

LSTU E-130 -- Hypothetical Scenario Assignment #2

Facts:

Irene Inventor owns and operates a profitable Internet access company, called Accelerated Online Linking, which Irene refers to as “AOL” for short. Irene registered the Internet domain name aol.net (having learned that aol.com was already taken by America OnLine, a preexisting ISP). Irene and her company are located in Massachusetts.

You are Irene’s lawyer. In the summer of 2002, you filed a patent application for her and her company. Claim 1 of her patent application covers “the buying or selling of products, or transmission of information, over the Internet.” Claim 2 covers a method of making cars run inexpensively on water instead of gasoline. The Patent and Trademark Office allows both claims of Irene’s patent, which issued in March 2003.

Ron Ripoff lives in Texas. In January 2003, Ron figured out how to make cars run on water instead of gasoline. He immediately began offering these cars for sale over the Internet.

Instructions:

- (a) Identify each legal claim that you think any person or entity might attempt to assert against any other person or entity: who would be the plaintiff and defendant, and what would be the claim and legal cause of action? What remedies would be sought?
- (b) Identify the court or other decision-making body that might decide each claim. Consider both subject-matter jurisdiction and personal jurisdiction.
- (c) Explain the elements of each claim that the plaintiff would attempt to prove, and the defenses that could be raised.
- (d) State the likely ruling or outcome on each claim you have identified; and
- (e) Explain the legal factors, reasoning or analysis that would be likely to determine the outcome.

We expect your responses to be short -- the whole paper should be about four pages long.