



# LAW CLERK

Intellectual Property **PROJECTS**

## TRADEMARK APPLICATIONS AND RESPONSE TO OFFICE ACTIONS

**FLAT FEE**  
**\$750**

### PROJECT DESCRIPTION

I need a response to office action for three trademark applications. This project also includes filing four new trademark applications.

### PROJECT DETAILS

The office actions must address specimen refusal, among other issues. Three of the four new trademark applications are very similar to one another and have the same owner.

### COMMENTS



#### EXCEEDED EXPECTATIONS

James is highly qualified, efficient and easy to work with. I could not have completed this project without him, and I look forward to working with him again in the future.

## RESEARCH OUTLINE - RESPONSE TO OFFICE ACTION FOR LIKELIHOOD OF CONFUSION

### FLAT FEE PROJECT DESCRIPTION

**\$490**

Please create an outline covering relevant legal research in support of substantive arguments to overcome USPTO refusal based on likelihood of confusion under Section 2(d) of the Trademark Act. This will require careful legal research of TTAB/Fed caselaw and should include citations and quotations from relevant TTAB/Fed Ct decisions.

### PROJECT DETAILS

The application and Official Communications will be provided upon hiring.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Ryan delivered great work and was easy to work with. I will definitely assign more projects to him going forward.

## PURCHASE AND SALE AGREEMENT AND TRANSFER DOCS

### FLAT FEE PROJECT DESCRIPTION

**\$5,000**

I need a purchase and sale agreement, as well as all related transfer documents, which should be exhibits to the purchase and sale agreement for the sale of: (i) an e-commerce retailer's assets (accounts receivable, inventory, customer list, equipment, IP, and related assets) to a newly formed OpCp; and (ii) certain litigation claims to a newly formed LitCo. The transfer will be free and clear of all liens, claims, and encumbrances pursuant to Section 363 of the bankruptcy code. I can provide the language for the transfer free and clear of all liens, claims, an encumbrances under the bankruptcy code.

### PROJECT DETAILS

This is a somewhat complicated transaction and requires someone experienced with drafting agreements for the purchase and sale of operating businesses. The purchase price is \$4.95M.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Frank provided an excellent purchase and sale agreement for a complicated transaction and was a pleasure to work with.

## COPYRIGHT DAMAGES MEMO & DEMAND LETTER

### FLAT FEE PROJECT DESCRIPTION

**\$600**

I need a memo and a demand letter. The memo will detail the method of calculating copyright damages where the infringer has conceded liability and will include a recommendation on the amount of damages based on the facts (to be shared upon hiring). The demand letter will be a persuasive response to a low ball settlement offer on damages.

### PROJECT DETAILS

I will provide a detailed chronology of the facts. I am looking for an attorney with a strong background in copyright damages. Do you have this direct experience? Please leave your answer in the comments.

### COMMENTS



#### EXCEEDED EXPECTATIONS

We could not be more pleased. We gave Alex a challenging, highly technical assignment, requiring both a memo and a demand letter. Alex's work was excellent: thorough, very well written, well-researched, supported by ample pertinent case law, persuasive and timely. We highly recommend Alex and will be quick to hire him again for similar needs.

## SOFTWARE SUBSCRIPTION AGREEMENT AND ORDER FORM

### FLAT FEE PROJECT DESCRIPTION

**\$750**

1. Draft a software license/subscription agreement with a separate order form. This document will be formatted for in-person sales (not online T&C), and will include user support/maintenance.  
2. Suggest any other relevant documentation, such as website T&C (this will become a separate follow-up project).

#### PROJECT DETAILS

I have provided correspondence between the client and the firm, however more questions may need to be addressed/clarified. I am providing templates from Lexis, although I am open to other formats, and have not reviewed the templates for relevance or completeness.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Kim's work was exactly what I needed, and she was so helpful with revisions as well.

## PATENT APPLICATION

### FLAT FEE PROJECT DESCRIPTION

**\$500**

I have a patent application that I need submitted. Claims have been drafted and drawings have been created. I need someone to submit the application to the USPTO website. A provisional application was already filed.

#### PROJECT DETAILS

I am looking for a patent attorney or a patent agent who can file the application. A review of the materials is necessary and of course if there are blatant claims that would cause the patent not to be granted much obliged to point that out.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Very knowledgeable and resourceful with great integrity about his work and the subject matter.

## TTACB OPPOSITION BRIEF

### FLAT FEE PROJECT DESCRIPTION

**\$200**

I need an opposition brief completed with a quick turnaround. This will be an ongoing project. Thus, the person that handles this and does a good job, will likely handle other aspects of the assignment as well.

#### PROJECT DETAILS

This is an opposition brief. A trademark application was filed and we opposed the application. Now, we need to file the opposition brief with the TTAB. Specifically, the main argument against the pending trademark is that it will cause irreparable harm to pre-existing common law rights of a trademark, which was used before the infringing mark was filed.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Hannah was easy to work with, prompt, and was able to get the assignment completed on deadline. She communicates well and I would recommend her!

## PATENT INFRINGEMENT DRAFT CEASE & DESIST LETTER

### FLAT FEE PROJECT DESCRIPTION

**\$312**

Draft cease and desist letter concerning potential patent infringement.

### PROJECT DETAILS

Client has a pending provisional patent application with USPTO. Client has become aware of another company based in Colorado that is selling a cheaper version of an identical product.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Rob does excellent IP work and he's helped me tremendously on a range of different matters. Definitely recommend!

## "FRIENDLY" CEASE AND DESIST

### FLAT FEE PROJECT DESCRIPTION

**\$300**

I need a Cease and Desist Letter for a products manufacturer.

### PROJECT DETAILS

I can supply a template. I need someone to research the right contact for the infringer and update the template to reflect an initial "friendly" cease and desist, offering to accept royalties.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Followed directions, delivered on time, and easy communications. Great job!

## COPYRIGHT INFRINGEMENT AND UNFAIR COMPETITION RESEARCH MEMO

### FLAT FEE PROJECT DESCRIPTION

**\$375**

I need a memorandum detailing: (1) the elements of claims under the Federal (Lanham Act) and California unfair competition statutes and common law; (2) the statutes of limitations relating thereto, including guidance regarding when the statutes of limitations are triggered, and; (3) time-based defenses to such unfair competition claims (i.e., laches, waiver, etc.). The analysis should include a discussion of unfair competition, which claims are pled in conjunction with a primary claim of federal copyright infringement. Applicant must have access to legal research databases (e.g., Lexis, Westlaw).

### PROJECT DETAILS

Memorandum should be concise and should take no more than five hours.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Very concise memorandum - great citations that I can use in my litigation matter. On time and very well done. I will use Joseph again.

## ANALYSIS OF LITIGATION MATTER COPYRIGHT AND UNFAIR COMPETITION

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**FLAT FEE**  
**\$600**

### PROJECT DESCRIPTION

I need a memorandum detailing: (1) whether the claims of unfair competition in the complaint are properly pled, and if not, which elements are missing; (2) whether the unfair competition claims (Lanham Act, state (17200), and common law) are preempted by the copyright infringement claim; (3) if the unfair competition claims are not preempted, which statute of limitations applies to each of the unfair competition claims; (4) if the unfair competition claims are not preempted, what damages calculation is used for each of the unfair competition claims (actual v. statutory, attorneys' fees, etc.). Applicant must have access to legal research databases (e.g., Lexis, Westlaw).

### PROJECT DETAILS

Memorandum should be concise.

### COMMENTS



#### EXCEEDED EXPECTATIONS

David has exceeded expectations on every project I've given him. On the last memo he completed, I asked for fairly significant revisions and he did so without complaint. Very comprehensive research and concise writing. I will use him again.

## EX PARTE TTAB APPEAL BRIEF

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**FLAT FEE**  
**\$350**

### PROJECT DESCRIPTION

Trademark was refused based on a likelihood of confusion. I need a draft of the response prepared.

### PROJECT DETAILS

Prior trademark experience and drafting of such Ex-Parte Appeal Briefs is required.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Great work. I was very happy with the quality, which exceeded my expectations.

## USPTO RESPONSE TO OFFICE ACTION

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**FLAT FEE**  
**\$100**

### PROJECT DESCRIPTION

Prepare a response to a USPTO Office action with a likelihood of confusion refusal.

### PROJECT DETAILS

Mark was refused on likelihood of confusion. A draft has been prepared, but I am not happy with it and would like it revised.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Thank you Erica. I look forward to working with you again.

## REFILLING A PATENTED PRODUCT “LICENSED” TO THE USER

### FLAT FEE PROJECT DESCRIPTION

**\$540**

I need research and a brief memorandum identifying the case law that determines if it is permissible for a third party, non-patent owner/licensee to refill a patented product that is “licensed” and not “sold” to a user, without the third party, non-patent owner/licensee infringing the patent. It could be there is no infringement because of patent exhaustion that happens, or because there is an implied license for anyone to refill the product, or some other permissible reason.

#### PROJECT DETAILS

I am most concerned with the legal research supporting a permissible position and not a detailed memorandum. Also, I must have a verbal discussion with the lawclerk/attorney on their research findings before any written memo is started.

### COMMENTS



#### EXCEEDED EXPECTATIONS

John did a great job diving in quickly and understanding the issues and sub-issues at play, and then research them appropriately. We had a good discussion on his findings and the conclusion the law was leading us to. He then prepared a comprehensive and focused memo to document the facts and legal research and give me a great reference tool for advising my client on how to proceed. I enjoyed working with John and look forward to doing so again in the future when the need arises.

## TERMS OF SERVICE FOR ONLINE COURSE

### FLAT FEE PROJECT DESCRIPTION

**\$400**

I need an agreement/terms of service prepared for an online course offered by a branding/web design professional.

#### PROJECT DETAILS

I'm expecting this to take an hour or two to complete, but let me know if you think it would take more time. Client would like the terms to be something that a consumer can click to accept/agree before purchasing the online course.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Dan has continued to exceed my expectations. He is very thorough and gets the work done well in advance of the deadline.

## DRAFT RESPONSE TO CEASE AND DESIST (SETTLEMENT)

### FLAT FEE PROJECT DESCRIPTION

**\$150**

I need a response to a cease and desist letter drafted to a major company. We should acknowledge that we have removed the problematic category, but will move forward with the current category. We want them to agree in writing (via letter) that removing the problematic category satisfies their concern and there will not be additional challenges in the future.

#### PROJECT DETAILS

This letter should cite to federal law and support why we won't be removing any additional categories that don't conflict with the brand's current trademarked categories.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Austin is excellent. I have used him several times to draft cease and desist letters. He is great at research and delivers on time.

## TRADEMARK AND COPYRIGHT

**FLAT FEE** **PROJECT DESCRIPTION**  
**\$400** Trademark and copyright

### PROJECT DETAILS

We need a trademark and copyright started for a company that does auto computer diagnostics.

### COMMENTS



#### EXCEEDED EXPECTATIONS

He is amazing to work with. Very capable and quick.

## REVIEW AND REVISE A DATA PROCESSING AGREEMENT

**FLAT FEE** **PROJECT DESCRIPTION**  
**\$350**

In preparation for General Data Protection Regulation (GDPR) enforcement starting in the UK on May 25, 2018, my client's customer has created a Data Processing Agreement (DPA) to meet GDPR compliance requirements. This DPA is a legal requirement under the GDPR.

My client has a professional service agreement (PSA) with the customer and needs a review of the DPA so client may continue to store and process its customers' personal and sensitive data. The DPA will become a part of the PSA.

### PROJECT DETAILS

The DPA to review is 19 pages and would normally take me about 3 hours to review. Your review should balance document useability and risk management, recognizing in the general run of commercial and IT contracts that disproportionately long terms in the data protection area will as a practical matter inhibit useability and this will increase rather than reduce the risk to be managed. This approach involves a judgment about and trade-off between clause length and coverage. If there is a term that is one-sided against my client, you should red-line it and propose compromise language. Recognizing many of the terms are mandated by the GDPR (not negotiable), add comments in the margin to highlight my client's responsibilities where the terms need to be communicated to the programmers working with the data. I will provide you with the initial draft of the DPA, signed PSA and a model DPA with comments and references to reconcile the 3 documents in a fair and balanced draft.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Kathryn provided an excellent work product.

## TRADEMARK APPLICATION SERVICES ENGAGEMENT AGREEMENT REVIEW

### FLAT FEE PROJECT DESCRIPTION

**\$125**

I am in the process of developing an Engagement Agreement to provide USPTO Trademark Application services to clients who may agree to the terms online. I have prepared the first draft of the Engagement Agreement and would like to have another set of experienced eyes review the language, make additions, clarifications, etc. prior to publishing the terms on the site.

### PROJECT DETAILS

The document is short, not more than 5 pages, and written to avoid too much legalese. It should take no more than an hour, maybe two hours, to complete the review and make any suggested edits.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Great job! Fast turnaround!

## PREPARE A RESPONSE TO A USPTO OFFICE ACTION WITH A LIKELIHOOD OF CONFUSION REFUSAL

### FLAT FEE PROJECT DESCRIPTION

**\$150**

Mark was refused on likelihood of confusion. The marks are similar. Arguments are to be made that the goods and commercial impressions of the marks are different.

### PROJECT DETAILS

Prepare draft response to office action.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Excellent work and a fast turnaround. I look forward to working with you again.

## RESEARCH OUTLINE - RESPONSE TO OFFICE ACTION FOR LIKELIHOOD OF CONFUSION

### FLAT FEE PROJECT DESCRIPTION

**\$480**

Please create an outline covering relevant legal research in support of substantive arguments to overcome USPTO refusal based on likelihood of confusion under Section 2(d) of the Trademark Act. This will require careful legal research of TTAB/Fed case law.

### PROJECT DETAILS

TM Application and Official Communications will be provided.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Excellent work product and responsive to all points requested by instructions. Great job!



## DRAFT A RESPONSE TO A NOTICE OF ACTION TO DENY A TRADEMARK BY USPTO

**FLAT FEE**  
**\$250**

### PROJECT DESCRIPTION

I need to have a Lawclerk research and draft a response to a Notice of Action received from the USPTO regarding a trademark application.

I would require all of the research and the written response for same.

### PROJECT DETAILS

The notice of action to deny will be provided.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Went above and beyond!

## MOTION TO QUASH SUBPOENA

**FLAT FEE**  
**\$300**

### PROJECT DESCRIPTION

I need someone to help me draft a Motion to Strike a Subpoena or in the Alternative Motion For a Protective Order to be filed in County Court in Florida.

### PROJECT DETAILS

An internet services provider has been sent a subpoena duces tecum so that the service provider can provide the names and addresses of the individuals identified under an IP address. I need a draft objecting to this subpoena. The objection is to be made against Plaintiff.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Deirdre, thank you so much for the quality of work you produced under a tight deadline. I hope to get the chance to work with you again in the near future.

## PATENT APPLICATION

**FLAT FEE**  
**\$1,000**

### PROJECT DESCRIPTION

I need a non-provisional patent application. (There is no provisional pending)

### PROJECT DETAILS

A special holder/box for a particular good.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Frank was very thorough, asked a lot of questions and produced a product well beyond my expectations.