Welcome to Patent Law I

This course surveys the fundamentals of patent law. We will look at what types of inventions or discoveries fall within the ambit of the Patent Act, including recent hot-button issues such as computer software, biotechnology, and business methods. The balance of the course will be spent studying the specific requirements for patentable subject matter, such as the utility, disclosure, enablement, novelty, and nonobviousness requirements, and the statutory bars of public use, sale, and abandonment. We will cover recent statutory changes, such as the American Invents Act of 2011, as well as several recent patent decisions by the U.S. Supreme Court.

Although patent cases often involve complicated scientific discoveries or technologies, the legal doctrines and policies rarely depend on understanding the underlying science or technology. Accordingly, students with non-technical backgrounds are encouraged to take this course, particularly given that intellectual property assets, such as patents, are increasingly important to commercial clients the world over.

I. LOGISTICS

1. Attendance and Class Preparation

Students are responsible for complying with the law school’s academic regulations regarding attendance and class preparation: http://www.law.gmu.edu/academics/regulations

Note well:

AR 4-1 Class Attendance: Regular and punctual attendance and class preparation are required to earn academic credit.
AR 4-1.1 Absences: If a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.

Attendance will be taken at the beginning of each class. A student may be absent for three classes and still be in compliance with the attendance policy. Anyone showing up more than 25 minutes late will be marked “absent.” If you are tardy and arrive after attendance has been taken, it will be your responsibility to make sure that I mark you “present.”

2. Grade

Your grade is based primarily on the final exam. Since class discussion is important to the learning process, I will also take class participation into account, raising grades for consistent, high-quality participation or lowering grades for chronic lack of preparation or unprofessional conduct. Classroom participation may account for a discretionary, single-increment adjustment either upward or downward (e.g., from B to B+ or from A- to B+).

3. Final Exam

The final exam will consist of essay and short-answer questions. The exam is open book and open note, and you may bring “anything under the sun” written on patent law—though I wouldn’t advise it. When studying for the final exam, I recommend preparing a detailed, comprehensive outline as well as a checklist that lays out the steps you will go through and the issues you will address in answering potential questions on the exam. If you paid attention in class and prepared your own outline and checklist, you should do well on the exam.

4. TWEN

Students are required to register for the class TWEN site. For those who may not have used TWEN yet, go to http://lawschool.westlaw.com, click on the TWEN tab at the top of the page, and then follow the instructions. I will post announcements, updates to the syllabus, and supplemental class materials to the TWEN site. “I forgot to check TWEN” is never a valid excuse.

5. Computer Use

Students may use computers or handheld devices for taking notes. Extraneous computer activities, such as surfing the internet or checking email, are strongly discouraged as they can negatively affect your performance in the class. They are also disruptive to your fellow classmates sitting around you. I expect all students to act professionally and responsibly, taking into account their own needs as well as the needs of others.

6. Office Hours
My office hours are Mondays and Wednesdays from 4:00 – 5:00 PM. My office is located in Hazel Hall, Suite 237, Room 263, which is in the Center for the Protection of Intellectual Property (CPIP) office suite on the second floor. I have an open door policy, and I am in my office most days during regular business hours. Please feel free to stop by whenever you’d like or to make an appointment.

7. Miscellany

Students are not permitted to record lectures without first obtaining my permission. I reserve the right to change this syllabus and anything else discussed herein, with the exception of those policies pertaining to attendance, class participation, and grades.

8. Readings

The required text is Merges & Duffy, *Patent Law & Policy: Cases and Materials* (6th ed. 2013). Additional required readings will either be provided for download on TWEN or cited for you to look up on legal databases (e.g., Westlaw or Lexis). Figuring out which parts of a legal opinion are important is a critical skill for lawyers to develop.

II. READING ASSIGNMENTS

Students are responsible for all assigned class readings, regardless of whether we discuss them in class. If a reading is designated as “skim,” you just need to read it quickly—there’s no need to take scrupulous notes or otherwise be prepared to answer questions about it. “M&D” refers to the Merges & Duffy text, “TWEN” refers to readings that can be downloaded from TWEN, and “CASE” refers to cases that you must look up on your own.

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*CASE: In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999) |