

IP Survey

Fall 2010, Prof. Michael Risch

Prerequisites

There are no prerequisites for this class, nor do you need any special understanding of technology.

Class Days and Office Hours

Class will meet Tuesdays and Thursdays from 3:00-4:15. We will not meet on Oct. 12, and perhaps other days. I will schedule makeups.

My office hours are 1:30-3:00 on Tuesdays, plus any other time that we might schedule in advance. Additionally, if I am in my office with the door open, please feel free to come in and talk. You may contact me at risch@law.villanova.edu.

Class Goals

You will have a basic understanding of:

1. Trade secret law;
2. Patent law;
3. Copyright law;
4. Trademark law; and
5. How each IP regime interacts with the others.

Books and Materials

Unless otherwise noted, all page numbers refer to Merges, Menell, and Lemley, *Intellectual Property in the Technological Age*, 5th edition. I do not recommend that you buy a used 4th edition. You should also buy the latest statutory supplement for the book.

The course website is:

<http://www.casesofinterest.com/tiki/IP+Survey+Fall+2010>

You should register at the website, as you will need a registration to fulfill your writing requirement.

You can access the page via the course's Blackboard page as well. The course page includes this syllabus and associated information, and may contain additional materials in the future.

Finally, we will be using TurningPoint devices ("clickers") during the course.

Writing Requirement

A total of four percent (4%) of your grade will be from short written case briefs. Please see the "Writing Requirement" web page at casesofinterest.com for more discussion:

<http://www.casesofinterest.com/tiki/Writing+Requirement>

Class Participation and Attendance

Three percent (3%) of your grade will be based on class participation, with an emphasis on quality over quantity. Short class exercises may be assigned, and they are mandatory but not graded; instead, they will be included in your class participation grade. Please see the “Class Participation and Policy” web page at casesofinterest.com for more discussion.

Your attendance and participation in class is required, and is critical to your learning the material in the assigned readings. Class attendance will not be graded *per se*, but excessive absences may lead to reduction in grades. See the “Class Participation and Policy” document at casesofinterest.com for more information:

<http://www.casesofinterest.com/tiki/Class+Participation+and+Policy>

Final Exam

The final exam will be an eight-hour take home with a word limit. It will be 93% of your grade.

Reading Assignments

All reading assignments include the applicable statute unless advised otherwise.

1. Logistics; Introduction to IP: 1-31
2. Trade Secrets - Definition: 33-65
3. Trade Secrets – Misappropriation: 66-84
4. Trade Secrets – Agreements: 85-91, 107-111
5. Patents – Intro and Subject matter: 130-146, Bilski majority opinion, 161-166 (optional background 125-130, Bilski concurrences)
6. Patents – Utility: 166-180
7. Patents – Description: 180-203 (optional background: Michael Risch, A Brief Defense of the Written Description Requirement, 119 Yale L.J. Online 127 (2010), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1504631)
8. Patents – Novelty and Bars: 209-226
9. Patents – Obviousness: 235-256
10. Patents – Claim Construction: 267-294
11. Patents – Infringement: 294-322
12. Patents – Contributory Infringement: 334-343
13. Copyright – Intro and Requirements: 411-435
14. Copyright – Subject Matter: 441-463
15. Copyright – Subject Matter: 463-473, 478-497
16. Copyright – Copying: 518-538
17. Copyright – Copying, Derivative Works: 538-567
18. Copyright – Distribution and Performance, Secondary Liability: 567-592 (skim Grokster, 684-697)
19. Copyright – Fair Use I: 592-622
20. Copyright – Fair Use II: 635-641, 650-666
21. Trademark – Intro and Subject Matter: 733-764
22. Trademark – Distinctiveness, Priority: 764-786, 793-796

23. Trademark – Infringement: 816-838
24. Trademark – Dilution: 838-859
25. Trademark – Defenses I: 890-919
26. Trademark – Defenses II: 925-942
27. Remedies: 111-119, 377-393, 722-732, 947-959 (skim all, understand different remedies)
28. Summary/Catch-up day: No new reading

Unless otherwise noted or discussed in class, each assignment applies to each class session, even if we haven't finished discussing the last assignment in class. You are, of course, free to read unassigned materials, and those materials may help your understanding of the topics we are studying.