

250. Advanced Patent Law Seminar, Spring Semester, 2008 SYLLABUS

General Information:

Wednesdays, 2:30-4:10 p.m.

Room 801

Visiting Assistant Professor Miriam Bitton

Office: TBD.

Office Hours: Mondays, 11 to 3 p.m., and Thursdays, 10 to 1 p.m.

E-mail (best way to reach me for all non-urgent questions, issues, etc.):

TBD@depaul.edu;

In the meantime you may email me at: mbitton@law.berkeley.edu

Office phone: TBD

Grading

Weekly written comments and class participation	25%
Presentation of final paper	25%
Final paper (15-25 pages)	50%

Weekly Comments and Class Participation:

As a seminar, this class depends heavily on (enthusiastic!) class participation by everyone. This, in turn, depends heavily on everyone having completed the reading assignment for each week, unless otherwise excused. Each week, you will also be required to draft a single, concise, one-page comment addressing one topic or theme pertaining to that week's readings. The topic of your comment may be one suggested with each week's readings or may be one of your own choosing. The comments will be graded according to the depth of their analytical content, the extent to which they address the themes and theses of each week's readings, and their relevance to patent law. The comments are due by Monday of each week at 9 a.m. They should be sent via email to me.

Final Paper and Presentation:

As we now appear to have 15 students in the seminar, we will spend the last five weeks of the semester allowing three to four students per week to present and discuss their final paper. (Obviously, only the first hour of our final week of the seminar will be used for our last student presentation. For the second hour of that final week, we can then dismiss you all early to go work on your papers and prepare for exams) While your final paper need not be completed or even drafted by the date of your presentation, you should have a fairly complete idea of what you will say in your paper and on what resources you will be relying. These presentations will not only provide part of your grade but will also provide you with helpful feedback for your final paper, so you will be well-served to plan yours carefully.

Be thinking of a topic for your final papers over the next few weeks or feel free to choose a topic from the suggested list that is hereby enclosed. Each of you should then make an appointment with me to discuss your paper topic and to have it approved by me. The earlier you pick your paper topic the better, but in all events, all topics must be discussed with and approved by me no later than Friday, February 8th. The first three presentations will be on March 26, and the last will be on April 23. We will arrange who will present on which date either by having you volunteer for a particular date or by lottery.

The week before your presentation, you will be asked to distribute a concise set of readings selected to supply an informative background to your presentation. You should also draft a couple of questions or topics for the readings you have chosen, to which your classmates may then respond or devise comment topics of their own. During your presentations, you will be expected to have prepared visual aids (preferably in PowerPoint format) that help illustrate the substance of your paper. Each presentation should be half an hour in length, with the first fifteen-twenty minutes devoted to your own discussion of your paper. The subsequent ten to fifteen minutes will then be opened up for your classmates' comments and questions.

Class Schedule:

Date	Tentative Topics
<p>January 16</p>	<p>Subject Matter Eligibility Developments: Is Everything Patentable? Reading assignments for the first week of class (materials enclosed):</p> <ol style="list-style-type: none"> 1. Michael Risch, “<i>Everything is Patentable</i>” (work-in-progress, 2007); 2. Thomas F. Cotter, “<i>A Burkean Perspective on Patent Eligibility,</i>” 22 Berkeley Tech. L. J. 855 (2007); 3. <i>Laboratory Corp. v. Metabolite Laboratories, Inc.</i>, 126 S. Ct. 2921 (2006); 4. <i>In re Comiskey</i>, 499 F.3d 1365 (Fed. Cir. 2007); 5. <i>In re Nuijten</i>, 500 F.3d 1346 (Fed. Cir. 2007) <p>Think about the following questions while reading the materials:</p> <ul style="list-style-type: none"> • Is everything patentable under the current Federal Circuit’s standards?; • Why and should we have subject matter eligibility thresholds? Do Risch’s and

Date	Tentative Topics
	Cotter's proposals make sense in this regard? <ul style="list-style-type: none"> • Do <i>Comiskey</i> and <i>Nuijten</i> create some clarity regarding <i>State Street Bank's</i> legacy?; Do they resurrect some subject matter eligibility gatekeepers?
January 23	TBD
January 30	TBD
February 6	TBD
February 13	TBD
February 20	TBD
February 27	TBD
March 5	TBD
March 12	TBD
March 19	NO CLASS – SPRING BREAK
March 26	Students presentations
April 2	Students presentations
April 9	Students presentations
April 16	Students presentations
April 23	Students presentations