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IP WEBINAR SERIES

BETTER SAFE THAN SORRY

US Litigation Basics

Nov. 20 |

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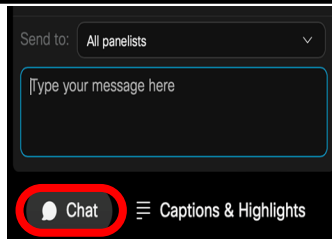
Webinar開始の前に

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- **コールイン**：電話からウェビナーに参加。国際コールイン番号は「Show all global call-in numbers」をご確認ください。
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ご質問がある場合

チャットよりご質問を送信してください



CLE

NY/CA/IL の弁護士資格をお持ちの方でCLEクレジットを取得する場合は、**Webinar終了後のアンケート**で、最後にお伝えする「**Alphanumeric Code**」の**入力が必要**となります

技術的なサポートが必要な場合

- Webex ヘルプセンターをご参照ください
<https://help.webex.com/ja-jp>
- 音声が聞こえない場合
https://help.webex.com/ja-jp/article/ela6i8/ミーティングまたはウェビナーに参加する前に音声とビデオの設定を選択する#id_138213
- 上記で解決できない場合は、貴社 IT 部門にお問い合わせください

United States Constitution

- Enacted Sep. 17, 1787
 - American Revolutionary War 1775 to **1783**
 - Amended **27 times**
- **Separation of Powers**
- **Strong State Powers**



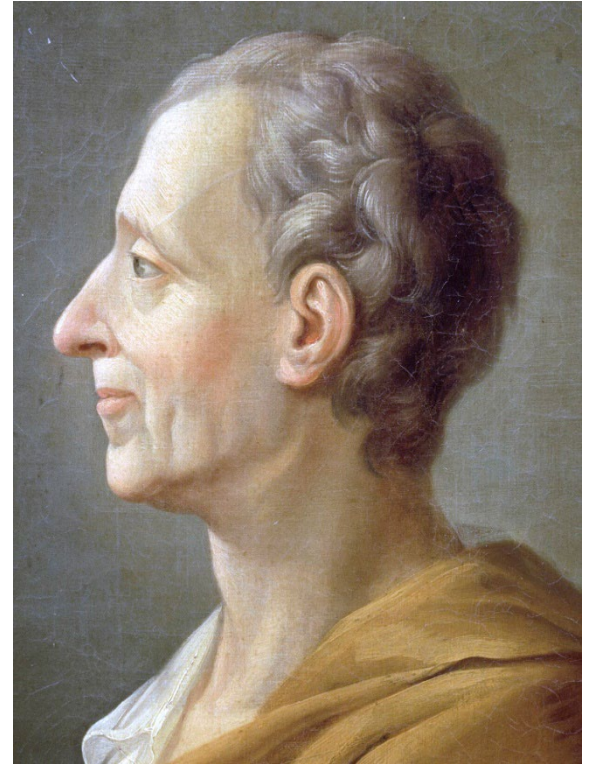
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Separation of Powers



King George III (1738-1820)



Montesquieu (1689-1755)

Separation of Powers/ Check and Balances



- Makes Laws



- Signs/Vetos Laws



- Judicial Review

- Approves Appointments (Senate)



- Appointment Rights (Secretaries/Judges)



- Lifetime Tenure

- Impeachment (House⇒Senate)

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President

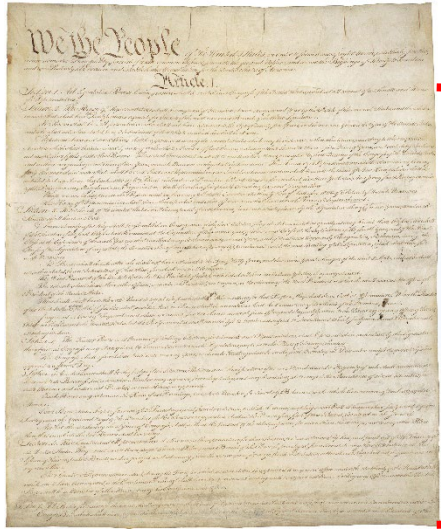
Supremet Court Justice



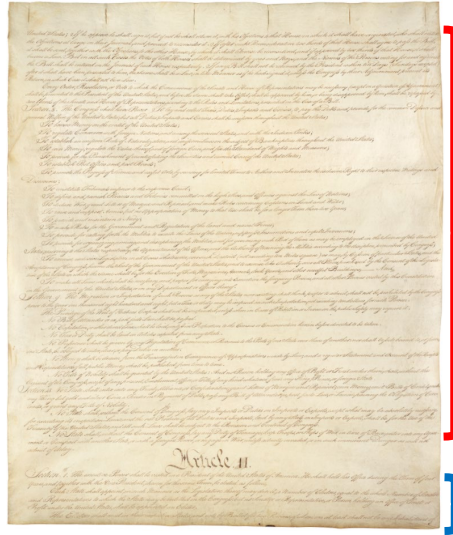
Separation of Powers

We the People

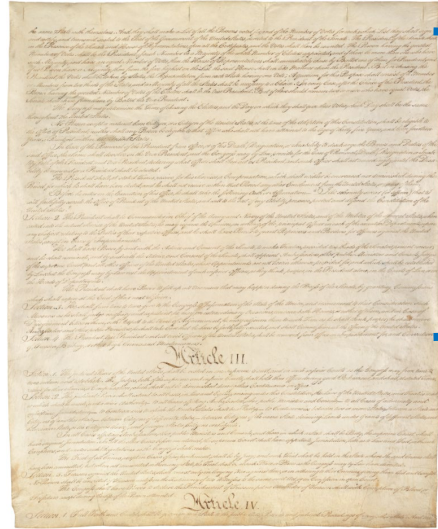
Article I



Article II



Article III



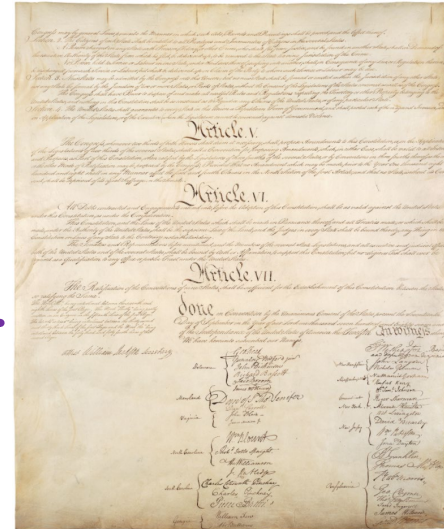
Article IV

Article V

Article VI

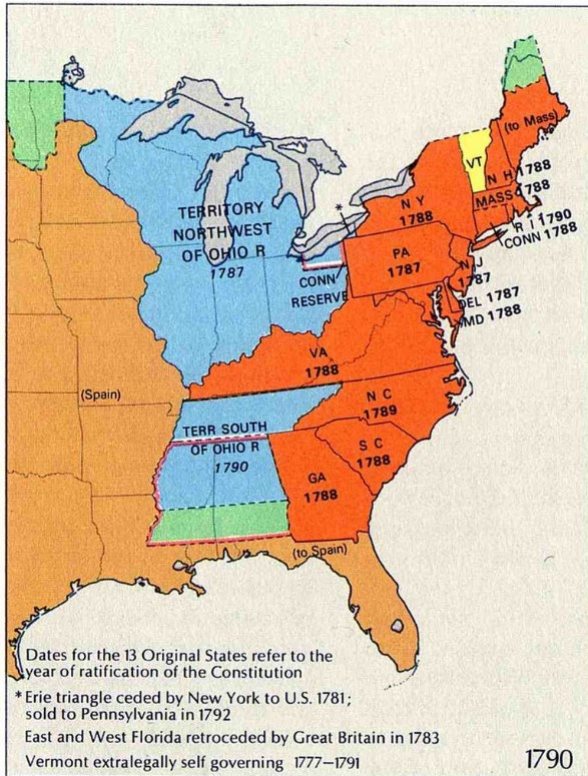
Done

Attest



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Strong State Powers



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❑ Art. I. Legislative Power

Section 8: Powers of Congress

The Congress shall have Power To lay and collect **Taxes**, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To **regulate Commerce** with foreign Nations, and **among the several States**, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of **Bankruptcies** throughout the U.S.;

To **coin Money**, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To **establish Post Offices and post Roads**;

To **promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries**;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To **declare War**, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To **raise and support Armies**, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To **provide and maintain a Navy**;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings;-And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

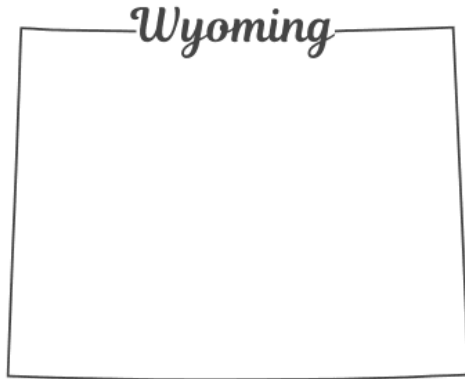
Strong State Powers: Commerce Clause



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Strong State Powers: The Great Compromise

“The Senate of the United States shall be composed of **two Senators from each state**, chosen by the legislature thereof for six Years.”



Population: 563,626

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1:66



Population: 37,253,956

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JUDICIARY

United States Supreme Court



Article III Section 1: The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, **shall hold their Offices during good Behaviour**, and shall, at stated Times, receive for their Services a **Compensation which shall not be diminished** during their Continuance in Office.

Court System: Supreme Court



Justice Thomas (72)



Justice Breyer (82)



Chief Justice Roberts(66)



Justice Sotomayor (67)



Justice Gorsuch (54)



Justice Kentaji Brown (52)



Justice Kavanaugh (56)



Justice Souter (81)



Justice Ginsburg (87)



Justice Alito (70)



Justice Kagan (61)



Justice Barrett (49)

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Supreme Court



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Supreme Court



AG Merrick Garland
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Controversial U.S. Supreme Court Cases

Brown v. Board of Education (1954)

- Holding **segregation of schools** unconstitutional

Loving v. Virginia (1967)

- Holding racial integrity law that forbade **interracial marriage** unconstitutional

Roe v. Wade (1973)

- Holding women's rights to **abortion** based on their right to privacy

Nat. Fed. of Independent Business v. Sebelius, Secretary of Health and Human Services (2010)

- Holding **Obama Care** to be constitutional

Obergefell v. Hodges (2015)

- Holding all states to legalize **same-sex marriages**

Students for Fair Admissions, Inc. v. University of North Carolina (2023)

- **Affirmative Action** is unconstitutional

Roe v. Wade



World ▾ Business ▾ Legal ▾ Markets ▾ More ▾



United States



7 minute read · June 28, 2022 3:53 AM GMT+9 · Last Updated 8 months ago

Aa

U.S. Supreme Court overturns Roe v. Wade, ends constitutional right to abortion

By Lawrence Hurley and Andrew Chung

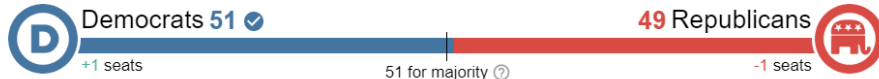
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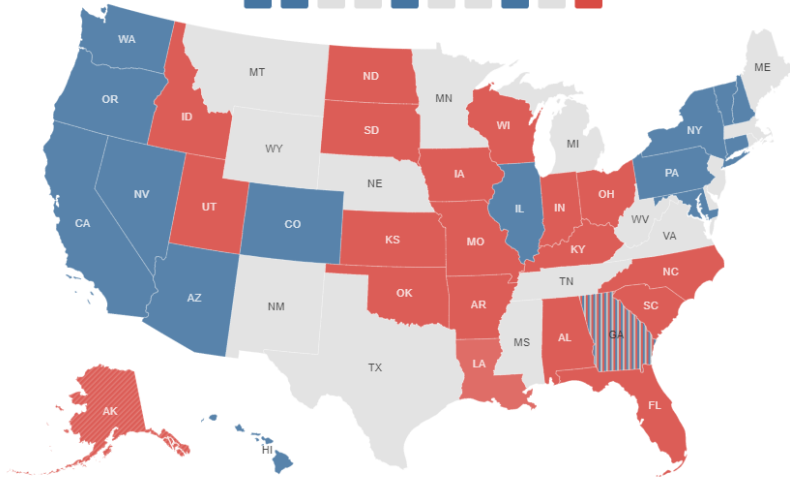
2022 Mid-Term Election

2022 Senate Results

Last updated: 2/20/2023, 11:14:58 AM



Tap a state below for detailed results

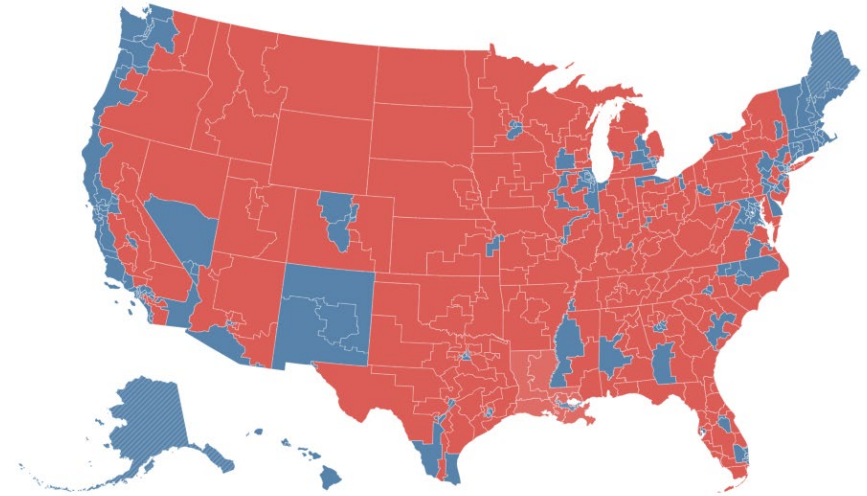


2022 House Results

Last updated: 2/20/2023, 11:15:31 AM



Tap a state below for detailed results

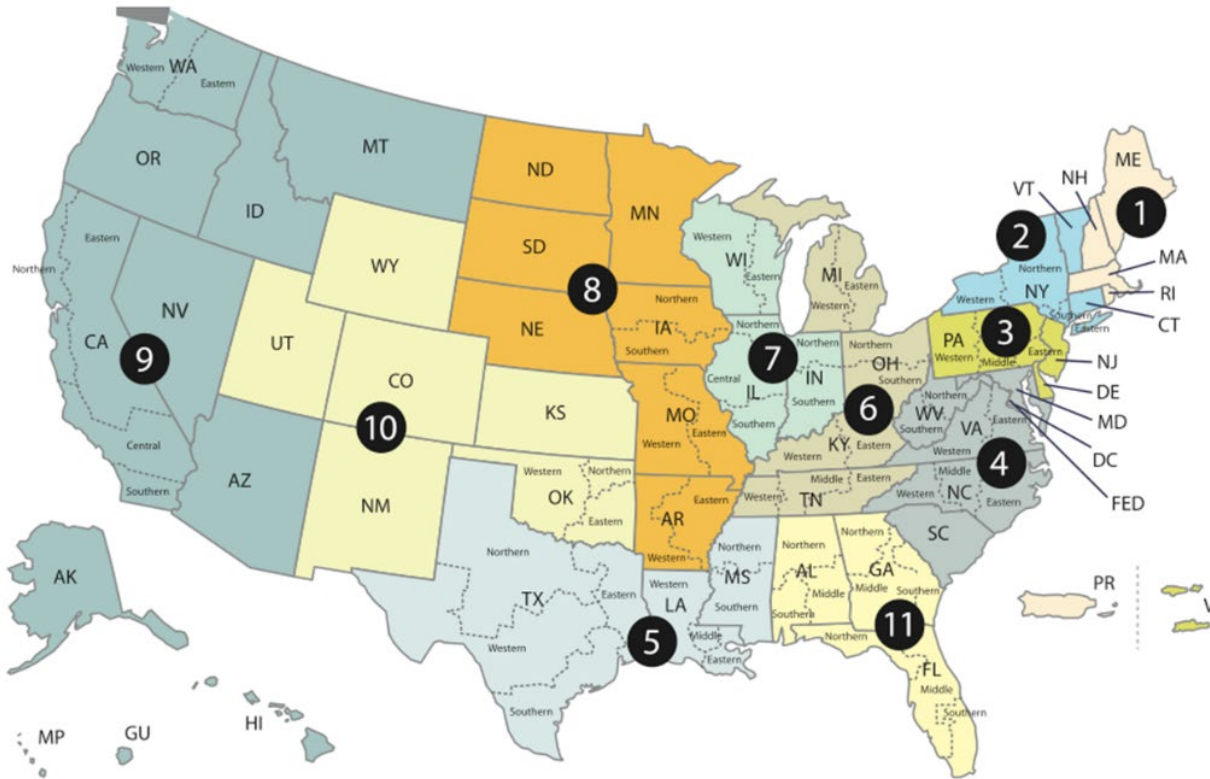




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OTHER ISSUES

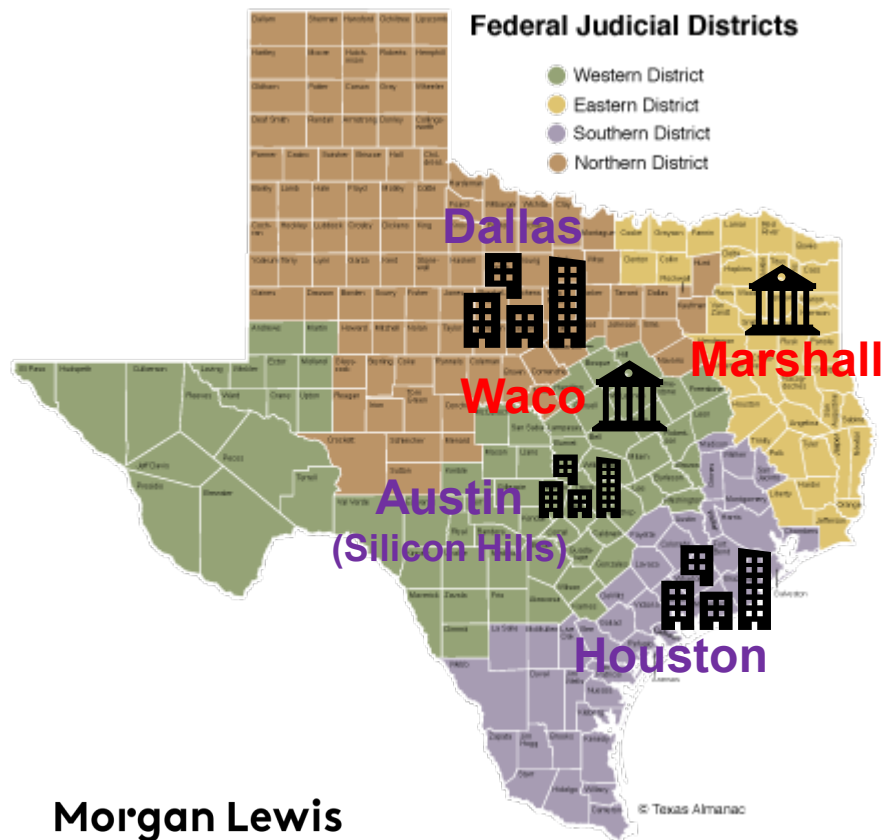
U.S. Circuit Courts



Court Locations

- 1st Cir.:** Boston
- 2nd Cir.:** New York
- 3rd Cir.:** Philadelphia
- 4th Cir.:** Richmond
- 5th Cir.:** New Orleans
- 6th Cir.:** Cincinnati
- 7th Cir.:** Chicago
- 8th Cir.:** St. Louis
- 9th Cir.:** San Francisco
- 10th Cir.:** Denver
- 11th Cir.:** Atlanta (1981)
- DC Cir.:** Washington DC
- Fed. Cir.:** DC (1982)

テキサス州西部連邦地裁

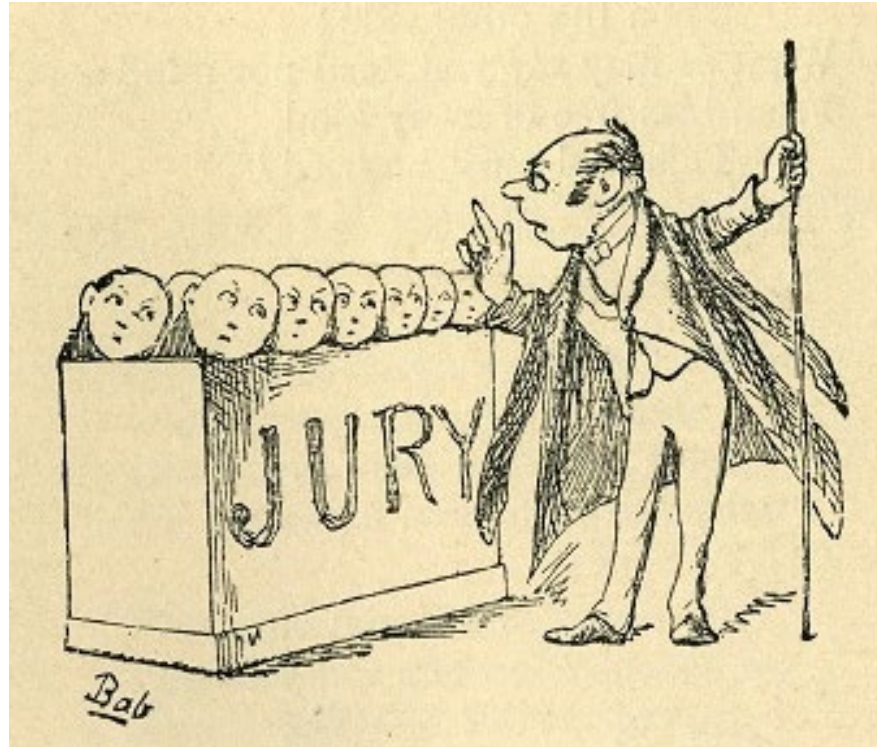


TC Heartland (U.S. 2017)

A case for patent infringement:

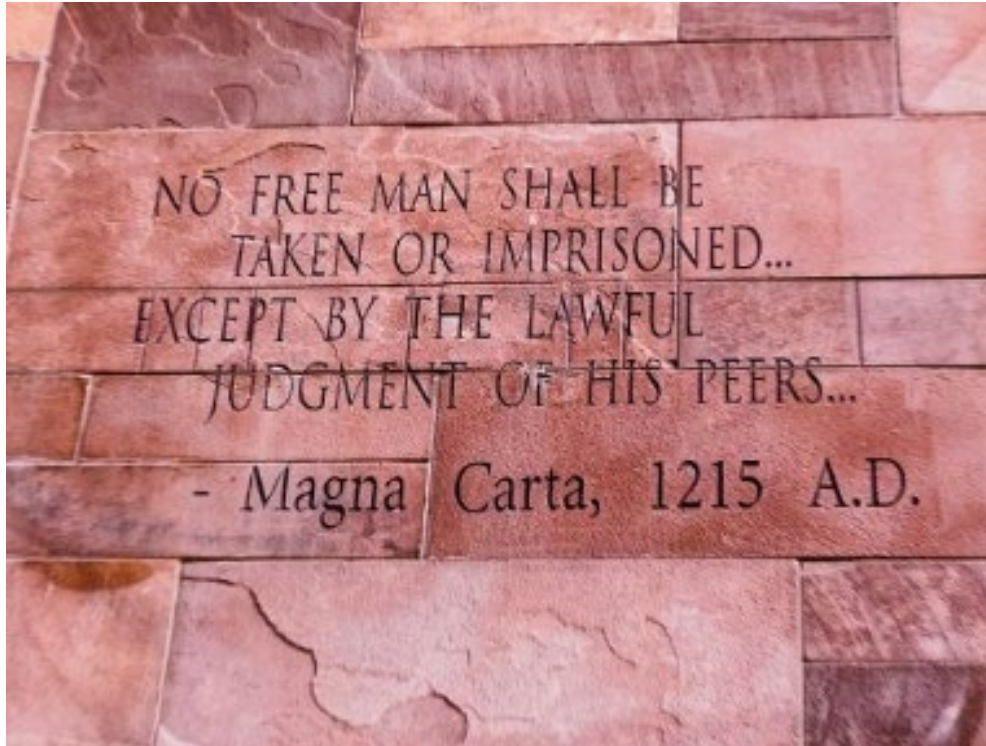
1. “may be brought in the judicial district where the defendant **resides**”
 - ❖ Resides: State of Incorporation (reason for increase in cases in Delaware)
2. “[may be brought] where the defendant has committed acts of infringement and has a **regular and established place of business**”

Right to a Jury Trial



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Right to a Jury Trial

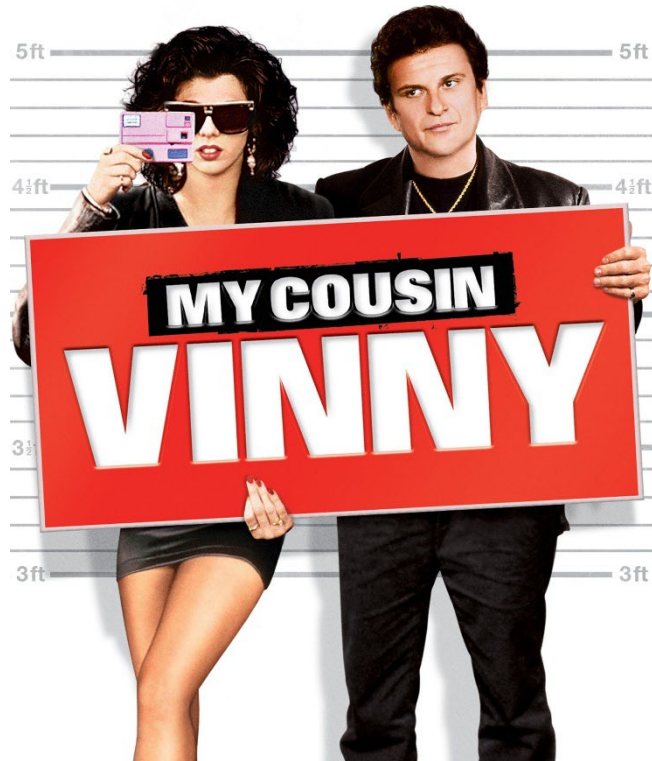


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Article III Section 2

The trial of all crimes, except in cases of impeachment, **shall be by jury...**

My Cousin Vinny (1992)



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ANNOUNCEMENTS



5/6(+2)

知財なぞかけ提出：1ポイント
知財なぞかけ採用：1ポイント



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知的財産なぞかけ

「トップアスリート」とかけまして「BBS特許事件」とときます
その心は、、、どちらもショウジンが勝敗のポイントです

K. N. (長野県在住、精密機器関連メーカー勤務)

「雪山の遭難者」とかけまして「著名な発明家」とときます
その心は、、、どちらもソウサクのスピードが大事です

T. Y. (自動車関連メーカー勤務)

「パワハラ上司の部下」とかけまして「中間処理の担当者」とときます
その心は、、、どちらもチョウキゲンが気になります

E. T. (自動車関連メーカー勤務)

「模倣品」とかけまして「カレイと間違えられたヒラメ」とときます
その心は、、、どちらもかなりシンガイです

T. K. (精密機器関連メーカー勤務)

IP Webinar Series: Better Safe than Sorry 2024

- No. 1: Important IP Cases (2024.01.26)
- No. 2: [TMI Nagoya] (2024.03.15)
- No. 3: [Osaka] (2024.05.XX)
- No. 4: [MLB Tokyo] (2024.07.26)
- No. 5: [MLB Silicon Valley] (2024.10.11)
- No. 6: [Fukuoka] (2024.11.XX)



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