

Patent Law

Fall 2008, Prof. Michael Risch

Prerequisites

There are no prerequisites for this class. You do not need a science degree, nor do you need to be interested in taking the Patent Bar to enjoy or learn in this class. You do, however, have to be willing to learn about new areas of technology (simplified). Many students did very well (and got A's) without a science degree last year.

Class Days and Office Hours

Class will meet Mondays and Wednesdays from 10:00-11:15. We will not meet on 9/1.

Books and Materials

Unless otherwise noted, all page numbers refer to Merges & Duffy, **4th** edition.

You will also need a statutory supplement. I have ordered the supplement that comes with Merges, Menell & Lemley (the same supplement used by Professor Olson in his Intellectual Property Class) but you may use any other patent statutory supplement - even the patent statute directly from the U.S. Patent & Trademark Office, located at http://www.uspto.gov/web/offices/pac/mpep/consolidated_laws.pdf

If you use the Merges, Menell & Lemley supplement, I highly recommend that you read the introductions to computers and biotechnology.

The course website is:

<http://www.casesofinterest.com/tiki/tiki-index.php?page=Patent+Law+Fall+2008>

You can access the page via the course's TWEN 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 PRS devices ("clickers") during the course. Please see Keith Walton in the Library or Room 225 to obtain and register your clicker.

Reading Assignments

Unless otherwise noted, all section references are to the Patent Act, 35 U.S.C. §101 *et seq.*

1. *Introduction to Patents and Claims*, Kewanee v. Bicron (separate handout, available on web page); pp. 14-35, 49-55; Background pp. 1-13 (not required, but may be helpful)
2. *Utility I*, pp. 207-218 note 1, 220 (note 1 only); §101; U.S. Const., Art. 1, Sec. 8, cl. 8; Required exercise: draft pencil claims as discussed on p. 35, bring to class, and be prepared to discuss
3. *Utility II*, pp. 222-238, 240-250
4. *Enablement I*, pp. 257-272 ; §112

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 patent law.