ADMINISTRATIVE

Professor Philippe Signore  
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Substitute Instructor: Colin Harris  
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Class hours/Days of the Week: 6:00 pm – 7:50 pm Mondays, every other week (except classes 3 and 4 are back-to-back Mondays)

Classroom: Hazel Hall, Room 222

No Textbook. Material to be handed out or emailed in advance of class

EXPECTATIONS

Attendance: Unexcused repeated absences will lead to a downward adjustment.

Reading Assignments: Students are expected to read all of the assigned materials prior to class.

Grading: Course grades will be based on a final paper, due on the exam date listed on the course schedule. There will be no final exam, only a final paper. The final paper must be 10-15 pages, double spaced. Sample topics will be given during the first class, as well as a schedule for selecting a topic, preparing an outline, and bibliography.

Class Participation: Your grade may be adjusted upward or downward based on class participation. 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.

Basic knowledge of patent law: There is no prerequisite for this class. This class can provide a good introduction to patent law.

READING ASSIGNMENTS

Class 1 (August 27): Introduction and overview:

L.A. Gear v. Thom McAn Shoe, 988 F.2d 1117 (Fed. Cir. 1992)
**Class 2 (September 10): Requirements for Design Patentability** (one of three)

Statutes: 35 USC 171-173
Definition of an article of manufacture
  *In re Hruby*, 373 F.2d 997 (CCPA 1967)
  *In re Zahn*, 617 F.2d 261 (CCPA 1980)
  *Ex parte Strijland*, 26 USPQ2d 1259 (BPAI 1992)
MPEP 1504.01(a) Computer-Generated Icons

Ornamentality
  *In re Carletti*, 328 F.2d 1020 (CCPA 1964)
  *In re Webb*, 916 F.2d 1553 (Fed. Cir. 1990)
  *Best Lock v. Ilco*, 94 F.3d 1563 (Fed. Cir. 1996)
  *Berry Sterling Corp. v. Pescor Plastic Inc.*, 122 F.3d 1452 (Fed. Cir. 1997)

**Class 3 (September 24): Requirements for Design Patentability** (two of three)

Novelty
  *In re Bartlett*, 300 F.2d 942 (CCPA 1962)

Statutory bars: 35 USC 102(b) and (d)
  *Ex parte Lancaster*, 151 USPQ 713 (Bd. App. 1965)
MPEP 1504.02: Novelty

Non-obviousness
  *In re Glavas*, 230 F.2d 447 (CCPA 1956)
  *In re Nalbandian*, 661 F.2d 1214 (CCPA 1981)
  *In re Rosen*, 673 F.2d 388 (CCPA 1982)
MPEP 1504.04 Nonobviousness

**Class 4 (October 1): Requirements for Design Patentability** (three of three)

Priority, Sufficient Description
  *Racing Strollers v. Tri Industries*, 878 F.2d 1418 (Fed. Cir. 1989)
  *In re Daniel*, 144 F.3d 1452 (Fed. Cir. 1998)
  *In re Berkman*, 642 F.2d 427 (CCPA 1981)
  *In re Salmon*, 705 F.2d 1579 (Fed. Cir. 1983)

Single claim
  *In re Rubinfield*, 270 F.2d 391 (CCPA 1959)

Double patenting
  *In re Dembicza*, 175 F.3d 994 (Fed. Cir. 1999)
MPEP 1504.05: Restriction; MPEP 1504.06: Double Patenting
Class 5 (October 15): Infringement of a Design Patent (one of two)

Paper topic is due

Ordinary Observer Test

*Gorham Manufacturing v. White*, 81 U.S. 511 (Sup. Ct. 1871)

The ordinary observer

*Contessa Food Products, Inc. v. Conagra, Inc.*, 282 F3d 1370 (Fed. Cir. 2002)

*Arminak v. Saint-Gobain*, 501 F.3d 1314 (Fed. Cir. 2007)

Class 6 (October 29): Infringement of a Design Patent (two of two)

Paper outline is due

Defunct Point-of-Novelty Test


Claim construction

*Crocks v. ITC* (Fed. Cir., 2010)


Damages


Class 7 (November 12): Miscellaneous topics related to designs, Review

Paper bibliography is due

No reading assignment