

**Senior Research Seminar in Advanced Concepts in Patent Law**  
**Syllabus Spring 2009**  
**Professor Katherine J. Strandburg**

**Course Description.** This seminar will introduce students to various advanced concepts in patent law and theory. Students will study current papers by selected patent law scholars and then will engage in dialogue with those scholars, who will visit the law school to address the seminar. Students will also write their own scholarly papers and comment on papers written by others.

**Course Organization.** The seminar will consist of two parts:

**1. Colloquium Presentations.** The first part will focus on presentations by invited patent or intellectual property law scholars. Each visitor will present an article which he or she has published or intends to publish. The week before each presentation, most of the class period will be spent discussing the article to prepare for the author's visit. Specific students will be assigned to lead discussion for each presentation. Those students will meet with the professor sometime during the week before the discussion to prepare. After the class discussion, the discussion group will prepare a list of questions for the speaker and distribute them to the class. The questions should provide a springboard for student participation during the speaker's visit. Following the speaker's visit, the list of questions will be provided to the speaker.

**2. Seminar Paper.** The second part of the course, which will happen concurrently with the first, requires that each student prepare a law-review-style paper on a current topic in patent law which he or she will select with guidance from the professor. Papers and briefs will be expected to meet senior seminar standards, to be a minimum of 30 pages long (double-spaced, exclusive of footnotes), and to be of law review quality. Several intermediate steps, detailed below, will lead up to the final paper or brief. Each student will also serve as a "reader" for another student and provide that student with detailed comments on his or her draft. A schedule of deadlines and presentations is attached.

**Course Meetings, Office Hours, etc.** The course meets every Thursday from 4:00 – 5:40 pm with three exceptions: The weeks of 1/29 and 4/9 are release weeks for working on the papers. Individual meetings with the professor may be arranged during those weeks if students desire. During the week of 3/5 all students will meet with the professor individually. Appointments to meet at other times may be arranged by email.

**Blackboard.** The course syllabus and assignments, course announcements, and the assigned articles will be posted on Blackboard. Students are expected to consult Blackboard weekly.

**Textbooks.** Textbook for the course is:  
Volokh, Academic Legal Writing (required)

**Grading.** Grades will be based 70% on the final paper and 30% on class participation and other assignments. Attendance at all class sessions and at scheduled meetings with the professor is required. Absences will result in reduction of participation credit. Excessive absences may result in failure. Assignments are due as detailed below. Extensions of time will not be given except in extreme circumstances. Late graded assignments will result in a reduction of the grade for that assignment by 30% for each day by which the assignment is late. Ungraded assignments, such as topic proposals and drafts, will not be accepted late. Students will have to proceed without feedback on those assignments if they do not turn them in on time. Because feedback is very important in producing a good final product, students should turn in ungraded assignments on time!

**Format and Assignments:** Except as otherwise instructed, all assignments are due to the professor by email by midnight on the due date. File names must begin with the student's last name and clearly indicate the assignment, e.g., SmithFirstDraft.doc.

**A. Student-led Discussions.** Prior to each speaker's visit, a group of students will be assigned to lead a discussion about his or her article. The group should prepare a short (15-20 minute) presentation as a springboard for class discussion of the paper. Group members will meet with me a few days before their presentations to discuss how they intend to organize the discussion. Students are encouraged to consult background materials, overview articles cited by the speaker, and so forth in preparing to lead class discussion. You may prepare handouts and use the board if you wish, but **may not use Powerpoint**. During the discussion, bring out any possible criticisms of or questions about the paper that you can think of. Be creative with ideas for promoting discussion. You can organize students into groups, give hypotheticals, relate the paper to current issues and so forth. After the discussion, the group should prepare a list of questions for the speaker to be distributed to the class. The questions should serve as a springboard for class participation during the speaker's visit and will be forwarded to the speaker following the visit.

**Grade percentage: 10% for leading and participating in discussions**

**B. Background Papers.** Each student must complete a background paper relating to his or her paper topic. The background paper will provide a foundation for the major paper and may be adapted for use in the introductory section of that paper. The background paper should be 8-10 pages long (double-spaced, 12 point font). The background paper should review both case law and scholarly literature relevant to your topic. Background papers are due on 2/12 and will be returned with comments on 2/19.

**Grade percentage: 10% for background paper.**

**C. Major Papers.** Each student will complete a major paper on a topic related to patent law. A paper should provide an in-depth analysis of a particular problem, giving historical background, explaining the current state of the relevant law and policy, and proposing a solution. Proposed solutions may combine common law, statutory, and regulatory elements. Any deviation from this general format must be approved in advance. Papers should be written in objective, scholarly style for an audience of scholars (rather than an audience of practitioners). They should address a issues of legal

policy from the perspective of what is best for society rather than focus on optimal strategy for representing particular clients.

Papers must be typed in 12-point Times New Roman font. The first and final drafts of papers and briefs must be at least 30 pages in length, double spaced, exclusive of footnotes. Paragraphs should be indented (do not skip lines). Single space headings and indent block quotations. All written work must be proofread and citations must conform to proper Bluebook format for law review articles. Papers should be completed in the following steps:

**1. Topic Proposal (1-3 pages):** Due on 1/22. Returned on 1/29 with comments.

**2. Statement of Thesis or Summary of Argument:** To be brought to meeting with professor during week of 3/5.

**3. First Draft:** Due to professor and exchanged with reader on 3/30. Returned with comments on 4/6.

**4. Final paper or brief:** Final papers will be due by email to the professor and in hard copy at 5 pm on May 14. Extensions of time will not be given except in extreme circumstances. Late papers will result in a reduction of the paper grade by 30% per day late.

**Grade percentage: 70%. Topic proposals, thesis statements, and drafts will not be graded and will not be accepted late.**

**D. Paper Critiques.** Each student will be responsible for preparing written comments on the draft paper of at least one other student. These written comments will be returned to the author of the draft and handed in to the professor. Comments must be typed. They may be typed directly into the draft document or in a separate document. Comments must be clearly differentiated from the paper itself. (For example, by using the Track Changes feature in Microsoft Word.) Comments should be thorough and detailed and should be written in a courteous but critical scholarly tone that will be helpful to the student receiving them. **First drafts will be exchanged on 3/30. Paper critiques are due to the paper author and to the professor on 4/6.**

**Grade percentage: 10% for paper critiques.**

## Seminar Schedule

**Week One** (1/15): Introduction to seminar and review of syllabus. Discussion of Prof. Seymore's paper lead by Prof. Strandburg

Reading Assignment:

Prof. Sean Seymore's Article (on Blackboard)

Volokh, Chapter I.A,E; II.A,B,C

**Sign-ups for groups to lead discussions**

**Week Two** (1/22): Speaker: Prof. Sean Seymore

**Topic Proposal due**

**Week Three** (1/29): NO CLASS

**Topic Proposal returned with comments**

**Week Four** (2/5): Discussion of Prof. Schwartz's paper

Reading Assignment:

Prof. David Schwartz's paper (on Blackboard)

Volokh: Chapter I.B, D

**Week Five** (2/12): Speaker: Prof. David Schwartz

**Background paper due**

**Week Six** (2/19): Discussion of Prof. Burk's paper

Reading Assignment:

Prof. Dan Burk's paper

Volokh: Chapter IV, V, VIII

**Background paper returned with comments**

**Week Seven** (2/26): Speaker: Prof. Dan Burk

**Week Eight** (3/5): NO CLASS:

**Individual Meetings with Professor regarding papers.**

**Statement of Thesis to be brought to meeting for discussion**

**Week Nine** (3/12): Discussion of Prof. Fromer's paper and Prof. Nelson's paper

Reading Assignment:

Prof. Jeanne Fromer's paper

Prof. Andrew Nelson's paper

**Week Ten** (3/19): Speaker: Prof. Jeanne Fromer

**Week Eleven** (3/26): **SPRING BREAK!**

**Paper drafts due to professor and reader(s) on Monday, March 30**

**Week Twelve (4/2):** Speaker: Prof. Andrew Nelson  
**Drafts returned with comments from professor and readers by Monday, April 6**

**Week Thirteen (4/9): NO CLASS**

**Week Fourteen (4/16):** Discussion of Prof. Sprigman's paper  
Reading Assignment:  
Prof. Christopher Sprigman's paper

**Week Fifteen (4/23):** Speaker: Prof. Christopher Sprigman

**FINAL PAPERS DUE ON MAY 14 BY 5PM BY EMAIL AND IN HARD COPY**

**Statement Regarding Academic Integrity.** Academic integrity entails absolute honesty in one's intellectual efforts. The *DePaul Student Handbook* details the facets and ramifications of academic integrity violations, but you should be especially aware of the policies on cheating and plagiarism. Cheating is any action that violates University norms or an instructor's guidelines for the preparation and submission of assignments. Such actions may include using or providing unauthorized assistance or materials on course assignments, or possessing unauthorized materials during an examination. Plagiarism involves the representation of another's work as your own, for example: (a) submitting as one's own any material that is copied from published or unpublished sources such as the Internet, print, computer files, audio disks, video programs or musical scores without proper acknowledgement that it is someone else's; (b) paraphrasing another's views, opinions or insights without proper acknowledgement or copying of any source in whole or in part with only minor changes in wording or syntax even with acknowledgement; (c) submitting as one's own work a report, examination, paper, computer file, lab report or other assignment which has been prepared by someone else. If you are unsure about what constitutes unauthorized help on an exam or assignment, or what information requires citation and/or attribution, please ask your instructor. Violations may result in the failure of the assignment, failure of the course, and/or additional disciplinary actions.