

PATENT LAW MOOT COURT

SYLLABUS

Course Description: This course will require the students to collaborate with a partner to write both an appellee and an appellant brief on a topic related to patent law. The hypothetical case will be developed and provided by the American Intellectual Property Law Association as part of its sponsorship of the Giles Sutherland Rich Memorial Moot Court Competition. The enrolled students will participate in this competition. Please note that the dates of the competition are as follows:

Briefs to be completed and served on or before February 2, 2009.

Regional Competition to be held in Chicago March 20-22, 2009.

National Finals Competition to be held in Washington DC April 22-24, 2009.

PLEASE BE CERTAIN THAT YOU WILL BE PREPARED AND AVAILABLE TO COMPETE ON THOSE DATES IF YOU INTEND TO APPLY TO BE ACCEPTED FOR THIS COURSE.

Course Credit: 3 graded credits. This course does not satisfy the upper level senior writing requirement.

Prerequisites: Patent Law, LARC III, permission from the instructor.

Teaching Objective: Students will combine the skills learned in LARC I, II, and III with the substantive knowledge they have of patent law to produce a well-written and persuasive brief for both the appellant and the appellee of a hypothetical case. Students will hone their oral skills by arguing the case for both sides before tribunals. Students should gain experience in the skills necessary to prepare and argue an appeal before the Court of Appeals for the Federal Circuit.

Mode of Instruction: Prior to beginning to write their briefs, the students will review the information contained in the assigned reading materials with the professor and will also discuss generally the issues involved in the hypothetical with the instructor. Once the briefs have been completed and served, the students will argue the case before panels of mooters consisting of alumni, professors and other students.

Preparation for the competition must comply with the rules of the competition regarding the use of outside assistance. Therefore, although students will be required to prepare outlines and drafts of the briefs, the professor will not be able to review drafts of the briefs prior to the date of service of the briefs.

Course Materials:

1. *Patent Appeals: The Elements of Effective Advocacy in the Federal Circuit*, by Mark Simon Davies, Oxford University Press, 2008. Chapters 1-11 and 14. The library has

one copy Professor Bressler also has a copy of the text. It may not be necessary to purchase the book.

2. **Rules Governing the 2009 Giles Sutherland Rich Memorial Moot Court Competition.** The following URL will take you to the Announcement about the Competition which contains a link to the rules.

http://www.aipla.org/Content/NavigationMenu/Meetings_and_Events/Competition1/Moot_Court_Competition/Moot_Court_Competition.htm

3. **Rules 28 and 32 of the Rules of the U.S. Court of Appeals for the Federal Circuit.**
4. **The Giles Sutherland Rich Memorial Moot Court Competition Hypothetical for 2008-2009.** This hypothetical is supposed to be available “mid-October” at the URL listed in #2 above.

Evaluation: Brief grades will count for 2/3 of the grade for the course.

Oral Argument grades will count for 1/3 of the grade for the course.

Students will be required to schedule a minimum of 8 mooted sessions prior to the regional competition. If the students progress to the national competition, they will be required to schedule an additional 4 mooted sessions prior to the national competition. Student performance in mooted sessions will not be graded. The oral argument grade will be based solely on the students' performances in competition.