

Intellectual Property Law for Business Lawyers

2014–2015 Edition

Kinney & Lange, P.A.



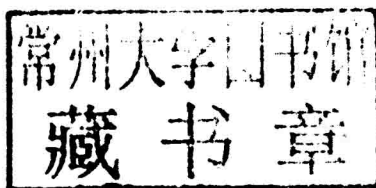
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INTELLECTUAL PROPERTY LAW FOR BUSINESS LAWYERS

2014–2015 EDITION

By

KINNEY & LANGE, P.A.



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ABOUT THE AUTHORS

KINNEY & LANGE, P.A. is a full-service intellectual property law firm founded in 1978 and based in Minneapolis. Our attorneys have a wide variety of backgrounds in different areas of technology and the arts. This lends breadth and depth to our practice of patent, trademark, copyright, unfair competition, and related licensing and litigation. The firm's clients range from large multinational corporations to small domestic businesses and individuals.

DAVID R. FAIRBAIRN is President and a founding attorney of Kinney & Lange. Dave is a frequent author and lecturer in the field of intellectual property. He has also taught "Communications Law" in the Masters of Business Communication Program of the College of St. Thomas. Dave served as President of the Minnesota Intellectual Property Law Association in 1995-96, is a former member of the Governing Council of the Hennepin County Bar Association and chaired the Patent Law committee of the American Intellectual Property Law Association in 1996-98. He is a member of the Tau Beta Pi and Eta Kappa Nu Engineering Honors Societies. Dave holds a Bachelor of Electrical Engineering Degree from the University of Minnesota-Twin Cities (with distinction) and a Juris Doctor from William Mitchell College of Law (cum laude). As a tournament fisherman, he qualified for both the 1994 and 1995 MWC World Walleye Championships. Dave also collects baseball memorabilia.

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PREFACE

This book evolved from Kinney & Lange's annual seminar on *Intellectual Property for Business Lawyers*. We first presented the seminar in Minneapolis in 1984, and we gradually expanded our presentation throughout the Upper Midwest. The seminar has always received an enthusiastic response, and thousands of lawyers have attended our presentations over the years. This book is our way of reaching more of you and sharing with you our interest in, and our commitment to, intellectual property law.

In writing this book, our intent was to prepare a book of general interest for attorneys who do not practice regularly in the area, but who encounter intellectual property problems from time to time. Corporate lawyers, commercial litigators and general counsel are our intended audience, but we hope others will find the book useful as well.

We hope you find the book useful. Our goal is to provide business lawyers with a general overview of intellectual property law, enabling them to identify intellectual property issues and understand some basic principles. We did not try to write a law review article or an exhaustive treatise. We did not try to propose or advocate any particular theories. We wanted to write a practical book that business lawyers would refer to again and again.

Intellectual property law is evolving quickly these days. This book was up-to-date when we finished it, but some parts may already be out of date by the time you read it. We point this out to you as a reminder that no book can ever be dispositive. This book is a starting place in analyzing legal problems, not a final stop.

We would like to thank everyone who participated in this project. First, thanks to Thomson Reuters for approaching us with the idea for this book, as well as their continued support. Thanks also to everyone at Kinney & Lange for their support, particularly our editing team, Austen Zuege, Michael Collins, Stephen Komarec, and Matt De Ruyter, without whom this work would never have been completed.

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