Classes will be held on Tuesdays and Thursdays from 6:15 pm to 7:30 pm in Founders Hall Room 477. The 3 hour final exam will be held on Monday, May 7 at 6:00 pm.

The Exam

There will be a single examination in this course. The final examination will cover the reading materials and the class discussions. I will expect you to demonstrate knowledge of the statutes and common law applicable to Patents, Trademarks, Copyrights and Trade Secrets as well as the policies behind them. The open-book, open-notes exam will include four essay-type questions. Laptop computers will be permitted when taking the final exam. 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. It is important for students to attend class. Students are reminded that they have a duty under the honor code to report if they have missed more than 20% of class sessions. Students are expected to read assigned materials prior to class. Cases will be assigned to students in teams of three at the end of each class for report-outs for the next 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 assign cases to students to ensure equal participation. You are expected to have done the reading and prepare any assigned cases 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:

2. Schechter’s Black Letter Outline on Intellectual Property, 3d

SPRING RECESS IS MARCH 12 – MARCH 18. CLASSES END Thursday, APRIL 19, 2012.

Reading Assignments

January 10 (Class #1)
topics: Trademark protection: introduction; Federal trademark protection; the application process and the international stage.

January 12 (Class #2)
topics: Requirements for trademark protection; physical use, cognitive use (distinctiveness) and requirements for Federal registration.
Assigned cases:
Microstragegy v. Motorola page 27
G. Heileman v. Anheuser-Busch page 32
Two Pesos v. Taco Cabana page 40
Qualitex v. Jacobson page 44

January 17 (Class #3)
topics: Continuation of class #2 topics.
Assigned cases:
TrafFix v. Marketing Displays page 52
In re Dial-A-Mattress page 55

January 19 (Class #4)
topics: The scope of the Trademark holder’s rights: infringement and contributory infringement.
Assigned cases:
Lois Sportswear v. Levi Strauss page 86
McDonald’s v. Druck and Gerner page 92
Two Pesos v. Taco Cabana page 97
January 24 (Class #5)
topics: Continuation of class #4 topics.
Assigned cases:
Playboy v. Welles page 114
KP Permanent v. Lasting Impress sup page 1
Tiffany v. eBay sup page 6
Rescuecom v. Google sup page 19

January 26 (Class #6)
topics: The interest in public access.
Assigned cases:
Dawn Donut v. Hart’s Food page 141
L.L. Bean v. Drake page 149
Quality Inns v. McDonald’s page 153
Davidoff v. PLD page 159

January 31 (Class #7)
topics: Remedies.
Assigned cases:
George Basch v. Blue Coral page 181
Sands v. Quaker Oats page 192
Lever Bros. v. U.S. page 196

February 2 (Class #8)
topics: Copyright protection: introduction.

February 7 (Class #9)
topics: The requirements of originality and authorship.
Assigned cases:
Feist v. Rural Telephone page 225
Kregos v. AP page 236
Schrock v. Learning Curve sup page 34

February 9 (Class #10)
topics: Useful articles and protection for characters.
statute: 17 U.S.C. §§ 102-105, 113(a)-(c) and 120.
Assigned cases:
Baker v. Selden page 264
Brandir v. Cascade page 268
Anderson v. Stallone page 278

February 14 (Class #11)
topics: Ownership, work for hire doctrine, renewal and termination rights and moral rights.
Assigned cases:
Eldred v. Ashcroft page 297
CCNV v. Reid page 304
Childress v. Taylor page 316
Stewart v. Abend page 325

February 16 (Class #12)
topics: Continuation of class #11.
Assigned cases:
NY Times v. Tasini page 333
Reed v. Muchnick 559 US ____ (2010)
Dastar v. Twentieth Century Fox page 341

February 21 (Class #13)
topics: Infringement.
statute: 17 U.S.C. § 501(a) and (b).
Assigned cases:
Nichols v. Universal Pictures page 360
Computer Associates v. Altai page 364
Apple v. Microsoft page 382

February 23 (Class #14)
topics: Continuation of class #13.
statute: 17 U.S.C. §§ 501(a) and (b).
Assigned cases:
Michael Stillman v. Leo Burnett page 389
Kohus v. Mariol page 396

February 28 (Class #15)
topics: Public access considerations and fair use doctrine.
statute: 17 U.S.C. §§ 107-119, 512(a), 602(a), and 1201-1202.
Assigned cases:
Sony v. Universal City Studios page 415
Cartoon Network v. CSC Holdings 536 Fed 3rd 121 (2nd Cir 2008)
MGM Studios Inc. v. Grokster sup page 49
March 1 (class #16)
topics: Continuation of class #15
statute: 17 U.S.C. §§ 107-119, 512(a), 602(a), and 1201-1202.
Assigned cases:
A & M v. Napster page 444
Suntrust Bank v. Houghton page 456
U.S. v. Elcom page 462
Perfect 10 v. Amazon sup page 67
Golan v. Holder sup page 81 487 Fed 3rd 701 (9th Cir 2007)

March 6 (class #17)
topics: Remedies.
Assigned cases:
Universal v. Ahmed page 494
On Davis v. The Gap page 497
Abend v. MCA page 506
A & M v. Napster page 509
Fogerty v. Fantasy page 510

March 8 (class #18)
topics: The right of publicity and misappropriation.
Assigned cases:
NBA v. Motorola page 527
Comedy III v. Saderup page 538
Dustin Hoffman v. Capital Cities page 549

March 12-18 Spring Recess

March 20 (class #19)

March 22 (class #20)
topics: Subject matter.
Assigned cases:
Diamond v. Chakrabarty page 593
Bilski v. Kappos  sup page 121
In re Nuijten 500 Fed 3rd 1346 (Fed Cir 2007)
AMP v. USPTO sup page 140
Prometheus v. Mayo 628 Fed 3rd 1347 (Fed Cir 2010)

March 27 (class #21)
topics: Utility
Assigned cases:
Brenner v. Manson page 621
In re Fisher 421 Fed 3rd 1365 (Fed Cir 2005)

March 29 (class #22)
topics: Novelty
statute: 35 U.S.C. §§ 102(a), (e), (g) and 104.
Assigned cases:
Gayler v. Wilder page 640
Coffin v. Ogden page 643
Scripps Clinic v. Genentech page 645
In re Cruciferous Sprouts page 649

April 3 (class #23)
topics: Non-obviousness and originality.
Assigned cases:
Graham v. John Deere page 669
Sakraida v. Ag Pro page 677
KSR v. Teleflex sup page 184
In re Kubin sup page 198

April 5 (class #24)
topics: Continuation of class #22.
statute: 35 U.S.C. §§ 103 and 102(f)
Assigned cases:
Stratoflex v. Aeroquip page 679
In re Dillon page 686
In re Bell page 693
Oddzon Products v. Just Toys page 696

April 10 (class #25)
topics: Statutory bars.
statute: 35 U.S.C. §§ 102(b), (c) and (d).
Assigned cases:
Egbert v. Lippmann page 715
Metallizing Engineering v. Kenyon page 717
Pfaff v. Wells page 720
April 12 (class #26)
topics: Trade secrets, Covenants Not to Compete, and Economic Espionage.
Assigned cases:
Dionne v. Southeast Foam page 886
PepsiCo. V. Redmond page 890
Gillette v. Williams page 898

April 17 (class #27)
topics: Continuation of class #25.
Assigned cases:
U.S. v. Lange page 900
Kewanee v. Bicron page 906
Bonito Boats v. Thunder Craft page 914

April 19 – NO CLASS UNLESS NEEDED FOR MAKE-UP CAUSED BY CLASS CANCELATION DUE TO WEATHER RELATED SCHOOL CLOSING

May 7 – Monday – FINAL EXAM – 6:00 PM