The Patent Attorney in Popular Culture

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The Patent Attorney in Popular Culture

Robert M. Jarvis*

Contents

I. Introduction .............................................. 470

II. Fictional Patent Attorneys ....................... 474
   A. Television ........................................... 474
      1. Dramas ........................................... 474
      2. Comedies ........................................ 482
   B. Movies .............................................. 488
   C. Novels .............................................. 491
      1. Thrillers ......................................... 491
      2. "Chick Lit" ...................................... 496
      3. Science Fiction .................................. 497
   D. Other Media ......................................... 500
      1. Poetry ............................................ 500
      2. Music ............................................. 500
      3. Theater .......................................... 501
      4. Cartoons ......................................... 502
      5. Video Games ..................................... 505

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I wish to thank Dean Jon M. Garon for his support of this project; Robert J. Beharriell, Rebecca A. Rich, Karen W. Rose, and Alison F. Rosenberg of the Panza Maurer Law Library for obtaining for me a number of the works discussed in this article; and Professor Dennis D. Crouch of the University of Missouri School of Law, who generously allowed me to use his blog to solicit leads from his readers. See Query: Fictional Patent Lawyers (and their Trolls), PATENTLY-O (May 17, 2016), http://Patently-O.com/patent/2016/05/fictional-patent-lawyers.html. I also wish to pay tribute here to Herbert F. Schwartz, Esq. (1935-2014). During my second year of law school at the University of Pennsylvania (1982), I took Herb's course in patent law (at the time, he was a partner in the New York City patent law firm of Fish & Neave; each week, he would take Amtrak down to Philadelphia to teach us). It turned out to be my favorite course and instilled in me a life-long interest in patent law, even though I am not an engineer and still have nightmares about high school physics. I am grateful, after so many years, to be able to give him this long-overdue recognition. For a further look at Herb's career, see Herbert F. Schwartz, N.Y. TIMES, July 20, 2014, at A20.

98 J. PAT. & TRADEMARK OFF. SOC'y 469(2016)
I. Introduction

Popular culture is filled with lawyers.\(^1\) Prosecutors and defenders are the most commonly seen, with civil litigators following closely behind.\(^2\) Patent attorneys, on the other hand, almost never appear.\(^3\) Still, with enough digging, such characters can be located.\(^4\) Discusses below are the ones I have been able to

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\(^2\)See supra note 1. See also John Lande, Developing Better Lawyers and Lawyering Practices: Introduction to the Symposium on Innovative Models of Lawyering, 2008 J. Disp. Resol. 1, 1 (“Most people probably think of lawyers as advocates in court, perhaps the most common image of lawyers in popular culture.”).

\(^3\)This fact has not gone unnoticed. See, e.g., Bill McClellan, A Patent Attorney Steals the Spotlight, St. Louis Post-Dispatch, May 16, 2014, at A11 (“Movies and television dramas are filled with criminal defense attorneys. When was the last time you saw a good movie about a patent attorney?”); Michael Heatherly, Friday 5: Items for Every Lawyer’s Bucket List, NW Sidebar (May 10, 2013), https://www.nwsidebar.wsba.org/2013/05/10/friday5-lawyer-bucket-list/ (“Remember that epic movie scene of the lawyer staring at court opinions on a computer screen? Or the hit TV series about the daily adventures of the world’s greatest patent attorney? Of course not. When non-lawyers think of lawyers they think of one thing: trials.”); Tracie Morris, Legal Dramas that Revolve Around Our Legal System, LexisNexis (Oct. 28, 2015), https://www.lexisnexis.com/textalk/work-life-balance/1/6/1/2531.aspx (asking lawyers what they thought of legal dramas on television, which caused Mark A. Peterson, a patent attorney with Dicke, Billig & Caza in Minneapolis, to respond: “I’m still waiting for a TV show revolving around a patent attorney.”).


\(^5\)Indeed, one can even find fictional patent attorneys who are fictional. In R.N. Shapiro’s Taming the Telomeres: A Thriller (2015), the federal government creates a fake Manhattan patent lawyer named Robert Fletcher, who it later “kills” in a car bombing. When she learns that she has authorized the shadowing of a fictional character, Judge Lisa Bondakopf, a member of the U.S. Foreign Intelligence Surveillance Court, worries that she has committed an ethical breach. FBI Special Agent Solarz puts her mind to ease by asking: “How could you violate a judicial canon about impartiality at a hearing when we never had a real hearing? The entire Fletcher hearing was a ruse. Surely that couldn’t violate anything could it?” Id. at 363.
find.  


Although I have found many fictional patent attorneys that are not mentioned by Wikipedia, I have no doubt that my article is incomplete. Nevertheless, I believe it represents a good start on the production of a truly comprehensive list.

In deciding which attorneys to include, I used the following criteria. First, unless clearly identified as a patent lawyer, or it was obvious that he or she did a substantial amount of patent law, I excluded the character. Thus, being called, or describing oneself, as an “intellectual property” lawyer was not good enough. Likewise, handling a single patent case, no matter how high the stakes, was insufficient. Examples include Perry Mason (Raymond Burr) from Perry Mason (CBS, 1957-66), who in the episode “The Case of the Dead Ringer” (Apr. 17, 1966) lost a large patent lawsuit for Barbara Kramer (Indus Arthur); Ann Kelsey (Jill Eikenberry) from L.A. Law (NBC, 1986-94), who in the episode “Sidney, the Dead-Nosed Reindeer” (Dec. 18, 1986) represented Gunther Hall (Ian Abercrombie), the inventor of a self-wringing tea bag; Shirley Schmidt (Candice Bergen) from Boston Legal (ABC, 2004-08), who in the episode “Tea and Sympathy” (May 1, 2007) represented Simon Griffin (Joey Slotnick), a man whose blood had been patented surreptitiously because it was able to fight off HIV; the unnamed attorney (Brian Unger) from It’s Always Sunny in Philadelphia (FX 2005-12; FXX, 2013-present), who in the episode “Paddy’s Pub: Home of the Original Kitten Mitten” (Nov. 5, 2009) stole Charlie Kelly’s (Charlie Day) idea for making cats quieter; Harvey Specter (Gabriel Mach) from Suits (USA, 2011-present), who in the episode “Errors and Omissions” (June 30, 2011) represented a satellite phone inventor named Wyatt (Eric Ladin); Alicia Florrick (Juliana Margulies) from The Good Wife (CBS, 2009-16), who in the episode “Dear God” (Oct. 5, 2014) represented Ed Pratt (Richard Thomas), a seed inventor who took his neighbor to “Christian arbitration” for patent infringement; and Jimmy McGill (Bob Odenkirk) from Better Call Saul (AMC, 2015-present), who in the episode “Alpine Shepherd Boy” (Mar. 2, 2015) was sought out by Roland Jaycox (Tim Baltz) to patent his sexually-suggestive “Tony the Toilet Buddy” idea. Along the same lines, I have left out Henry Tunbridge, because while he worked as a patent solicitor as a young man, by the time we meet him he has become an investment banker. Nevertheless, when pressed by Isa DeWitt, the book’s heroine, he is able to give her a quick tutorial on British patent law:

“Patents are complicated,” he said. “The operating bits of a patent all go into the making of a claim and the whole thing can become very involved. But from what you tell me, I would say the CEO of your hypothetical company would face severe difficulties if this information came out.” He thought for a moment. “You see, here in the U.K., up to 1977, one only had to prove local novelty when filing a patent. The reason for this can be traced back to the original Statute of Monopolies as long ago as 1623, when it was considered just as meritorious for an explorer to bring a new idea home from abroad as to invent it himself. So if all of what you told me had happened before 1977, your CEO would have been in the clear. At least in the U.K. However, in response to a European directive, the rule changed. Instead of only local novelty, a criterion of absolute novelty was adopted. What kind of product does the company manufacture?”

She didn’t want to mention the word “drug.” That would be a dead giveaway. Tunbridge must have sensed her discomfort because he shrugged and said, “Not that it matters that much. One thing is certain though. When your CEO discovered that prior art existed, he should have notified the patent office. Of course, after that he could then just as well have closed up shop.”

“What would happen, exactly?”

“His claim will be invalidated almost immediately. That doesn’t mean he won’t be allowed to continue manufacturing the product, but any of his competitors will have the right to jump in and manufacture it as well. At first he’ll still have the upper hand: he does, after all, have everything set up already; factories, distribution. But if his company is small, he’ll eventually lose out to bigger competitors. It will only be a matter of time. Slow death.”

She swallowed. “Will there be any way in which he can get out of this jam if prior art is discovered? Any way at all in which he can keep the patent exclusive?”

“No.” Tunbridge’s voice was cold and emphatic. “This man is facing disaster. There is no way out.”

NATASHA MOSTERT, THE MIDNIGHT SIDE 185-86 (2001). Second, I have omitted those patent lawyers who appear so briefly as to make it impossible to say anything about them. In an untitled tale that concludes the first comic book dedicated exclusively to Superman (Superman # 1 (Detective Comics, June 1939)), the story opens with Superman having just beaten up Harvey Brown, a crooked patent attorney who has swindled money from his clients:
Smashed desks, overturned filing cabinets, strewn plaster, gaping holes in the walls, shining steel fixtures drooping in sad caricature of their former modernistic splendor, greeted the startled Detective Sergeant’s eyes as he swung open the office door to the firm Harley Brown, Patent Attorney.

Id. at 59. Despite an intensive search, the police are unable to locate Superman. Using their failure as leverage, reporter Clark Kent talks his way into a coveted jailhouse interview with a murderer named Biff Dugan. During the interview, Dugan escapes. When Superman recaptures him and returns him to his cell, the police are forced to reevaluate their opinion of “the Man of Tomorrow.”

Likewise, in the first season of the television show Twin Peaks (ABC, 1990-91), Nadine Hurley (Wendy Robie) invents a silent drape runner. When her unnamed and unseen patent attorney finds no merit in her idea, she becomes inconsolable. In an effort to lift her spirits, Nadine’s husband Ed (Everett McGill) tells her: “Nadine, there’s plenty of patent attorneys. We’re just gonna have to keep on looking until we find one that understands drape runners.” Twin Peaks: Realization Time (ABC television broadcast May 17, 1990).

In the Michael Crichton novel Next (2006), Josh Winkler, a researcher at a biotechnology start-up company called BioGen, meets with an unnamed patent lawyer. According to the lawyer, Josh hired him to “search for patents or patent applications related to your so-called maturity gene. I found five, going back to 1998 for aminocarboxymuconate methaldehyde dehydrogenase, or ACMMD.” Id. at 141. When Josh hears that the patent is owned by a woman who is dying of cancer and who has willed it to Boston Memorial Hospital, the following exchange takes place: “‘Can you do anything about it?’ ‘Just say the word,’ he said. ‘Do it,’ Josh said, rubbing his hands.” Id. We do not again see this lawyer, who presumably does as he has instructed.

In a short story called Sparks, an inventor named Vince is having his patent for a revolutionary car battery held up because he owes his unnamed patent attorney $10,000. When he shares his troubles with his new girlfriend Blair, she immediately offers to help:

Well, my ears were burning with excitement, and I explained that my aunt had left me twenty thousand in US Savings Bonds, and would he consider letting me cover the ten thousand for the patent lawyer, and he could pay me back with whatever interest he deemed fair. He was thrilled that I had that much trust in him, and he would not only pay me back with interest, but give me thirty percent of the invention profits.

Cordelia E. Louge heed, short Stories for a Rainy Afternoon 200-01 (2010). The invention proves a success and makes millionaires out of Vince and Blair, much to the consternation of Alma, Vince’s ex-girlfriend, who did not believe in his idea.

Yet another example can be found in Thomas McGuane, The Driver, New Yorker Mag., Sept. 28, 2015, at 64. In the story’s opening sentence, McGuane writes, “Mrs. Quantrill lived in a beautiful old Prairie-style house built in the twenties, which she had restored to its original elegance with Mr. Quantrill, a patent attorney attached to the story’s opening sentence, McGuane writes, “Mrs. Quantrill lived in a beautiful old Prairie-style house built in the twenties, which she had restored to its original elegance with Mr. Quantrill, a patent attorney attached to

Third, I have not bothered with off-hand references to patent lawyers:

[Irish-American farmer] Samuel [Hamilton] got no richer. He developed a very bad patent habit, a disease many men suffer from. He invented a part of a threshing machine, better, cheaper, and more efficient than any in existence. The patent attorney ate up his little profit for the year.


In the June 6, 2006 comic strip B.C., Clumsy Carp asks, “Did you know the number 666 is the Devil’s trademark?” to which Peter replies, “Hell, no! I didn’t even know he had a patent attorney.” See It’s Satan Day!, Big Al’s Comic Blog (June 6, 2006), http://bigalscomicblog.blogspot.com/2006_06_01_archive.html.

Similarly, after its Mark II suit is seized by the U.S. Air Force in the movie Iron Man 2 (Paramount Pictures, 2010), Stark Industries CEO Pepper Potts (Gwyneth Paltrow) yells into the phone, “Bert. Bert. Bert. Listen to me. Don’t tell me that we have the best patent lawyers in the country and then not let me pursue this!” Although the movie makes no further reference to “Bert,” it seems likely that Pepper was talking to Bert Hinkle. In Iron Man #225 (Dec. 1987), Tony Stark hired Bert after discovering that others were stealing his unpatented inventions. See further Bert Hinkle (Earth-616), WIKIA: THE HOME OF FANDOM, http://marvel.wikia.com/wiki/Bert_Hinkle_(Earth-616).

Similarly, in the Modern Family (ABC, 2009-present) episode “Promposal” (May 4, 2016), Gloria (Sofia Vergara) realizes that she may need a patent lawyer after her hot sauce recipe is stolen by a competitor known as Auntie Alice (June Squibb):

Alice: Fine, I’m Auntie Alice.

Phil: Auntie Thief and Auntie Liar!

Alice: Yeah, yeah. I’m sure we can work something out. Who’s your patent lawyer?

Gloria: I don’t have one.

Alice [sneering]: I know, I patented your sauce this morning. Have a good trip home kids.

Id. (Given that Gloria’s hot sauce tastes like hot sauce, it seems unlikely that it could qualify for patent protection. See USPTO, Inventors Eye, Can Recipes Be Patented? (June 2013), http://www.uspto.gov/custom-
At the risk of stating the obvious, this article is not about patents or patent law. As such, I have ignored fictional works about either that do not also include a patent lawyer. Likewise, I have limited myself to mass entertainment page/inventors-eye-advice-1.

Fourth, I have ignored things that struck me as best filed under “miscellany” (e.g., drafts, one-offs, scribbles, and amateur fan fiction). See, e.g., Ian Frazier, Lamentations of the Father 26 (2008) (absurdist collection of essays in which the author claims that, “Elmer Fudd, a patent attorney and amateur sportsman from Covina, California, was the inspiration for the character of that name.”); Will Frank, Patent on the Roof (July 20, 2006), http://rec.music.filk.narvike.com/NTN4Qnfr/new-flik-patent-on-the-roof (Fiddler on the Roof parody about patent examining in which the chorus sings, “And who does all the work, to write apps formally, We bill for every hour and get a massive fee! The Lawyers, The Lawyers! Tradition! The Lawyers, The Lawyers! Tradition!”); David Malki! [sic], #845: In Which Ben Gets a Big Idea, WONDERMARK: AN ILLUSTRATED JOCULARITY (June 12, 2012), http://wondermark.com/845/ (cartoon in which a lawyer dashes a client’s dream to patent dumplings); Kevin Ricche, See Movies, Get Hamburgers, The PITZEN (Dec. 11, 2013), http://www.thepitizen.com/2013/12/11/see-movies-get-hamburgers/ (unfinished story about a man who is unsuccessful in making a romantic breakthrough with Kate, a patent lawyer at the Greensboro, North Carolina law firm of Bronson Manley); Bill Vibach, Cartoons, 717 MADISON PLACE: ORAL ARGUMENTS AND THE FEDERAL CIRCUIT (June 29, 2013; Apr. 4, 2016), http://www.717madisonplace.com/#cat-16. (two cartoons drawn to accompany, respectively, the author’s discussion of Vermont patent trolls and the U.S. Department of Justice’s “magic microscope” test); Susan Bradley Smith, The Manuscript of my First Poetry Collection Survives but my High School Girlfriend Does Not, ANIMUS (Apr. 18, 2016), https://antithesisjournal.com/ (short story about a patent lawyer who gets in touch with a friend from high school); “Mirasis,” Just a Normal Tuesday, ARCHIVE OF OUR OWN (Mar. 19, 2016), http://archiveofourown.org/wrks/6290185?viewfullwork=true (starter “fandom” story in which an unnamed female patent attorney decides to take action when her health benefits at the Kaiba Corporation are scaled back following a hostile takeover—the setting is the same one that appears in the Japanese manga comic book Yu-Gi-Oh!).

In this same vein is The IP Section, a 2015 pilot for a television show about a real-life patent lawyer (Wesley L. Austin of Salt Lake City) who wants to become a stand-up comic. Austin wrote, produced, and starred in the pilot, which he now is trying to sell to a distributor such as Hulu or Netflix. See further Liz Shannon Miller, Why Independent Television Finally Deserves Independent TV Festivals, ITVFirst (Oct. 26, 2015), http://www.itvfirst.com/news/219-why-independent-television-finally-deserves-independent-tv-festivals.

Fifth, I have included only works originally published in English. Thus, for example, I have omitted Jan-Philipp Sendker’s two German novels about Julia Win, a patent attorney at the Manhattan law firm of Simon & Koons, who travels to her ancestral home in Burma to find herself. See Das Herzenhören (2002) (translated by Kevin Willarity in 2006 as The Art of Hearing Heartbeats) and Herzenstimmen (2012) (translated by Kevin Willarity in 2013 as A Well-Tempered Heart). Likewise, I have not discussed the South Korean film jongryeonamu Sup [The Windmill Palm Grove] (Lotte Entertainment, 2005), in which Kim In-soo (Kim Min-jong), an up-and-coming Yale-educated patent lawyer practicing in Seoul, cannot stop thinking about a woman he once knew. As a result, he is unable to move on with his romantic life.

Lastly, I have not included items I personally was unable to review. For example, in the video game Kingdom of Loathing (Asymmetric Publications, 2003-present), the creators often distribute “special events” that are available for only a short period of time. For Halloween 2011, they released an adventure known as “The Haunted Sorority House” (Oct. 16-Nov. 1, 2011). According to various on-line sources, the sisters of Sigma Lambda Upsilon Tau dress up in various sexy outfits, including a “sexy patent attorney.” See, e.g., Sexy Whatever Outfit, TV Tropes, http://tvtropes.org/pmwiki/pmwiki.php/Main/SexyWhateverOutfit: The Haunted Sorority House, The KOL Wiki, http://kol.coldfront.net/thekolwiki/index.php/The_Haunted_Sorority_House. As the story is now closed, I could not personally verify the on-line write-ups.

A good example is “H.H.R.,” A Scene in the Patent Office, Krickebrocker, Jan. 1851, at 135. Written by a Michigan lawyer (later judge) named Henry H. Riley, it describes a meeting that takes place in 2050 at the Grand Central Department (the former U.S. Patent and Trademark Office) involving John Adams, Benjamin Franklin, Robert Fulton, and Thomas Jefferson. Likewise, in the graphic comic book series Code Monkey Save World (Pak Man Productions, 2013-14), Skullcrusher explains that before becoming a supervillain, he was a patent troll because, “As it turns out, my true talents really revolve around patent law.” See Laurence Lai, IP Hit or Miss? Code Monkey Save World, IPCorr (Dec. 20, 2013), https://ipcopy.wordpress.com/2013/12/20/ip-hit-or-miss-code-monkey-save-world/. See also Fortess Grand Corp. v. Warner Bros. Ent. Inc., 763 F.3d 696, 699-700 (7th Cir. 2014) (describing a fictional patent used to help promote the defendant’s 2012 Batman movie The Dark Knight Rises).

Other instances of a story involving an invention, but lacking a patent lawyer, include Three Posts in a Mess (Columbia Pictures, 1945), a Three Stooges movie in which the trio develop a fly-catching device; “The Invention” (NBC television broadcast Dec. 5, 1975), an episode of Chico and the Man in which garage owner Ed Brown (Jack
II. Fictional Patent Attorneys

A. Television

1. Dramas

A number of fictional patent attorneys have appeared on television dramas. In *A Year in the Life* (NBC, 1987-88), for example, Adam Arkin played Jim Eisenberg, an amiable Seattle patent lawyer experiencing the craziness of new fatherhood. The show revolved around the Gardners, an extended family headed by patriarch Joe Gardner (Richard Kiley), the owner of a plastics company and a recent widower with four adult children: Anne (Wendy Phillips), Lindley (Jayne Atkinson), Jack (Morgan Stevens), and Sam (David Oliver). Jim was Lindley's husband, and as the series began they had just had a baby girl (named Ruthie after Lindley's mother).

Because of the cast's size, each episode had multiple storylines. For the most part, Jim's centered on his relationship with Lindley and Ruthie. Following Ruthie's birth, Lindley had returned to her sales job at her father's company, leaving Jim to run the house and look after Ruthie. Although Jim was excellent at these tasks, juggling them with his practice (which he ran from his home)

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Albertson) tries to patent training wheels for motorcycles; "Patent 4077" (CBS television broadcast Jan. 10, 1978), an episode of *M*A*S*H* in which Captains Hawkeye Pierce (Alan Alda) and B.J. Hunnicutt (Mike Farrell) devise a new type of vascular surgical clamp; *The Whole Shootin' Match* (New Line Cinema, 1978), a film in which Frank (Sonny Carl Davis) and Loyd (Lou Perryman), two blue collar buddies living in Austin, Texas, come up with a combination mop, floor polisher, and vacuum cleaner but then unwittingly sell all their rights to the Littlefield Building Corporation for a mere $1,000; and "Coming Down Hard" (NBC television broadcast Oct. 6, 2004), an episode of *Law & Order* in which Executive Assistant District Attorney Jack McCoy (Sam Waterson) prosecutes Barden Pharmaceuticals for endangering human test subjects while attempting to extend an expiring drug patent.

In Brian Herbert and Kevin J. Anderson's *Dune: House Atreides* (1999), there is a considerable amount of discussion about patents and patent law. There also is a brief quote from Gian Kana, the Imperial Patent Czar: "Machine-vaccine principle: Every technological device contains within it the tools of its opposite, and of its own destruction." *Id.* at 372. Whether Kana is a lawyer is never made clear.

As a result, I have not attempted to discuss the many other ways in which patent attorneys show up in popular culture. For example, numerous everyday items—such as t-shirts, hats, mugs, water bottles, glasses, shower curtains, rugs, yoga mats, magnets, greeting cards, and wall art—are for sale that play off patent attorneys and their work. For a sampling, see *Patent Attorney Gifts*, CafePress, http://www.cafepress.com/+patent-attorney+gifts.

I have not included here Daniel Rosen (Matthew Bennett) from the show *Orphan Black* (BBC America, 2013-present). Although Daniel (before his murder) was a lawyer and did work for the sinister Dyad Institute (including acting as a clone monitor), meaning that he might have had a scientific background, there is no evidence that he handled patent matters.

Arkin later said he felt "great kinship" with the role because like Jim, he was going through fatherhood for the first time. See Jerry Buck, *Real Life Helps Arkin Relate to Series Role*, *Albuquerque J.*, Dec. 28, 1987, at 9A (quoting Arkin as having told the show's producers during auditions: "I can do this. I know this role. It's happening to me right now.").

The show originated in 1986 as a three-part mini-series "[w]ith an eye perhaps to a weekly series." John J. O'Connor, *Kiley and Saint Co-Star in *A Year in the Life,*" *N.Y. Times*, Dec. 15, 1986, at C22. Because her character (Ruth) was killed in an automobile accident, Eva Marie Saint did not make the transition to NBC.

In one episode, however, Jim was distracted by a visitor at the front door. By the time he returned to the kitchen, Ruthie had suffered a second-degree burn. Although she made a full recovery, Lindley had a hard time forgiving Jim. See *A Year in the Life: The Politics of Being* (NBC television broadcast Mar. 23, 1988).
office), often led to friction between him and Lindley.12

Given the focus on his family obligations, viewers rarely saw Jim working as a patent lawyer.13 However, in “Don’t I Know You from Somewhere?,” Jim counseled a client named Mr. Armstrong (J.C. Quinn) who had come up with an unusual idea for preventing home break-ins:

ARMSTRONG [holding up a welcome mat]: Nothing like it in any hardware store. This wire here? This connects right into the house voltage. Soak the welcome mat with water. You plug it in, wham, anybody walks on it gets a jolt that’ll knock ‘em clear off their feet.

JIM: Anybody?

ARMSTRONG: Yeah. Well, burglars, trespassers . . . solicitors.

JIM: I don’t think your idea is compatible with patent law, Mr. Armstrong, or any laws.

ARMSTRONG: There’s not enough juice to kill them!

JIM: Yeah, uh, Mr. Armstrong.

ARMSTRONG: A person’s not safe in their own home! Robbery up the street from me? Old man got it right in the kitchen. [Armstrong draws a finger across his neck.]

JIM: Yeah, uh, excuse me.

[Jim leaves to check on Ruthie and then returns.]

JIM: Look, I am telling you right now, it is not worth a patent search. It’s a violation of constitutional right.

ARMSTRONG: Hey, what about my rights, Rosenberg?

JIM: It’s Eisenberg.

ARMSTRONG: Whatever.14

In a different storyline that spread across several episodes,15 Lindley invented a remote-controlled baby walker. When Jim applies for a patent, however, a challenge is filed by a man named Billy Putzi (Brian Benben), who claims that he had the idea first. As a result, Jim and Lindley join forces with Billy, who

12 Another source of friction involved Lindley’s somewhat reluctant decision to convert to Jim’s religion (Judaism). See Elliot B. Gertel, Over the Top Judaism: Precedents and Trends in the Depiction of Jewish Beliefs and Observances in Film and Television 95-101 (2003).

13 Even when they did, the depictions were intentionally inaccurate:

When he researched his role, Arkin says he learned patent attorneys generally work with large corporations and rarely with individuals off the street.

“But most of the time when you see me working it’s with some kind of eccentric,” he says. “It’s more entertaining but it’s not realistic.”

Buck, supra note 9.

14 A Year in the Life: Don’t I Know You from Somewhere? (NBC television broadcast Sept. 16, 1987).

15 See A Year in the Life: Acts of Faith (NBC television broadcast Nov. 11, 1987); A Year in the Life: I Think You Know Something I Don’t Know (NBC television broadcast Dec. 2, 1987); A Year in the Life: While Someone Else is Sleeping or Opening a Window (NBC television broadcast Dec. 23, 1987); A Year in the Life: The Little Disturbance of Man (NBC television broadcast Jan. 6, 1988).
agrees to bankroll their venture and, after protracted negotiations, obtains a substantial offer from a large retailer (Kidland). Before the deal can be consummated, however, Billy runs off to Brazil with his much younger girlfriend, leaving behind his much older wife and a devastated Jim and Lindley.\footnote{In real life, of course, Billy’s sudden absence would not have prevented Jim and Lindley from continuing to apply for the patent themselves. See Consolidated Patent Rules, 37 C.F.R. § 1.45(a) (2016) (“If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the other joint inventor or inventors may make the application for patent on behalf of themselves and the omitted inventor.”).}

In the mini-series *Wild Palms* (ABC, May 16-20, 1993), Los Angeles patent lawyer Harry Wyckoff (Jim Belushi) took viewers on a much weirder ride.\footnote{The mini-series was loosely based on the *Wild Palms* comic strip that appeared in *Details* magazine from 1990 to 1993. See David Faust, *Maps to the Stars, Running to Paradise: Analyzing the Wild Palms Comic*, SEQUART (May 22, 2014), http://sequart.org/magazine/41688/analyzing-the-wild-palms-comic/ .} As the Oliver Stone-produced saga opens, it is 2007 and Harry is an associate at Baum, Weiss & Latimer. Everything is on track for Harry to make partner until he is visited by his old girlfriend Paige Katz (Kim Cattrall), who needs a favor:

PAIGE: I want you to help me find someone.

HARRY: Well, Paige, that’s a little Raymond Chandler, don’t you think? I’m a patent attorney.

PAIGE: It’s my son Peter. He disappeared five years ago.\footnote{*Wild Palms: Everything Must Go* (ABC television broadcast May 16, 1993).}

Despite being completely out of his element, Harry agrees to Paige’s odd request.

A short time later, Harry receives bad news about his partnership:

SEVERIN: Hello, Harry.

HARRY: Severin.

SEVERIN: Joe couldn’t make it. He’s still fly fishing in some top secret location.

HARRY: Well, as long as he brings back a fish story, huh?

SEVERIN: That he will. Joe Baum could bring back a fish story from the Gobi.

HARRY: Ah, he’s something.

SEVERIN: A woman came to see you—Paige Katz.

HARRY: An old friend.

SEVERIN: Did you know that Ms. Katz worked for the Wild Palms Group?

HARRY: She may have mentioned it.

SEVERIN: Did you also know that we’re preparing a suit against Mimecom on behalf of the Deke Newhouse company?

HARRY: I’m not involved with that, but I’m familiar with it.

SEVERIN: It seems someone from Newhouse found out Ms. Katz was visiting our offices.

HARRY: She came to me because of a personal problem.

SEVERIN: No one’s accusing you, or your friend, of being a mole, Harry.

HARRY: That’s comforting.

SEVERIN: Deke Newhouse is concerned enough to have threatened to go elsewhere. This account means a lot to us, as you know. It would be impolitic for us to give you a full partnership just now. The timing is not good.

HARRY: Come on Severin, that’s absurd. I mean Paige Katz is in trouble. Her son disappeared.

SEVERIN: When was the last time you saw her?

HARRY: A while ago. Fifteen years, maybe.

SEVERIN: A woman who disappeared fifteen years ago, hasn’t been in your life for fifteen years, and she comes to a patent attorney to help him find her son. How does it sound?

HARRY: Look, I don’t care how it sounds Severin. Why do I feel all of a sudden I’m in a courtroom?

SEVERIN: There’s no need . . .

HARRY: I want that partnership. You owe me Severin.

SEVERIN: We’re going to make Morty Winnaker a limited partner.

HARRY: Morty Winnaker?

SEVERIN: When things cool down with Newhouse, we’ll take you aboard—with open arms.

HARRY: But Winnaker?

SEVERIN: Let things settle, Harry.

HARRY: Oh yeah, I’ll let it settle all right. But they can just settle without me.

SEVERIN: You’re being foolish.

HARRY: See ya.19

Following his departure from the firm, Harry (with Paige’s help) is hired by Wild Palms (with a 500% boost in pay). Harry quickly advances at the company, but he just as quickly discovers that its messianic founder, U.S. Senator (and presidential aspirant) Anton “Tony” Kreutzer (Robert Loggia), is planning to take over the country through the use of a new virtual reality technology (Mimecom).20 As a result, Harry is forced to choose sides and ultimately be-

19Id.
20Tony Kreutzer was modeled after Scientology founder L. Ron Hubbard:

One big reason Palms is so immediately addictive is that it is first-rate soap opera, complete with twisted family trees and bitter blood feuds. Palms features a large cast that includes Dana Delany as Harry’s wife, Grace, and Angie Dickinson in a spectacular, career-reviving role as
of the resistance movement known as the “Friends.” Needless to say, all of this is a long way from Harry’s former life as a patent lawyer.21

Not all patent attorneys are as noble as Harry. In an episode of Monk (USA, 2002-09) entitled “Happy Birthday, Mr. Monk” (the only one of the show’s 125 episodes that did not begin with the words “Mr. Monk”), Monk’s germophobia helps him catch the murderer.22 While investigating the death of janitor Bradley Foster (David Pires), detective Adrian Monk (Tony Shalhoub) needs to speak to Richard Meckler (Lex Medlin), the only person who was in the building at the time Bradley was killed.23 When Monk catches up with him, Richard is holding a press conference for a new invention called the Laser-Vac:

Ladies and gentlemen, my name is Richard Meckler. I’m a patent attorney. Now I must hear a thousand bad ideas every year. And believe me, I’ve met every nut job in California. But when Kurt Pressman came into my office five months ago with this vacuum, the world’s first self-cleaning vacuum cleaner, well I knew I wanted to be part of it. Let’s bring Kurt up right now, he can tell us all about it.24

During the after-party, while being interviewed by the police about Bradley, Richard has a heart attack and dies. Several scenes later, Monk accidentally breaks the prototype Laser-Vac he has been given by one of the reporters who attended the press conference.25 But when he takes it to Kurt (John Carroll Lynch), he is unable to fix it. Putting two and two together, Monk solves the case. Bradley, an eccentric MIT graduate, invented the Laser-Vac.

21 For a further discussion of the series, which has become something of a cult classic, see Alex Pappademas, Hollywood Archaeology: Wild Palms—Unearthing Oliver Stone and Bruce Wagner’s Lost-Lost Gonzo Miniseries on Scientology, Technology, and Graphic Novels, Grantland (May 24, 2013), http://grantland.com/features/recovering-oliver-stone-wild-palms/. See also The Wild Palms Reader (Roger Trilling & Stuart Sweeney eds. 1993) (a guide issued by ABC to help viewers follow the show’s complicated plot).

22 The episode’s title refers to its sub-plot, which involves Monk’s assistant Natalie Teeger (Traylor Howard) going to Herculean lengths to throw Monk a birthday party.

23 Richard is quickly dismissed as a suspect by Paul Wellman (Gregory Thompson), the building’s manager: “Well, there’s a camera in the lobby and I was just checking the tape. It looks like there was one other guy here. Meckler. Richard Meckler. Now he left around midnight but I don’t think that means anything because he works late a lot.” Monk: Happy Birthday, Mr. Monk (USA television broadcast Oct. 16, 2009).

24 Id.

25 Monk manages to do this by cleaning the Laser-Vac, even though the instructions specifically say not to clean it (a reminder of the severity of Monk’s germophobia).
went to Richard to get a patent, Richard saw a goldmine. Richard therefore killed Bradley and hired Kurt to pose as the machine's inventor. Kurt, however, turned out to be even greedier than Richard. Thus, while at the after-party, Kurt poisoned Richard's diet soda, which caused him to die from what appeared to be a heart attack.

In *Harry's Law* (NBC, 2011-12), Kathy Bates played Harriet "Harry" Korn, a burned-out patent lawyer at a tony Cincinnati law firm. In the series' first episode, Harry is shown sitting at her desk surrounded by a sea of case files. Instead of working on them, however, she is taking drags on a marijuana joint while watching a Woody Woodpecker cartoon. When Robert (Ivar Brogger), the unnamed firm's senior partner, walks into her office and shuts off the television, the following exchange takes place:

HARRY: I was watching that program, Robert.
ROBERT: What's going on?
HARRY: What's going on? I've had an epiphany. After 32 years of practice as a very successful patent attorney, I've discovered that patent law is boring.
ROBERT: Harriet, you're fired.

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26 Initially, *Harry's Law* was called *Kindreds* and was supposed to star comedian Lewis Black. See *Harry's Law: Trivia*, IMDB, http://www.imdb.com/title/tt0582453/trivia?ref_=tt_trv_trv (explaining that Black backed out of the project when NBC refused to meet his financial demands). Of course, the casting of Black was no accident, given that the patent bar is almost entirely male. See Saurabh Vishnubhatk, *Gender Diversity in the Patent Bar*, 14 *J. MARSHALL REV. INTELL. PROP. L* 67 (2014) (reporting that male patent lawyers outnumber female patent lawyers by a margin of more than 4 to 1).

The decision to set the show in Cincinnati was less thought out. Series creator David E. Kelley picked Cincinnati because he "was looking for a cosmopolitan city that didn't jump out as one of the sexier ones." See John Kiesewetter, *Laying Down the "Harry's Law,"* *CIN. ENQUIRER*, Jan. 18, 2011, at D1. Despite this fact, it does not take much to believe that Harry was able to practice patent law there for more than three decades. In 1855, Abraham Lincoln journeyed to Cincinnati to help try the famous McCormick-Manny patent infringement case, see Emerson Hincliift, *Lincoln and the "Reaper Case,"* 33 *J. ILL. ST. HIST. SOC'y* 361 (1940); in 1949, the city's patent bar was large enough that it formed the Cincinnati Patent Law Association, see *Association Set Up by Patent Lawyers; First in Cincinnati*, *CIN. ENQUIRER*, Feb. 22, 1949, at 7; and in 2010, the Southern District of Ohio, which includes Cincinnati, became one of the first federal courts to adopt a set of local patent rules. See Ryan Davis, *Ohio Courts Eye New Rules for Patent Cases*, *Law360* (Oct. 6, 2008), http://www.law360.com/articles/71669/ohio-courts-eye-new-rules-for-patent-cases.

27 Although we are able to catch only a glimpse of the cartoon, there is no doubt that it is "Ace in the Hole" (1942). In it, Woody yearns to learn how to fly, a perhaps intended nod to Harry's upcoming flight from her current life.


I have not been able to find a copy of the preview video. However, on the web site www.zen.co.uk, a copy of the seventh draft of the pilot's script (June 17, 2010) is posted. See http://www.zen134237.zen.co.uk/Harry's_Law_1x01__Pilot.pdf. It reads as follows:

HARRIET KORN, sixtyish, sits in her well-appointed office, riveted by the CARTOON SHE WATCHES ON TELEVISION. She's also smoking a joint.

HARRY [in a voice-over]: In theory, the moral of the story comes at the end. But sometimes ... it comes at the top, in the middle . . . and you just don't get it 'til the end.

As ROBERT FINEMAN, sixties, enters, JENNA BACKSTROM, thirties, stands at the doorway, we get the sense she tried to stop him from charging in. He walks to the TELEVISION, TURNS IT
After experiencing several life-altering events (including having a suicide jumper land on her), Harry decides to start her own law firm in a poor neighborhood. 29 There, she reinvents herself as a criminal defense lawyer who specializes in representing the unjustly accused. 30 Patent law, not surprisingly, is

OFF.

HARRY: I was watching that, Robert.

FINEMAN: In less than a month, you’ve gone from being one of the best patent lawyers in all of Cincinnati to a pot-head who sits in her office watching... What the hell has happened?

HARRY: Well... what’s happened is, after thirty-two years of rather dedicated practice, I’ve come to the unfortunate if not altogether surprising conclusion that patent law is as boring as a big bowl of steaming dog—shut the door, Jenna.

JENNA does.

HARRY: It’s dull, Robert. I lead a dull life with dull partners, I consider you foremost among them, I would sooner look into a mirror and watch my teeth rot than do one more case involving patent law. As always, I value your feedback.

FINEMAN: I’m afraid this is the end, Harry.

HARRY: The end of what?

FINEMAN: The end of your relationship with this firm. You’re fired.

Id. at 1-2.

29 The space’s previous tenant was a shoe store that had left behind its inventory. As a result, when they were not practicing law, Harry’s associates were selling shoes at “Harriet’s Law & Fine Shoes” (a nickname coined by Harry’s assistant Jenna (Brittany Snow)).

At one time, Cincinnati was a leading shoe manufacturing center, see JESSIE B. ADAMS, THE SHOE INDUSTRY IN CINCINNATI (1921), and during its heyday its courts heard a number of patent cases involving shoes. See, e.g., Williams Mfg. Co. v. United Shoe Mach. Corp., 121 F.2d 273 (6th Cir. 1941), aff’d, 316 U.S. 364 (1942) (patent for heel lasting machine held valid and infringed); John T. Riddell, Inc. v. P. Goldsmith Sons Co., 92 F.2d 353 (6th Cir. 1937) (patent for football shoes held invalid for lack of novelty); United Shoe Mach. Corp. v. O’Donnell Rubber Prods. Co., 84 F.2d 383 (6th Cir. 1936) (patent for shoe folding machine held valid and infringed).

30 See further Michael Asimow, When Harry Met Perry and Larry: Criminal Defense Lawyers on Television, 1 BERKELEY J. ENT. & SPORTS L. 77 (2012) (likening Harry to Perry Mason and the lawyers on The Defenders). At least one viewer, however, found Harry’s transformation to be unrealistic:

“Harry” is a patent attorney who gets fired for a vague “you’ve lost the drive” reason and then starts her own criminal defense firm with a tough, edgy attitude to boot. The best part for her is that she only defends innocent people. Like literally all of her clients are innocent of the crime they are charged with. However, the problem I have with this show is not that the lawyer somehow only defends innocent people. Or that her main paralegal is a guy who somehow has 3 strikes against him for drugs in a zero-tolerance state but somehow gets probation because Harry is such a good lawyer and is so smart. My problem with “Harry” is that she switches from being a patent lawyer to being a criminal defense attorney. For those of you who know your patent law, you will recognize the slight difference between doing state criminal law and drafting patents. There’s not a lot of crossover. However, Harry is somehow extremely gifted as a criminal defense attorney from the beginning even though it is unlikely that she would have ever been in a state court in her entire career before the show starts.


In a six-part story arc during the seventh season of NCIS (CBS, 2003-present), viewers were introduced to M. Allison Hart (Rena Sofer), another patent attorney turned criminal defense lawyer. During the first episode, entitled “Ignition” (CBS television broadcast Jan. 5, 2010), the NCIS investigators are shown reading Allison’s law firm biography. In full, it stated:

After receiving her Bachelor of Arts in Criminal Science from Tulss University and her Juris Doctorate from the University of Pennsylvania, Ms. Hart began her career as a clerk in the Senate’s Legal Affairs Office. She then distinguished herself with groundbreaking work for the U.S. Patent & Trademark Office, establishing several significant decisions in the field of Intellectual Property Rights. Ms. Hart made a surprising shift at that point in her career when she left government service to enter the District Attorney’s office of the District of Columbia as a public defender. Several more high profile victories prompted Ms. Hart to pursue a career in criminal defense full time.
rarely mentioned again.\textsuperscript{31} Yet another TV patent lawyer was Stan (Jason Ralph) on the series \textit{Manh(a)ttan} (WGN, 2014-15). Loosely based on World War II's Manhattan Project, \textit{Manh(a)ttan} takes places in Los Alamos, New Mexico. From outward appearances, Stan is simply dating Dr. Helen Prins (Katja Herbers). In reality, Stan is a Soviet spy code-named Perseus.\textsuperscript{32} Unfortunately, the series was cancelled after just two seasons. Thus, we do not know what happened to Stan, who was last seen being knocked unconscious by scientist Jim Meeks (Christopher Denham) on the day the group was planning to test its first bomb.\textsuperscript{33}

Lastly, \textit{The Girlfriend Experience} (Starz, 2016-present) offers viewers an entirely new take on patent attorneys. Each season will be about a different woman who, in addition to her regular life, is a high-end escort (hence the name of the show). The recently-completed Season 1 centered on Christine Reade (Riley Keough), who as Chelsea Rain charges $1,000 an hour (with a two-hour minimum).

Christine is a second-year student at Chicago-Burnham Law School\textsuperscript{34} who wants to be a patent lawyer after she graduates.\textsuperscript{35} Following a rigorous se-

\begin{footnotesize}
\begin{itemize}
\item[31] When patent law did come up, it normally was to make a joke. In the episode entitled “Last Dance” (NBC television broadcast Apr. 4, 2011), for example, Harry tells Adam Branch (Nate Corddry), a young lawyer who works with her, “The thing you have to remember is this. No matter how much this job sucks, even on your worst day, it beats the hell out of patent law.”
\item[32] In real life, Perseus’s existence remains a matter of much dispute, with some believing he was an actual person, others believing he was a composite name for several different Soviet spies, and still others believing he was a smoke screen created by the Soviets as part of a disinformation campaign. \textit{See} \textbf{THOMAS C. REED} \& \textbf{DANNY B. STILLMAN, THE NUCLEAR EXPRESS: A POLITICAL HISTORY OF THE BOMB AND ITS PROLIFERATION} 38-41 (2009).
\item[33] \textit{Manh(a)ttan: Jupiter} (WGN television broadcast Dec. 15, 2015).
\item[34] Given its hyphenated name, location, and focus on patents, one can make a good argument that Chicago-Burnham is intended to be a stand-in for the Chicago-Kent College of Law, an acknowledged leader when it comes to patent law (in addition to operating both a patent clinic and a pro bono program for inventors who cannot afford to hire a patent lawyer, Chicago-Kent allows selected students to take patent law during their first year of law school and offers all students the opportunity to take multiple patent law electives). \textit{See generally} Dennis D. Crouch, \textit{Ranking of Patent Law Programs for 2011: Perhaps Six Junk-Science Ratings are Better than One, Patently-O} (Apr. 15, 2010), http://Patently-O.com/patent/2010/04/ranking-patent-programs.html.
\item[35] Interestingly, when the show was first announced, news reports described Christine as being enrolled at the University of Chicago’s law school. \textit{See, e.g.}, Luis Gomez, \textit{Steven Soderbergh TV Series “The Girlfriend Experience” Filming in Chicago, CH. TUS.} (June 4, 2015), http://www.chicagotribune.com/entertainment/celebrity/ct-steven-soderbergh-girlfriend-experience-filming-in-chicago-20150604-column.html.
\item[36] Christine (as Chelsea) makes her ambition clear during a conversation with Ryan (Shaun Benson), one of her customers:

\begin{quote}
\textbf{RYAN:} You want to get married?
\end{quote}
\end{itemize}
\end{footnotesize}
lection process, she is picked for a coveted year-long internship at Kirkland & Allen, one of the city’s most prestigious patent law firms. At the end of the year, the firm plans to hire two of the 10 interns.

As if law school, a thriving escort service, and a law firm internship are not enough, Christine soon discovers that David Tellis (Paul Sparks), Kirkland’s newly-named managing partner, has been conspiring with Ben Holgrem (Brad Borbridge), the other side’s lawyer, to throw a huge medical patent lawsuit (*Kersner Capital v. XHP Technologies*). Christine takes what she has learned to Kirkland partner Erin Roberts (Mary Lynn Rajskub), who had been David’s rival for the managing partner job. Erin, however, already knows all about the deception because she is part of it. And that, it turns out, is just one of several dominoes waiting to fall.3

2. Comedies

Just as they have appeared on television dramas, patent attorneys also have found their way into television comedies.37 In *Ellen* (ABC, 1994-98), for example, Ellen DeGeneres played Ellen Morgan, a Los Angeles bookstore owner

CHELSEA: I don’t believe in marriage.
RYAN: Do you want kids?
CHELSEA: No . . . hands down, no.
RYAN: What do you want?
CHELSEA: I’m studying law.
RYAN: I believe that. I won’t ask what kind.
CHELSEA: Patent.

The Girlfriend Experience: Retention (Starz television broadcast Apr. 17, 2016). To further get across the point that Christine wants to be a patent lawyer, we occasionally see her attending a patent law class. In one such scene, she is quizzed by her professor about the meaning of “POSITA”:

PROFESSOR BAYNE: Now, soon after, frustrated with the process, he drafts a new summary, which then . . . Well, what does he do next? Christine?
CHRISTINE: He needs someone to sign.
PROFESSOR BAYNE: Someone?
CHRISTINE: A qualified . . .
PROFESSOR BAYNE: Well, there’s a name for it. Justin?
JUSTIN: POSITA.
PROFESSOR BAYNE: And what does that mean Christine?
CHRISTINE: A person of ordinary skill in the art.
PROFESSOR BAYNE: Correct. So our client uses a POSITA, who, in this case, happens to also be his buddy.


When we first meet her, Christine is not yet working as an escort but soon is introduced to hooking by her classmate Avery Suhr (Kate Lyn Sheil). Although we are never told exactly why Christine decides to become an escort, by the end of the season three reasons have emerged: she likes sex, she needs money (in part to help pay for law school), and she craves attention. See The Girlfriend Experience: Home (Starz television broadcast June 19, 2016).

3For a further look at the series, see, e.g., Lisa Schmeiser, *Does the Girlfriend Experience Give Viewers a Happy Ending?*, Previously TV (Apr. 8, 2016), http://previously.tv/the-girlfriend-experience/does-the-girlfriend-experience-give-viewers-a-happy-ending/.

37I have skipped in this discussion Ron LaFlamme (Ben Feldman), the general counsel of the tech start-up company Pied Piper on *Silicon Valley* (HBO, 2014-present). To date, although Ron has handled a number of
who eventually comes out of the closet. Ellen’s dad was Harold Morgan (Steve Gilborn), a sweet but befuddled man with a happy disposition who reveled in life’s little joys (such as model trains and pies). Although he was identified as being a patent attorney, viewers never saw him at work or heard him discussing his practice. Even at his retirement party, the only reference to his 40-year career was the time he made what everyone thought was regular coffee, but actually was decaf.

A similar character was Eustis Miller (voiced by comedian David Herman) on the animated series *King of the Hill* (FOX, 1997-2010). When asked about Eustis, one of the show’s fans described him as “a wimpy, mustached patent lawyer and father of Bobby’s classmate Randy. Hank and the gang often poke fun at him when they are forced to interact with him. His wife has never been shown; one possibility is they may be divorced. He mainly appeared in the first 5 seasons.”

*King of the Hill* was set in the small town of Arlen, Texas, and most of its matters for Pied Piper, he has not been called upon to provide patent advice. Moreover, in the episode “Founder Friendly” (Apr. 24, 2016), he describes himself as “Pied Piper’s corporate counsel.”

A tougher call involved Cheryl Fong (Maggie Han), who appeared on the television series *Seinfeld* (NBC, 1989-98) in an episode entitled “The Visa” (Jan. 27, 1993). When she is asked what kind of law she practices, she replies, “Oh everything. Divorce, patents, immigration and naturalization.” Cheryl never again mentions patent law and spends the rest of the episode handling an immigration matter for Jerry (Jerry Seinfeld) and a personal injury lawsuit for Elaine (Julia Louis-Dreyfus). In her only other appearance in the series (“The Pilot, Part 2,” May 20, 1993), she is briefly seen watching a television show with her brother Ping (Ping Wu).

In a very funny blog posting, lawyer Mark Wilson came up with a list of shows that he thought would be at least as good as actual television shows. His eighth suggestion was “Patently Offensive,” which he described as follows: “One’s an uptight, fastidious patent attorney. The other’s a messy slob of a copyright attorney. How could they possibly be roommates?!” Mark Wilson, 10 Ideas for Next Fall’s Lawyer TV Shows, GREEDY ASSOCIATES, (Oct. 13, 2014), http://blogs.findlaw.com/greedy_associates/2014/10/10-ideas-for-next-falls-lawyer-shows.html.

In the episode Three Strikes (ABC television broadcast Mar. 29, 1995), Ellen is arrested for creating a public disturbance and vagrancy. When she is visited in jail by her parents, she pleads for their assistance:

ELLEN: Can you help me get out of here?
LOIS: Oh yes, daddy’s going to take care of everything.
HAROLD: Yeah, I’m going to serve as your lawyer.
ELLEN: You’re a patent attorney!
HAROLD: I won all my mock trials in law school. What could have changed since the Fifties?

Id. As expected, Harold has trouble in the courtroom (which he tells Ellen “should be a place of laughter”), and manages to get the entire family held in contempt.

39 Some sources spell Miller’s first name as “Eustace,” while others use “Eustice.”


41 As has been explained elsewhere, both the location and population of Arlen changed from episode to episode:

Arlen is a fictional small town in Texas, located in Heimlich County, and named for fictional Leland “Goose” Arlen. It is located about 96 miles from Dallas according to a sign seen in the episode “It Ain’t Over ‘till The Fat Man Sings” while Bill Dauterive drove there with his all-male chorus. It has a population of 145,300 people according to a sign seen in the episode “Hank’s Cowboy Movie,” where Hank and Bobby return from the Cowboys training camp in Wichita Falls; but in [the] Season 2 episode “Snow Job” the population is 1,454.

In the episode “That’s What She Said,” Hank is seen driving a Strickland Propane truck. The phone number on the door begins with the area code 409. This area code includes the cities of Beaumont and Galveston.
residents were blue-collar workers. Hank Hill (Mike Judge), the show’s star, was a propane salesman; his best friends were Bill Dauterive (Stephen Root), an Army barber; Dale Gribble (Johnny Hardwick), an exterminator; and Jeff Boomhauer (Mike Judge), whose occupation was unclear.\textsuperscript{43}

Eustis was one of the show’s few white collar workers, which helps to explain some of the antipathy that Hank and the others felt for him; another reason for their derision was that unlike them, Eustis had not been an athlete in high school. To Randy, however, Eustis is a hero:

\begin{quote}
HANK [addressing a group of kids during a camping trip]: You don’t want to end up like Randy’s dad.

RANDY: My dad’s a successful patent lawyer!

HANK: Not in the eyes of Wematanye [an all-knowing Indian spirit that the gang has made their mascot for the weekend].\textsuperscript{44}
\end{quote}

Despite his specialized training, Eustis always was shown performing the sorts of tasks that any lawyer is competent to undertake. Thus, for example, in the episode “Bills are Made to be Broken,” Eustis appeared as the head of the local school board:

\begin{quote}
HANK: Mr. Chairman, I would like to respectfully submit that you put an asterisk next to [Arlen High School football player] Ricky Suggs’s name in the record book. And that asterisk should read: “This record [for career touchdowns] was attained by means of fraud and bad sportsmanship. Thank you.”

EUSTIS: That suggestion is denied, Mr. Hill. Ricky Suggs is an inspiration to us all. Now on to more important matters: My motion to add “fatty fatty boom-balatty” to the list of unacceptable hate speech.\textsuperscript{45}
\end{quote}

\textsuperscript{43}For a further look at the backgrounds of the show’s characters, see M. Keith Booker, \textit{Drawn to Television: Prime-Time Animation from The Flintstones to Family Guy 70-77} (2006).

\textsuperscript{44}King of the Hill: The Order of the Straight Arrow (FOX television broadcast Feb. 2, 1997).

\textsuperscript{45}King of the Hill: Bills are Made to be Broken (FOX television broadcast Oct. 24, 1999). Hank wanted to deny Ricky the record because Bill had set it in 1974.
Likewise, in the episode "Unfortunate Son," Eustis used his general training as a lawyer at a VFW yard sale run by Hank’s father, Colonel Cotton Hill (Toby Huss):

EUSTIS: I’m prepared to offer $100 American for the canoe. And don’t try to haggle with me, I’m an attorney.

COTTON: Boy, this ain’t any canoe. This is Hitler’s canoe! $500.

EUSTIS: Look, I’m just buying it for a camping trip. It’s going to cost me $40 just to paint over the swastika on the other side.

COTTON: What the—paint over the swastika? It’s a war trophy. You’re painting over my victory. The deal is off!

EUSTIS: Well, too bad.

COTTON: Aargh!! Fine! Fine! Sold.46

As is obvious, Eustis did not need to be a patent lawyer—he just as easily could have been a bankruptcy, labor, or zoning lawyer. However, in the Ally McBeal (FOX, 1997-2002) episode “The Inmates,” the writers decided to use the patent bar’s reputation for courteousness to their advantage.

While at the courthouse, Deputy District Attorney Renée Raddick (Lisa Nicole Carson) eyes a handsome stranger across a hallway. When Georgia Thomas (Courtney Thorne-Smith) asks Renée if she expects the man to just “march over here and ask you out,” Renée responds, “10 bucks.”47 After Georgia accepts the bet, Renée loudly drops her briefcase on the floor. This gets the man to turn around; Renée then entices him over by wagging her finger. As he bends down to pick up her briefcase, Renée gives him her business card and tells him to call her.

Later, Renée and the man, who turns out to be a patent lawyer named Michael Rivers (Isaiah Washington), go out on a date. While dancing, Michael mentions that he finds patent law “pretty boring” and that it does not “stimulate” him; in response, Renée asks Michael if he is “easily stimulated” while squeezing his buttocks.48

At the end of the evening, Renée invites Michael home but then refuses to go to bed with him. Unwilling to take “no” for an answer, Michael begins to maul Renée, not knowing she is an accomplished kickboxer.

Arriving back at their shared apartment, Ally (Calista Flockhart) finds Renée kneeling over Michael, who is lying on the floor unconscious. After the paramedics wheel him out, Ally takes Renée to task:

ALLY: Well, Renée?

RENÉE: He got all aggressive.

ALLY: I know but . . .

46King of the Hill: Unfortunate Son (FOX television broadcast Mar. 10, 2002). This was the last episode in which Eustis had a speaking role. Subsequently, he appeared only in non-speaking cameos. See Eustice Miller, KING OF THE HILL Wiki, http://kingofthehill.wikia.com/wiki/Eustice_Miller.


48Id.
The Patent Attorney in Popular Culture

RENÉE: But what?
ALLY: But what are you thinking bringing him here? You barely know the guy!
RENÉE: He’s a patent lawyer. How dangerous could he be?
ALLY: Even so.49

Towards the end of the 2015-16 television season, a patent attorney finally appeared on the long-running sitcom The Big Bang Theory (CBS, 2007-present). Of course, Sheldon Cooper (Jim Parsons), Leonard Hofstadter (Johnny Galecki), and Howard Wolowitz (Simon Helberg), three of the show’s main characters, are scientists at the California Institute of Technology.50 When they invent a new type of guidance system, they seek out the university’s patent attorney. Unfortunately, in the episode entitled “The Application Deterioration,” Tim (Jim Holmes) is forced to throw cold water on their dreams of becoming millionaires:

HOWARD [sitting with the others in a waiting room]: Okay, I gotta ask. Why are you wearing a bow tie?
SHELDON: I’ve never applied for a patent before and I wanted to make a good impression.
HOWARD: Is the impression that your first name is Pee-Wee?
TIM: Come on in, fellas.
HOWARD: See, he’s not wearing a tie.
LEONARD: Well, he’s a patent attorney. Maybe his tie is pending.
TIM: So, I’ve reviewed your paperwork, and it seems like we’ve got everything we need to file a patent for your infinite persistence gyroscope.
SHELDON: That’s great.
HOWARD: Excellent.
LEONARD: So what happens next?
TIM: Well, the legal team needs to review existing patents to avoid overlap.
HOWARD: Oh, I don’t think there will be.
LEONARD: Yeah, we did our own search.

49Id. Renée later was arrested for breaking Michael’s neck and charged with assault and battery. After a hard-fought trial, the jury acquitted her. See Ally McBeal: Being There (FOX television broadcast May 4, 1998). For a further discussion, see GREG M. SMITH, BEAUTIFUL TV: THE ART AND ARGUMENT OF ALLY McBEAL 114-17 (2007) (explaining that Renée has issues with men due to the sexual taunts she endured as a child); Kristen Gagne, Ally McBeal and the Problem of Postfeminism 17-29 (unpublished M.A. dissertation, Rhode Island College, 2001), http://ken-gilbert.com/images/pdf/AllyMcBeal%26Postfeminism.pdf (accusing the show of dealing in white stereotypes of black women).
50Several of the show’s other characters also are scientists, some of whom also work at Cal Tech. See generally DAVE ZOBEL, THE SCIENCE OF TV’S THE BIG BANG THEORY: EXPLANATIONS EVEN PENNY WOULD UNDERSTAND (2015).
TIM: That's nice, but I think ours might be a bit more thorough.
SHELDON: Get a load of this guy.
HOWARD: Can you imagine if we make money with this?
LEONARD: If we do, I am splurging on the best sinus irrigator money can buy.
HOWARD: That old sad story, guy gets a little money, goes straight up his nose.
TIM: Just need you to review and sign this document acknowledging that you understand the university will own 75% of the patent.
HOWARD: Seventy-five percent?
SHELDON: That's outrageous. This is our idea based on our research. How can you possibly justify owning a majority share?
TIM: It's university policy.
SHELDON: I know when I'm beat.
LEONARD: Hold on, hold on. So the three of us do all the work and only end up with 25%?
TIM: Dr. Hofstadter, this university has been paying your salaries for over ten years. Do you think we do that out of the goodness of our hearts?
LEONARD: Well, until you just said that mean thing, kinda.
TIM: And as far as Mr. Wolowitz is concerned, I'm afraid as a federal employee on loan from NASA, your name can be on the patent, but you're not entitled to an ownership share.
HOWARD: Wait, so this can turn out to be a financial success, and I get nothing?
TIM: Well, sometimes they give you a plaque.
SHELDON: Well, that's not fair. We should all get plaques.
LEONARD: Sorry, but we can't sign this.
HOWARD: Come on, let's go.
LEONARD: Thank you for your time.
SHELDON: Couple of questions about the plaque . . .


Does anyone believe that Sheldon Cooper, the most rule-lovin', detail-oriented, attention-payin' man who's ever signed an employment contract, would not be aware that he does not own all of his work product at the university, and that he doesn't stand to keep a majority of the profits should one of his projects make a profit?

Yeah, me neither.
B. Movies

I have been able to find only a handful of movies with a patent attorney character.\(^{52}\) In Mr. and Mrs. North (MGM, 1942), the film’s title characters, Jerry North (William Post, Jr.) and his wife Pam (Gracie Allen), return home and discover a dead body in their closet.\(^{53}\) When the police begin to suspect them, Pam sets out to find the real murderer. Quickly realizing that the culprit has to be one

Later in the episode, Sheldon’s love of contracts—and not just his love of reading and signing them, but actually writing them himself—becomes the solution to the Howard aspect of the patent problem. When it becomes obvious Sheldon and Leonard can either settle for 25 percent or not patent their idea at all, they go with option A. They also believe Howard’s input deserves a share of the rewards, so they agree to cut him in for a third of their 25 percent. Sheldon is even more excited about the need for him to write up a contract cementing this partnership than he is about the potential to add to his bank account. And that’s because Sheldon Cooper loves him some contracts. There’s the Roommate Agreement with Leonard, his Relationship Agreement with Amy—both featuring many specific sections and codicils—and in season six’s “The Contractual Obligation Implement,” one of the major plotlines involves Leonard and Sheldon being obligated to serve on a university committee because it was stipulated in their contracts. So, again: They were aware of that relatively minor aspect of their employment, but not one that would rob them of full ownership and profits from their work?

Not buying it.

\(^{52}\) For obvious reasons, I am not counting here Gordon Lamb from F. Scott Fitzgerald’s never-made movie Infidelity, which he wrote in the spring of 1938. According to Fitzgerald’s draft, Gordon, who speaks with a stutter, is introduced as follows:

MRS. WATERS: Well, if you need any help, Mr.—(Turns to Lamb.)

LAMB: Lamb.

MRS. WATERS: Mr. Lamb is a patent lawyer.

LAMB: A-a-d-divorce lawyer.

MRS. WATERS: I mean a divorce lawyer—it’s the same thing, isn’t it?

Infidelity, A Screenplay by F. Scott Fitzgerald, BIBLIOKLEPT (Feb. 15, 2013), https://biblioklept.org/2013/02/15/infidelity-a-screenplay-by-f-scott-fitzgerald/. The project, which was intended as a vehicle for Joan Crawford, was permanently shelved when it could not get past the censors due to its subject matter (unpunished adultery). See The Warner Bros./Turner Entertainment F. Scott Fitzgerald Screenplay Collection, UNIVERSITY OF SOUTH CAROLINA UNIVERSITY LIBRARIES, http://library.sc.edu/p/ Collections/Rare/Area? Collection=TheWarnerBros/ TurnerEntertainmentFScottFitzgeraldScreenplayCollection (under “Infidelity”).

An argument can be made that George Lang (Ricky Jay), who appears in the movie The Spanish Prisoner (Sony Pictures Classics, 1997), is a patent lawyer. George and engineer Joe Ross (Campbell Scott) have come up with “The Process,” an invention that will make the unnamed company they work for so much money that the exact amount is left to the viewer’s imagination. Throughout the story, however, writer-director David Mamet has George and the other characters refer to copyright law when discussing who owns the device and the extent to which it can be protected from competitors. For a further look at the movie, see Janice Denoncourt, Using Film to Enhance Intellectual Property Law Education: Getting the Message Across, 4 EUR. J. L. & TECH. § 7.2 (2013), http://ejlt.org/article/view/188/283 (describing the movie as a prime means to teach “Section 1 Patent Act 1977 requirement of novelty; equitable doctrine of confidential information; rights to employee inventions and ss39-43 Patent Act 1997.”).

Because they are concerned with real events, I have chosen to ignore such movies as Flash of Genius (Universal Pictures, 2008), which describes Robert Kearns’s long fight to be recognized as the inventor of the intermittent windshield wiper; The Social Network (Columbia Pictures, 2010), which chronicles the development of Facebook; and Joy (20th Century Fox, 2015), which tells the story of Joy Mangano, the designer of the Miracle Mop. Likewise, I am not including the many documentaries that have been made about patents and patent law. See, e.g., Patent Absurdity: How Software Patents Broke the System (Free Software Foundation, 2010); Bitter Seeds (ITVS, 2011); Fire in the Blood (Sparkwater India, 2013); The Patent Wars (Filmkantine UG, 2014); The 986 Patent (Bob 601, 2015).

For a further discussion of movies with a patent focus, see Govind Kedia, Movies with an IP(ish) Theme—Updated, PATENT MANAGER (June 20, 2010), http://patentmanager.blogspot.com/search/label/IP%20Movies.

\(^{53}\) The Norths originated in a series of comedic stories written by Richard and Frances Lockridge. Over time, these led to a play, a radio show, and a television series. See further Richard Lockridge, Mr. and Mrs. North, in THE GREAT DETECTIVES 155-63 (Otto Penzler ed. 1978) (complaining, id. at 163, that “Gracie Allen, in the movie, seemed to me a triumph of miscasting.”).
of their friends, she interviews everyone in the Norths’ social set, including an oily patent attorney named Stuart Blanton (Stuart Crawford). When Stuart’s alibi, which hinges on a slow-cooking lobster recipe, falls apart, Pam unmasks him as the murderer (his motivation being that the victim, a man named Brent, planned to expose him as a thief).

In Mr. Denning Drives North (British Lion Film Corp., 1951), which was adapted from the 1950 novel by Alec Coppel, Sam Wanamaker plays an earnest Chicago patent attorney named Chick Eddowes. While living in London, Chick begins dating Liz Denning (Eileen Moore). Although Liz is quite taken with Chick, she thinks little of his profession:

CHICK [addressing Liz’s parents]: You know the funny part of it is, there isn’t much she likes about me. She hates my name, my clothes

LIZ: Your car.

CHICK: My car, my accent . . .

LIZ: Your job.

CHICK: Even my job, you see?

KAY: Well, what’s wrong with that?

CHICK: Well, even after I’ve explained in great detail how important, how absolutely fascinating is the profession of a patents lawyer, she’s not impressed.

TOM: No?

CHICK: No, she wants me to be a district attorney. She wants me to solve murder cases.54

Liz soon gets her wish when her parents ask Chick to represent them in a minor criminal matter.55 Things quickly spiral out of control, however, and in no time at all Chick is on the verge of discovering that Liz’s father Tom (Jon Mills) is a murderer. Figuring out that her dad accidentally killed her former lover Mados (Herbert Lom) to save her honor, Liz switches a key piece of evidence just before Chick submits it to the court. As a result, Chick, who repeatedly has seen his theories about the case blow up, once again is stumped.56

In The Man Who Fell to Earth (British Lion Films, 1976), which is loosely based on Walter Tevis’s 1963 novel by the same name, Buck Henry plays a highly-regarded patent attorney named Oliver Farnsworth.

The plot involves Thomas Jerome Newton (David Bowie), an alien who comes to Earth looking for water, which his planet, which has suffered multiple nuclear wars and now is gripped by a severe drought, desperately needs

54Mr. DENNING DRIVES NORTH (British Lion Film Corp., 1951).
55Chick is able to do so because, in addition to being an Illinois lawyer, he is a member of the English bar.
56Because the movie ends with Liz explaining her sleight of hand to her parents, we do not know what happens to Chick. Following an earlier setback, however, he tells the Dennings: “I’m sure you’ll all be relieved to know that I’m sticking to the patent law . . . From now on, Liz will have to be satisfied with a nice, dull, unromantic patents lawyer.” Id. For a further look at the movie, see MICHAEL F. KEANEY, BRITISH FILM NOIR GUIDE 124-25 (2008).
to avoid extinction. After landing in New Mexico, Thomas, disguised as an English businessman, heads to New York City and seeks out Oliver. When he finds him, Thomas gives Oliver a stack of papers to read (which he does, for a fee of $1,000 an hour). By the time he is done reviewing them, Oliver is dumb-founded:

OLIVER: I don't believe it! I can't believe it! You have nine basic patents here. Nine—and that's basic patents. Do you know what that means?

THOMAS: Yes, I think so.

OLIVER: Really? I wonder. It means, Mr. Newton, that you can take RCA, Eastman Kodak, and DuPont for starters...

THOMAS: In say three years, what would this be worth to me?

OLIVER: I'm a lawyer, not an accountant, Mr. Newton. But I'd say it must be something in the area of $300 million.

THOMAS: Not more?

OLIVER: More?

THOMAS: I need more.

OLIVER: What the hell for? I'm sorry, I didn't mean it to sound like that, it's just, I'm just trying to adjust my mind to all this.

Thomas has Oliver monetize the patents through their shared company World Enterprises Corporation. This upends the communications industry and provides Thomas with the money he needs to build a spaceship that can bring water back to his planet. Just as he is about to do so, Thomas's true identity is discovered and he is put in jail, while Oliver is murdered by a gang of thugs.


58 Many science fiction stories involve a superior being traveling to a less-evolved planet to obtain patents (either for money or to change the course of history). In Charles Stross's The Bloodline Feud (2013), for example, technology journalist Miriam Beckstein is able to move between the present day United States and a country (New Britain) in an alternate, less developed universe. As Miriam quickly realizes, this offers her the chance to make a financial killing:

'The new world, where the other family—the Lees—go, is like the one I grew up in, but less well developed. There are a number of reasons for this, but essentially it boils down to the apparent fact that it diverged historically from the United States about two hundred and fifty years ago. ...

... New Britain only had an industrial revolution a century ago. I've established a toehold over there, by setting up an identity and filing some basic engineering patents on the automobile. They'll be big in about five to ten years. My business plan was to leverage inventions from the USA that haven't been developed over there. ...'


In the movie Armageddon (Buena Vista Pictures, 1998), Dr. Ronald Quincy (Jason Isaacs) tells Harry Stamper (Bruce Willis) that patents do not apply in outer space. As has been pointed out elsewhere, this is incorrect under 35 U.S.C. § 105. See Laurence Lai, IP Hit or Miss? Armageddon—Science Miss but IP Hit?, IPcopy, (May 17, 2013), https://ipcopy.wordpress.com/2013/05/17/ip-hit-or-miss-armageddon-science-miss-but-ip-hit/.

59 In a nice bit of parallelism, the thugs throw Oliver out a window, thereby making him, like Thomas, a man who fell to earth. See Dennis Fischer, Science Fiction Film Directors, 1895-1998, at 713 (2000).
By the time Thomas gets out, his planet has perished and Thomas has become an incurable alcoholic.\(^60\)

In *Kiss or Kill* (Australian Film Finance Corporation, 1997), Geoff Revell plays Australian patent attorney Paul Nathan. While in an Adelaide bar, he is seduced by a grifter named Nikki Davies (Frances O’Connor).\(^61\) The pair soon end up in Paul’s hotel room, where Nikki plans to drug and rob him (per her usual con). The scheme begins to unravel, however, after Nikki accidentally gives Paul an overdose, causing him to die.

Shaken but undeterred, Nikki and her boyfriend Al Fletcher (Matt Day) go through Paul’s belongings and discover a videotape that shows Zipper Doyle (Barry Langrishe), a famous retired soccer star, engaging in an act of pedophilia (Paul had come to town to blackmail Zipper with the tape). When both the police and Zipper begin to chase them, Nikki and Al take off for Perth, some 1,700 miles away, with Al committing more and more crimes as the trip progresses.\(^62\)

Lastly, in *Leaves of the Tree* (Gogi Productions, 2015), Patrick Messina (Eric Roberts) is a patent lawyer who has a terminal heart condition. Near death, he travels to Italy after hearing about a Sicilian olive tree that some say is able to perform miracles. While the tree reverses Patrick’s condition, it also forces him to confront questions of doubt, faith, and belief.\(^63\)

C. Novels

1. Thrillers

Quite a few novels exist in which the principal character is a patent attorney.\(^64\) Typical of the genre are Conor Molby, who appears in Peter James’s *Alchemist*

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\(^{61}\)Although Paul tries to explain what he does to Nikki, she quickly loses interest:

NIKKI: So, what do you do?
PAUL: Me? Well. I’m up here on business. I’m a patent attorney.
NIKKI: Oh wow! Patent attorney?
PAUL: Do you know what a patent attorney is?
NIKKI: No [laughing]. I know what an attorney is, it’s like a lawyer. Because I’ve worked in law firms I know about that.
PAUL: A patent is like a government registration certificate or permit. If you’ve got an invention...

NIKKI: That’s a nice tie. Is that silk?
PAUL: It’s silk.
NIKKI: I’ll bet it is.

\(^{62}\)For a further discussion, see *ALBERT MORAN & ERROL VIETH, FILM IN AUSTRALIA: AN INTRODUCTION* 80-81 (2006) (comparing *Kiss or Kill* to such American films as *Bonnie and Clyde* (Warner Bros., 1967) and *The Getaway* (National General Pictures, 1972)).

\(^{63}\)Leaves of the Tree is based on the novel *Kindness for the Damned* (2011), which was written by Houston patent lawyer David J. Healey after he suffered a heart attack in 2009. See *JOEY GUERRA, HOUSTON LAWYER’S TALE OF HEALING INSPIRED “Leaves,”* *HOUS. CHRON.*, Apr. 9, 2015, at 6 (Preview).

\(^{64}\)In some instances, however, a patent lawyer is included merely to move the story along. In Michael Connelly’s *Chasing the Dime* (2002), for example, Jacob Kaz is a Century City patent attorney who does work for
(1999), and Henry “Hank” Hannah, who graces Michael de Angeli’s debut novel *Building Better Babies: A Novel of Law, Science & Suspense* (2014). Conor works for Bendix Schere while Hank is counsel to World BioTech. Both companies are engaged in genetic engineering that is causing babies to be born with birth defects. Naturally, it falls to Conor and Hank to clean up the mess their employers have created.

Of particular note is Paul Goldstein’s *A Patent Lie* (2008), whose hero is a beefy Harvard Law School graduate named Michael Seeley. Once a top New York patent litigator, Michael’s hard drinking has cost him his marriage and his career and landed him back in his hometown of Buffalo, where he runs a modest solo practice with the help of a part-time receptionist and relies on court-appointed cases to make ends meet.

Michael has an estranged younger brother, Dr. Leonard Seeley, who works for a San Francisco pharmaceutical company. As the book begins, it is suing a much larger Swiss drug maker that has stolen its idea for an AIDS cure. Two weeks before the case of *Vaxtek, Inc. v. Laboratories St. Gall*, S.A. is scheduled to go to trial, Bob Pearsall, a partner at Heilbrun, Hardy & Crockett and Vaxtek’s lead lawyer, commits suicide by throwing himself in front of a train. As a result, Leonard is dispatched to Buffalo to convince Michael to step in. Reluctantly, Amedeo Technologies. Although he pops up at various points in the narrative (and at one point provides a referral to a criminal lawyer), it would have been easy for Connelly to write the book without Jacob. Similarly, in April Christofferson’s *Patent to Kill* (2003), Gina Castle is a self-loathing patent attorney for GenChrom, a company engaged in biopiracy in various third world countries. While Gina’s character adds a touch of realism, she is not necessary for the plot. Lastly, in George Walker’s *Done with Girls on Rocks* (2015), the husband (Wes) of the main character (Eve) is a patent lawyer working for DuPont in Wilmington, Delaware. Although this makes it possible for him to contribute to Eve’s plan to prevent the Nazis from building a nuclear bomb, Eve undoubtedly would have succeeded even if she was married to a school teacher.

James’s story was later made into a 1999 BBC movie entitled *The Alchemists*, with Grant Show stepping into the role of Conor (whose name was changed to “Connor Molloy”). *See The Alchemists, IMDBs, http://www.imdb.com/title/tt0219487/?ref_=fn_tt_tt_1."

Recognizing the implausibility of this chain of events, Goldstein has Michael question Leonard as to why his services are being sought:

“Pearsall must have had a second chair. Why can’t he take over?”

Leonard didn’t understand.

“A lieutenant. Another lawyer at the firm who helped him run the case.”

“There’s a young partner, Chris Palmieri. I’m sure he’s competent, but he doesn’t have the experience to take the lead on a case this size. We need someone with your instincts. Your judgment.”

“San Francisco’s a trial lawyer’s town. There have to be two dozen lawyers there who could do the job.”

“You don’t know our general counsel. There are only four lawyers in town Ed Barnum thinks are any good. Two of them are already booked, and another’s a prima donna who won’t work with a team that some other lawyer put together. The fourth one is representing St. Gall.”

Seeley turned his back to the lake. “I’ve handled big patent cases, but most of them were mechanical inventions. Railroad couplers. Dumpsters. Stents. I’ve done some electronics and chemicals, but vaccines are science.” By the time the biotech suits were first reaching the courts, Seeley’s law practice in New York had already collapsed.

“Do you think Bob Pearsall knew anything about immunology? You can learn the science the same way he did. We wouldn’t want you if we weren’t certain you could do it. We have an expert witness from UCSF who can fill you in on anything you can’t figure out for yourself. If you want, I’ll tutor you.”
Michael agrees, not realizing that the stakes are even higher than Leonard has suggested.

As others have noted, *A Patent Lie* is both clever and elegant:

Paul Goldstein’s *A Patent Lie*, released in 2008, stands out because the author is an internationally recognized authority on copyright law who has, of all things, written an entertaining novel about copyright law. Goldstein (Columbia University School of Law, 1967) teaches at Stanford Law School, writes textbooks on copyright and intellectual property issues, and has found time to write two novels reflecting those subjects. His debut novel, *Errors and Omissions*, came out in 2006. *A Patent Lie* tells of a lawyer who is drawn into a patent law case in which two drug firms are battling over ownership of a new AIDS vaccine. Billions of dollars are at stake, and one side may be willing to commit murder to win. Goldstein’s writing is graceful and his comments on the law are astute. He also manages to make the complexity of the lawsuit more or less comprehensible to a layman like me.6

Barry Eisler’s *Fault Line* (2009) is cut from the same cloth. Alex Treven is a sixth-year associate at the Silicon Valley law firm of Sullivan, Greenwald, Priest & Savage. Although he is brilliant and indispensable to his boss (David Osborne), Alex’s chances of making partner are slim because he lacks a book of business. They improve, however, after Alex is contacted by Richard Hilzoy, an Oracle engineer who on his own time has invented a new encryption algorithm called Obsidian. For Richard, Obsidian is his ticket to untold riches; for Alex, Obsidian is his ticket to partnership, especially after Osborne agrees to give him “originating attorney” credit.

Needless to say, things do not work out as Alex expects. First, Richard is murdered while on his way to meet Alex and a venture capitalist named Kleiner Perkins. Next, Hank Shiffman, the patent examiner with whom Alex has been secretly communicating about Obsidian, has a heart attack despite being in perfect health. When Alex narrowly escapes being killed in his own home, he realizes that someone is trying to bury Obsidian. With no one else to turn to, Alex gets in touch with his estranged older brother Ben, who is an elite undercover soldier. Together with Sarah Hosseini, a beautiful first-year associate at Sullivan, Greenwald, the trio fight to stay alive while trying to figure out who is behind the killings.

Although much of the book focuses on Ben and his unending guilt for having accidentally caused the death of his and Alex’s younger sister Katie, in the early pages of the book we learn the following about Alex:

Oracle was a client of Alex’s firm, and Hilzoy hadn’t been overly impressed initially. He’d taken one look at Alex’s blond hair and green eyes and figured him for just another pretty boy—rich parents, the

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right schools, the usual. Turned out he wasn’t just a lawyer, but had
degrees from Stanford, too—undergraduate in electrical engineer-
ing, same as Hilzoy, and a Ph.D. in computer science.\(^{69}\)

In many ways, \textit{Fault Line} is autobiographical. Before becoming a novelist, Eisler, a 1989 graduate of Cornell Law School, was a CIA officer, a technology licensing
associate at Weil, Gotshal & Manges, a lawyer for Matsushita, and counsel to a
San Francisco start-up company.\(^{70}\)

Alex Treven is not the only patent associate trying to make partner. In Paul
C. Haughey’s \textit{Undue Diligence} (2006), a novel that took Haughey, a practicing
patent lawyer, 20 years to finish,\(^{71}\) Joe Nile is an associate at the Silicon Valley
law firm of Turner, West, Klein & Evans. Although his chances of grabbing
the brass ring are excellent, there is one small stumbling block: a client called
Telekinetics owes the firm $750,000, and as the case’s “relationship lawyer” Joe
is responsible for collecting it but so far has had trouble doing so. As name
partner Max Klein tells Joe:

This shouldn’t make a difference in the vote; you’ve had a good ca-
career here and deserve to become the tenth partner in the firm on
Friday. It’s not a big deal. I would just rather not have to explain
that you haven’t been able to get us paid. I’m sure the question will
come up.\(^{72}\)

Telekinetics has run up its bill defending itself against a patent troll called In-
ventech.\(^{73}\) Telekinetics’s bill becomes an afterthought, however, when Joe is

\footnote{\textit{BARRY EISLER, FAULT LINE} 4 (2009).}


\footnote{See Townsend Partner’s IP Thriller Puts World at Peril, \textit{S.F. Recorder}, Mar. 27, 2006, at 3.}

\footnote{For the uninitiated, Haughey has Joe explain how patent trolls operate:

In the old days, the invention came first—from an engineer building an actual product. After
the product was designed, a patent attorney would write a patent application describing it. That’s
how it used to work. But these trolls would guess where technology would go, hoping to cover
future technology that others would invent. These applications issued as “paper” patents—ones
where no product had ever been built. The claim language was so broad, and covered such a
wide range of possibilities, that when independent engineers did invent something new, they
found that they were accused of infringing these paper patents.

The trolls had spawned “hybrid” firms, made up of both engineers and lawyers, whose sole
purpose was to dream up and patent stuff. They had figured out that they didn’t need to build
products to get rich off patents. In fact, with the new extension of patent law to business methods,
they didn’t even need engineers.

\textit{Id.} at 39-40.}

Following the release of the Nicolas Cage thriller \textit{Knowing} (Summit Entertainment, 2009), the movie’s produc-
ers were patent-trolled by a company called Global Findability. Its one-count complaint alleged that:

\footnote{Plaintiff Global Findability, Inc. is the owner by assignment of all right, title, and interest in
and to United States Patent No. 7,107,286 ("the ’286 patent") entitled \textit{"Integrated Information
Processing System for Geospatial Media,"} which duly and legally issued in the name of Carl M.
Burnett on September 12, 2006. . . .}

\footnote{Upon information and belief, defendants Summit and Escape, LLC created, used, offer for
sale, and/or sell geospatial entity object code (hereinafter called \textit{"Geocode®"}) in its product, a
film entitled \textit{"Knowing"} (hereinafter called \"The Film\")

\footnote{Upon information and belief, defendants Summit and Escape, LLC have made, used, offered

\textit{Id.} at 39-40.
assigned to work for a new client called Neuropt, which needs an independent patent opinion for the IPO it is about to file. Although Joe puts up a fight because Neuropt is a direct competitor of Telekinectics, Max tells him he has no choice. Not only is Turner, West on the ropes financially (due to its having taken too many cases on contingency), but a jury has just ruled in favor of Inventech, meaning that Telekinectics will never have the money to pay its bill. In contrast, Neuropt is owned by billionaire Gage Booth. Although Gage has made his fortune through patent trolling, Max is willing to overlook both Gage’s past and the possible conflict of interest to keep Turner, West afloat: “This is what it’s all about Joe. Client development, keeping the client happy—this is a chance to show you have those partnership skills. Take care of them, Joe, and give me a smiling, paying client.”

In the meantime, “the Amazon virus” continues its deadly rampage. Appearing just after the start of the summer Olympics in São Paulo, the virus has shut down the games and made prisoners of the teams, who are unable to leave the stricken city due to a hastily-imposed travel ban. Neuropt and

12. Upon information and belief, defendants Summit and Escape, LLC have infringed and are infringing the ’286 patent by making, using, importing, offering for sale and/or selling in the United States, without authority, the Film that embodies the invention claimed in the ’286 patent and/or on information and belief, by actively inducing or contributing to infringement of said patent by others.


In the segment entitled “Patents” on the April 19, 2015 episode of Last Week Tonight with John Oliver (HBO, 2014-present), Oliver discusses the harm done by patent trolls. In the television comedy series Maron (IFC, 2013-present), Marc Maron (playing himself) and his former radio co-host Sam Seder (also playing himself) are harassed by a patent troll in the episode “Patent Troll” (July 16, 2015). Taking matters one step further, a humorous blog post about a fictional patent troll envisions lawyers paying to represent him:

At 1:00 PM today, a large flock of attorneys gathered outside the office of Mr. Pat Entmonger. They came from far and wide, hoping to secure him as a client. Why? Well, Entmonger has just been granted the most potentially profitable patent in the history of intellectual property, and the lawyers all wanted a piece of the action.

“This is the motherlode,” explained one lawyer waiting outside. “This gentleman has procured a 59-page patent that will make a whole bunch of people billionaires. I just hope I can be one of them.”

In the end, Entmonger picked a team of 10 lawyers to help him litigate his patent. He demanded upfront that these lawyers pay him (not the other way around) a legal fee for the right to represent him in this historic endeavor.

“I made it! I made it! This is the biggest day of my career,” boasted one attorney who made the cut as the tenth and final team member. Everybody else was sent home, without consolation prizes. A few of the unlucky lawyers, however, have threatened to sue, but none have done so yet.

The patent litigation is expected to begin next week. Anybody who has ever written a software program more complicated than “Hello World” is a potential target (and even “Hello World” might not be invincible). End-users could be in big trouble as well.


Haughey, supra note 72, at 33.

Of course, Haughey’s decision to have a new type of virus shut down the Olympics in Brazil has turned out
Telekinectics have competing plans for dealing with the disease, which feeds off neurons along the spine, although Joe knows (from his days as an engineer) that Telekinectics’s idea is not only better, it is ready to go, whereas Neuropt’s will need at least six months to be developed.

As Joe gets to work on the patent opinion for Neuropt (whose main counsel is Ned Stern, Joe’s old boss from his days at Peterson, Malone & Stein, a firm Joe left under a cloud), he begins to uncover a series of increasingly dark—and dangerous—secrets. By the time they figure things out, both Joe and his sexy paralegal, Erika Dussex, are in way over their heads and are trying to keep both themselves, and the world, alive.

In Kalyan C. Kankanala’s Road Humps and Sidewalks: The Path Less Travelled (2013), an equally devastating virus is overrunning India. Dubbed “Immediate Immuno Deficiency Syndrome,” doctors are powerless to stop it until they stumble across a drug called Nervir, which is manufactured by the Berminger Pharmaceutical Corporation, a multinational giant headquartered in Munich. Rather than riding to the rescue, however, Berminger plans to profit from the crisis by increasing the price of Nervir from Rs. 2,000 to Rs. 40,000.

When they realize what Berminger is up to, a group of doctors called the White Angels convince Moon Pharma to violate Berminger’s patent by producing its own version of Nervir. In response, Berminger files a patent infringement lawsuit against Moon Pharma in the Hyderabad High Court, where it is assigned to Justice Som Shekar, the only member of the court with a science background.

To defend itself, Moon Pharma hires a young, blind lawyer named Arjun Mamidi. Although he is a graduate of an obscure law school called the Reddy College of Law, he recently has come to prominence for his successful representation of a Bollywood actress named Smitha. Arjun is opposed by both India’s most famous patent lawyer (Parasuveera) and its most respected patent law professor (Saran Das, who was one of Arjun’s heroes until he became a pharmaceutical industry shill). As all of the parties recognize, the case’s outcome will go a long way in determining India’s future.

2. "Chick Lit"

Not every novel with a patent lawyer at its center involves such weighty matters as world domination and the future existence of society. This is particularly true of so-called “chick lit” novels. Thus, in Kristin Billerbeck’s What a Girl

to be chillingly far-sighted, given the concerns that the Zika virus has created for the 2016 Olympics in Rio de Janeiro. See U.N. Health Agency Dismisses Call to Move Olympics Over Zika Virus in Brazil, N.Y. Times, May 29, 2016, at 7.

Arjun gets around by relying on his guide dog Neo, his legal assistant Jose, and the city’s sidewalks and road humps, which he uses as landmarks and which give the book its title.

The term chick lit, originally used by Cris Mazza as irony, is today a recognized literary form that encompasses a wide range of stories written by and for women. For a further discussion, see, e.g., Chick Lit: The New Woman’s Fiction (Suzanne Ferriss & Mallory Young eds. 2006).

Cecily von Ziegesar’s Gossip Girl novels (2002-11) combine chick lit with “young adult.” In them, Blair Waldorf’s father Harold is identified as a patent lawyer. See Cecily von Ziegesar, The Gossip Girl Prequel: It Had to be You 49 (2007) (“Blair’s father was a patent lawyer who specialized in pharmaceuticals and footwear.”). However, after coming out of the closet, Harold divorces Blair’s mother Eleanor, moves to Paris with his lover Roman
Wants (2004), and Kristin Harmel's The Blonde Theory (2007), readers are introduced to two successful female patent attorneys who are striking out when it comes to love: Ashley Wilkes Stockingdale (a graduate of Santa Clara University's law school who works for an unnamed Silicon Valley company), and Harper Roberts (a graduate of Harvard Law School and a partner at Manhattan's Booth, Fitzpatrick & McMahon). Ashley, who is a “Christian single” and uses words like “boring” and “snoozer” to describe her job, pursues love the old fashioned way, which so far has led to three sequels: She's Out of Control (2004), With This Ring, I'm Confused (2005), and What a Girl Needs (2014) (which finds her married to a handsome doctor and living in Philadelphia). In contrast, Harper decides on something a bit more radical. Egged on by her three best friends, she begins speaking like a “bimbo” and telling men she's a New York Knicks dancer. Suddenly, she has more dates than she can handle, although she is not sure she wants any of them.

Along similar lines is Janis Powers's Mama's Got a Brand New Job (2013). Maxine Pedersen is a senior associate at Manhattan's McCale, Morgan & Black, where she works as a patent attorney. Married to a wonderful guy (a Wall Street trader named Dale), Maxine's life is complete except for one thing: she does not have a baby despite already being in her early thirties. But when she finally does get pregnant, Maxine's life is thrown into a tailspin, raising anew the age-old question: can women have it all?

Lastly, in Lori Avocato's Do You Take This Man . . . Again? (2010), Annie Hamilton is an inventor with a young son named Maxi. With the help of her patent lawyer (who is identified only as “Attorney Landry”), Annie's invention for keeping dishes from sliding around in the dishwasher (“the Stayput”) becomes an enormous financial hit. But as more and more orders come rolling in, Annie realizes that all she really wants is to get back together with her ex-husband (Air Force doctor David Grainger).

3. Science Fiction

Being a patent lawyer, of course, often involves working on projects that have a science fiction feel to them. It therefore is little wonder that science fiction literature includes a number of patent attorneys, such as Quentin Thomas, who appears in the novels The Venetian Court (1982) (in which patent infringement is a capital crime) and Lunar Justice (1991) (a somewhat more conventional story involving an inventor who is put on trial for bilking money out of his investors). Created by a patent lawyer named Charles L. Harness, Quentin is a typical hero figure who must overcome absurd situations, corrupt corporations, and
impossibly bad judges to keep his clients safe.\textsuperscript{79}

Another science fiction patent attorney is Wally Mason, who represents a Connecticut manufacturing conglomerate called General Business, Inc. Wally appears in two books written by an English metallurgist named Brian C. Coad: \textit{Wally Mason’s Adventures in the Patent Trade} (2002), and \textit{Notes of a Patent Attorney: The Wally Mason Stories} (2004).\textsuperscript{80} Due to Coad’s taste for “hard science fiction,”\textsuperscript{81} his writing emphasizes the “science” half of science fiction writing.

In \textit{Patent Law: A Science Fiction Novel} (2013), Larry D. Purvis introduces us to John Lambert, the director of the U.S. Patent and Trademark Office. John is a slacker who has somehow managed to rise through the agency’s ranks.\textsuperscript{82} His comfortable existence is completely upended when he is summoned to the White House after extraterrestrials make contact with the Earth. While it is not a novel, the short story \textit{Elimination} merits a mention.\textsuperscript{83} In it, a

\textsuperscript{79}For a further look at Harness’s writings, see Terry K. Diggs, \textit{Patently Precient}, ABA J., July 2001, at 68. In addition to his novels, Harness also collaborated with Theodore L. Thomas, another patent attorney, on a series of patent-spoofing short stories that were published under the pen name Leonard Lockhard (a play on Harness and Thomas’s middle names) and featured a patent lawyer named Helix Spardleton. Among the better known of these works are \textit{Improbable Profession} (1952) and \textit{The Professional Approach} (1962). See Brian Stableford, \textit{Science Fact and Science Fiction: An Encyclopedia} 250 (2006).


\textsuperscript{81}In his story \textit{The Door Into Summer} (1957) (Ballantine Books 1986), Heinlein briefly mentions a patent lawyer:

\begin{quote}
Jenny typed descriptions for us; John retained a patent attorney to help with the claims. I don’t know whether John paid him cash or cut him in on the cake; I never asked. I left the whole thing up to him, including what our shares should be. . . .
\end{quote}

\textit{Id.} at 252-53.

\textsuperscript{82}The phrase “hard science fiction” is used to refer to “the most science oriented” science fiction. See further Kathryn Cramer, \textit{Hard Science Fiction}, in \textit{The Cambridge Companion to Science Fiction} 186-96 (Edward James & Farah Mendlesohn eds. 2003).

\textsuperscript{83}Surprisingly, John is keenly aware of just how lucky he has been:

\begin{quote}
With government came the lawyers. Washington DC has more lawyers as residents and workers than any other spot on the planet. William Shakespeare would have had choice words about the place if he was still alive (actually, if he was still alive he would have a great production company). I really shouldn’t be too cynical because I came to Washington as an attorney. . . . However, I never felt like a real attorney since I never once stepped into a courtroom, I’ve never tried a case, I’ve never felt the juices of confrontation drip down my legs. When I actually looked back upon my legal career, I understand that most of my accomplishments could have been done by an hourly wage file clerk with a slightly elevated level of intelligence and some degree of ambition.
\end{quote}


\textsuperscript{84}See John W. Campbell, Jr., writing as Don A. Stuart, \textit{Elimination}, \textit{Astounding: Stories}, May 1936, at 58. Reprints of the story appear in many collections, including \textit{John W. Campbell, Jr., A New Dawn: The Complete Don A. Stuart Stories} 167-83 (James A. Mann ed. 2003). For another early science fiction short story featuring a patent attorney, see Warren B. Hutchinson, \textit{My Crank Client}, \textit{29 Cosmopolitan} 217 (1900). It involves an unnamed New York patent lawyer who represents John Robertson, an inventor who has discovered a way to become invisible. The tale begins with the patent lawyer, as narrator, explaining how he approaches matters:

\begin{quote}
The practice of my profession—I am a patent lawyer—certainly brings me in contact with more minds of a crotchety nature than it is the lot of the average man to encounter, and this, perhaps, has inclined me a little to the belief that every one of us is more or less insane on some subject. Business instinct, however, has taught me to meet all inventors with a grave face, even when their ideas seem ridiculous, for even the most unpromising client may possess something of value from both a financial and a scientific point of view.
\end{quote}

\textit{Id.} at 217.
man named Dwight Edwards invents a machine that generates limitless energy. To patent it, Dwight seeks out John Grantland, an old family friend who is a patent lawyer. Although John is willing to prepare the necessary paperwork, he insists on first telling Dwight a story. John then reveals that 22 years earlier, he was asked to patent the “chronoscope,” a television set that could see into the future. Like Dwight, the chronoscope’s inventors thought their device would help mankind. Instead, it brought only sorrow, madness, and death. After listening to John’s story, Dwight abandons his project.

Dominic Smith’s *The Last Painting of Sara de Vos* (2016) is not a science fiction story, but it does require readers to at least partially suspend their disbelief. Marty de Groot is a New York City patent lawyer whose career has stalled out. Luckily for Marty, he comes from old money and therefore has no trouble affording his pre-war triplex on the Upper East Side. However, when a painting (*At the Edge of a Wood*) by a 17th century female Dutch artist (de Vos) is stolen from his bedroom, Marty’s life suddenly starts improving—among other things, he makes partner at his unnamed law firm. This causes Marty

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84 For another patent lawyer who looks out for a client in an unusual way, see “The 12-Volt Casanova” in James Nathan Post, *King’s Knight and Other Stories: A Science-Fiction Anthology* (2001):

“All right, all right,” said Brennock, laughing. “Gerry, I would like you to meet Harry Martin, chief patent attorney for Allied Dynamics Corporation. He’s handling your work.”

“What?” said Gerry, his jaw dropping. “Hey, hey, wait a minute, what do you mean, handling my work? How do I know . . . ?”

“. . . that he’s the right guy?” Brennock interrupted. “Well, for one thing, he’s my father-in-law.”

“We’re getting married next week,” gushed Melanie.

Brennock stuck out his hand. “Best man?” he asked.

Gerry stood looking from one to the other of them in confusion. “Well, I’ll be . . . well, gee whiz!”

“No, no, wait,” said Brennock, as though reconsidering. “Before you answer that, there’s something you ought to know about.”

“Yeah, I’ll say,” agreed Gerry.

“Gerry, in order to be sure we beat Markov to the patent office, I took some liberties with your . . . well, with your life. I forged your name to a power of attorney so we could draw up the necessary papers to get you protected. Then I used the power of attorney to give you full possession of all rights to your discoveries, and I contracted with Allied Dynamics for the development.”

“You forged my signature and made a contract?”

“If you don’t like it, we can have it nulled,” Harry Martin assured him.

“But why? Why, instead of telling me?”

Brennock dropped his head apologetically. “Gerry, I don’t want to insult you, because you’re my friend, but I did it because I wanted to be sure you were protected, and . . . well, as a businessman, you make a good research engineer, you know what I mean?”

“If you want to sue, I’ll handle the case,” said Harry genially. “It would be no problem to prove that power of attorney is fraudulent, and since Brennock is now on the research staff of Allied Dynamics, the corporation would have to pay through the nose. Legally, you’ve got him by the short-and-curly. Personally, I recommend you stick with him . . . .”

*Id.* at 99.

85 Marty makes it clear that becoming a patent lawyer was not his childhood ambition:

“Are you musical?”

“I used to play trumpet in high school. Then my father made me give it up and I became a patent attorney. Now I vet other people’s creations.”

Dominic Smith, *The Last Painting of Sara de Vos* 182 (2016).

86 Marty’s promotion is celebrated during a firm lunch at a French restaurant:
to wonder if the picture is cursed, a conclusion for which there is a lot of supporting evidence in the de Groot family tree. Rather than being glad to be rid of the thing, however, Marty sets out on a decades-long quest to find it.87

D. Other Media

1. Poetry

The only patent attorney poem I have located is Steven Michelson’s *How Do I Love Thee—A Poem by a Patent Attorney*.88 Inspired by Elizabeth Barrett Browning’s *Sonnet Number 43* (1850), the poem is written in the form of a patent application. Its title is a bit misleading, however, because Michelson is not a patent attorney.89 Moreover, the poem makes no mention of patent attorneys except in its title.90

2. Music

In 1998, *The Passionate Patent*, an operetta written by a patent manager named Peter F. Ullmann, made its debut at a gathering of the computer software manufacturer Abode Systems.91 Since then, the short (35-minute) show has been staged at various locations throughout Silicon Valley,92 including Santa Clara University’s law school.93 The story depicts the numerous struggles that Darin, He tries to remember Clay’s exact words when he’d made the announcement, the partners already softened by Beaujolais. Something about partnership being like a marriage, only the hours are longer. Everybody nodded or gently laughed or absent-mindedly loosened a watchband. All except Roger Barrow, a senior partner and the other patent attorney, who studied the dessert menu. Clay presented Marty with new embossed business cards and an engraved Cartier pen. The small gift boxes were wrapped in papers from an infamous contract the firm had handled and bound with red tape. Marty told them the symbolism was not lost on him and then they all toasted his career.

Id. at 47.

87 Smith’s tale, interweaving as it does three different stories (Marty’s, de Vos’s, and an art forger named Eleanor Shipley), has won praise from critics for its intelligence. See, e.g., Kathryn Harrison, *Dutch Remasters*, N.Y. TIMES, Apr. 10, 2016, at BR12 (“Smith . . . craft[s] an elegant page-turner that carries its erudition effortlessly on an energetic plot. His narratives may be complex, but that quality only enhances their suspense.”).


89 See id. (identifying Michelson as “an engineer and playwright who holds six United States patents”).

90 In the poem *A Good List*, Brad Leithauser, in ticking off all the things he has never done, includes the lines, “Never cheated at golf. Or slipped out a blackjack and flattened a patent lawyer.” See Brad Leithauser, *CURVES AND ANGLES: PoEMS* 16 (2006).

91 E-mail from Peter F. Ullmann, to the author [June 13, 2016, 12:49 a.m.] (copy on file with the author) [hereinafter Ullmann e-mail].

92 According to the show’s web site:

The *Passionate Patent*, which utilizes narration interspersed with some of the most recognized arias in opera, has been performed in special on-site events for such Silicon Valley luminaries as Adobe Systems Inc., Oracle Corp., the Silicon Valley Intellectual Property Law Association, and Pennie & Edmonds LLP.


93 See Eric Goldman, *Video of the Patent Opera Is Now Online!*, TECHNOLOGY & MARKETING LAW BLOG (Nov. 12, 2013), http://blog.ericgoldman.org/archives/2013/11/video-of-the-patent-opera-is-now-online.htm (de-
an inventor, goes through in trying to get his idea patented. In one of the show's scenes, he meets with an unnamed patent attorney from "Bill's Patent Firm: Our Name Says It All."94

Elsewhere, a Kansas City patent attorney named Lana Knedlik has written a song called Bar Date that compares dating to a patent application.95 Similarly, Stephen B. Schott, a patent lawyer in Wayne, Pennsylvania, has posted a video of himself singing about patent lawyers to the tune of Gilbert and Sullivan's "Modern Major-General's Song" from The Pirates of Penzance (1879).96

3. Theater

In the Ziegfeld Follies of 1918, which ran on Broadway at the New Amsterdam Theater from June 18 to September 14, 1918,97 and then went on a national tour,98 comedian W.C. Fields played a patent lawyer named Bunkus Munyan (some sources say Manyan) in a routine entitled "A Patent Attorney's Office."99 Although the script has not survived, a contemporary reviewer gave the sketch lavish praise: "One of the best of [the evening's offerings] showed a patent attorney's office with W. C. Fields, Frank Carter, Harry Kelly and Eddie Cantor conducting a battle of wits and slapsticks."100 According to one of Fields's biographers, the action consisted of Bunkus having "to contend with Eddie Cantor's invention of an elaborate contraption to wake the entire household up whenever a mouse appeared."101

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94 The scene can be viewed at Peter Ullman, Passionate Patent Opera Performance, YouTube (Oct. 27, 2012), https://www.youtube.com/watch?v=k2Yq1Y2XHe8.
97 See Cynthia Bridson & Sara Bridson, Ziegfeld and His Follies: A Biography of Broadway's Greatest Producers 449 (2015). As these authors explain, the show later played one additional performance on Broadway (October 17, 1918 at the Globe Theater). Id.
98 See Gerald Bordman & Richard Norton, American Musical Theatre: A Chronicle 383 (4th ed. 2011) (pointing out that because World War I ended just before the tour started, changes had to be made to some of the acts).
99 See also Richard L. Stokes, "Follies of 1918" a Rich Optical Feast, St. Louis Post-D Dispatch, Mar. 3, 1919, at 4 (reporting on the show's staging at the American Theater and mentioning that the lavish production featured 26 numbers, took one intermission, ran nearly three hours, and charged a "purse-racking" $3.30 for tickets).
100 Years later, in both a silent film entitled So's Your Old Man (Paramount Pictures, 1926) and then a sound remake called You're Telling Me! (Paramount Pictures, 1934), Fields played an inventor named Sam Bisbee who had trouble selling his patent for shatterproof glass. See Eric Grayson, Silents: Before and After, Part Two, IMA (Apr. 11, 2013), http://www.imamuseum.org/blog/2013/04/11/silents-before-and-after-part-two/. As Grayson points out, Fields included in both films a golf sketch from the 1918 Follies.
In David Mamet’s play *The Water Engine* (1977), a Chicago inventor named Charles Lang discovers a way to turn distilled water into electricity. To patent his idea, Charles turns to Morton Gross, a patent lawyer Charles finds in the phone book. Morton’s existing clients, however, do not want Charles’s invention to succeed because it will put them out of business. As a result, Morton enlists another lawyer (Lawrence Oberman) and together the pair menace both Charles and his blind sister Rita.¹⁰²

4. Cartoons

In the 2014-15 re-boot of the character She-Hulk, headed up by lawyer Charles Soule, Jennifer Walters was reimagined as a solo lawyer.¹⁰³ In the first issue, Jennifer, an associate at Manhattan’s Paine & Luckberg, leaves the firm in a huff after she is denied a bonus (despite billing 2,800 hours, the partners are disappointed in her lack of business generation). While mulling her future at a local watering hole called “The Lawyer Bar,” Jennifer is approached by a sad-looking woman named Holly Harrow:

HOLLY: I had a lawyer but he left, and I can’t find anyone to take the case. I can’t really pay, but it doesn’t seem like a money thing—everyone seems scared, almost.

JENNIFER [looking over Holly’s paperwork]: Well, sure, I can see why going up against this guy’s pretty much career suicide.

HOLLY: But there’s a case, right? I mean, my husband’s sure that his work was stolen—

JENNIFER: Oof. Maybe. I don’t do a ton of patent work, but this looks . . . possible. You’re missing a smoking gun, but . . .

HOLLY: So you’ll take the case? You aren’t afraid? I know it’s a lot to ask, but I’m desperate. My husband left us with nothing, and my kids . . . I just . . .

JENNIFER: I’m not going to take the case.

¹⁰²<br>See also Barry Malone, *She-Hulk Comic Turns its Focus to Solo Practice at the Urging of its Writer, a Practicing Attorney*, ABA J. (July 1, 2014), http://www.abajournal.com/magazine/article/she-hulk_comic_turns_its_focus_to_solo_practice/.

¹⁰³<br>See Barry Malone, *She-Hulk Comic Turns its Focus to Solo Practice at the Urging of its Writer, a Practicing Attorney*, ABA J. (July 1, 2014), http://www.abajournal.com/magazine/article/she-hulk_comic_turns_its_focus_to_solo_practice/.
HOLLY: No? But I—

JENNIFER: Relax. I know this guy. Well. I'm not going to take the case because I don't think you'll end up in court at all. Ninety percent of lawyering is conversations. Let me talk to him. I'll see what I can do.

HOLLY: Oh my god, thank you so much!104

The “guy” turns out to be Tony Stark (better known as Iron Man), and the invention turns out to be Dr. Jonas Harrow’s repulsor technology. Ignoring the rules of professional conduct, Jennifer goes around Tony’s lawyer (whose name is simply “Legal”), confronts Tony directly, and gets him to settle with Holly.105 Elated by the outcome, Holly writes Jennifer a check for $150,000 (even though Jennifer insists that no payment is due), thereby providing Jennifer with the money she needs to open her own law firm.106

Prior to Soule, many other cartoonists had included patent lawyers in their drawings.107 In one of his most famous pieces, Charles Addams, the creator of the bizarre characters known as the Addams Family, placed us in the offices of F.T. Griswold, whose front door advised that he was a patent attorney. While holding a futuristic-looking rifle out the window, Griswold angrily tells the man standing next to him: “Death ray, fiddlesticks! Why, it doesn’t even slow them up.”108

104 She-Hulk #1, at 8 (Marvel Characters, Inc., 2014).
106 In a flashback in the 2012 story “Divide by Hero,” Foggy Nelson represents Elliot Pasko, a scientist who has been scammed by an “invention promotion company” called Fortknight. Of course, Foggy is the law partner of Matt Murdock, who as Daredevil is another Marvel superhero with a law degree. See further James Daily, Daredevil #17, LAW AND THE MULTIVERSE (Aug. 31, 2012), http://lawandthemultiverse.com/2012/08/31/daredevil-17/ (praising the story for correctly handling its patent law issues).
107 It is not possible here to discuss every such cartoon. However, many of them can be viewed by going to GOOGLE IMAGES, https://images.google.com/ (type “patent attorney” or “patent lawyer” with either “cartoon” or “comics” in the search box). Collections of patent law cartoons can be found at http://www.cartoonistgroup.com/subject/The-Patent-Comics-and-Cartoons.php, https://www.cartoonstock.com/directory/p/patentoffices.asp, and http://www.stus.com/stus-category.php?cat=top&sub=ipl.
109 New Yorker Mag., May 16, 1953, at 25. The cartoon can be viewed at http://www.wunderland.com/WTS/Rash/misc/addams.htm. Years later, a newspaper reporter recounting Addams’s long career began his article by writing: In a sunny day in 1953, patent attorney F.T. Griswold holds a funny-looking electrical gizmo out the window of his office, aiming it down at the streets below. At his side stands the inventor of the device, hat in hand and waiting hopefully. “Death ray, fiddlesticks!” comes the verdict. “Why, it doesn’t even slow them up.” That is, of course, a New Yorker cartoon perpetrated by Charles Addams. Like his inventor’s ray gun, Addams has never successfully harmed anybody. But it is safe to say that, over the past 50 years, his weird cartoons have certainly slowed them up.

In a later effort, Addams shows us two identical-looking men sitting in a waiting room. Each holds an identical-looking invention. On the door to the inner office are written the words, “A.G. Whincoop, Patent Attorney.” The caption then delivers the punchline: “Separated at birth, the Mallifert twins meet accidentally.”

The father-and-son team of Bob and Tom Thaves often make patent lawyer jokes in their comic strip Frank and Ernest (Newspaper Enterprise Association, 1972-present), which has become famous for its clever word play. In their March 4, 2009 strip, for example, two cavemen are sitting in a waiting room. One is holding a torch while the other has a wheel under his arm. Frank and Ernest are standing in the doorway; on the door behind them, in large letters, are the words “Frank and Ernest Patent Attorneys.” In unison, Frank and Ernest ask their would-be clients, “Have you guys been living in a cave or what?” Likewise, in their January 12, 2015 strip, two cavemen are seen asking a third caveman, who is wearing a tie and clutching a briefcase, “What do mean bipedalism is patented?”

In the comic strip Calvin and Hobbes (Universal Press Syndicate, 1985-95), Calvin’s unnamed dad was a patent lawyer. Although he was seen only occasionally, several strips utilized his patent background. The best ran on December 3, 1988. In it, Calvin is shown calling his dad at work and asking for a story. When his dad begins reading from a patent application (“This is the story of the hydraulic pump (Fig. 1), the wheel shaft flange (Fig. 2), and the evil patent infringement”), Calvin demands “a good story.”

Many other cartoonists have used the idea of different inventors coming up with the same invention. In Don Martin’s “One Day in the Patent Office,” two inventors are sitting side-by-side. When one of them takes a ray gun out of a box perched on his lap, the other inventor does the same thing. In short order, they turn the guns on each other, leaving the patent examiner to find two piles of ashes on the carpet. In an undated Sidney Harris cartoon, three inventors are sitting in an unnamed patent attorney’s waiting room. Each is holding the same type of strange-looking gizmo. Turning to the other two, the third inventor says, “If the next guy who walks in here also has one of these things, let’s beat the living daylights out of him.” The cartoon can be viewed at https:/ /www.cartoonstock.com/cartoonview.asp?catref-shm897.

The cartoon can be seen by typing the word “patent” in the search box at www.frankandernest.com.

The strip was created by Bill Watterson, whose father James was a patent lawyer. In a letter to the editor, Watterson argued that law schools had a duty to make sure their students had at least some proficiency in science: “Assuming that science knowledge will make a lawyer more valuable to society . . . a better proposal than liberalizing the college grading system would be to make university science courses mandatory for all law school applicants.” James G. Watterson, Mandatory Science Courses, 58 ABA J. 445 (1972) (responding to Edward A. Morris, Future Lawyers, Science and Innovations in Grading, 58 ABA J. 43 (1972)).

In the course of preparing this article, I asked many people if they could think of any fictional patent attorneys. Calvin’s dad was named more often than any other character. The strip can be viewed at Top 5: Calvin & Hobbes Patent Comics, Article One Partners (Sept. 28, 2012), http://info.articleonepartners.com/top-5-calvin-hobbes-patent-comics/.
Scott Adams' engineering comic strip *Dilbert* (United Media, 1989-2011; Universal Ucick, 2011-present) includes an unnamed company attorney who often is seen discussing patent matters. To date, the best of these strips is the one from June 29, 2012:

**LAWYER:** Our new product violates 73 Google patents, 14 Apple patents, 52 Oracle patents, and 37 Microsoft patents. There is no hope. I recommend that we close the company and become farmers.

**POINTY-HAIRED BOSS:** I need a lawyer with more fight in him.

**LAWYER** [putting on overalls and now seen wearing a straw hat and chewing on a corn stalk]: I'm off the grid.114

Lastly, Robert Fish, a real-life patent lawyer in Irvine, California, has been producing a semi-autobiographical comic strip called *Patent Beast* since 2009.115

5. Video Games

In the video game *Broken Sword* (Revolution Software, 1996-2013), the main hero is George Stobbart, a young patent lawyer voiced by Rolf Saxon.

The first *Broken Sword* game, released in 1996, was entitled *The Shadow of the Templars*. Since then, there have been four more installments: *The Smoking Mirror* (1997), *The Sleeping Dragon* (2003), *The Angel of Death* (2006), and *The Serpent's Curse* (2013). Although there are no current plans for a sixth installment, there has been a longstanding effort to produce a *Broken Sword* movie.116

With the exception of *The Smoking Mirror*, all of the installments pit George against the Knights Templar and its various schemes to control the world. Because there have been so many installments, players have learned a great deal about George. One source has distilled these details into the following biography:

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114 Scott Adams, *Dilbert* (June 29, 2012), http://dilbert.com/strip/2012-06-29. Other such strips can be found by searching the comic strip archive at *Dilbert*, www.dilbert.com (search for “lawyer” in the search box). Another very funny strip ran on May 5, 1989:

**DOGBERT** [speaking to Dilbert]: I think you should see a lawyer before unleashing this new invention on mankind.

**DILBERT** [now seen sitting in a lawyer's office]: I'm afraid my new invention will expose me to lots of lawsuits. Will you advise me?

**LAWYER:** No. Sounds like I can make more money by suing you.


116 See *Broken Sword*, *Wikipedia: The Free Encyclopedia*, https://en.wikipedia.org/wiki/Broken_Sword (last modified July 29, 2016, 1:21 PM) ("In 2007, it was revealed that a *Broken Sword* film was in the works and would be produced by CastleBright studios, although there has been no sign of development for many years, which may indicate that the project has been abandoned. However, in 2015, Matt Smalley of Cheltenham, UK, started fund raising on a new planned *Broken Sword* film. According to Matt Smalley, 'Fund Raising is going well, I send out at least 50 emails and Facebook posts a week and hope to reach my target amount shortly. But not before sending out some more emails and recurring Facebook posts.'").
Sir George Stobbart (born 1978, Idaho, USA) is the main character in the *Broken Sword* adventure game series by Revolution Software. George currently lives in New York City, USA and works as a bail bondsman. He is a patent lawyer by profession although [he] struggles to find work within such a competitive industry. He enjoys traveling and is fascinated by history. George is estimated to be 28 years of age (as of *Broken Sword 4*). His trademark appearance comprises blonde hair, cut short in the back but left long in the front, as well as jeans with incredibly deep pockets and a blue-green jacket over a white t-shirt.

Little is known about George’s private life. From conversations throughout the series we know that he is a graduate of law, which he studied at either the University of California or the University of Idaho. He has worked in California, at his father’s law firm, and New York City, as a bail bondsman. He is an only child, and his father passed away between the first two games (1996-1997)....

George is a friendly, positive individual who always tries to see the good in any situation. Good natured and honest, he could also be considered nosey.

Being involved in law means that he does have a high sense of justice. It [is] this aspect of his character that drives him to uncover the events of *Broken Sword—The Shadow of the Templars (Circle of Blood)* in the USA. He will talk to anyone and will press matters until there is nothing left to press. This can and will get him into trouble on many an occasion.

Unlike many other heroes, George chooses to use his wits and his mouth to get him out of trouble, rather than his fists. Comments George will most commonly hear on his travels include “What do you think you’re doing?,” “Don’t touch that!,” or “Put that back! / down!,” to which George often finds himself replying “I can explain everything.”

George is able to read Latin and is blessed with a “memory like a steel trap.” He has a love of pirates and a strong dislike of clowns and mimes. Throughout his adventures he has impersonated a police detective (earning himself the nickname “the Sewer Jacques”), has impersonated a doctor, has played the role of a stuntman, has stolen several priceless ancient artifacts, has been knocked unconscious by a large wooden salmon and traveled all over the world to many different countries. He has been arrested at least twice and has nearly been killed at least 12 times. A fact he’s not afraid to bring up in conversation....

Despite his many experiences with the supernatural, magical and occult, George is still very skeptical about a lot of what he witnesses, although contrary to popular belief he is a theist, not an atheist. His
lack of out-and-out belief however causes much distaste from his uncle who was a Christian priest.

George has made several acquaintances in different countries. This includes American couple Pearl and Duane Henderson, who regularly travel (Duane . . . supposedly [is an] undercover agent for [an] unknown government department/agency, allegedly the CIA) and [a hard]-drinking gendarme (later ex-gendarme) who George meets twice at the Café at Montfaucon, first in Broken Sword 1 [and] then in Broken Sword 2 during [the latter’s] forced retirement.

Nicole “Nico” Collard, a French freelance photojournalist, first meets George shortly after the bombing in the first adventure. She and George share an intimate relationship that begins to [ebb] at some point between the second and third [installment]. Eventually Nico and George’s relationship is beyond repair [and] George moves back to the states [so that] both he and Nico [can] return to [a] “normal” life.

Anna Maria, a mysterious woman who turns up at George’s office with a manuscript during the fourth adventure[,] quickly becomes [George’s] new love interest. Filling the hole that Nico left, [Anna Maria’s appearance gives] George the chance to once again do something outlandish [as] well as giving Nico someone to be jealous of, putting her in George’s shoes, similar[ ] to [George’s] jealousy of André.

George has a host of enemies, beginning with the Neo sect of the Knights Templar, who he encounters more than once [in] his travels. He has fought [against] a drug baron, an Aztec god and recently small communities within the Roman Catholic Church.

George’s social nemesis is André Lobineau, a French history scholar whom Nico has known since college and who (at least in the first two games) considers himself a competitor for Nico’s affections. André runs an online history database, which George is blocked from viewing [but which] George manages to hack into.

On his Facebook page, George describes himself as a patent lawyer: “I am George Stobbart, a patent lawyer. If you need one, call me.” As things have turned out, however, George has been too busy saving the world to practice patent law.

[19] For a further look at the game, see Ben Cordell, A Look Back on Broken Sword: George Stobbart 1996-2013, STiCKTWIDDLERS (Aug. 28, 2012), http://www.sticktwiddlers.com/2012/08/28/a-look-back-on-broken-sword-george-stobbart-1996-2013/ (concluding that “The Broken Sword games are an incredibly important series in the point and click genre, not only helping establish what makes a fantastic point and click game but also showing how the genre has had to evolve with the introduction of new technology.”).
6. Videos

A number of videos featuring fictional patent lawyers have been made using the text-to-movie software Xtranormal. Like most Xtranormal videos, the ones that can be viewed on public platforms (such as YouTube) are approximately five minutes long, do not reveal their creators' actual names, and focus on the absurdity of the modern workplace.120

In So You Want to be an IP Lawyer?,121 Mary and Frank have not seen each other since junior high school. When they run into each other years later, Mary has become a hairstylist and Frank is a patent lawyer. In the course of catching up, Frank explains that he “drafts patents” and “[help[s] people protect their ideas.”122 When Mary hears this, she tells Frank she has a million-dollar idea and wonders if he can patent it for her on the spot. Frank is taken aback by the question but finally manages a “no.”123

As the conversation continues, it becomes increasingly surreal. When Frank asks Mary to describe her idea, she replies that he will not understand it. This exasperates Frank, who tells Mary he has a master’s degree in civil engineering and has spent $200,000 on his education. Ignoring this rebuke, Mary suggests that Frank patent her idea for free. Frank is stunned by Mary’s impertinence and demands to know if she would cut his hair for free. Mary blithely responds, “No, why would I do that?”124

By the end of the conversation, Frank is anxious to get away from Mary. Oblivious to his feelings, Mary asks if Frank is meeting a client. Frank answers that he is on his way to work and is waiting for a bus. Hearing this, Mary suggests they split a cab because she is going to the airport to catch a flight to New York, where she plans to spend the weekend shopping. This causes Frank to suffer a meltdown while wailing: “I have two transit tokens, a food stamp, a half-eaten doughnut in my pocket, and I wear clothes that were made in the ’70s. Come on, look at my sideburns and mustache. I’m a train wreck. Just leave me here to contemplate where my life went horribly wrong.”125 Mary, still unaware, simply replies, “Ok. Well, it was good seeing you again. Bye.”126

Two Xtranormal videos focus on an extremely conceited European patent lawyer named Gordon. In the first, entitled “Gordon the Patent Attorney Goes to a Party,”127 Gordon meets a woman named Jemma at a party. When he tells her he is a patent attorney, she says, “That sounds interesting.”128 Gordon quickly agrees and says he is “living the dream” because he gets to spend his days “draft[ing] and prosecut[ing] patent applications” and his nights

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120For a further look at Xtranormal’s software and how it was used while it was available (2008-13), see Jeannine Stein, Using Video to Combat Job Stress, L.A. TIMES, Apr. 24, 2011, at A22.
121ChanceSummer, So You Want to be an IP Lawyer?, YouTube (Oct. 28, 2010), https://www.youtube.com/watch?v=MLrY6vR7zpM.
122Id.
123Id.
124Id.
125Id.
126Id.
128Id.
Jemma then mentions that she has a friend who has come up with an invention. Gordon responds: "Literally no one has ever asked me about their friend's invention at a party." When Jemma expresses surprise, Gordon reveals he was being sarcastic: "No, not really. I get asked absurd questions about people's hopeless inventions at practically every party I go to." Nevertheless, he agrees to listen and Jemma explains she has come up with a new type of umbrella that includes a radio powered by perpetual motion. This excites Gordon, who specializes in perpetual motion machines.

After some more small talk, Gordon asks Jemma if she wants to make out and explains that his hourly rate is 290 euros per hour, which he can discount if she asks in advance. When Jemma declines, Gordon calls her a loser and tells her to get out of his sight.

In a follow-up video called "Gordon the Patent Attorney Falls upon Hard Times," Gordon has been reduced to living in his car, which he has parked in the garage of a random apartment building. There he meets a woman named Jane. While talking with her, he repeats that he is living the dream (despite being dumped by his girlfriend), extols the virtues of being a patent attorney, and talks endlessly about perpetual motion machines. The video ends with Gordon inviting Jane to have sex with him in the back of his car, which she refuses to do.

In a different set of videos, Gordon's creator introduces us to a humorless English patent attorney named Fran Klee (who pronounces her name as if it was spelled "frankly"). She is dressed severely, wears heavy black glasses, and has prematurely-grey hair. In "Patent Attorney Interview," Fran interviews Joe King, a junior lawyer who wants to be a trainee in Fran's firm. As the session proceeds, everything on Joe's resume turns out to be a lie (except for his interest in bacon sandwiches). Moreover, Joe continuously makes bad puns. Eventually, Fran orders him to leave the building and calls security as a precaution.

Fran returns in a follow-up video entitled "Patent Attorney Consultation." As the video opens, Fran is meeting with a new client named Nick Trick, who looks and sounds remarkably like Joe King. Fran asks if they have met before and Nick says they have not. He then proceeds to describe his previous inventions, such as a kite made out of concrete and a milk bottle that is too heavy to lift, none of which make any sense and all of which end in a bad pun. Finally realizing that Nick is a fraud, Fran calls security and has him escorted out of the building.

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129 Id.
130 Id.
131 Id.
III. Clients

Just as it has not been possible for me to locate every fictional patent attorney, it has not been possible for me to find every fictional character who has ever used such a lawyer. It is obvious, however, that in addition to the clients already mentioned, there are many other fictional characters that at some point had to turn to a patent lawyer.\footnote{Sometimes this fact is easy to discern. In Men in Black (Columbia Pictures, 1998), for example, Agent Zed (Rip Torn) explains that MiB is funded by the patents it holds on inventions confiscated from alien visitors, such as "Velcro, microwave ovens, and liposuction." See further IRA LIVINGSTON, BETWEEN SCIENCE AND LITERATURE: AN INTRODUCTION TO AUTOPROECS 49 (2006).}

In their book about superheroes, for example, James Daily and Ryan Davidson point out that Batman (Bruce Wayne), Mr. Fantastic (Reed Richards), and Spiderman (Peter Parker) all face complex patent issues.\footnote{JAMES DAILY & RYAN DAVIDSON, THE LAW OF SUPERHEROES 195-204 (2012).} Likewise, in my study of the television sitcom Gilligan’s Island (CBS, 1964-67), I observed, “The Professor’s numerous inventions must have led him more than once to the offices of a knowledgeable patent lawyer.”\footnote{Robert M. Jarvis, Legal Tales from Gilligan’s Island, 39 SANTA CLARA L. REV. 185, 204 (1998).}

Other characters who fall into this category include Professor Vernon Simpson (Ray Milland), who in the baseball movie It Happens Every Spring (20th Century Fox, 1949) accidentally created methylethylpropylbutyl, a substance that repels wood; the parapsychologists in Ghostbusters (Columbia Pictures, 1984), who designed their own ghost-catching equipment; Dr. Emmett Brown (Christopher Lloyd), who solved the mystery of time travel in Back to the Future (Universal Pictures, 1985); Steve Urkel (Jaleel White), the annoying next door neighbor on Family Matters (ABC, 1989-97; CBS, 1997-98) whose scientific breakthroughs included a “transformation chamber” that changed his DNA (thereby turning him into the ultra-cool Stefan Urquelle); Stewie Griffin (Seth MacFarlane), the villainous toddler on the animated television show Family Guy (FOX, 1999-present), who so far has managed to build, among other things, a ray gun, a teleportation pod, and a weather machine; and Alex Dunphy (Ariel Winter), the neglected middle child on Modern Family (ABC, 2009-present), who already has two patents to her credit.\footnote{For a further look at such characters, see, e.g., Kyle VanHemert, The 10 Greatest Fictional Inventions of All Time, Gizmodo (Aug. 28, 2010), http://gizmodo.com/5623849/the-10-greatest-fictional-inventors-of-all-time; Matt Wende, Top 10 Fictional Movie Inventors, WatchMojo, http://watchmojo.com/video/id/13426/; Matt Wende, Top 10 Fictional TV Inventors, WatchMojo, http://watchmojo.com/video/id/13524/; Fictional Inventors, WIKIPEDIA: THE FREE ENCYCLOPEDIA (last modified Sept. 20, 2015, 10:46 PM), https://en.wikipedia.org/wiki/Category:Fictional_inventors.}

\footnote{See Daniel H. Brean, Keeping Time Machines and Teleporters in the Public Domain: Fiction as Prior Art for Patent Examination, 7 U. PITTS. TECH. L. & POL’Y 5 (2007).}
IV. Conclusion

Popular culture will continue to focus most of its attention on prosecutors, criminal defense lawyers, and civil litigators, because such attorneys are more familiar to general audiences and provide a broader range of possible storylines. But as this article has shown, patent attorneys have not been entirely overlooked.