PATENT LAW 1(284-001)
GMU SCHOOL OF LAW
COURSE SYLLABUS
INSTRUCTOR: STEPHEN G. KUNIN
(PHILIPPE SIGNORE: SUBSTITUTE)
FALL 2015

ADMINISTRATIVE

Classes will be held on Tuesdays from 8:00 pm to 9:50 pm, with a short break around 9:00 pm. The final exam will be held Wednesday, December 16 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 two or 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 13; THE SCHOOL OBSERVES MONDAY CLASSES ON TUESDAY, OCTOBER 13.

Reading Assignments

August 25 (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: 1-66

September 1 (Class #2)
Topics: Patentable subject matter; natural substances and living things; plant patents.
Text: 67-104

September 8 (Class #3)
Topics: Patentable subject matter (continued); software inventions; business methods; medical procedures; sports methods.
Text: 104-131

September 15 (Class #4)
Topics: Utility; disclosure; enablement.
Text: 133-167.

September 22 (Class #5)
Topics: Enablement (continued); written description; definiteness; best mode.
Text: 395-426

September 29 (Class #6)
Topics: Written Description and Best mode
Text: 426-473

October 6 (Class #7)
Topics: Novelty; section 102(a); section 102(e).

October 13 – No Class

October 20 (Class #8)
Topics: Section 102(f); section 102(g).

October 27 (Class #9)
Topics: AIA novelty and Pre-AIA statutory bars 35 U.S.C. §§ 102(c) and (d)
Text: 193-196, 219-229, 245-248
Read In re Gibbs, 437 F.2d 486 (CCPA 1971); In re Kathawala, 9 F.3d 942 (Fed. Cir. 1993), AIA reversal of Hilmer doctrine; read In re Hilmer, 359 F.2d 859 (CCPA 1966) and In re Lister (219-229).

November 3 (Class #10)
Topics: Statutory bars; section 102(b); public use; on-sale bar; experimental use doctrine.
Text: 196-244. Read Egbert v. Lippmann (196-201); Metalizing Engineering v. Kenyon Bearing (202-208); City of Elizabeth v. American Nicholson (234-247); Pfaff v. Wells (209-218); 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. 2005) See
also the America Invents Act, Section 3 (http://www.bitlaw.com/source/America-Invents-Act/3.html)

**November 10 (Class #11)**
Topics: Nonobviousness.

**November 17 (Class #12)**
Topics: Nonobviousness (continued).

**November 24 (Class #13)**
Topics: Nonobviousness (continued); secondary factors of nonobviousness.
Text: 359-394. Read *In re Papesch* (359-362); *In re Dillon* (362-370); *In re Kubin*, 561 F.3d 1351 (Fed. Cir. 2009) (371-379); *Innovention Toys v. MGA* (380-394)

**December 1 – (Class #14)**
Topics: Claims.
Text: 475-550. Read *Ex parte Fressola* (477-483); *Catalina Marketing v. Coolsavings* (485-492); *Abbott Labs v. Sandoz* (496-505); *Al-Site v. VSI* (506-520); *Aristocrat v. International Game* (521-529); *Orthokinetics v. Safety Travel* (531-536) and *Nautilus v. Biosig Instruments* (537-550). See also *Pfizer Inc. v. Ranbaxy Labs.*, 457 F.3d 1284 (Fed. Cir. 2006)

Final exam: Wednesday, December 16 at 6 p.m.