Welcome. The goal of the course is to intersect the world of intellectual property and antitrust. While there might initially appear to be some tension between the two areas, there is a great deal of harmony when properly formulated. Students are expected to come to class prepared and ready to discuss the assigned readings.

Office Hours. Thursdays 2-4 PM & by appointment.

Text. Landes and Posner, The Economic Structure of Intellectual Property Law. All other readings will be made available on TWEN.

Course Requirements and Grading.

Written Assignments. There will be two written assignments. Each assignment is worth 15 percent of your overall grade—for a total of 30 percent. All assignments must be submitted in PDF via TWEN before midnight on the due date. Late submissions will receive zero credit.

Term Paper. The term paper must use economic analysis to analyze an antitrust issue that intersects with intellectual property concepts. It is worth 70 percent of your overall grade. The paper should be 20-30 pages in length. The due date for the preliminary topic and outline is Friday, March 20, 2020. The final paper due date is Friday, May 1, 2020. All assignments must be submitted in PDF via TWEN before midnight on the due date. Late submissions will receive zero credit.

Class Participation. Your grade is subject to a discretionary class participation adjustment of 1/3rd of a grade in either direction.

Tentative Syllabus. We may deviate from the tentative syllabus for reasons including current events, new cases, scheduling, et cetera.

Intellectual Property. I own all course content that is created (e.g., slides), regardless of format (electronic, print, audio, video). You are forbidden to use them with, or distribute them to, anyone other than your classmates in this course.
Class Schedule

1 Economics of Information (January 22)

Required:

Optional:

2 Economic Theory of Property and Intellectual Property (January 29)

Required:
- Landes and Posner, Ch. 1, The Economic Theory of Property
- ProCD v. Zeidenberg, 86 F.3d 1447 (7th Cir 1996)

Optional:

3 Antitrust and Licensing Intellectual Property (February 5)

Required:
- Landes and Posner, Ch. 14, Antitrust and Intellectual Property
- Brulotte v. Thys, 379 U.S. 29 (1964)
- Scheiber v. Dolby Labs, 293 F.3d 1014 (7th Cir. 2002)

Optional:

4 Standard Essential Patents (SEPs) & FTC v. Qualcomm (February 12)

Required:
• FTC v. Qualcomm
  o FTC v. Qualcomm, Case No. 17-CV-00220-LHK, 2019 WL 2206013 (N.D.Cal May 21, 2019).
  o FTC v. Qualcomm, 935 F.3d 752 (9th Cir. 2019)
  o FTC v. Qualcomm: (i) FTC complaint and (ii) Qualcomm’s motion to dismiss.
• Research in Motion v. Motorola, 644 F.Supp. 2d 788 (N.D. Tex. 2008)

5 Tying/Bundling & Price Discrimination (February 19)

Required:
• Dawson Chemical Co. v. Rohm & Haas Co., 448 U.S. 176 (1980)
• Queen City Pizza v. Domino’s Pizza, 124 F.3d 430 (1997)
6 Multi-Sided Platforms & Zero Price Markets (February 26)

Required:
- Times-Picayune Publishing Co. v. United States, 73 S.Ct. 872 (1953)

7 Coordinating Ecosystems, Open v. Closed Systems, & Video Games (March 4)

Required:
- Datel Holdings v. Microsoft, 712 F. Supp. 2d 974 (N.D. Cal. 2010)

8 Sharing Economy & Algorithmic Collusion (March 18)

Required:
- Meyer v. Uber Technologies, 868 F.3d 66 (2nd Cir. 2017)
- United States v. David Topkins (2015), Complaint
Optional:


9 Potential Competition & Killer Acquisitions (March 25)

Required:

- Colleen Cunningham et al., “Killer Acquisitions,” working paper.
- Senate Testimony of Patricia Nakache on Nascent-Potential Competition
- Senate Testimony of John M. Yun on Nascent-Potential Competition

10 “Predatory” Innovation: Is this a thing? (April 1)

Required:

- U.S. v. Microsoft, 253 F.3d 34 (D.C. Cir. 2001)
- California Computer Products v. IBM, 613 F.2d 727 (1979)
- Allied Orthopedic v. Tyco Healthcare, 592 F.3d 991 (9th Cir. 2010)

11 The Economics of Trade Secret Law (April 8)

Required:

- Landes and Posner, Ch. 13, The Economics of Trade Secrecy Law
- E.I. duPont deNemours v. Christopher, 431 F.2d 1012 (5th Cir. 1970)
Optional:

12 Privacy (April 15)

Required:
- Fraley v. Facebook, 830 F.Supp.2d 785 (N.D.Cal 2011)
- White v. Samsung Electronics, 971 F.2d 1395 (9th Cir. 1992), 989 F.2d 1512 (9th Cir. 1993)

Optional:

13 Misuse, Inequitable Conduct, and Piracy (April 22)

Required: