

George Mason University School of Law
3301 Fairfax Drive
Arlington, Virginia 22201-4498
Advanced Trademark Seminar – Law 601-001
Spring 2009/ Room 412
Wednesdays 6 p.m. – 7:50 p.m.

Instructor: Brian Edward Banner
 Guest Instructor: Anne M. Sterba
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Hilliard, D.C. et al., *Trademarks and Unfair Competition* (7th ed. 2008), including Supplement.

Lanham Act, 15 U.S.C. 1051 *et. seq.*

Trademark Manual of Examining Procedure (TMEP) - 5th Edition available free at <http://tess2.uspto.gov/tmdb/tmep>

Trademark Trial and Appeal Board Manual of Procedure (TBMP) available free at <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/>

Federal Rules of Civil Procedure

Possible Additional Cases and/or handout materials

This course will discuss and study current prosecution practices before the U.S. Patent and Trademark Office, Trademark Examination Operation and before the Trademark Trial and Appeal Board. If you have not taken the Introduction to Trademark Law class previously you will be at a disadvantage. Your classmates have a good grasp of the fundamentals of U.S. trademark law. You will write a brief for a hypothetical *ex parte* or *inter parte* proceeding before the TTAB which will represent 50 per cent of your final grade. You will become very familiar with prosecution practice by the end of this class.

Class Participation: Class attendance and discussion participation is expected as there are only fourteen (14) classes to this course. Students should come prepared to each class, by having done the assigned reading or skimming for each class. This is a survey class not a lecture so *everyone* will be expected to talk, ask questions and give answers.

Graded Assignments: Mid-Semester Quiz – February 18, 2009 (25%)
 End-of-Semester Quiz – April 15, 2009 (25%)
 Assigned Brief Turned In – April 15, 2009 (50%)

Class	Class Date	Class Topic	Assigned Reading
1	January 7, 2009	Who may apply for Registration and why is that important?	Skim TMEP 800 Read TMEP 700-6 to 700-43
2	January 14, 2009, 2009	What is a FINAL Office Action and what happens next? Drafting Responses.	Read TMEP 700-43 to 700-75 Skim TMBP Chapter 1200

3	January 21, 2009	Substantive Examination	Skim TMEP 1201 to 1203.02 Skim TMBP 1106 through 1114
4	January 28, 2009	Substantive Examination	Skim TMEP 1203.02 to 1210.02
5	February 4, 2009	Substantive Examination	Skim TMEP 1210.02 to the end of Chapter 12
6	February 11, 2009 Mid-Semester Quiz 7:20 p.m.		TMEP 1604 to the end of Chapter 16
7	February 18, 2009 Anne M. Sterba	TTAB actions from plaintiff's Position	Notice of Opposition and Petition for Cancellation.
8	February 25, 2009 Anne M. Sterba	TTAB actions from defendant's position	
9	March 4, 2009	Different Types of Marks	Read TMEP Chapter 13 and Skim Chapter 15
	March 11, 2009	SPRING BREAK	
10	March 18, 2009	MADRID PROTOCOL	Read TMEP Chapter 19
11	March 25, 2009	TTAB Pleadings	Skim TMBP Chapter 300 Pleadings – Pages 110 to 194
12	April 1, 2009 Individual Brief Subject Assigned	TTAB Discovery, Stipulations and Motions	Skim TMBP Chapters 400 and 500
13	April 8, 2009	TTAB Settlement, Trial Procedure and Evidence	Skim TMBP Chapters 600 and 700
14	April 15, 2009	TTAB Briefs,	Skim TMBP Chapter 800

	Final Quiz	Hearings and Final Decisions	Skim TMBP 901 through 906
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