

**Syllabus**  
**PATENT LAW -- SPRING 2009**  
**Adjunct Professor Edward D. Manzo**

Course #447, Section 401 Three credits Mondays 5:50PM – 8:30PM Classes -- Room 903 Lewis Center	Office: none <a href="mailto:emanzo@comcast.net">emanzo@comcast.net</a> ; <a href="mailto:emanzo@cookalex.com">emanzo@cookalex.com</a> 312-236-8500 Office hours by email arrangement
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This course is an introduction to patent law appropriate for students intending to practice intellectual property law and for those preparing for a more general practice. Patent law is a fascinating legal topic because of its combination of statutory and common law elements, its international aspects, and the thorny issues that accompany attempts to match the evolution of the law with the evolution of technology. Because of the importance of intellectual property assets and of technology in general, a basic familiarity with patent law is useful in virtually any commercial practice.

This course focuses primarily on substantive patent law, including the law governing patentability and the law concerned with enforcing patent rights. A basic introduction to the United States patent system and the respective roles of the US Patent and Trademark Office and the courts will also be given.

**Professor Contact Information and Office Hours**

**Note on communicating with me about the class:** You are encouraged to make use of email and the period following class to obtain help. I'm also happy to schedule other times to meet. Email is the best way to schedule appointments or to ask quick questions.

**Course Materials**

Merges & Duffy: *Patent Law and Policy: Cases and Materials*, 4th Ed. (LexisNexis 2007). This is the primary casebook for the class.

Selected Statute Book (optional): This is a very useful statutory supplement for IP in general.

**Course Requirements and Assignments**

**1. Reading.** Required reading must be completed prior to class. Reading assignments will primarily be taken from the casebook. There will also be occasional reading assignments from class handouts or materials posted online. Assigned reading includes relevant statutory portions, related portions of the casebook supplement, pattern jury instructions, and recent caselaw. The US Patent and Trademark Office website -- [www.uspto.gov](http://www.uspto.gov) -- is a great source for statutes, regulations, issued patents and more! You might also like to look at the "Patently-O" patent blog, which provides useful updates on current patent law topics.

**Updates to the reading assignments will be posted on Blackboard by Thursday of each week so check regularly!**

2. **Blackboard.** Every student enrolled in the class should have access to the course Blackboard site. Course handouts, updated reading assignments, and other important materials will be posted on the site. I will also send email to the class using the Blackboard site, so be sure that it has your correct email address.

3. **Class Participation Credit.** I expect to have an interactive class and plan to call upon students to participate in discussions. Each student is expected to attend regularly and to participate a minimum of 5 times during the semester to receive any participation credit. This is a minimum designed to help you motivate yourself to participate. Credit will be given for more participation and for especially insightful participation. The ability to assert yourself and to make sure that you understand what you are being told is essential to the practice of law. At the end of the semester, each student will complete an “affidavit of participation” attesting to the approximate number of times he or she volunteered in class. Students are also expected to complete any assigned non-graded assignments and to prepare any problems or exercises found within the assigned readings for each class.

4. **Grading.** Course grades will be based primarily on the final examination, with grade increases or decreases for class participation or lack thereof. The format of the final exam is not yet decided but very probably will include extensive short-answer questions and perhaps one short essay that will count for no more than 30% of the grade.

5. **Class Schedule.** Class meets on Mondays evenings 5:50 pm to 8:30 pm.

**Outline:**

1. January 12: Introduction to Patents; claim drafting exercises
  - Please **DO NOT MISS** the overview I will present on the major provisions of patent law, along with a quick review of other intellectual property law.
  - Read the recently-approved (2008) pattern jury instructions for patent cases, available on the CA7 website at [http://www.ca7.uscourts.gov/Pattern\\_Jury\\_Instr/patent\\_final.pdf](http://www.ca7.uscourts.gov/Pattern_Jury_Instr/patent_final.pdf)
  - From text (Merges & Duffy), read and do exercises at pages 26-35 (“Patent Claim Drafting Exercises”) and prepare (in writing) a short set of patent claims for the pencil.
2. January 19 – Martin Luther King Day: Subject Matter Eligibility,
  - Read pp 67-98, 130-164.
3. January 26: Read all opinions in *In re Bislki*, (Fed. Cir. 2008) (*en banc*).
4. Feb. 2 (Groundhog Day): 101 Utility, Written description, enablement

5. Feb 9: Claim definiteness-112-2
6. Feb. 16 – President’s Day: 112-6 means claims
7. Feb. 23: Novelty – 102a anticipation
8. March 2: 102b publications, public use, on sale
9. March 9: Experimental use exception, 102e, 102f, 102g
10. March 16: Obviousness
  - Secondary considerations
  - Scope and content
- March 23: no class during Spring Break
11. March 30: claim interpretation, literal infringement – direct
12. April 6: Induced + contributory infringement
13. April 13: Equivalents, Reverse equivalents, file wrapper estoppel
14. April 20: Equivalents, Reverse equivalents, file wrapper estoppel, ctd.
15. April 27: Design patents
16. May 4: Remedies -- Damages, injunctions, willful infringement

**May 11 – FINAL EXAM at 6:00 p.m.**