

**Trademark Prosecution
Summer 2022
University of Houston Law Center
100 Law Center Dr.
Houston, Texas 77004**

Instruction: Mr. Lee B. Hunt, Adjunct Professor
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COURSE OVERVIEW: This two-hour course provides hands-on training and instruction on the process of Trademark prosecution, from pre-application searching and client admonishment through the filing of renewal documents ten years after registration. Particular attention will be paid to the bases for application-filings and common refusals. Class discussion will cover current issues in trademark law and focus on law, precedent, and the USPTO's Trademark Manual of Examining Procedure. The course will also familiarize students with the electronic systems used by the trademark bar for searching databases of current registrations and pending applications, filing electronic applications, and responding to official correspondence issued by the USPTO. Upon completion of this course, students will have the knowledge and understanding required to prosecute a trademark registration for others when licensed to practice law.

REQUIRED READING: *Trademark and Unfair Competition, Law and Policy,*
*Dinwoodie; Janice, **4th Edition******

*****NOTE:** *The 5th edition is the most current; we will be using the 4th edition because the information will suffice and the book is much cheaper than the current edition. (At least one final question will come directly from the book and will not be discussed in class.)*

Trademark Manual of Examining Procedure (Current Edition). Hard copy is NOT required, as electronic version available at
<http://tmep.uspto.gov/RDMS/detail/manual/TMEP/current/d1e2.xml>.

In re E. I. du Pont de Nemours & Co., 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973)

Matal v. Tam, 137 S. Ct. 1744 (2017).

Iancu v. Brunetti, 588 U.S. ____ (2019).

United States Patent & Trademark Office v. Booking.com B. V., 140 S. Ct. 2298, 2300, 207 L. Ed. 2d 738 (2020).

Abercrombie & Fitch Co. v. Hunting World, 537 F.2d 4 (2nd Cir. 1976).

FIRST DAY Reading:

Text Book: Chapter 5-- Registration.

Cases to Read:

1. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973)
2. *Abercrombie & Fitch Co. v. Hunting World*, 537 F.2d 4 (2nd Cir. 1976)

CLASS PARTICIPATION:

Because this is an asynchronous course, the time you attend is flexible, but the AMOUNT of participation in this course is not. You MUST participate in course discussions by commenting on the relevant subject matter using fact and substantiated opinion. Deadlines are important and must be met. Videos will post each week, and must be viewed by the end of the week.

GRADES:

Your grade in this course will be based on a final exam, consisting of one short answer and two essays applying trademark law and testing your analysis of it. The test will be open book/open note.

About the Instructor:

Lee B. Hunt has been an adjunct professor for the University of Houston Law Center since 2015, and recently joined the faculty at Texas A&M Law School as well. Before entering private practice, Lee served six years as a trademark attorney for the United States Patent and Trademark Office, examining applications for federal trademark registration, training and mentoring newly hired trademark examining attorneys, helping to draft legal policy, and providing outreach through the agency's Texas Regional Office in Dallas. He currently works as an attorney with the Fort Worth law firm of Kelly Hart & Hallman, LLP, practicing trademark law, entertainment law, intellectual property, and general commercial litigation. Lee has a Bachelor of Science from Texas State University, a

Master of Public Service and Administration from the Bush School of Government at Texas A&M University, and a Doctor of Jurisprudence from the University of Houston Law Center. Lee is a former Houston Police officer, a former clerk to the Supreme Court of Texas, and a current member of the State Bar of Texas. Lee resides in Fort Worth, Texas with his wife and three kids.

If you have questions or concerns outside of class time, please feel free to reach me by phone or at the email address provided.