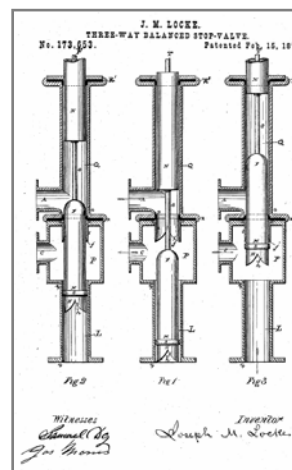


Licensing & Tech. Transfer

- Module 3
- Employer-Employee Issues

Lane & Bodley Co. v. Locke (1893)

- What did Locke invent and who is he suing?
- Precedent
 - Hapgood v. Hewitt
 - versus
 - Troy Iron; Oliver
- Is this a “license arising upon implied contract based upon the relation of the parties and the nature of the transactions”
- Basis
 - Shop-right?
 - Acquiescence?
 - Ratification?
 - Laches?

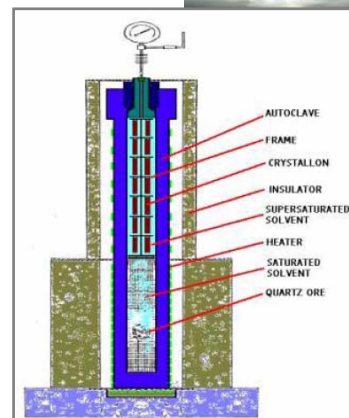


Marshall v. Colgate-Palmolive-Peet Co. (3rd. 1949)

- “A patent is property, title to which passes from the inventor only by assignment, and an agreement to assign will be specifically enforced. As between employer and employee, rights are determined upon the contract of employment.”
- Does this default rule change between employers and employees?
- If so, under what conditions or circumstances?
- Did plaintiff assign any inventions to the employer? Did he facilitate others doing so?
- Outcome at Dist. Ct. and on review?

Gilson v. Republic of Ireland (DC Cir. 1986)

- What did Gilson help co-invent?
- Why is he suing Ireland?
- Outcome for
 - Patent infringement
 - Trade Secret misappropriation



Wommack v. Durham Pecan Company, Inc. (5th 1983)

- When did Wommack Reduce to Practice his method? Does this matter?
 - Employer assistance versus employee consent
 - Both are considerations
- Invention Agreement?
- Jury special verdict
- Scope of shop right

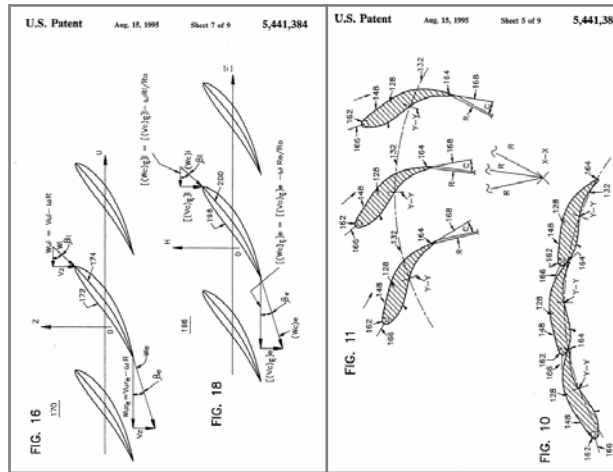


Licensing, Fall 2008, Prof. Greg R. Vetter

3-5

Voith Hydro, Inc. v. Hydro West Group, Inc. (ND Cal. 1997)

- What did Gokhman conceive and when?
- First attempt to patent it (or part of it)
- Second attempt was while employed for who?
- What does Voith want?
- Result?



Licensing, Fall 2008, Prof. Greg R. Vetter

3-6