

COURSE SYLLABUS

Faculty: **Professors Sharon Sandeen**

Course: **Intellectual Property Law**

Semester: **Fall 2010**

Meeting Schedule: Mondays 1:00 to 2:50 and Wednesday 2:00 to 2:50

Room: 100

Textbook	Primary Text	Primary Text	Recommended not required
Author	Merges, Menell, and Lemley	Schechter	
Title and edition of text	Intellectual Property in the New Technological Age (5 th ed.) ("The Casebook")	Selected Intellectual Property and Unfair Competition Statutes, Regulations and Treaties ("The Statutory Supplement")	
Publisher/year	Aspen 2010	West 2009 or 2010	
ISBN	9780735589131	9780314921741 or 9780314907080	

Learning Outcomes for the Course:

This course is a survey course that will provide you with a basic understanding of patent, copyright, trademark, and trade secret law. You do not need a scientific background to succeed in this class, nor do you have to want to specialize in

intellectual property law in the future. Because intellectual property touches on many aspects of life, having a rudimentary knowledge of the subject is of great value to those who wish to specialize in many subjects, including business law, employment law, entertainment law, international law, and criminal law.

At the conclusion of this course, you should be able to (and will be tested on your ability to):

1. Articulate the applicable source, scope, and limitations of the four core IP disciplines: patent, copyright, trademark, and trade secret law;
2. Identify and apply the essential elements of a cause of action for patent infringement, copyright infringement, trademark infringement, and trade secret misappropriation;
3. Identify and apply the strategies and major defenses that a defendant might assert in response to each the foregoing causes of action;
4. Articulate the difference between attacking the plaintiff's *prima facie case* and asserting an affirmative defense;
5. Articulate the scope of remedies that are available for each of the above-described causes of action;
6. Read and interpret statutory materials.

Course Expectations:

HUSL Policies on attendance, lateness and preparation

The program of instruction at the School of Law is based on an active and informed exchange between instructor and student and between student and student. Regular, prepared class attendance helps develop skills essential to the competent practice of law. A student who violates the attendance policy, including the instructor's specification of class expectations described below, may lose his or her right to take the exam in the course, to receive course credit or may receive other penalties described below and in Academic Rule 108. Persistent or frequent lateness or unpreparedness may also be the basis for reduction of the grade awarded in a course. See Academic Rule 108 for further details.

Attendance Policies in this Course

You are expected to attend all class sessions, be prepared to discuss the assigned reading, and participate in all classroom exercises. Attendance is taken by passing around a class

roster that each student in attendance is required to initial in their own handwriting. You are not allowed to sign-in for a classmate and you should not sign-in if you are late. Attendance is for the full class session: do not plan to leave early without prior approval.

There are no excused absences. Rather, in light of the fact that students may become ill or have other unexpected emergencies that prevent them from attending class, each student can miss up to three class sessions without penalty. If you miss or are late to more than three class sessions, your final grade may be reduced at the discretion of the Professor. If you miss or are late to more than four class sessions, your final grade will be reduced. If you miss or are late to more than five class sessions, you will be reported to the Associated Dean for Student and Multicultural Affairs and may be expelled from the class.

Punctuality/Preparation Policies in this Course

All students are expected to be prepared for class and otherwise to act in the classroom as they are expected to act in a court of law: as professionals.

You must be punctual: There is a saying that ninety-percent of success is just showing up. In the practice of law, you have to show up on time. You never want to keep a judge, a legislator, a client, or a colleague waiting if you can possibly help it. Being a professional and respected lawyer means planning your schedule so you are never (or rarely) late. This means you need to plan for unexpected contingencies such as traffic, road closures, weather delays, flat tires, and sick family members.

You must be prepared and attentive: Pay attention in class, listen carefully to the Professor and your fellow classmates, and be prepared to participate when called upon. You will not be graded or judged based upon what you say, but your failure to participate in classroom discussions, particularly when you are called upon, can count against you in the final grading.

You must be respectful: There is no such thing as a stupid question in law school, particularly during your first year of law school. We each have our own experiences and perspectives about the world, and if we listen carefully, we can learn a lot from the perspectives of others. For this reason, everyone is encouraged to share their perspectives and they are expected to be respectful of the perspectives of others.

Do not be afraid to speak up: Law is an advocacy profession. To present your client's case, you must be heard. One of your classroom responsibilities is to speak loudly enough for all to hear you. That may take practice for some of you. You are welcome to let people know when you cannot hear them. If you cannot speak loudly enough while seated, you will be asked to stand.

You must bring your books to class: Intellectual Property Law in the United States

is defined primarily by federal and state statutes. Thus, we will be reading provisions of the statutory supplement on frequent and numerous occasions and, thus, it is absolutely necessary for you to bring the statutory supplement to class every time we meet.

Policy on Laptop Use in Class:

Recent studies on human cognition have demonstrated that humans learn better when they are not distracted by electronics. It has also been shown that in order to remember what they have been taught, it is important for students to transfer what they have learned from their short-term to long-term memories. Thus, in order to improve your learning and the learning experience for all students in the classroom, it is suggested that you not use your laptop. Instead of a laptop, it is recommended that you take hand-written notes and that you maintain and bring your case briefs to class in hard-copy form. The hard-copy version of notes and case briefs can then be used by you to create and regularly update an electronic outline. In this way, you will be transferring the information you learned in class and during your reading of cases from your short-term to long-term memories.

If you choose to use your laptop, you are only allowed to use it for word processing purposes to take notes and to review your case briefs and other case materials. The use of laptops and other electronic devices (e.g., pagers, music players, and cellular phones) in a manner that is not conducive to a professional atmosphere and that detracts from the learning experience is prohibited. The in-class use of electronic devices for purposes of text-messaging, reviewing and sending e-mail, playing games, and viewing obscene or offensive material is strictly forbidden.

Other Classroom Policies:

A seating chart of the class will be prepared after the second class session. Please sit in the same seat throughout the semester.

The Professor will make written comments on the mid-term so that students can obtain formative feedback. Once the mid-term exams are graded, each student should obtain his or her exam and review it carefully. All students are encouraged to meet with the Professor to discuss their mid-term exams. If a student receives a score of less than 80 (out of 100 points) on the midterm they are required to meet with the Professor to discuss ways to improve their performance. Sign-up sheets will be available.

The final exam may cover all of the materials studied in the course. One of the two final essay exams will require students to advise a hypothetical client in how best to protect their IP. Although the fact pattern may suggest that one or two forms of IP are primarily implicated, all four of the forms of IP that are covered in the course must be discussed.

Grading Components

<i>Final examination:</i>	Two Essays/In-classroom exam/one hour each
Date/Time:	Self-scheduled.
Requirements:	Covering all materials through the end of course.
Component(s) of your grade:	Up to 60 out of 100 points
<i>Mid-term exam or quizzes</i>	24-hour take-home in the style of an essay exam.
Dates/Times:	A date in October TBA
Requirements:	The exam answers should be submitted in type-written form, limited to 1250 words maximum.
Component(s) of your grade:	Up to 25 of 100 points
<i>Written Assignments:</i>	Various in-class exercises
Dates/Times:	TBA
Requirements:	TBA
Component(s) of your grade:	Attendance, participation, and written assignments are worth up to 15 of 100 points
<i>Oral Presentation(s)</i>	Possible as part of written assignments TBA.
Dates/Times:	
Requirements:	
Component(s) of your grade:	
<i>Participation/Other Grade Components</i>	
Requirements:	See discussion of class participation above.
Component(s) of your grade	Active participation on a regular basis may be used to bump a student's grade up a half grade, particularly if they are on the margin. Lack of participation and attendance problems will result in students who are on the margin not being bumped up or being bumped down half a grade.

Reading assignments: (Note the following reading assignments for sessions 1

through 4 are based upon the Revised Fourth Edition of the Casebook. This syllabus and the reading assignments will be updated and completed at a later time to reflect the new page numbering of the Fifth Edition.)

Class session 1: August 23, 2010

Topic: Introduction and Overview

Read: Casebook pp. 1-31

Questions to Ponder: Why do we have intellectual property rights? What is the source of IP rights? Are IP rights the same as real and personal property rights?

Class session 2: August 25, 2010

Topic: The Scope and Limits of Trade Secret Protection

Read: Casebook pp. 33-62 and the Uniform Trade Secrets Act

Class session 3: August 30, 2010

Topic: Trade Secret Misappropriation

Read: Casebook pp. 62-98

Class session 4: September 1, 2010

Topic: The Reasonable Efforts Requirement

Lab Exercise #1: Developing a Trade Secret Protection Plan

Read: Casebook pp. 99-104

LABOR DAY HOLIDAY: September 6, 2010

Class session 5: September 8, 2010

Casebook pp.

Class session 6: September 13, 2010

Casebook pp.

Class session 7: September 16, 2010

Casebook pp.

Class session 8: September 20, 2010

Casebook pp.

Class session 9: September 23, 2010

Casebook pp.

Class session 10: September 27, 2010

Casebook pp.

Class session 11: September 29, 2010

Casebook pp.

Class session 12: October 4, 2010

Casebook pp.

Class session 13: October 6, 2010

Casebook pp.

Class session 14: October 11, 2010

Casebook pp.

Class session 15: October 13, 2010

Casebook pp.

Class session 16: October 18, 2010

Casebook pp.

Class session 17: October 20, 2010

Casebook pp.

MID-TERM BREAK: October 21 through October 24, 2010

Class session 18: October 25, 2010

Casebook pp.

Class session 19: October 27, 2010

Casebook pp.

Class session 20: November 1, 2010

Casebook pp.

Class session 21: November 3, 2010

Casebook pp.

Class session 22: November 8, 2010

Casebook pp.

Class session 23: November 10, 2010

Casebook pp.

Class session 24: November 15, 2010

Casebook pp.

Class session 25: November 17, 2010

Casebook pp.

Class session 26: November 22, 2010

Casebook pp.

THANKSGIVING BREAK: November 24 through November 28, 2010

Class session 27: November 29, 2010

Casebook pp.

Class session 28: December 1, 2010
Review Session