

LAW 442A - Intellectual Property Syllabus

When and Where: Tuesday, 6:40 – 9:50pm. Location TBD.

Learning Outcomes: This course is intended to provide an overview of current intellectual property law and practice, including patents, trade secrets, trademarks, and copyrights, via an analysis of the relevant case law and application of that case law in conjunction with the United States Code.

Text: *Intellectual Property, Cases and Materials*, Fourth Edition, by David Lange, M. LaFrance, G. Meyers, and L.A. Lockridge. The following resources will also be useful:

- The Manual of Patent Examining Procedure (MPEP), available online at <https://www.uspto.gov/web/offices/pac/mpep/index.html>
- The Manual of Trademark Examining Procedure (TMEP), available online at <https://tmepp.uspto.gov/RDMS/TMEP/current>
- The Compendium of U.S. Copyright Office Practices, Third Edition, available online at <https://www.copyright.gov/comp3/comp-index.html>

Homework and Participation: This will be a discussion-based course. As required by ABA Standard 310, it is expected that you will devote at least six hours, on average, to preparation outside of this three unit class.

Grading and Final Exam: Grading for the course will be based on a final exam (100%). The final exam will be three hours. Date and location of the final exam TBD.

Contact: Pat Richey, pat.richey@live.com

Week 1 (January 16, 2018)

- Introductions and Course Overview
- What is Intellectual Property?
 - Chapter 2, pp. 32 – 38
 - Chapter 9, pp. 372 – 391
 - Chapter 11, pp. 440 – 443
 - Chapter 16, p. 887
- Justifications for IP
 - Chapter 1, pp. 2 – 31

Week 2 (January 23, 2018)

- Trade Secrets
 - Chapter 9, pp. 373 – 413
 - Chapter 10, pp. 414 – 439

Week 3 (January 30, 2018)

- Legal Standards for Copyrights
 - Chapter 15, pp. 732 – 741
- Eligible Subject Matter
 - Chapter 16, pp. 742 – 886
 - Read pp. 742 – 748
 - Read pp. 764 – 787
 - Read pp. 834 – 852
 - Read pp. 870 – 886

Week 4 (February 6, 2018)

- Ownership and Duration
 - Chapter 17, Sections A and B, pp. 887 – 954

Week 5 (February 13, 2018)

- Exclusive Rights

- Chapter 18, pp. 982 – 1067
 - For Section A (pp. 999 – 1032), only the introductory notes and first case are assigned reading for each of subsections 2 – 5

Week 6 (February 20, 2018)

- No Class (Legislative Day)

Week 7 (February 27, 2018)

- Infringement and Remedies
 - Chapter 20, pp. 1137 – 1261
 - Skip Section D

Week 8 (March 6, 2018)

- Defenses, Fair Use
 - Chapter 19, pp. 1085 – 1136
 - Supplemental case materials to be provided

Week 9 (March 13, 2018)

- No Class (Spring Break)

Week 10 (March 20, 2018)

- Types of Patents, Patent Term
 - Chapter 12, pp. 560 – 588
- Patent Structure
 - MPEP Chapters 601, 608
- Patents, 35 U.S.C. § 112
 - Chapter 11, pp. 554 – 560

Week 11 (March 27, 2018)

- Patents, 35 U.S.C. § 101
 - Chapter 11, pp. 443 – 479

- MPEP Chapter 2104
- *Alice Corp. v. CLS Bank International*, 134 S. Ct. 2347 (2014)
- *Enfish, LLC. v. Microsoft Corporation*, No. 2015–1244 (May 12, 2016)

Week 12 (April 3, 2018)

- Patents, 35 U.S.C. § 102
 - Chapter 11, pp. 487 – 530
 - MPEP Chapters 2131, 2133, 2136
- Patents, 35 U.S.C. § 103
 - Chapter 11, pp. 530 – 553
 - MPEP Chapters 2141 – 2144

Week 13 (April 10, 2018)

- Patent Interpretation
- Patent Infringement and Defenses
 - Chapter 13
 - pp. 589 – 596
 - pp. 619 – 658
 - pp. 663 – 667
 - pp. 675 – 692

Week 14 (April 17, 2018)

- Trademarks in General
 - Chapter 2
 - pp. 32 – 65
 - pp. 71 – 80
- Acquiring Trademarks
 - Chapter 3, pp. 108 – 134

Week 15 (April 24, 2018)

- Trademark Infringement
 - Chapter 4, pp. 134 – 180
- Defenses to Infringement
 - Chapter 5, pp. 181 – 222

DISABILITY SERVICES STATEMENT

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite 119. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at aeasley@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

WESTERN STATE COLLEGE OF LAW – PROGRAMMATIC LEARNING OUTCOMES

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

ARGOSY UNIVERSITY INSTITUTIONAL LEARNING OUTCOMES

1. Analytical Reasoning

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems

2. Effective Communication

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation

3. Information Competency

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action

4. Interpersonal Effectiveness

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals

5. Personal and Professional Integrity and Ethical Behavior

Demonstrate a multi-dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

6. Professional Competence

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession.