that best mode matters for patentability, but not validity; and
 - examiner interviews.
- What can we learn from these clips (one of which I made)?









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Title search: Practical IP Ethics Problems

Also available as part of the eCourse 2020 Advanced Patent Law (USPTO) eConference

First appeared as part of the conference materials for the 15th Annual Advanced Patent Law Institute session "Practical IP Ethics Problems"