

## SYLLABUS FOR PATENT LAW II

Law 292-001 (day)  
Spring 2009  
2 Credits

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### I. SUBJECT MATTER.

This course focuses on enforcement of U.S. patents; claim interpretation; acts giving rise to infringement; defenses to a charge of infringement; remedies; the right to sue; post-grant procedures; and patent reform.

### II. COURSE SCHEDULE.

Class meets in room 332 on Wednesdays from 2:00pm to 3:50pm with a 5 minute break in the middle. The first class is Wednesday January 7. The last class is Wednesday April 22. The final exam is Wednesday May 6 at noon.

### III. COURSE MATERIALS.

Amy L. Landers, *Understanding Patent Law* (Lexis-Nexis 2008). Other required materials are or will be posted on TWEN. Assigned readings are listed at the end of this Syllabus. The Patent Act (35 US Code) and Patent Rules (37 CFR) are available at: <http://www.uspto.gov/web/offices/pac/mpep/index.htm>

### IV. OFFICE HOURS.

My office hours are Wednesdays 4:00pm to 5:00pm, immediately after our class. Feel free, however, to drop by whenever you can catch me in my office, except for the hours immediately preceding our class. If you prefer, contact me to schedule an appointment. In your email, please give me a list of two or three dates and times when you could meet, and I'll choose one of them.

### V. ELECTRONIC DEVICES.

Please remember to turn off your cell phone before class.

I encourage you to take notes on a laptop, but do not use it or any other electronic device for activities unrelated to class, *e.g.*, games, surfing the internet, email, instant messaging. (You do know that I can see your faces, right?)

### VI. GRADES.

*Final exam.* The final exam will touch on more or less everything covered over the semester. It will include multiple choice questions and may include short answer or essay questions. I will provide more information about the final towards

the end of the semester.

In the event that the final includes short answer or essay questions, I would prefer that you type your answers to them on your laptop. However, if you have very legible handwriting, you may write your answers in a Bluebook.

*Class participation.* Your grade will be based on the final exam, which is graded blindly. However, superb class participation will boost your final grade by one-third of a letter, e.g., a B+ would become an A-. Poor class participation will pull down your grade by one-third of a letter. Poor class participation includes: being unprepared more than once when I call on you; being absent more than once when I call on you (without excuse) or playing around on a computer or other electronic device during class.

*Note the University's attendance policy: a student cannot earn credit for a course if that student misses more than two clock hours for each credit hour assigned to the course. Therefore, for this course you cannot miss more than two classes and still earn credit. Furthermore, it is an honor code violation to sit for the final exam if you have missed more than two classes in this course.*

## VII. SECONDARY MATERIALS.

These materials are not necessary for this course but could aid you in your law practice or preparation for the Patent Bar Exam.

- Janice M. Mueller, *An Introduction to Patent Law*, 2<sup>nd</sup> ed. (Aspen 2006). A mini-encyclopedia of patent law. Very clear.
- Alan Durham, *Patent Law Essentials: A Concise Guide*, 2<sup>nd</sup> Edition (Praeger 2004). Very clear and succinct. A 3<sup>rd</sup> edition may be on the horizon.
- David Pressman, *Patent It Yourself*, 12<sup>th</sup> Edition (Nolo 2006). Useful for beginners because it assumes no knowledge on the part of the reader.
- Irwin Aisenberg, *Modern Patent Law Precedent: Dictionary of Key Terms and Concepts*, 8<sup>th</sup> Edition (Thomson/West 2006). When I was in practice, I found this book invaluable. It provides the quickest way to find case language on a particular point of law.
- D. Robert Faber, *Landis on Mechanics of Patent Claim Drafting*, 5<sup>th</sup> Edition (Practising Law Institute 2005). This is the leading guide to drafting U.S. patent claims.

## VIII. ASSIGNMENTS.

Below are the assignments for the first four classes of the semester. Later I will post an updated Syllabus with assignments for the remainder of the semester.

### 1. Claim Format, Type and Construction

Landers: 257-290

[Merrill v. Yeomans](#), 94 U.S. 568 (1877)

[Catalina Marketing International v. Coolsavings.com Inc.](#), 289 F.3d 801 (Fed. Cir. 2002)

[Phillips v. AWH Corp.](#), 415 F.3d 1303 (Fed. Cir. 2005)

### 2. Claim Construction; Infringement

Landers: 291-305

[Unique Concepts Inc. v. Brown](#), 939 F.2d 1558 (Fed. Cir. 1991)

[In re Donaldson](#), 16 F.3d 1189 (Fed. Cir. 1994)

[Honeywell Int'l v. Univ. Avionics Sys. Corp.](#), 493 F.3d 1358 (Fed. Cir. 2007)

[Helmsderger v. Bobrick Washroom Equip., Inc.](#), 527 F.3d 1379 (Fed. Cir. 2008)

### 3. Infringement under the Doctrine of Equivalents I

Landers: 307-19

[Winans v. Denmead](#), 56 U.S. 330 (1853)

[Graver Tank & Mfg. Co. v. Linde Air Prods. Co.](#), 339 U.S. 605 (1950)

[Warner-Jenkinson Co. v. Hilton Davis Chem. Co.](#), 520 U.S. 17 (1997)

### 4. Infringement under the Doctrine of Equivalents II; 112(6) Equivalents

Landers: 321-47

[Corning Glass Works v. Sumitomo Electric USA Inc.](#), 868 F.2d 1251 (1989)

[Wilson Sporting Goods v. Geoffrey & Associates](#), 904 F.2d 677 (Fed. Cir. 1990)

[Johnson & Johnston Associates Inc. v. R.E. Service Co. Inc.](#), 285 F.3d 1046 (2002)

[Al-Site Corp. v. VSI Intern., Inc.](#), 174 F.3d 1308 (Fed. Cir. 1999)