



Center for Intellectual Property Law & Information Technology: leader, innovator among *wave* of competition

Intellectual property law was just emerging as one of the hottest areas in the field when the College of Law “caught the wave” and started the Center for Intellectual Property Law & Information Technology (CIPLIT®) in 1997, according to the program’s founding director, Roberta Rosenthal Kwall.

BY ANGELA FORNELLI



Founding director, Roberta Rosenthal Kwall

But it is very evident that CIPLIT not only caught the wave, it pushed the wave forward with great force. Now celebrating its 10th anniversary, the program has been ranked for the past seven years among the top 15 IP programs in the country by *U.S. News & World Report* and has been used as a model for similar programs throughout the nation.

“In 10 years, we went from having almost a nonexistent IP program to one that’s nationally and internationally respected,” says **Barbara Bressler** (’80), current director of the program.

The Early Years

In the program’s infancy, the prominence of the Internet and digital technology was just beginning to take shape, Kwall says, and “there was an opportunity to capture the wave and try to ride it because we thought we already had a fair bit of natural [student and faculty] talent at the law school in the area of IP. We took what we had and worked it into a program designed to bring the law school national recognition in a major way.”

Kwall says she was motivated to start CIPLIT as a way of “giving back” to DePaul after her 15-year tenure as a law professor there. She began handcrafting this innovative program with three necessary orders of business: to partner with Chicago firms, develop an IP legal writing section that would connect with a summer job program, and hire quality faculty. These areas remain the cornerstones of the program today, continuing to attract top students and faculty and ultimately boosting CIPLIT’s reputation.



*Current director,
Barbara Bressler*

Manzo joined CIPLIT’s advisory board early on and continues as a member today. The board is consulted at least twice a year and provides direction and support to the program, helping make sure it meets the needs of the practicing bar and offering suggestions for future growth. Manzo also underwrites the Advanced Concepts in Patent Law Seminar, a course comprised of a series of lectures by invited patent scholars whose presentations serve as models for students’ original works of patent law scholarship.

“I wanted to develop high-quality IP education in law schools, and DePaul presented a unique opportunity for that to happen,” Manzo says.

Attracting high-quality students

Kwall’s working relationships with local law firms also contributed to the success of her second order of business when creating CIPLIT: to establish an IP/IT legal writing section within the college’s Legal Analysis, Research & Communication Program through which students who performed well received summer jobs at local law firms. The highly selective IP/IT legal writing section serves as an incentive to prospective students and attracts the most dedicated, intelligent students, Kwall says.

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“The model we used for developing CIPLIT has been emulated by IP centers developed at other schools throughout the country,” Kwall says.

Building bridges

Kwall knew that in order to create an effective program, the law school must be richly integrated with the practicing bar, particularly in the Chicago area. She began building these bridges by spending “many, many hours” searching for DePaul alumni who were practicing any form of IP law, she says.

“I was absolutely stunned to realize there were so many high-level experts in IP from DePaul, not only in Chicago, but throughout the nation,” she says. “DePaul graduates really do well in the job market and in practice, and that was evident as I was researching.”

Kwall then visited every law firm in Chicago to present plans for the program and to begin forming the relationships that remain essential to the program’s success today.

“Too often, academics sit in their offices and think great thoughts, but they don’t really get out into the real world,” Kwall says. “We got [law firms’] input and their buy-in at a very critical time.”

Those contacts have contributed to the program in a wide range of ways, such as providing student jobs, donations and scholarships, as well as by acting as adjunct faculty and advisory board members. Edward Manzo, a partner at Cook Alex McFarron Manzo Cummings & Mehler Ltd., is one example of a practicing patent attorney who has offered his expertise to the program since its inception.

Within the first three years, 17 students were accepted annually into the IP/IT legal writing section; that number increased to 37 students for the 2007-2008 academic year. As a result, CIPLIT has placed 18 to 25 first-year students in paid IP/IT summer jobs every year since the program’s creation in 1998.

“After the first year [of law school] it’s very unusual for students to get paid legal positions. For us to get respected law firms to hire our students at this level is a testament to the quality of our program,” Bressler says. “These law firms know [our students] have been well-prepared, and they’ve continued [to hire our students] year after year so obviously they are pleased.”

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Amy Davison (’98) (second from left) was the recipient of the 1997 IP Award sponsored by Brinks Hofer Gilson & Lione. She is joined by (from left) former Dean Teree Foster, Gustavo Siller (’83) of Brinks Hofer, and Kwall.

One such law firm that continually employs DePaul first-year summer associates is McAndrews Held & Malloy. Gregory Vogler ('84), one of the firm's co-founders and a longtime supporter of CIPLIT, has sponsored 10 first-year associates since the IP/IT summer job program began.

In the last three years, more than 35 law firms, judges and organizations participated in the CIPLIT summer job program. Marc Trachtenberg ('06) says, "The program provides its participants with the opportunity to work at firms that are simply inaccessible to most first-year law students."

Rick Biagi ('01) was one of the first students enrolled in the IP/IT legal writing section and subsequently placed in a summer job.

"[The potential summer job opportunity] was a coup when I enrolled in the law school. I felt nobody I knew was getting summer jobs as a first-year student ... especially as a paid intern," Biagi says.

Biagi clerked at Neal & McDevitt during the summer of 1999 and returned during the summers of his second and third years. By the time he graduated and took the bar exam, the firm offered him an associate position. This year, Biagi became a partner there.



Susan Somers Neal ('82) (right), senior partner at Neal & McDevitt, established the Susan Somers Neal Scholarship in 2003.



The 2000 Niro Distinguished IP Lecturer, J. Thomas McCarthy, is senior professor of law and founding director of the McCarthy Institute for Intellectual Property & Technology Law at the University of San Francisco.

"I wouldn't have had the connections without the CIPLIT program," he says. "It comes full circle, because we now have a clerk that came through the program, and we made an offer to him. It's a testament to the quality of students [the college is] graduating."

And the potential for summer jobs continues to attract high-quality students to the program.

"I could tell that CIPLIT understood how important summer work experience and income were to law students," says CIPLIT student Bevin Seifert ('08). "I figured that if I managed to do well enough to qualify for the summer job program, it would really help to reduce my debt load."

The IP/IT legal writing section was pioneered by Maureen Collins ('85), who previously directed DePaul's legal writing program. The current IP legal writing professors are Benjamin Alba and Anthony Volini, who joined the program in 2005 and 2006 respectively.

According to Kwall, the IP legal writing section and summer job program became the models for other programs at the College of Law, including the family, public interest and health law programs. "It really is a viable way to attract students and enhance our reputation," and other areas of the law school quickly caught on, Kwall says.

"The completeness of the program, the quality of the entire staff and the visibility of the faculty makes the most difference," says John Paniaguas ('82), a partner at Katten Muchin Rosenman LLP in Chicago and a former chair of CIPLIT's advisory board. "I've been practicing patent law for 25 years, and I can't imagine anyone providing a better program [than DePaul]."

Employing expert faculty

As Paniaguas points out, CIPLIT's reputation and academic credibility has hinged greatly on its nationally recognized faculty—which speaks to Kwall's third and final order of business in creating CIPLIT 10 years ago.

"A program is only as good as its faculty," Kwall says. "It was particularly important to hire someone with a technical background to interact with and mentor the increasingly growing number of

students with technical backgrounds coming to DePaul. Patent law is a natural fit for students with particular types of technical backgrounds and the job market in this area is among the strongest in IP."



Edward D. Manzo, pictured with Professor Katherine Strandburg, supports the Advanced Concepts in Patent Law Seminar.

To fill this need, the school hired patent litigator Katherine Strandburg as a professor in 2002, and CIPLIT has maintained its strong emphasis on attracting high quality faculty to the program. In 2005, the program added another faculty member with expertise in copyright and international intellectual property law, Matthew Sag.

The new members have been "wonderful additions" to the faculty who've been loyal to the program since its beginning, Kwall says. Patty Gerstenblith began teaching IP courses when she came to DePaul in 1984 and now is director of CIPLIT's Program in Cultural Heritage Law. Margit Livingston also taught IP courses during the program's outset and now is developing a specialized course in theater law. She facilitates the annual Visiting Artist Program and is the co-director of the intellectual property LL.M. program. Gerstenblith and Livingston also facilitate the newly launched Arts Law Colloquium for students interested in art, museum, media and entertainment law.

In addition, Professor Brian Havel taught International Intellectual Property Law in the early years and is now the associate dean for centers, institutes and programs. Adjunct Professor Meggan Duffy previously taught IP legal writing and now teaches patent law and co-directs the intellectual property LL.M. program with Livingston.

"We have such a rich, wonderful program at this point," Kwall says. "It's great to see the way [the faculty] has enhanced the visibility, academic credibility and reputation of the law school."

Students also appreciate the quality of the IP faculty as well as their approachability. Seifert says, “The staff and professors made me feel like I already was part of CIPLIT before I made the final decision to attend DePaul.”

She also is refreshed by the accessibility of professors and their extensive, in-depth knowledge.

“I do credit DePaul’s CIPLIT program with providing me with the basic knowledge, training and experience that allows me to negotiate with foreign governments on the importance of IP rights around the world,”

The wide array of experience and areas of expertise held by the faculty allows CIPLIT to offer a range of in-depth courses—another appealing aspect to students.

“Aside from the high ranking of DePaul’s IP program, one of the things that set it apart for me was the breadth and depth of course offerings,” Seifert says. “I remember seeing other schools list one course covering arts, entertainment and sports law, whereas DePaul has at least one course in each of those areas.”

The Growing Years

While Kwall’s first three initiatives in creating the program were taking off, new developments occurred that brought the school further success.

In 2000, Kwall asked Bressler, an experienced clinical professor at the College of Law, to create and direct a new Technology/Intellectual Property Clinic (TIP Clinic®). The TIP Clinic was one of the first law school clinical programs to provide transactional services exclusively in the areas of patent, trademark and copyright law to clients who could not afford to pay private counsel for these services.

“With the advent of the Internet, it became very easy to access authors’ creations, and it became increasingly difficult for authors to protect their works,” Bressler says. “We wanted creators to know what IP regimes were available to help them protect their creations. Through the clinic, students were able to apply what they had learned in the classroom to help very talented people.”

This soon became another capstone of the program and another attractive element to prospective students and faculty.

Todd Krueckeberg (’02) says the TIP Clinic was a very appealing and instrumental aspect of the program for him.

“I actually spent two semesters at the TIP Clinic as I enjoyed it so much,” he says. “I really do credit CIPLIT with allowing me to experience real problems and work with interested parties to resolve their differences.”

Currently, Krueckeberg works as a special assistant to the undersecretary for intellectual property at the U.S. Patent and Trademark Office’s Office of Intellectual Property Policy and Enforcement. In this position, he has traveled around the world and worked with other governments to improve IP laws and awareness.

“I do credit DePaul’s CIPLIT program with providing me with the basic knowledge, training and experience that allows me to negotiate with foreign governments on the importance of IP rights around the world,” he says.

Prestigious conferences

CIPLIT also has continuously added new seminars, conferences, externships and other extracurricular activities to enrich the learning experience for students, faculty and alumni.

The Annual CIPLIT Conference, for example, has raised the bar for programs throughout the country. Each year since its creation in 2001, this intellectual property symposium on emerging issues in patent law, trademark law, cyberlaw and copyright law brings together leading researchers and thinkers in advanced technology, law and policy.

Another nationally recognized conference, the annual Intellectual Property Scholars Conference, co-sponsored by Berkeley, Cardozo, DePaul and Stanford law schools, brings together IP/IT scholars from across the country to present their works-in-progress and to discuss current issues. When the conference began in 2001, 13 professors attended. Last year, more than 125 scholars were present.

“This particular model of conference has two copycat conferences,” Kwall says. “It’s very innovative, entrepreneurial ideas such as this that really set the standard. In IP that’s what it really comes down to.”

In 2000, Gerald D. Hosier (’67), one of the foremost patent attorneys in the United States, established the Hosier Distinguished Visiting Intellectual Property Scholar program to help CIPLIT bring a variety of legal scholars to the College of Law. Hosier’s generous contributions have allowed students and faculty to benefit from the differing perspectives and expertise of leading IP scholars through specialized courses and lectures each year.

In addition to scholarly conferences, CIPLIT hosts numerous events open to the College of Law community. Seifert says she has enjoyed attending the many supplemental programs and events offered.

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Visiting artist Jeff Perry (left), co-founder of the acclaimed Steppenwolf Theatre Company in Chicago, spoke to students and faculty on his career as an actor, director and producer and the legal issues that face the artistic community in November 2005. From left: Perry, Professor Margit Livingston and attorney David Guinn.

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“Throughout my time at DePaul, I have attended numerous interesting events that have helped me to understand different career options in IP and many of the current legal issues in the field,” Seifert says, adding that she particularly enjoyed this year’s addition of the Arts Law Colloquium—monthly lunchtime presentations by attorneys who practice in the areas of art, museum, music, theater, film and media law.

Igor Dubinsky ’07 says the multitude and variety of event offerings on IP law, such as “having a seminar with a 9th Circuit judge, having the Federal Circuit sit at DePaul to hear cases, or having professional artists and performers come into the IP classes to relay real issues that they were experiencing in their professions,” was one of the factors that attracted him to DePaul.

Dubinsky, who now works as an intellectual property attorney at Brinks Hofer Gilson & Lione in Chicago, says he also appreciated the many opportunities for added experience and success.

“Both the professors and the administration were very helpful in pushing the students to succeed not just in school, but outside as well,” he says. “There were always school-wide events for selections to journals, trial teams, externships, and outside scholarships and competitions.”

Joint degree and certificate programs

In 2003, CIPLIT began designing two new joint degree programs with DePaul’s School for Computer Science, Telecommunications and Information Systems (CTI), allowing students to receive master’s degrees in areas that prepare them for specialized legal careers.

A JD/MS degree in computer science and technology was created for students with technical backgrounds. Students without technical backgrounds, but interested in learning to communicate IP/IT issues in technical language, could pursue a JD/MA in computer science and technology. In addition, students could receive a JD/MBA offered in conjunction with DePaul’s Kellstadt Graduate School of Business.

“Given the premium on technology in our society, a CTI joint degree offers both technical and nontechnical students the ability to obtain added valuable credentials,” Kwall says.

The joint degrees became available in 2003, and the first joint degree student graduated in 2005. Last year, four CTI joint degree students graduated.

Andrew Smith ’05, the school’s first JD/MS graduate, says he felt fortunate to find a nationally recognized Chicago school that emphasized IP and also offered a master’s program in computer science. In his current job as a patent attorney specializing in computer science inventions at Marshall Gerstein & Borun in Chicago, Smith says he uses what he learned in both law school and his master’s program daily.

“If I hadn’t been able to take both these programs, I couldn’t be doing this,” Smith says, adding that he is especially thankful to Strandburg for her instrumental role in getting the joint degree program approved and assisting him with his enrollment into the program.

Law students wishing to specialize in IP/IT solely through the JD curriculum also can choose from four unique certificate options: general IP law, patent law, arts and museum law, and information technology law.

“Certificate programs—which I believe we have more of than any other school—allow students to specialize within IP, giving them a broader knowledge base and enhanced marketability,” Kwall says.



Recognizing excellence in legal writing, the law firm of Scandaglia & Ryan annually honors an outstanding student from the first-year IP legal writing program. From left: William J. Ryan and Alan W. Nicgorski, Scandaglia & Ryan; 2006 IP Legal Writing Award recipient Nicholas Angelocci ’08; and Gregory J. Scandaglia, Scandaglia & Ryan.



Scholars pose questions during a presentation at the 7th Annual Intellectual Property Scholars Conference hosted by CIPLIT in August 2007.



Hon. Richard Linn speaks to students and answers questions about the Court of Appeals for the Federal Circuit in January 2007. Linn, whose background is in patent law and intellectual property litigation, was nominated by President Bill Clinton and assumed his judgeship in January 2000.

Generous supporters

All of the new additions and continuous growth of the program would not have been possible without the generosity of many donors and supporters throughout the years, Kwall says.

"I want to especially thank Ray Niro of Niro Scavone Haller & Niro for his support," Kwall says. "He was there from the very early stages and he endowed a professorship, which I now hold."

Kwall, the *Raymond P. Niro Professor of Intellectual Property Law*, resigned from her nine-year tenure as CIPLIT's director to focus on her scholarship in 2006. She currently is working on a book to be published by Stanford University Press, *THE SOUL OF CREATIVITY: SHOULD AMERICAN INTELLECTUAL PROPERTY LAW PROTECT THE INTEGRITY OF A CREATOR'S TEXT*. In addition, Kwall is co-author of a nationally used IP casebook with Strandburg and New York University's Rochelle Dreyfuss, and frequently publishes law review articles on IP and speaks at national and international conferences and symposia.

Niro's firm also underwrites the cost of bringing a distinguished lecturer and influential figure in IP/IT to present at the College of Law each year.



CIPLIT faculty and administrators celebrate at the center's 2004 gala. From left: Stephen Siegel, Maureen Collins, Leslie Silbermann ('04), Barbara Bressler, Katherine Strandburg, Roberta Kwall and Margit Livingston.

Another former CIPLIT board chair, **Mike Hartmann** ('76), also contributed generously to various areas of the program over the last several years. Hartmann specializes in IP litigation and technology protection and transfer at the Chicago office of Leydig Voit & Mayer Ltd.

Many others have supported CIPLIT through scholarships and specific initiatives. Kwall says she is grateful to all of them, as their commitments enable CIPLIT to recruit some of the most academically outstanding students and faculty, and provide an unparalleled range of extracurricular activities.

Kwall also is thankful to the College of Law deans who have supported the program. **Teree Foster**, dean when CIPLIT began in 1997, provided integral support in getting the program going. **John Roberts**, dean emeritus, has been involved since the beginning as a member of the IP committee and now teaches telecommunications law. Current College of Law dean, **Glen Weissenberger**, has always been very supportive of the program and continues to provide necessary resources.

"[Weissenberger] really understands the importance of the center for IP because he knows that it is instrumental in enhancing the law school's academic credibility," Kwall says.

IP alumnus receives award for outstanding service to DePaul



Gregory J. Vogler ('84)

was presented with the award for Outstanding Service to DePaul University at the 14th Annual Law Alumni Awards Luncheon in September 2007. The award recognizes the significant time, talent and effort he has given to support the

mission of DePaul University and the College of Law. Each year, the award is given to law alumni who have demonstrated outstanding service to the university—be it through volunteerism, philanthropy or any other means. Recipients exemplify living the DePaul mission in both their personal and professional life.

One of the co-founders of the law firm McAndrews Held & Malloy, Vogler is a successful patent litigator who has been named a "Leading Lawyer" by the Leading Lawyers Network. He has been the lead trial attorney in successful jury trials representing patent holders or accused infringers, and has been lead counsel on multiple Markman hearings, successful summary judgment motions on patent invalidity and noninfringement, preliminary injunctions and appellate practice. He has argued several times before the Court of Appeals for the Federal Circuit and took the lead role in the briefing of a 1989 patent case, *Eli Lilly v. Medtronic*, before the U.S. Supreme Court.

Vogler, a longtime supporter of the College of Law's IP program, has served on CIPLIT's advisory board since 2001 and has sponsored DePaul first-year summer associates since the IP/IT summer job program began in 1998. Through his generous contributions, CIPLIT also was able to hire an executive-level staff member.

Vogler has a BS in engineering from Purdue University and earned his JD with honors.

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Future Outlook

As more and more prestigious law schools throughout the country add IP/IT programs, CIPLIT continues to be a top contender, being sure to stay ahead of the curve.

“We’re always looking at how we can enhance our program and stay on the cutting edge,” Kwall says.



Kwall (center), 7th Circuit Judge Frank H. Easterbrook (left of center) and sponsor Raymond P. Niro Sr. (right of center) with panelists at the 2005 CIPLIT symposium “Intellectual Property Licensing by the Dominant Firm: Issues and Problems.”

The program remains one of the most popular in the College of Law, attracting some of the “very, very best students,” Bressler says.

About a third of matriculating students indicated an interest in IP law, and about 40 percent of the College of Law’s entire student body has indicated interest in IP/IT law.



From left: Professor Matthew Sag, Hon. Diane Wood, Hon. Alex Kozinski, Hon. Richard Posner and attorney Gregory Vogler (’84) participate in CIPLIT’s “A Conversation with the Judiciary” in November 2006.

“There’s a huge interest in it now because companies have realized how valuable intellectual property is. Anyone who does any sort of corporate work has to have some understanding of IP,” Bressler says. “We attract very good students who wouldn’t have come to DePaul but for the strength of our IP program.”

The school recently added e-commerce and cyberlaw courses, as those areas have become increasingly popular and essential in the field.

Kwall says one of the most important ways to continue growing the program is by continuing to make smart hiring decisions, especially by hiring faculty who can write at a high level. Additionally, the school is staying at the forefront by exploring a joint IP program with an international law school. No matter what, Kwall says she plans to continue encouraging innovative ideas to push that wave forward, just as they did in the beginning.

“We were in the top 15 IP programs in the nation within a very short time after we started,” Kwall says. “We successfully created a program from nothing, and it’s a testament to what hard work, energy and single mindedness can produce.”

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