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COURSE SYLLABUS

U.S. Patent Law & Practice

Credit Hours 2

Course Director: Dariush G. Adli

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Course Time:

The course consists of two sessions. The first session will be conducted in [THE WEEK OF SEPTEMBER ?], every morning from 8:00Am to 12:00Am, Monday through Friday. The second session will be conducted on [Date] Monday through Wednesday. At least one of the classes will be in the form of seminar or panel discussion, whose date is to be determined.

Course Description:

This course is intended to familiarize students with the U.S. patent law practice in terms of substance and procedures. By the end of the course, students are expected to comprehend various aspects of the U.S. patent law, including patent examination procedures, patentability, claim construction, infringement, legal and equitable defenses, remedies, as well as reexamination. In addition, this course is specially designed to improve students' legal reasoning skills and enable them to exercise the acquired skills/knowledge in patent litigation and prosecution practice.

Class Topics:

- I. Introduction
- II. Proceedings in the Patent and Trademark Office
 - A. The Patent
 - B. The Participants
 - C. The Process
 - D. Post-issuance Responsibilities
- III. Proceedings in the Federal Courts
 - A. Parties
 - B. Jurisdiction
 - C. Venue
 - D. Presumption of Validity and Burden
 - E. Stays
 - F. Prior Adjudication Regarding Validity
 - G. Appeals
- IV. Patentability
 - A. The Conditions of Patentability
 - B. The Requirements of Patentability
- V. Claim Construction
 - A. Comprehensive Claim Construction Methodology
 - B. Ancillary Procedural Matters
 - C. Selected Substantive Issues in Claim Construction
- VI. Infringement
 - A. Claims of Infringement
 - B. Defenses
- VII. Equitable Defenses
 - A. Inequitable Conduct Before the PTO
 - B. Patent Misuse
 - C. Laches
 - D. Estoppel
- VIII. Remedies
 - A. Injunctions
 - B. Monetary Damages
 - C. Marking or Actual Notice – A Prerequisite
 - D. Increased Damages
- IX. Jury Trials

- A. Reliance on Juries
- B. Juror Comprehension
- C. The Juror's Role
- D. Form of Verdict
- E. Adequately Instructing the Jurors on the Law They are to Apply

Course Policies and Procedures:

Attendance and in-class participation is required for this course. Superb class participation may upgrade the student's final grade by one letter, for example, from B to A. On the other hand, missing class flagrantly will result in a poorer or even failing grade.

Assessment: (Grades/Rubric/Exam)

Students are required to take a final exam and may be asked from time to time to submit short writing assignments. Students' grades will be based on the final exam, writing assignments, as well as in-class participation.

Course Materials:

Patent Law and Practice (Sixth Edition), Herbert F. Schwartz

Case Study

The Patent Act (35 U.S. Code), Patent Rules (37 CFR) and Manual of Patent Examining Procedure (MPEP)