

Trademark Prosecution
Law 6220-12203/Summer Mini 2026
University of Houston Law Center
4170 Martin Luther King Blvd.
Houston, Texas 77004

Instruction: Mr. Lee B. Hunt, Adjunct Professor
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COURSE OVERVIEW: This asynchronous two-hour course provides hands-on training and instruction on the process of Trademark prosecution, from pre-application searching and client admonishment through the filing of renewal documents ten years after registration. Particular attention will be paid to the bases for application-filings and common refusals. Class discussion will cover current issues in trademark law and focus on law, precedent, and the USPTO's Trademark Manual of Examining Procedure. The course will also familiarize students with the electronic systems used by the trademark bar for searching databases of current registrations and pending applications, filing electronic applications, and responding to official correspondence issued by the USPTO.

LEARNING OUTCOMES: Upon completion of this course, students will (1) have the knowledge and understanding required to prosecute a trademark application for others when licensed to practice law; (2) understand the tools and resources available to assist in the process; (3) have a familiarity with the common refusals that prevent a trademark application from advancing to registration and how to avoid or resolve them for a client.

OFFICE HOURS: Thursdays, 5:30 PM Central (Remote via Zoom Link)

COURSE PREREQUISITES: There are no prerequisites for this course; accordingly, reading the chapter below before the first day is necessary to provide the foundational information you'll need to succeed.

REQUIRED READING: *Trademark and Unfair Competition, Law and Policy*, Dinwoodie; Janice, **5th Edition!!**

*****NOTE: The 6th edition is the most current; we will be using the 5th edition because the information will suffice and the book is much cheaper than the current edition. (At least one final question will come directly from the book and will not be discussed in class.)**

Trademark Manual of Examining Procedure (Current Edition). Hard copy is NOT required, as electronic version available at:

<https://tmep.uspto.gov/RDMS/TMEP/current>

SCOTUS Cases

Matal v. Tam, 137 S. Ct. 1744 (2017).

Iancu v. Brunetti, 139 S. Ct. 2294 (2019).

United States Patent & Trademark Office v. Booking.com B. V., 140 S. Ct. 2298, 2300, 207 L. Ed. 2d 738 (2020).

Jack Daniel's Properties, Inc. v. VIP Products LLC, 599 U.S. 140 (2023).

Vidal v. Elster, 602 U.S. 286 (2024)

Courts of Appeals

In re E. I. du Pont de Nemours & Co., 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973)

Abercrombie & Fitch Co. v. Hunting World, 537 F.2d 4 (2nd Cir. 1976).

Xtreme Lashes, LLC v. Xtended Beauty, Inc., 576 F.3d 221 (5th Cir. 2009).

FIRST DAY Reading: **Text Book:** Chapter 5-- Registration.

Cases:*In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973); *Abercrombie & Fitch Co. v. Hunting World*, 537 F.2d 4 (2nd Cir. 1976).

PARTICIPATION: Because this is an asynchronous course, the time you attend is flexible, but the AMOUNT of participation in this course is not. You MUST participate in course discussions by commenting on the relevant subject matter using fact and substantiated opinion. Deadlines are important and must be met. Videos will be posted each week and must be viewed by the end of the week.

GRADES: Your grade in this course will be based on a final exam, consisting of one short answer and two essays applying trademark law and testing your analysis of it. The test will be open book/open note. AI may not be used.

Use of AI in Class: The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as “generative” large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human mimicking “intelligence” and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any work product

generated for this course that is submitted to the instructor or presented in a class session, regardless of whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Text may not be used in the development or drafting of any assessments created by you in a non proctored environment, such as a “take home” final examination unless specified as an exception below. The parts of the Honor Code that refer to unauthorized materials or aid are specifically prohibited from any use of AI Generated Text in this course unless specified as an exception below.

HONOR CODE: The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code’s provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

About the Instructor

Lee B. Hunt has been an adjunct professor for the University of Houston Law Center since 2016 and joined the faculty at Texas A&M School of Law in 2022. Before entering private practice, he served six years as a trademark attorney for the United States Patent and Trademark Office, examining applications for federal trademark registration, training and mentoring newly hired trademark examining attorneys, helping to draft legal policy, and providing outreach through the agency’s Southwest Regional Office in Dallas. He currently works as an attorney in the Fort Worth office of Jackson Walker LLP. His practice focuses on entertainment and trademark law. Lee has a Bachelor of Science from Texas State University, a Master of Public Service and Administration from the Bush School of Government at Texas A&M University, and a Doctor of Jurisprudence from the University of Houston Law Center. Lee is a former Houston Police officer, a former clerk to the Supreme Court of Texas, and a current member of the state bars of Texas and New York. Lee resides in Fort Worth, Texas with his wife and three kids.

If you have questions or concerns, please feel free to reach me by phone or at the email address provided.

ADDITIONAL ADMINISTRATIVE ITEMS:

Mental Health and Wellness Resources: The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment. The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

Need Support Now? If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

Title IX/Sexual Misconduct: Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Reasonable Academic Adjustments/Auxiliary Aids: The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

Recording of Class: Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.