



조지타운 로스쿨 여름특별과정

GEORGETOWN LAW  
SUMMER PROGRAM in KOREA

- *U.S. Patent Litigation & Negotiation*



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# 01 모집요강 Outline



기업지재권(법무)담당 임직원, 정부 및 연구기관 국제 정책 담당자, 변리사·변호사, 교수, 지식재산 유관기관 종사자 등

선착순 60명

U.S. Patent Litigation & Negotiation

조지타운대학 수료증 발급, 변리사 의무연수(25시간) 인정, 변호사 의무연수(21시간) 인정, 미국 CLE Credits 인정

300만원 (부가세 별도) ※ 대한변리사회 및 WPA 회원의 경우 수강료 우대



8.17(월)~21(금) 13:00~18:30, 5일 (총25시간)

서울대학교 글로벌 공학교육센터 5층 대회의실

총 25시간 (2.5시간 X 10개 주제)

13:00 ~ 15:30 (150')	강 의
15:30 ~ 16:00 (30')	휴 식
16:00 ~ 18:30 (150')	강 의



7. 1(수) ~ 8. 7(금)

- ▶ 온라인신청 : <http://gtlaw.kpaa.or.kr>
- ▶ 전자 편지 : [edu@kpaa.or.kr](mailto:edu@kpaa.or.kr)
- ▶ 팩 스 : 02) 522-7823

교육비 납부 및 SNS를 통한 교육신청자 간 네트워킹

# 02 인사말 Welcome Message

## 01 /

안녕하십니까?

세계 사회·경제 환경 변화는 이제 우리에게 지식재산전문가라는 이름을 부여하며 기술과 법 전문가임을 끊임없이 확인하고 이를 위해 노력할 것을 요청하고 있습니다.

대한변리사회는 국내외 지식재산교육의 선두주자로서 이러한 시대 흐름에 부응하여 이번에 미국 명문대학인 조지타운대학교와 손잡고 특허소송실무 전문가 양성과정을 개설합니다.

새 정부의 국정기조인 창조경제를 실현하고, 국제 특허 경쟁 환경을 혁신적으로 이끌어갈 전문가들을 육성할 수 있는 디딤돌이 될 교육과정임을 확신합니다. 지식재산 전문가들이 많이 참여하길 기원합니다.



회장

## 02 / 가

급변하는 지식사회에서 세계경제는 지식재산을 중심으로 재편되고 있습니다. 지식재산 전문가의 역할이 그 어느 때보다 강조되는 이유입니다. 전문가는 끊임없는 연구와 부단한 노력을 통해서만 그 가치가 인정될 수 있습니다. 특히 국가별로 상이한 지식재산 분야는 각국의 다양한 정보와 제도에 대한 충분한 이해와 실무경험이 중요합니다. 그런 의미에서 이번 교육과정은 국내 지식재산 전문가 분들의 역량 강화를 위한 매우 좋은 기회가 되리라 생각합니다. 특히 세계적 명문 대학인 조지타운대학교의 훌륭한 교수진과 미국 CLE 등 각종연수 혜택까지 주어지는 이번 과정은 미국 지재권 소송 실무에 목마른 여러분들의 갈증을 해소할 절호의 기회가 될 것임을 자신합니다. 국내를 넘어 미국 등 세계무대에서 활약할 여러분의 많은 참여를 기대합니다. 감사합니다.



가

## 03 / Georgetown University Law Center

존경하는 교육 참가자 여러분,

현시대는 지식재산의 시대라 해도 과언이 아닙니다.

모든 산업분야는 지식재산을 빼놓고 언급하기 어려우며, 그에 따른 지식 재산의 이해·활용 및 보호는 세계적으로 중요한 화두가 되고 있습니다. 이런 상황에서 단순히 애플 삼성의 지식재산관련 분쟁만 보더라도, 세계 경제의 신흥 중심국가로 도약하고 있는 대한민국의 기업가 및 법률가들에게 세계경제에서 공통적으로 작용하는 지식재산에 대한 법적 규제에 대한 이해는 이제 선택이 아닌 필수라 할 수 있겠습니다.

저희 Georgetown University Law Center 역시 이에 발맞추어 Iron Tech Lawyer Program을 지속적으로 발전시키고 있으며, 특히 2014년에는 한국정부에서도 크게 인지하고 있는 빅데이터 및 Privacy & Technology 관련 Law Center를 설립하였습니다.

더불어 올해 2015년 대한변리사회(KPAA), 세계한인지식재산전문가협회(WIPA)와 공동으로 미국내 지식재산 소송부터 중재/판결 및 사례에 대한 한국인들의 폭넓은 이해를 돕고자 "GEORGETOWN LAW SUMMER PROGRAM IN KOREA"을 개최하게 되었습니다.

참가자 여러분들은 이번 과정을 위해 엄선된 최고의 해당분야 전문가 교수님과의 피드백을 통해, 미국의 지식재산 소송실무 전반에 대한 내용을 학습하시고 이해하시게 될 것입니다. 이를 통해 여러분의 법률적 지식과 비즈니스 지식을 더욱더 풍부하게 발전시켜 나가시길 기원합니다.

감사합니다.



학장



# 03 교육과정소개

## Course Description

### PROFESSIONAL

글로벌 특허 경쟁 환경을 혁신적으로 이끌어갈 전문가들을 육성하고자 미국 워싱턴 D.C 소재 최고의 전통 명문 대학인 조지타운대학교와 협력하여 마련된 미국 지식재산소송 실무 전문가 과정입니다.

### 5 DAYS

본 과정을 통해 국내외 변호사/변리사 및 교수 뿐 아니라, 기업체 법무업무자들에게 U.S. PATENT LITIGATION 과 NEGOTIATION 더 나아가 포괄적인 US LAW에 대한 이해를 도울수 있을 것입니다. 세부적으로는 Pre-Trial Procedures, Claim Construction and Infringement, Trial, Judgment, Appeal, and Other Venues, Negotiations, Legislative Reform Efforts, Design Patents, Hatch-Waxman Act, Antitrust Law를 주제로 총 5일 동안 교육이 이루어집니다.

### COMMUNICATION

본 연수과정 수강자들에게는 교육시작 전부터 SNS, 수강생 모임 등을 활용해 사전 수업 준비를 통해 적극적으로 수업에 참여할 수 있도록 지원할 예정입니다. 더불어, 과정 수료자들에게는 조지타운 대학 명의의 수료증을 발급하며 미국 주요 주의 CLE Credits 인정 및 국내 변리사 의무연수가 인정되는 과정입니다.

### Georgetown University Law Center



Since 1870, Georgetown Law has been an innovator in legal education. We have one of the largest full-time faculties in the world, filled with dedicated scholars and teachers who have expertise in a variety of practice settings as well as the classroom. Twenty-three of our professors have served as U.S. Supreme Court clerks and 39 have advanced degrees in other disciplines. Students can learn environmental law from EPA appointees, study national security law with former DOD officials and be introduced to appellate advocacy by professors who argue before the High Court.

Our clinical programs are consistently ranked the best in the nation, and we offer a wide array of practicum courses - from wrongful convictions to consumer advocacy. We continue to break new ground with our world-renowned centers and institutes, where experts are finding creative solutions to global challenges. An impressive array of course offerings, including field placements in Washington, D.C., provide limitless learning opportunities in international, tax, environmental, constitutional law and more. Externships, summer work and post-graduate fellowships round out a competitive, 21st-century legal education that is recognized and valued around the world.

< 출처 : Georgetown University Law Center 홈페이지 소개글 >



# 04 교육일정

## Schedule

8.17( )	13:00 ~ 15:30	Introduction to U.S. Patent Litigation and the U.S. Law School Experience
	16:00 ~ 18:30	Pre-Trial Procedures I
	18:30 ~ 21:00	만찬
8.18( )	13:00 ~ 15:30	Pre-Trial Procedures II
	16:00 ~ 18:30	Claim Construction and Infringement
8.19( )	13:00 ~ 15:30	Invalidity and Unenforceability
	16:00 ~ 18:30	Remedies
8.20( )	13:00 ~ 15:30	Trial, Judgment, Appeal, and Other Venues
	16:00 ~ 18:30	[ Advanced Topics I ] Antitrust
8.21( )	13:00 ~ 15:30	[ Advanced Topics II ] Legislative Reform Efforts, Design Patents, Hatch-Waxman Act
	16:00 ~ 18:30	Negotiation
	18:30 ~ 21:00	만찬

# 05 교수진

## Program Faculty

### 01 / John R. Thomas

#### Education

- ▶ B.S. in Computer Engineering from Carnegie Mellon,
- ▶ J.D. magna cum laude from the University of Michigan
- ▶ LL.M. with highest honors from George Washington University

Professor Thomas previously served on the law faculties of George Washington, Cornell, and Tokyo Universities. He was a visiting scholar at the Max Planck Institute in Munich, Germany; Institute of Intellectual Property in Tokyo, Japan; and the Research Center for Advanced Science and Technology in Tokyo, Japan. He has also served as instructor at the Patent Academy of the U.S. Patent and Trademark Office, the Munich Intellectual Property Law Center in Germany, and the Franklin Pierce Center for Intellectual Property at the University of New Hampshire, USA.

Professor Thomas holds a B.S. in Computer Engineering from Carnegie Mellon, a J.D. magna cum laude from the University of Michigan, and an LL.M. with highest honors from George Washington University. Following law school he served as a law clerk to Chief Judge Helen Nies of the U.S. Court of Appeals for the Federal Circuit, the appellate tribunal with exclusive jurisdiction over patent cases in the USA. Prior to joining the legal academy, he practiced law as an associate at intellectual property law firms in Munich, Germany, and Washington D.C. He is the author of numerous journal articles and six books on the subject of intellectual property, including two treatises that will be updated to their third edition in 2015: Pharmaceutical Patent Law, published by BNA, and Principles of Patent Law, published by West.



Professor of Law  
at Georgetown  
University Law Center

### 02 / William Kim

#### Education

- ▶ MBA (marketing and finance), 1987, The University of Michigan
- ▶ JD, 1983, Georgetown University
- ▶ BS (biology), 1979, The Catholic University of America
- ▶ University of Chicago

#### Bar Admissions

- ▶ Korea, Registered Foreign Legal Consultant, 2012
- ▶ New York, 1989
- ▶ District of Columbia, 1989
- ▶ Minnesota, 1983

Professor Kim is a partner in the corporate department of Ropes & Gray, chairs the firm's Korea Practice, and is a member of the firm's Office Managing Partners Committee. He also co-chairs the firm's International Practice Group. He is the first foreign lawyer to be registered in Korea to practice as "Foreign Legal Consultant" and heads our firm's Seoul office (known under Korean rules as "Foreign Legal Consultant Office"). Professor Kim represents and advises Korean multi-national companies and their U.S. subsidiaries in matters related to corporations, mergers and acquisitions, joint ventures, strategic alliances, cross-border transactions, project development and project finance. He also represents and advises many technology-oriented Korean companies in technology transfers, complex licensing arrangements and intellectual property litigations. Professor Kim is a frequent guest lecturer at universities, corporations and trade associations on subjects related to international negotiations and cross-border transactions.



Adjunct Professor  
at Georgetown  
University Law Center

### 03 / David. S. Chun

#### Education

- ▶ B.S. (Chemical Engineering), 1996, Columbia University
- ▶ J.D. 2001, Fordham University Law School

#### Bar Admissions

- ▶ Korea, Registered Foreign Legal Consultant, 2012
- ▶ New York, 2003

Professor Chun is one of the founding partners of Ropes & Gray Seoul office. He focuses his practice on litigating patent infringement, trade secret misappropriation and copyright infringement matters in district and appellate courts and in connection with government enforcement actions. He represents both foreign and domestic clients in litigations involving a broad range of subject matters. Representative technologies include semiconductor and flash memory, wireless mobile devices, digital signal processing for hearing aid devices, on-line gaming, hard disk drives, alternative fuels, software interfaces, medical devices, business methods and consumer products.



Adjunct Professor  
at Georgetown  
University Law Center

### 04 / Mark S. Popofsky

#### Education

- ▶ JD, magna cum laude, 1993, Harvard Law School
- ▶ AB, magna cum laude and highest honors in History and Economics, 1990, Brown University, PhiBeta Kappa

#### Bar Admissions

- ▶ California, 1994
- ▶ District of Columbia, 1997

Professor Popofsky is an Adjunct Professor for Advanced Antitrust Law and Economics at Georgetown Law School, a position held since 2000. Mark S. Popofsky, a veteran of the landmark Microsoft trial, chairs Ropes & Gray's Antitrust Practice Group. A first-chair trial lawyer, Mark litigates antitrust, intellectual property and other complex business litigation matters. Mark's litigation practice includes jury trials, class actions (including cartel cases), arbitrations and appeals throughout the federal and states courts. Professor Popofsky regularly counsels Fortune 500 companies on the full-range of antitrust matters across numerous industries, including high technology, telecommunications, medical device, pharmaceuticals, aerospace, manufacturing, health care and consumer products. With deep and recognized experience in the intersection of intellectual property and antitrust, He advises leading Internet, semiconductor, hardware, software and telecommunications clients on business practices, competitor collaborations and distribution arrangements. He also represents parties in civil and criminal antitrust investigations and transactions before the U.S. Department of Justice and the Federal Trade Commission.



Adjunct Professor  
at Georgetown  
University Law Center

# 06 교육내용 Syllabus

I	John. R. Thomas	Introduction	<ul style="list-style-type: none"> <li>The opening class session will overview the conduct of the course and expectations of the instructors. Preliminary matters such as U.S. legal institutions and the common law process will then be considered.</li> <li>This session also reviews the business goals of patent litigation, which parties may bring suit, and the essential elements of the cases of the patent proprietor and accused infringer. The session will close with an introduction to the U.S. law school classroom experience with the classic intellectual property case of <i>International News Service v. Associated Press</i>.</li> </ul>
II	David. S. Chun	Pre-Trial Procedures I	<ul style="list-style-type: none"> <li>Sessions Two and Three will provide an overview of the procedural and practical requirements for patent litigation in the United States.</li> <li>This session will cover pre-suit requirements up to the filing and answering of a complaint, including issues relating to standing, jurisdiction and forum, and pleading requirements.</li> </ul>
III	David. S. Chun	Pre-Trial Procedures II	<ul style="list-style-type: none"> <li>This session will cover the mechanics of a patent litigation through trial, including an overview of a typical litigation case schedule under local court or individual practice rules.</li> </ul>
IV	John. R. Thomas	Claim Construction and Infringement	<ul style="list-style-type: none"> <li>Patent claims do not interpret themselves. Further, even though patent applicants draft numerous claims of varying scope, the U.S. courts sometimes reach a finding of infringement on accused embodiments that lie outside the scope of the claims. This session considers the U.S. doctrines of claim construction from a substantive and procedural perspective. It also reviews the doctrine of equivalents as well as the statutory means through which a finding of infringement may be reached.</li> </ul>
V	John. R. Thomas	Invalidity and Unenforceability	<ul style="list-style-type: none"> <li>U.S. patents are presumed to be valid, but accused infringers may assert they were improvidently granted. This session considers the various grounds by which an issued patent may be invalidated, including anticipation, obviousness, and lack of enablement. It also considers doctrines of unenforceability, and in particular the recent changes to the laws of inequitable conduct.</li> </ul>

VI	David. S. Chun	Remedies	<ul style="list-style-type: none"> <li>This session covers potential remedies that are available in a patent case, including an award of monetary damages or availability of an injunction. Session Six will also address potential award of attorneys fees.</li> </ul>
VII	John. R. Thomas	Trial, Judgment, Appeal, and Other Venues	<ul style="list-style-type: none"> <li>This session reviews trial procedures, interactions with the jury, and the issuance of judgments. It also addresses post-trial motions and appeals to the U.S. Court of Appeals for the Federal Circuit. This session will also discuss U.S. patent litigation that occurs outside the federal courts in both the U.S. International Trade Commission and the U.S Patent and Trademark Office.</li> </ul>
VIII	Mark. S. Popofsky	Advanced Topics II Antitrust Law	<ul style="list-style-type: none"> <li>Introduction to U.S. Competition Law Principles that govern patent licensing, litigation, and acquisitions. Topics include package licensing, refusals to license, patent pools, FRAND commitments/standard-essential patents, antitrust analysis of patent acquisition, litigation and settlements, and antitrust issues raised by patent trolls.</li> </ul>
IX	John. R. Thomas	Advanced Topics I Legislative Reform Efforts, Design Patents, Hatch-Waxman Act	<ul style="list-style-type: none"> <li>This session will consider three advanced topics that are of considerable significance to U.S. patent litigation. The instructor will review ongoing patent reform efforts in the 114th Congress relating to patent litigation. He will also discuss design patents, which were once widely regarded as the poor stepchild of the U.S. patent system, but have now been thrust to the forefront of industrial, legislative, and judicial interest. Finally, he will discuss the special rules that connect the patent system to the food and drug laws, both in the United States and, via the U.S.-Korea Free Trade Agreement, to the Republic of Korea as well.</li> </ul>
X	William Kim	Negotiations	<ul style="list-style-type: none"> <li>Most patent litigations are settled through negotiation or court-ordered mediation even before going to trial. So, we must ask ourselves: "how do I know I am negotiating well?" "What proven tools am I employing when I negotiate?" "Are these tools learned or made up by myself through my experience?" "Do I know how to prepare for negotiations and implement my strategy?" "Do I know what phase of negotiations I am in and am I using this knowledge to my advantage?" "What type of negotiator am I and what type of negotiator is my opponent – and am I using this to my advantage?"</li> <li>We will explore the followings. Different types of negotiations, How to prepare for negotiations, Understanding the "zone of agreement", How to set your first serious offer, How to come to the final settlement, Different negotiation phases, Different types of negotiators, Traits of effective negotiators</li> </ul>

# 07 교육생 특전

## Member Benefits

**GEORGETOWN  
UNivERsiTy  
LAW CENTER**

1. 글로벌 지식재산 전문가로 인정
2. 국내외를 아우르는 소송전문가 네트워크 형성
3. 변리사 의무연수(전문) 25시간 인정
4. CLE Credit  
미국변호사 Continuing Legal Education 이수 인정

# 08 교재소개

## Course Material

### Reading Material

#### Patent Litigation and Strategy, 4th

**Author**

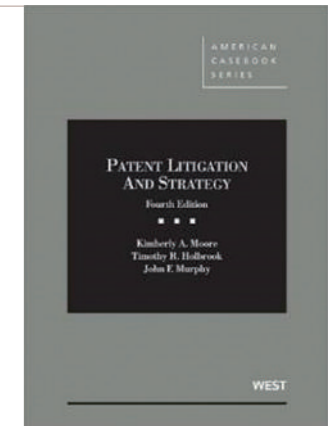
Kimberly Moore, Timothy R Holbrook, John F Murphy

**Publisher**

West Academic Publishing; 4 edition (May 9, 2013)

**Language**

English



※ 개별 구매  
<http://store.westacademic.com/s.nl/it.A/id.1255/f>

### Course Book

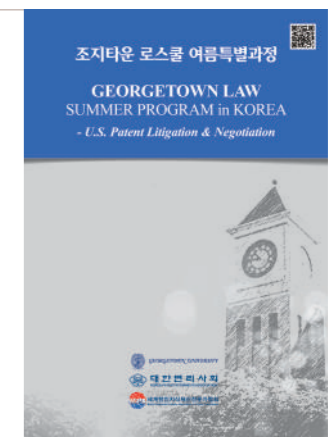
#### Georgetown Law Summer Program in Korea - U.S. Patent Litigation & Negotiation

John Thomas, David Chun, William Kim, Mark Popofsky

세계한인지식재산전문가협회

대한변리사회 연수원 (2015. 7월 발행예정)

영어, 한국어번역본 포함



※ 자체 제작교재는 교육수강생에 한하여 배부합니다.

# 09 등록방법 Enrollment

- US PATENT LITIGATION 및 포괄적인 US LAW에 대한 이해를 필요로 하는 분
- 미국 CLE Credits 인증이 필요한 분
- IP 분야 관련 전문가들과의 폭넓은 네트워킹을 원하는 분
- 미국 특허소송 · 법률제도 · IP 관련 지식이 필요한 실무자
- 온라인 신청서 작성 (홈페이지 : <http://gtlaw.kpaa.or.kr>)  
\* 전자편지 : [edu@kpaa.or.kr](mailto:edu@kpaa.or.kr) 팩스 : 02)522-7823
- 교육비 입금 \* 교육비 입금 방법은 참가 신청자에 한해 별도 안내 예정
- 교육신청자 간 네트워크 활동 (SNS 활용)



참가신청 바로가기

- 대한변리사회 연수원 : 02-3486-3446
- 세계한인지식재산전문가협회 사무국 : 02-584-1777



## 오시는 길



- 가** : 서울대 정문에서 직진하여 나들문 5로 진입함
  - 서울대입구역 3번 출구
  - : 시내버스 5513번(공대입구 정류장 하차), 시내버스 5511번(신소재공동연구소 정류장 하차)
  - 낙성대역 4번 출구
  - : 마을버스 02번(신소재공동연구소 정류장 하차)
- : 지하철 2호선 서울대 입구역 또는 낙성대역 하차
- : 서울대 정문 교내 셔틀버스 탑승, 공대입구 정류장 하차