ADMINISTRATIVE

Professor Philippe Signore
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Class hours/Days of the Week: 6:00 pm – 7:50 pm / Alternating Mondays, Starting August 24th

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 (Dec. 15th). 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 24): Introduction and overview:

*L.A. Gear v. Thom McAn Shoe*, 988 F.2d 1117 (Fed. Cir. 1992)

Class 2 (September 14): 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 21): 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

Prior Art under the America Invents Act (AIA)

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)
  *High Point Design LLC v. Buyer’s Direct, Inc.*, 730 F.3d 1301 (Fed. Cir. 2013)
  MPEP 1504.03 Nonobviousness

Class 4 (October 5): 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)
In re Owens, 710 F.3d 1362 (Fed. Cir. 2013)

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

Double patenting
In re Dembiczak, 175 F.3d 994 (Fed. Cir. 1999)
MPEP 1504.05: Restriction; MPEP 1504.06: Double Patenting

Class 5 (October 19): 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 (November 2): Infringement of a Design Patent (two of two)

Paper outline is due

Defunct Point-of-Novelty Test

Claim construction
Crocs v. ITC, 598 F.3d. 1294 (Fed. Cir. 2010)
Richardson v. Stanley Works, Inc., 597 F.3d 1288 (Fed. Cir. 2010)
Pacific Coast Marine Windshields Ltd. v. Malibu Boats, LLC, 739 F.3d 694 (Fed. Cir. 2014)

Damages

Class 7 (November 9): Miscellaneous topics related to designs, Review

Paper bibliography is due
Patent Law Treaties Implementation (Geneva Act of the Hague Agreement)

Apple v. Samsung Litigation

*Apple, Inc. v. Samsung Electronics Co., Ltd.*, 678 F.3d 1314 (Fed. Cir. 2012)