



Intellectual Property Law Section Newsletter

Volume I, Issue I

Spring 2020

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UPCOMING SECTION MEETING:

- **May 8, 2020**
11 a. m.
- **teleconference**

THE INTELLECTUAL PROPERTY LAW SECTION NEWSLETTER is an electronic publication of the Intellectual Property Law Section of the State Bar of Nevada.

The NEWSLETTER is intended to provide intellectual property-related material and information with the understanding that the authors do not intend that its contents constitute legal advice.

Design/Production

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News and Notes from the United States Patent and Trademark Office

CARES Act Extensions

Under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) signed by President Trump on March 27, 2020, the USPTO has further extended the time to file certain patent and trademark-related documents and to pay certain required fees, which otherwise would have been due between March 27 and May 31, to June 1, 2020. Practitioners, applicants, patent owners, petitioners, inventors, and others may be eligible for a waiver of certain deadlines provided that the delay was due to the COVID-19 outbreak including office closures, cash flow interruptions, travel delays, personal or family illness, or similar circumstances.

Patent Trial and Appeal Board's LEAP Program

Earlier this month, the USPTO launched the Patent Trial and Appeal Board's (PTAB) Legal Experience and Advancement Program (LEAP). LEAP is designed to foster development of the next generation of patent practitioners by creating opportunities to gain the proper skills and experience in oral arguments before the Board. To qualify as a LEAP practitioner, a patent agent or attorney must have three or fewer substantive oral arguments in any federal tribunal, including PTAB, and seven or fewer years of experience as a licensed attorney or agent. The USPTO hopes to help LEAP practitioners gain oral advocacy and drafting skills that will benefit them when appearing before any tribunal in the future. Practitioners may begin filing requests on May 15, 2020.

USPTO Denies Petition Requesting Artificial Intelligence as an Inventor

The USPTO has denied a petition to list the Artificial Intelligence machine "DABUS" as an inventor in U.S. Patent Application No. 16/524,350 stating, "The United States Patent and Trademark Office's (USPTO's) understanding of the patent statutes and the Federal Circuit case law concerning inventorship to require that an inventor must be a natural person is reflected in the numerous references to the inventor as a 'person' in Title 37 of the Code of Federal Regulations ... Accordingly, because the above-identified application names a machine, '[DABUS] (Invention generated by artificial intelligence),' as the inventor, and because current statutes, case law, and USPTO regulations and rules limit inventorship to natural persons, the above-identified application does not comply with 35 U.S.C. § 115(a). The USPTO therefore properly issued the August 8, 2019 Notice requiring the inventor to be identified by his or her legal name."

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PLEASE JOIN US!

NEXT INTELLECTUAL PROPERTY LAW
SECTION MEETING

FRIDAY: MAY 8, 2020 AT 11:00 A.M.
VIA TELECONFERENCE
See agenda for teleconference information

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STATE BAR OF NEVADA RESOURCES

The following CLE programs are available for free on the State Bar of Nevada's website. Find these programs and more at: www.nvbar.org/covid-19-update > Free CLEs, or Member Benefits.

COVID-19 AND TAX RELIEF FOR INDIVIDUALS AND CORPORATIONS UNDER THE CARES ACT

In response to emerging and unprecedented financial devastation from COVID-19 on March 27, 2020, Congress passed broad economic relief for individuals, tax-exempts and corporations. The Act includes a myriad of tax provisions targeting individuals, corporations, and tax-exempt entities. William S. Boyd Professor of Law discusses certain tax relief under the Act focusing on the details of the Recovery Rebate, changes to retirement account distributions, enhanced charitable donations, and other disaster relief provisions for individuals and corporations.

KEEP CALM AND LAWYER ON

As Nevada lawyers find themselves working remotely, many for the first time, we've gathered a panel of professionals to discuss tools that can help you continue your practice effectively. Join speakers from Clio (cloud based practice management), Front Office Staff (virtual receptionist), GNGF (marketing and business strategy), LAWCLERK (virtual freelance lawyers) and LawPay (online payments). These are solutions you can implement quickly to help you thrive wherever and whenever you are working!

CARES ACT AND SMALL BUSINESS: NAVIGATING THROUGH THE RED TAPE TO AVOID RED INK

This program addresses the basic provisions and features of the CARES Act, including (1) the Paycheck Protection Program (PPP); (2) the Small Business Debt Relief Program; and (3) Economic Injury Disaster Loans and Emergency Economic Injury Grants. The seminar includes a discussion of the qualifying criteria for these programs as well as practical advice to applicants seeking such funding.



RECENT U.S. SUPREME COURT CASES

TRADEMARK

In [Romag Fasteners, Inc. v. Fossil, Inc.](#), the U.S. Supreme Court decided that a plaintiff in a trademark infringement suit is not required to show that a defendant willfully infringed the plaintiff's trademark as a precondition to an award of profits, vacating and remanding the Federal Circuit's earlier decision. Decided April 27, 2020.

COPYRIGHT

In [Georgia v. Public.Resource.Org, Inc.](#), the U.S. Supreme Court ruled that copyright protection does not extend to works produced by judges or legislators in the course of their official duties. Decided April 27, 2020.

PATRONS OF NEVADA SUPREME COURT LAW LIBRARY CAN ACCESS LEXIS ADVANCE AND WESTLAW EDGE REMOTELY

On Monday, April 20, the Nevada Supreme Court Law Library announced that LexisNexis and Westlaw have granted temporary virtual self-serve access to Lexis Advance and Westlaw Edge for Nevada Supreme Court Law Library patrons as they work remotely and practice social distancing. Previously, these services were only available to patrons visiting the library in person and using patron computers.

Library patrons can create a temporary ID for these services and gain access to statutes, briefs, pleadings, motions, company information and secondary materials. Registration instructions and additional information are available on the library's website at: https://nvcourts.link/NVSC_L_remote_access.