

2016 Patent Quality Initiative Writing Competition

The United States Constitution specifies that the purpose of intellectual property rights is to “promote the Progress of Science and useful Arts.” Article 1, Section 8. By affording the right to prevent others from practicing a patented invention for a certain time, patents incentivize research, development, and commercialization of new and useful inventions. On the other hand, the issuance of poor quality patents—such as patents directed to known or obvious inventions, or patents with vague or overbroad claims—are thought by many to undermine innovation and drain resources away from innovative activity. Askeladden L.L.C. believes that a patent system built on high quality patents most effectively and efficiently promotes innovation and commercialization of new technologies. Therefore, as part of its Patent Quality Initiative, Askeladden has created a writing competition to promote the issue of patent quality among law students. To participate in the competition, a law student must research and write an original work about one or more issues related to patent quality. The author of the entry awarded First Place will be awarded \$3,000 and the author of the entry awarded Second Place will be awarded \$1,500. Both of the winning articles may be published on the Patently-O Patent Law Journal (www.patentlyo.com/lawjournal) and on Askeladden’s website (www.patentqualityinitiative.com).

Entry Requirements and Rules for the 2016 Patent Quality Initiative Writing Competition

(For most current version of the rules please see our [website](#))

Please note corrected email address for submissions (see Paragraph 5).

1. **SPONSOR:** The sponsor of the 2016 Patent Quality Initiative Writing Competition (“Competition”) is Askeladden L.L.C. (“Askeladden”), 1114 Avenue of the Americas, 17th Floor, New York, NY 10036.
2. **ELIGIBILITY:** The Competition is open to persons legally resident in the United States 18 years of age or over as of the date of entry who are or were in 2016 enrolled as students in a J.D. or L.L.M. program at a law school approved by the American Bar Association. Employees, officers and directors of Askeladden and any of its affiliates, parents or subsidiary companies and advertising and promotional agencies and members of the immediate families of such persons (regardless of where they reside) and/or those living in the same household (whether or not related) are not eligible to enter. Entrants are responsible for obtaining all required approvals, consents and authorizations, if any, that may be required in order for them to enter the Competition and submit an entry.



Patent Quality Initiative

Submissions must not have been previously published or currently accepted for future publication.

3. **TOPIC:** Submitted entries must focus primarily on one or more aspects of patent quality. Examples of potential topics include, but are not limited to, the following:
 - The actual or predicted impact of legislation, proposed legislation, and/or case law developments on patent quality.
 - Potential changes to the patent examination process for improving the quality of issued patents.
 - An analysis of proposed methods of measuring patent quality or a proposal for new methodologies for measuring patent quality.
 - The importance of patent quality for supporting innovation and technological development.
 - Identification of systemic quality issues of a particular type of patent (e.g., software, chemical composition, etc.) and an analysis of the effect of those issues on a particular industry.
4. **PRIZES:** One First Place winner will be awarded a cash prize of \$3,000 and one Second Place winner will be awarded a cash prize of \$1,500.
5. **SUBMISSION OF ENTRIES:** Please submit entries by email to writing.competition@patentqualityinitiative.com with “PQI Writing Competition” in the subject line. Entries may be submitted beginning **September 5, 2016, at 12:01am ET** and must be received no later than **November 7, 2016, at 11:59pm ET**. No entry fee or purchase or payment required to enter. The winners will be announced in December 2016.
6. **ENTRY FORMAT:** Entries must be in Microsoft Word format. The text of entries must be double-spaced in 12-point Time New Roman font. Entries must be formatted for 8 ½ x 11 inch paper in portrait orientation with at least one-inch margins on all sides. Entries may be no more than 20 pages in length, excluding the cover page. Citations should conform to Bluebook format. Entries should not contain information identifying their respective authors. Rather, each entry should be accompanied by a cover page as a separate attachment. The cover page must include (a) the author’s name, (b) the name and address of the law school the author is attending, (c) the author’s mailing and email addresses, and (d) a certification that the submitted entry is the author’s own work and

has not been published or accepted for publication elsewhere. By entering, entrants agree that Askeladden may share this information in its sole discretion for any reason it deems appropriate and that Askeladden does not need to take steps to secure such information.

7. **JUDGING:** Ten finalist entries will be selected based on a review of the submitted entries by one or more persons affiliated with Askeladden. The ten finalist entries will be reviewed by a panel of judges. Selection of the ten finalist entries and selection of the First Place winner and the Second Place winner will be performed without knowledge of the authors' identities and will be based on the quality of the research and writing, and the relevance of the subject matter of each entry. The panel may use the following criteria in judging entries, among others:

- How well does the author present the issues to be considered?
- Are the conclusions expressed supported by legal authority/precedent?
- Is the entry written in a scholarly yet accessible manner?

In addition to First Place and Second Place prizes, the judges may award one or more Honorable Mentions. In the event that no entries meet the competition requirements or a minimum quality threshold, Askeladden reserves the right to determine that no awards will be given.

Subject to availability, the panel of judges is expected to include Charles Duan (Director of Public Knowledge's Patent Reform Project), Matt Levy (Counsel at the Computer & Communications Industry Association and Contributor to Patent Progress), Michael Risch (Law Professor at Villanova University), and Sean Reilly (General Counsel of Askeladden and Senior Vice President and Associate General Counsel of The Clearing House Payments Company). Askeladden reserves the right to name additional judges in its discretion.

8. **PERMISSION TO PUBLISH:** By submitting entries to this competition, authors of entries awarded First Place, Second Place, or Honorable Mention agree that Askeladden may publish those entries at Askeladden's discretion, and may identify the name and law school affiliation of the authors. The First Place entry and the Second Place entry may be published on the Patently-O Patent Law Journal (www.patentlyo.com/lawjournal) and on Askeladden's website (www.patentqualityinitiative.com), or other appropriate website.

9. **OWNERSHIP OF ENTRIES:** Entrant will retain all rights in and to an entry, including, without limitation, all intellectual property rights. The foregoing notwithstanding, in connection with its right to publish as set forth in paragraph 8, Askeladden retains the right to modify the text and/or presentation of an entry prior to publication to adjust for space constraints, correct typographical errors and/or to remove any offensive terms, and Askeladden retains the right to have an entry translated into any other language. Askeladden will not use entries for any other purposes than as stated in these Official Rules in connection with the Competition.

By submitting an entry, the entrant represents that his or her submission is the original and sole work of the entrant, and all rights, title and interest, including but not limited to all intellectual property rights in any entry, are owned solely by the submitting entrant. The entrant further represents that the entry does not infringe, misappropriate, or dilute the rights of any third parties; violate the right of publicity or privacy of any third party; disclose confidential information or trade secrets; or otherwise violate any third-party intellectual property rights in any applicable jurisdiction.

10. **LIABILITY:** By entering the Competition, entrants agree to release the judges and their respective employers, Askeladden and its affiliates and advertising/promotional agencies, the employees, officers, directors and agents of each of them, and any other person involved in the promotion or operation of the Competition (collectively, the “Released Parties”) from any and all liability, claims or actions of any kind for injuries, damages, or losses to person or property that may be sustained in connection with participation in the Competition, including, but not limited to, any injury or damage to any person's computer hardware, software, or peripherals utilized in participating in the Competition and for any publicity or disclosure of information that occurs. If for any reason the Competition is cannot reasonably be conducted as described in these Official Rules, Askeladden shall have the right at its sole discretion to cancel, terminate, modify or suspend the Competition.

The Released Parties are not responsible for lost, late, incomplete, damaged, inaccurate, stolen, delayed, misdirected, undelivered or garbled submissions; or for lost, interrupted or unavailable network, server, Internet Service Provider (ISP), website, or other connections, availability or accessibility or miscommunications or failed computer, satellite, telephone or cable transmissions, lines, or technical failure or jumbled,



Patent Quality Initiative

scrambled, delayed, or misdirected transmissions or computer hardware or software malfunctions, failures or difficulties, or other errors or difficulties of any kind whether human, mechanical, electronic, computer, network, typographical, printing or otherwise relating to or in connection with the Competition. The Released Parties are also not responsible for any incorrect or inaccurate information, whether caused by site users, tampering, hacking, or by any equipment or programming associated with or utilized in the Competition, technical, hardware, software, or telephone malfunctions of any kind, for lost or unavailable network connections, or for any programming-associated failures or malfunctions.

11. **GENERAL:** Void where prohibited. All federal, state and local taxes on prizes are the responsibility of the winners. No substitution of prizes permitted. By entering, participants agree to be bound by these Official Rules and the decisions of Askeladden on all matters relating to the Competition, which are final and binding. By accepting a prize, winners automatically grant to Askeladden the right to use their proper names, images and likenesses without further permission and without financial compensation for any promotional purposes unless prohibited by law. Askeladden reserves the right to disqualify any person it finds to be acting in violation of these Official Rules or to be acting in an un-sportsmanlike or disruptive manner, or with intent to annoy, abuse, threaten or harass any other person.

12. **NAMES OF WINNERS:** The names of the First Place and Second Place winners will be posted on the Askeladden website within 30 days after selection.