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SCHOOL TAKES INVENTIVE TACK ON TEACHING PATENT LAW

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Law school Professor Donald P. Reynolds (from left) and "salad sandwich" inventor William Noel Alsbrook examine a wheelchair that led to a patent.

School takes inventive tack on teaching patent law Law Bulletin photo by Paul McGrath

A "salad sandwich" might seem more like a menu item from a vegetarian restaurant than words a law school graduate would put on his or her resume.

And "a wheelchair seat for incontinent people" might seem an unlikely topic for a law student study group.

But for students in John Marshall Law School's Student Intellectual Property Law Society, both represent real, hands-on experience in patent law.

The Student I.P. Society, as it's called, has done pro-bono legal work for the inventors of the salad sandwich and the wheelchair seat, as well as for another inventor.

This summer the U.S. Patent and Trademark Office allowed two patents in response to applications submitted by the John Marshall students, and the patents should issue sometime in early 1997, according to Professor Donald P. Reynolds, director of the law school's Center for Intellectual Property Law and advisor for the Student I.P. Society.

"This is not just a freebie. The idea is to give students experience," Reynolds said.

"They actually got better experience out of the first one [the salad sandwich]," he said.

The students had to submit that patent application and then file several amendments in the process of arguing their case with the patent examiner, Reynolds said.

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"The second one [the wheelchair seat] went through with no problems," he said.

The patented element of the salad sandwich is a removable plastic pouch that keeps fillings -- such as salad or scrambled eggs -- fresh while the bread shell remains crisp, according to its inventor, William Noel Alsbrook.

Alsbrook, a former fighter pilot who was among the group of blacks known as the Tuskegee Airmen, said his invention means healthier sandwiches with longer shelf lives. Besides avoiding soggy bread, the approach could be useful in helping to provide safer and more nutritious food during disasters when electricity is not available, he said.

Kathleen Cox is the inventor of the wheelchair seat for incontinent people. Her sister's struggle with severe multiple sclerosis inspired the invention.

"I went out to buy something [for my sister's wheelchair]," Cox said. "The products just don't work ... so necessity is truly the mother of invention here.

"It might be considered an external urinary collection device for incontinent people to eliminate the need for diapering," Cox said.

Her invention replaces the standard seat on a wheelchair with a covered seat cushion that has an oval opening in the center, she explained. Draped over the cushion and extending into the opening is a hidden, deodorized, disposable collection bag.

Not having to rely on diapers gives wheelchair users greater freedom and reduces the cost of personal hygiene care by about $10,000 a year, she said.

By working on the inventors' patent applications, the John Marshall law students learned a lot about patent law and about how to deal with clients.

"I think I got very practical hands-on experience through this program," said Richard J. Gurak, the immediate past president of the Student I.P. Society and a legal assistant at Welsh & Katz Ltd.

"I [got] to use the information I've learned in class in real, live attorney-client situations," Gurak said. "We learned from the positive as well as the negative ... probably more from the negative experience.

"I'll never forget having to tell our third client: 'You probably shouldn't file.'

"We decided [the invention] was not patentable," Gurak said.

"We discovered a patent that had issued about two weeks before. It would have been a statutory bar," Gurak explained.

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Gurak won't say who that third inventor is or what he or she wanted to patent.

The students also learned about the importance of confidentiality, Reynolds said.

"I have tried to make clear with the students that the information is confidential.... [It's] the property of the inventor, and we must respect that," Reynolds said.

"I've tried to put the fear of God in them about the secrecy in this situation," Reynolds said. "To the inventor this is the most important thing in the person's life."

The inventors have created something that they think is special, and even when applying for a patent often don't want to fully disclose all of the secrets about their inventions, he said.

"What these students find out is a lot of inventors don't what to disclose the best mode" of operation or some other aspect, Reynolds said. But if they don't disclose everything the patent won't apply, he said.

The Student I.P. Society is in the process of interviewing its fourth client.

The pro-bono clinic got started about three years ago on the suggestion of a society member, and law school administrators approved the idea, Gurak said.

Reynolds keeps an eye on what's going on without doing the work for the students.

"I watch over the process casually," he said.

Allowing the students to make mistakes at certain noncritical points is part of the learning process, Reynolds said. Ultimately, Reynolds makes sure all mistakes are corrected, and proofreads the application which is filed under his Patent and Trademark Office number.

The two inventors express satisfaction with the students' work.

"The program is excellent," Cox said. "Without them I wouldn't have a patent."

Cox said she could not have afforded a patent attorney. The students' enthusiasm also kept her going.

"I couldn't have worked with a nicer group of people," Cox said. "From the fist time I met them, [the students] asked questions that were important."

Said Alsbrook: "Without them I wouldn't have gotten the patent. Because a patent can run between $6,000 to $10,000 [for attorney fees] and I'm impecunious.

"It is a good idea for them to continue to do what they are doing ... pro bono," Alsbrook said.

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"The existing lawyers who make money writing patents can't complain. I'd never have money to go to them," Alsbrook said.

"The law students are gaining because they are getting hands-on experience," he said. "I'm gaining. The citizens of the Unites States gain, too."

Reynolds and Donald Moyer, the director of the Inventors Council of Chicago, select suitable clients for the pro-bono program.

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