

Lawyer offers help to skaters

Neiberger works with officials to allow inline skates on streets outside the city

BY JENN BALLARD
Law Bulletin staff writer

Attorney Ben A. Neiberger used his legal background to amend the state vehicle code to benefit those who share his hobby — inline speedskating.

Neiberger, owner of Generation Law Ltd. in Elmhurst, joined Team Rainbo, a speedskating club of about 80 members, about three years ago.

“My wife has a roller derby business and of course that is women-only,” he said. “So I was looking for my own thing that was kind of related to hers and one of the roller derby members had a husband who was doing inline speedskating.”

The effort to amend the vehicle code began about a year ago after some Team Rainbo members received tickets while skating in industrial parks, Neiberger said.

“We were hopping around to different places and I said, ‘Let’s just change the law,’” Neiberger said. “And they said, ‘You can do that?’ And I said, ‘Of course you can do that.’”

Neiberger worked with Sen. Donald F. Harmon, D-Oak Park, to amend the law so that speedskaters get treated like bicyclists and can skate on the street in the direction of traffic.

“As soon as we put it on the floor and it got stuck in committee, a couple of interest groups came up that had objections to it,” Neiberger said.

“State police said bicycles can take a left turn and cross over lanes of traffic and they didn’t want people in skates to do that.”

Another concern dealt with children skating in the streets and the lobbyists from the bicyclist community said skaters would need to wear reflector gear, he said.

“It went back and forth with a lot of different constituencies and we finally came up with a compromise that limited this to the fast roller skates and the speedskates,” he said.

The new law, which excludes the city of Chicago, allows for skaters, who must be at least 18, to travel during daylight hours on the right side of roads that feature speed limits under 45 mph.

“All we wanted to do was be able to use the bike lane on the streets,” Neiberger said.

This law took effect on Jan. 1. State Rep. Christopher L. Nybo, R-Elmhurst, helped sponsor and lobby for the law. Neiberger drafted the legislation with very specific provisions in mind, Nybo said.

“I was very impressed with his ability to figure out what needed to be done,” Nybo said. “He compromised where it was needed but narrowed in on the changes he wanted to get enacted.”

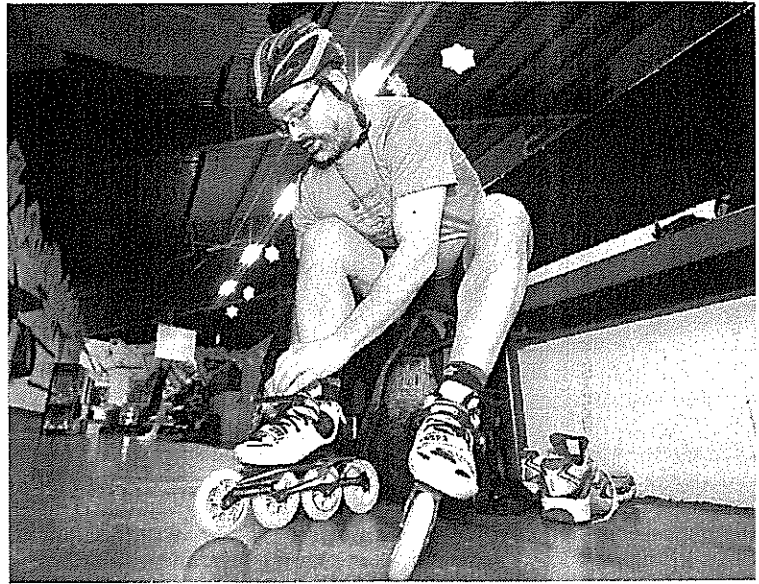
Neiberger’s experience with creating this amendment will benefit him in his practice, Nybo said.

“The difference of one word or one phrase or one comma can be significant in legislation,” Nybo said. “A lawyer’s ability to understand language and how it’s interpreted and how that is significant is a very valuable skill.”

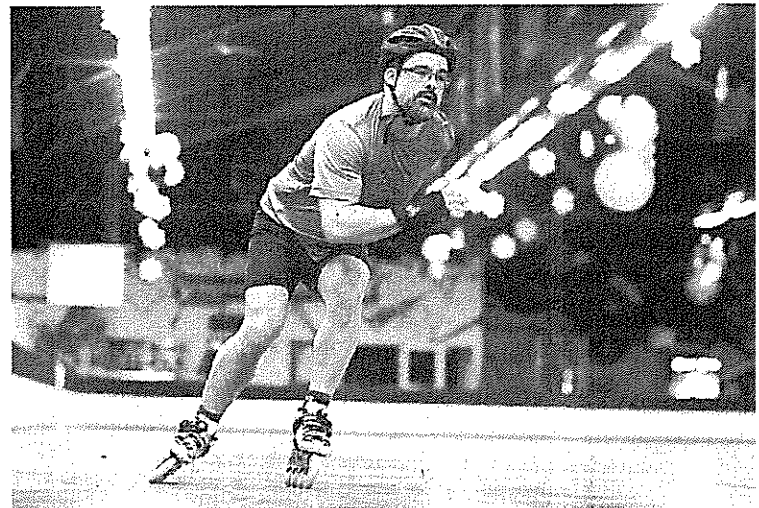
Team Rainbo is one of the largest and oldest speedskating clubs in the country, said Neiberger, 44. Most of the team’s members are in their mid-50s.

The club practices between one to three times each week for one to two hours to prepare for speedskating marathons, he said.

“In the summer, there is a race about once or twice a month,” he said. “But other than that, you just go out there and skate.”



Ben A. Neiberger, owner of Generation Law Ltd. in Elmhurst, practiced inline speedskating Sunday at Orbit Skate Center in Palatine with members of Team Rainbo, a skating club. Neiberger, a member of the club for three years, pushed to amend the state’s vehicle code for speedskaters in August. The new law took effect this month. David Durochik



The new law that attorney Ben A. Neiberger (in the photo) wanted excludes the city of Chicago. But it allows for skaters, who must be at least 18, to travel during daylight hours on the right side of roads that feature speed limits under 45 mph. David Durochik

Each marathon will take one to two hours to complete, Neiberger said.

He accomplished his personal best time of about 90 minutes during a marathon in Duluth, Minn., in 2012.

“I also did the Chicago marathon, and I came in in just under two hours,” he said. “So I’m average.”

The second-largest marathon in North America occurs in Hoffman Estates in the summer and uses an eight-mile loop for its course, he said.

He compared the social, team

aspect of speedskating to bicycling.

“There is nothing that will get my heart rate racing like it,” he said. “It’s fantastic cardio exercise. You use a lot of muscles in your lower body that you normally don’t and it doesn’t wear your body down. It’s not impact like running.”

The skates for this sport consist of four wheels that measure about the diameter of a grapefruit on a frame in a straight line.

“On these skates, you can get up to speeds of about 25 mph,” he said.

reasonable and nondiscriminatory" terms.

If regulators or courts grant injunctions, or sales bans, on products that infringe standard-essential patents, then holders of those patents could demand large licensing fees, the FTC said in a release accompanying the Google agreement. The FTC calls this scenario a patent "hold-up."

"This type of patent hold-up can lead to higher prices, as companies may pay higher royalties for the use of Google's patents because of the

could rely on the FTC's agreement with Google as a basis not to place an import ban on Apple's products.

The FTC-Google agreement laid out an arbitration process as a way to agree on fair licensing terms for standard-essential patents. If a patent owner does not offer fair licensing terms and instead seeks a sales ban first, the FTC says that could constitute a violation of the Sherman Antitrust Act.

"The ITC might rely on that reasoning to find that the conduct



Daryl Lim

in the case of Samsung could rise to the level of a violation of the antitrust rules," Newman said.

"And so tying the logic of the FTC's ruling against Google could lead the ITC to determine that such an injunction on behalf of Samsung could hurt the public."

Marshall Law School, said any impact on the Apple-Samsung case could face limitations by the two agencies' differing goals and mandates.

"The prevailing view is that the ITC, like the Federal Circuit, view patents as a property right which warrants injunctive relief as the norm," Lim said.

"The ITC and district courts while cognizant of the public interest factor of the FTC-Google (agreement), will treat it similarly to a private settlement."

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School

showing Dominic's heart condition solely caused his death, the order says.

But the panel disagreed, saying the defense presented enough evidence to warrant the instruction.

Duran also argued in his appeal that the trial court needed to prohibit any mention that the ambulance at the scene contained an AED. First responders did not

choose to use it.

But Hall wrote that such evidence assisted the jury as it determined whether the school district provided reasonable care.

The appeals panel also disagreed with Duran's assertions that the trial court needed to hold an evidentiary hearing regarding alleged juror misconduct, that the jury's verdict remained against the manifest weight of the evidence and that he deserved a new trial.

Wojcik said he felt surprised that the appeals panel never addressed

his argument that cited an Illinois medical malpractice case, *Holton v. Memorial Hospital*, which he said supported his theory regarding the jury instructions.

Michael E. Kujawa, who represented the school district, said he felt pleased with the appellate court's ruling.

"I have all the sympathy in the world for the Duran family. I have high school kids of my own and it's tragic that he died, but he did have this condition which no one knew about," said Kujawa, a partner at

Judge, James & Kujawa LLC.

Justices Jesse G. Reyes and Bertina E. Lamplin concurred in the ruling.

Lamplin wrote a special concurrence in which she said the trial court correctly determined that enough evidence got presented to warrant a sole proximate cause instruction for the jury.

The case is *Michael Duran, et. v. Oak Lawn Community High School District No. 229*. 2012 IL App (1st) 110633-U.

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Amicus

"You can go very fast and people don't slow down until they hit age

70, so it's something you can do that is nonimpact for a long time."

Cale Carvell, founder of Team Rainbo, said the law change "gigantically impacts" the inline speed-skating community.

"I have been in the inline skate business since before people knew there were inline skates," Carvell said.

"One of the problems has always been the nebulous state as to what

an inline skater is from a legal standpoint. ... Ben took numerous amounts of time and energy and money to go through the process to change that."

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Firm

Arden's practice focuses on federal court litigation, domain name cases and litigation before the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office. He also counsels

clients on brand issues and licensing.

Arden "brings a tremendous amount of knowledge and experience in trademark law," said Christopher G. Darrow, a shareholder at the firm. "Getting into the Chicago area is an exciting time for us because of the sophisticated, high-quality attorneys that are

available to join our firm."

Young, Basile now consists of 26 lawyers in four offices.

In addition to Chicago, the firm maintains offices in Troy and Ann Arbor, Mich., along with Palo Alto, Calif. It represents technology companies on intellectual property and related matters.

Arden previously worked as in-

house trademark counsel for Harley-Davidson USA and at Pat-tishall, McAuliffe, Newbury, Hilliard & Geraldson LLP.

So far, he said his main adjustment involves learning a new computer system.

"For my clients, it's been a relatively seamless transfer," he said.

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