

Intellectual Property Fall 2017 Writing Assignment

This assignment is 2 pages long. You can confine your answer to the areas we've discussed so far in class: undeveloped ideas, trade secret, patent, and copyright. You are allowed to consult written and electronic sources beyond those presented in class and in the coursepack, including but not limited to the Wikipedia articles linked in the problem. Do not discuss this assignment with anyone until after the due date.

Your client, LAXadaisical LLC, is developing an [augmented reality lacrosse](#) game. The prototype combines three pieces of equipment:

- A pair of augmented reality glasses. The frames are custom-designed and fabricated from twelve pieces of plastic, aluminum, and rubber to withstand the stresses of vigorous physical activity. The design is distinctive-looking, but there was nothing technically challenging about creating it. The other components in the glasses are all off-the-shelf commodities and the operating system is an open-source version of Android.
- A compact [lidar](#) unit. The lidar itself is an inexpensive off-the-shelf model; it is mounted on a standard tripod to stabilize it while in use.
- A dual-handed controller shaped and weighted like a lacrosse stick, but containing a sophisticated set of motion and orientation sensors. The controller is almost entirely custom engineered, involves numerous clever design decisions, and required extensive testing to perfect.

To play a game of A/R lacrosse, you start by scanning the area you're in from several different positions with the lidar. This takes a few minutes for the scan, plus a few more for the unit to compute the dimensions of the space and any obstructions in it. Then you and your friends put on the glasses and pick up the controllers and play a game of simulated lacrosse. The ball is entirely virtual, but it appears to bounce off of real objects. Additional game modes add simulated obstructions that interfere with the ball, or a computer-controlled team consisting of humorous-looking wolfmen, or a hot-potato ball that explodes at the end of a countdown timer,

and various other unrealistic but entertaining twists on the game of lacrosse.

LAXadaisical engineers have been testing its prototypes in its offices and are enthusiastic about how well they're working. They have proposed inviting local high-school lacrosse teams to perform more intensive testing in a variety of settings, including indoor gyms, outdoor fields and parks, parking lots, and city streets. They believe that about four months of such testing will be necessary to iron out any remaining software bugs and to identify any features of the hardware that require reworking. LAXadaisical has been talking to [Wired](#) about the possibility of an article in the May 2018 issue, and the editor and reporter have suggested that it might be cover-story material. If this goes forward, the reporting would need to be completed by the end of December 2017. LAXadaisical hopes to go to market in August 2018, and to sell the game for \$250 for the base lidar unit, plus \$150 for each pair of glasses+stick.

Write a memo to your client of about 2500 words explaining the intellectual property considerations that should inform LAXadaisical's strategy going forward. Describe the types of intellectual property protection LAXadaisical should plan to rely on, what will be necessary to secure those protections, and the risks that those protections will and will not be able to guard against. Tell LAXadaisical if there is anything it should do, not do, or do differently for intellectual property reasons. Remember that your client's officers do not have law degrees and are not familiar with intellectual property law. They are also very smart and exceedingly busy. It is fine to tell them you will provide them with appropriate legal instruments – patent applications, NDAs, etc. – without going into the details as long as you identify the strategic choices they involve and the reasons for your recommendations.

Your answers are due by noon on Monday, November 20.