Classes will be held on Tuesdays from 8:00 pm to 9:50 pm in Hazel Hall Room 222, with a short break around 9:00 pm. The final exam will be held Monday, December 17 at 6 pm.

The Exam

There will be an examination in this course. The examination will cover the reading materials and the class discussions. I will expect you to demonstrate knowledge of the statutes and common law as well as the policies behind them. The open-book exam will include multiple-choice questions. The exam will include material covered in class that is not included in the textbook, so attendance at class is essential to perform adequately on the final exam. Students are expected to read assigned materials prior to class. Students in teams of three will be assigned specific cases to report out in class.


EXPECTATIONS

Your grade may be adjusted upward or downward based on class participation. Unexcused repeated absences will lead to a downward adjustment. It is not just the quantity of participation but the professor's assessment of the quality of the student's contribution to the class. Therefore, a student who speaks every class, but does not say anything particularly thoughtful may not get any added points for participation.

Being able to concisely articulate a position is essential to good lawyering. Accordingly, I will assign cases to teams of three students for report out at the next class. You are expected to have done the reading and prepare any assigned problems for each class.

Secondary Materials
Although I do not believe that resort to secondary materials is necessary to master the material in this class, there are a number of excellent sources that could be of assistance to you during practice. I recommend:

A succinct description of the fundamentals of U.S. patent law.

**THERE IS NO CLASS OCTOBER 9; THE SCHOOL OBSERVES MONDAY CLASSES ON TUESDAY, OCTOBER 9.**

**Reading Assignments**

**August 21 (Class #1)**
Topics: Introduction: origins of the patent system; forms of patent protection; nature and function of the patent system and other forms of IP protection.
Text: 1-57

**August 28 (Class #2)**
Topics: Patentable subject matter; natural substances and living things; plant patents.
Text: 58-75

**September 4 (Class #3)**
Topics: Patentable subject matter (continued); software inventions; business methods; medical procedures; sports methods.
Text: 76-122

**September 11 (Class #4)**
Topics: Utility; disclosure; enablement.
September 18 (Class #5)  
Topics: Enablement (continued); written description; definiteness; best mode.  
Text: 386-430  
Also read: http://www.law.northwestern.edu/journals/njtip/v3/n2/1/; LizardTech, Inc. v. Earth Resource Mapping, Inc., 424 F.3d 1336 (Fed. Cir. 2005) and Liebel-Flarsheim v. Medrad, (481 F.3d 1371 (Fed. Cir. 2007)).

September 25 (Class #6)  
Topics: Written Description and Best mode  
Text: 431-458  

October 2 (Class #7)  
Topics: Novelty; section 102(a); section 102(e).  
Also read: Cooper Cameron Corp. v. Kværner Oilfield Prods., 291 F.3d 1317 (Fed. Cir. 2002); Bruckelmyer v. Ground Heaters, Inc., 445 F.3d 1374 (Fed. Cir 2006).

October 16 (Class #8)  
Topics: Section 102(f); section 102(g).  

October 23 (Class #9)  
Topics: Section 102(g) (continued); diligence; reduction to practice; foreign priority; Hilmer doctrine; Patent Cooperation Treaty (PCT). Statutory bars; section 102(b); public use; on-sale bar; experimental use doctrine.  

October 30 (Class #10)  
Topics: Statutory bars; section 102(b); public use; on-sale bar; experimental use doctrine.  
Also read: In re Elsner, 381 F.3d 1125 (Fed. Cir. 2004) and Electromotive Division of General Motors Corp. v. Transportation Systems Division of General Electric Co., 417 F.3d 1203 (Fed. Cir. 2006).
Cir. 2005) See also the America Invents Act, Section 3
(http://www.bitlaw.com/source/America-Invents-Act/3.html)

November 6 (Class #11)
Topics: Absolute novelty in foreign countries; section 102(c); section 102(d); nonobviousness.

November 13 (Class #12)
Topics: Nonobviousness (continued).
Text: 298-347. Read Graham v. John Deere; KSR v. Teleflex; In re Translogic; Ormco v. Align

November 20 (Class #13)
Topics: Nonobviousness (continued); secondary factors of nonobviousness.
Text: 348-385. Read In re Papesch; In re Dillon; In re Kubin, 561 F.3d 1351 (Fed. Cir. 2009); In re Foster and In re Clay

November 27 (Class #14)
Topics: Claims.
Text: 459-529. Read Ex parte Fressola; Catalina Marketing v. Coolsavings; Atlantic Thermoplastics v. Faytex; Al-Site v. VSI; Aristocrat v. International Game; Orthokinetics v. Safety Travel and Datamize v. Plumtree. See also Pfizer Inc. v. Ranbaxy Labs., 457 F.3d 1284 (Fed. Cir. 2006)

December 17 - Monday
Final exam: Monday, December 17 at 6 pm.