**Intellectual Property Law**

**Syllabus**

**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 Manal of Trademark Examining Procedure (TMEP), available online at <https://tmep.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 in-class participation (10%) and a final exam (90%). The final exam will be three hours.

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

Week 1 (January 18, 2017)

* 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 25, 2017)

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

Week 3 (February 1, 2017)

* Legal Standards for Copyrights
  + Chapter 15, pp. 732 – 741
* Eligible Subject Matter
  + Chapter 16, pp. 742 – 886

Week 4 (February 8, 2017)

* Ownership and Duration
  + Chapter 17, pp. 887 – 981
* Exclusive Rights
  + Chapter 18, pp. 982 – 1067

Week 5 (February 15, 2017)

* Infringement and Remedies
  + Chapter 20, pp. 1137 – 1263

Week 6 (February 22, 2017)

* The DMCA and Exemptions
  + 17 U.S.C. § 1201
  + Register’s Recommendations, available online at <https://www.copyright.gov/1201/2015/registers-recommendation.pdf>
* Defenses, Fair Use
  + Chapter 19, pp. 1085 - 1136

Week 7 (March 1, 2017)

* Types of Patents, Patent Term
  + Chapter 12, pp. 560 – 588
  + Chapter 14, pp. 732 – 741
* Patent Structure
  + MPEP Chapters 601, 608
* Patents, 35 U.S.C. § 112
  + Chapter 11, pp. 554 – 560

Week 8 (March 8, 2017)

* Patents, 35 U.S.C. § 101
  + Chapter 11, pp. 443 – 479
  + MPEP Chapter 2104
  + *Mayo Collaborative Services v. Prometheus Labs, Inc.*, 132 S. Ct. 1289 (2012)
  + *Alice Corp. v. CLS Bank International*, 134 S. Ct. 2347 (2014)
  + *Enfish, LLC. v. Microsoft Corporation*, No. 2015–1244 (May 12, 2016)

Week 9 (March 15, 2017)

* Spring Break!

Week 10 (March 22, 2017)

* Patents, 35 U.S.C. § 102
  + Chapter 11, pp. 487 – 530
  + MPEP Chapters 2131, 2133, 2136

Week 11 (March 29, 2017)

* Patents, 35 U.S.C. § 103
  + Chapter 11, pp. 530 – 553
  + MPEP Chapters 2141 – 2144

Week 12 (April 5, 2017)

* Patent Interpretation
  + Materials to be provided
* Patent Infringement and Defenses
  + Chapter 13, p. 589 – 692

Week 13 (April 12, 2017)

* Trademarks in General
  + Chapter 2, pp. 32 – 107
* Acquiring Trademarks
  + Chapter 3, pp. 108 – 134

Week 14 (April 19, 2017)

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

Week 15 (April 26, 2017)

* Licensing of Intellectual Property
  + Materials to be provided

**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](mailto: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](mailto:aeasley@wsulaw.edu), 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.

1. **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.

1. **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.

1. **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.

1. **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).

1. **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.

1. **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.

1. **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

1. **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

1. **Information Competency**

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

1. **Interpersonal Effectiveness**

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

1. **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.

1. **Professional Competence**

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