SYLLABUS

CURRENT DEVELOPMENTS IN AMERICAN LAW: PATENT LAW PRACTICUM
LAW 609-005

Spring 2016
Professor Ryan T. Holte

Credit Hours: 1 (also counts for skills course credit)  
Time: Tuesdays, 9:50am—10:50am  
Room: 103  
Final Exam: None  
Course prerequisite: IP Survey Law, Law 630

Office # 256  
Office Phone: 618.453.8749  
Secretary: Susan Williams  
Email: rholte@law.siu.edu  
Course enrollment limit: 10

This syllabus is subject to change at the discretion of the professor. The class will generally follow the order of this syllabus (see Assignments infra) with further reading assignments distributed as the course progresses. Students should monitor their email for announcements, reading assignments, writing assignments, and any changes to this syllabus (see Email Communication infra).

COURSE DESCRIPTION
Patent Law Practicum provides a supplement to the IP Survey and Patent Law classes by allowing students the opportunity to draft writing assignments focused on patent law practice situations. The course will discuss unique patent practice procedures related too: inventor clients; opposing counsel; government administrative bodies; and internal IP law firm operations. Course focus will be on patent law, but will touch on other aspects of IP law including trademark law, copyright law, and state rights IP issues (e.g. trade secrets and rights of publicity). The course is intended to provide preparation for future IP practice specialists with career plans focused in patent law.

OBJECTIVES
In addition to learning the fundamentals of patent law practice, the broad classroom discussion of procedures will help students understand: (1) how to conduct a patent prior art search; (2) how to conduct a patent history search; (3) the general requirements for submitting and filing a patent application; and (4) how to effectively communicate within a private IP law practice. Further, through written work, this course will help develop students’ abilities to discuss complex legal and scientific principles to both attorney-colleagues and non-attorney-clients.

TEXT
The Bluebook: A Uniform System of Citation, 20th Edition
INTERNET RESOURCES FOR PATENT LAW

U.S. Patent & Trademark Office
www.uspto.gov

U.S. Court of Appeals for the Federal Circuit
www.fedcir.gov

PTO website for patents
www.uspto.gov/main/patents.htm

PTO searchable database for patents and trademarks
www.uspto.gov/patft/index.html
http://tmsearch.uspto.gov

www4.law.cornell.edu/uscode/35/

www.uspto.gov/web/offices/pac/mpep/consolidated_laws.pdf

C.F.R. Title 37 - Patents, Copyrights and Trademarks (searchable)
cfr.law.cornell.edu/cfr/cfr.php?title=37

C.F.R. Title 37 - Patents, Copyrights and Trademarks (single document)
www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf

LAPTOP & CELL PHONE POLICY

Laptops are allowed for class. Cell phones must always be on vibrate/silent setting in the classroom and should not be used during class.

CREDIT HOURS / MEETING TIMES

This is a one credit hour course that will meet Tuesdays from 9:50am to 10:50am. If a class is cancelled, a makeup class will be scheduled as soon as possible. Some weekly class meetings may be cancelled for individual professor-student meetings to review writing assignment progress.

ATTENDANCE

Regular attendance and consistent preparation and participation are expected and required by the American Bar Association, School of Law, and the professor. Given that important circumstances can always arise (e.g. taking children to a doctor’s appointment, job requirements, extended trip home, good concert tickets for a show in Chicago), you are allowed TWO absences.

Attendance will be taken at every class. Your signature on the attendance sheet certifies that you are prepared for class—you have read the assigned material, prepared written
case briefs or notes if applicable, and are ready to participate in class discussions. If you are unprepared, you may attend class but not sign the attendance sheet. If you are found grossly unprepared through the class discussion, but signed the attendance sheet, you will be counted as absent. Do NOT sign the attendance sheet for anyone else.

If you collect more than two absences, you will be withdrawn from the course. You are responsible for keeping track of your own absences. If you have a question about your records, you may consult with my faculty assistant, Susan Williams. Ms. Williams maintains my attendance records based upon the signatures on the attendance sheets.

GRADING / EXAM
Grades in this class will be determined as follows:

30%, Class Assignments—The course will include various small written assignments (2-3 pgs max each) submitted throughout the semester. Examples of written work include: an email responding to an inventor client; a cease and desist letter to a patent and trademark infringer; or a patent prior art search report summary. Students will be graded on clarity, organization, and depth of knowledge in each exercise.

60%, Written Paper—Each student will be required to draft a mock law firm internal research memo regarding a patent law subject of their choice. The paper will be between 8 and 10 pages (2,200 words minimum, 2,600 maximum) in length and will be in standard law firm memo format with Bluebook citations. The paper will introduce and explain a sample technical-science-focused patent issue to be researched, discuss current-development research found to a specific hypothetical client issue, and conclude with well-thought future concerns for a client to understand how best to proceed. Students will be graded on Bluebook citation accuracy, research, organization, and clarity in writing.

*Given that patent law can be very obscure, and that most students will focus their patent careers on strict technology subject matters, my hope with the paper is that everyone will have the opportunity to draft a writing sample that would be useful to them for job application purposes and focused on their own technical background (e.g. electrical engineering, chemistry, genetics, etc.).

10%, Class Participation and Preparation—Each student will be evaluated on class participation and professionalism. Special emphasis will be on participation related to USPTO search exercises, outside class research for classroom discussion preparation, and class email response/review (see infra). For the USPTO patentability exercise, students will be provided sample invention details, or hypothetical product details related to an issued patent, prior to the class meeting and will be expected to individually research and prepare for questions from a mock client regarding the subject.

NOTE: Students should contact Dean Behan to discuss any extensions of time for the final paper due date or extensions of time related to written assignments.
WORKLOAD EXPECTATION
The American Bar Association standards for accrediting law schools contains a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a ‘credit hour’ is an amount of work that reasonably approximates: not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a one credit hour class, meaning that we will spend one hour of classroom time together each week. The amount of assigned reading and out of class preparation should take you at least two hours for each class session. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending at least three hours per week (one hour in class and two hours preparing for class) on course-related work for Patent Law Practicum.

DISABILITIES REQUIRING ACCOMODATION
Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

*Due to the anonymous grading policy, students should not discuss exam accommodations with professors.*

EMAIL COMMUNICATIONS
Patent law practice requires regular email communication; part of this practicum course will prepare students for that regular timely communication expectation. Ideally, you should have email available on a cellular phone and keep that with you at all times as would be required in practice. Communication for materials related to the course will be through email (announcements, updates to the syllabus, reading assignments, class PowerPoint slides, and other materials that you will be responsible for). Some emails may require responses from each student. All students will be responsible for email communications on a daily basis as a minimum standard.

CLASS RECORDING
Recording the class is prohibited without my written permission. It is an Honor Code violation to create or distribute such recordings when the instructor has prohibited either action.¹

OFFICE HOURS / COMMUNICATING WITH PROFESSOR
I have an open door policy for students to drop by my office. If my door happens to be closed, please knock to see if I may be available to meet. Please feel free to stop by

¹ Honor Code I.E.1.g
whenever you’d like, or email me to make an appointment, as I am in my office regularly during normal business hours Monday—Wednesday. My “official” office hours are Mondays and Wednesdays from 3:30pm to 5pm (with priority for Property Law students) and Tuesdays from 1pm to 2pm (exclusively for Patent Law and Patent Law Practicum students). You may also email me questions about the course or material; however, if the answer requires lengthy explanation I will likely suggest that you stop by my office to discuss. If you email me, please put the words “PATENT LAW PRACTICUM” in your subject line.

LETTERS OF RECOMMENDATION
Many legal jobs, or other legal positions (internships, externships, etc.), have applications requiring letters of recommendation from law professors. When considering which of your professors to request a letter from, you should consider how much direct interaction you have had with the professor, including classroom discussions, office hour meetings, and non-class law school activities that may reflect your individual interests (e.g. law school clubs devoted to a specific interest).

Should you need a letter of recommendation, please email me at least four weeks before the letter is needed and include a copy of your résumé, all detail regarding what the letters is for, a list of classes you have taken from me, and the grade you received in each class. Since building material to discuss in a recommendation letter takes time, if this is your first class with me, I will be happy to write a letter after the spring semester.

PROFESSIONALISM
Since law students are lawyers in training, and since a large part of the law school classroom time is to prepare students for how to interact in a professional legal environment, there will be certain expectations for professionalism in the classroom. I will address all students as Mr. or Ms. (name), and the professor will be addressed as “Professor Holte.” Students should address each other as Mr. or Ms. (name) and, during lecture time (as opposed to group work), should act as if they were within a courtroom (no eating, no phone usage, no talking amongst each other, no wearing hats, etc.). Exceptions to this are that drinks in closed containers are allowed in the classroom and the professor does not expect students to dress as if they were in court (but please dress appropriately). I reserve the right to decrease your final grade by 0.10 for unprofessional conduct in the classroom.

Since social media is such a large part of our professional culture, it is worth noting that the professor looks forward to adding all students as social media contacts once students transition from “students” to “legal colleagues” (after graduation). Until graduation please do not try to add me on LinkedIn, Facebook, etc.

EMERGENCY PROCEDURES
Emergency Procedures. Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT)
program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

**SALUKI CARES**

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.
**ASSIGNMENTS**

- Reading materials will be emailed the week prior to the class session.
- If specific cases (with citations) are listed within the reading assignment, you are responsible to locate and find the case via the Internet or Lexis/Westlaw.
- Further class assignments will be distributed regularly throughout the semester as the course progresses.
- All written papers for the class should include the following at the top of the first page: your name, the date the assignment is due, total word count, and the subject (or purpose) of the paper. All written papers should be double spaced, have 1” margins, 12 point Times New Roman font, be printed on white paper, have properly Blue-booked footnotes for all citations in 10 pt font, and have all pages stapled together with a single horizontal staple.

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<th>CLASS</th>
<th>READING ASSIGNMENTS</th>
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<td>1. 19 January</td>
<td><strong>TOPIC:</strong> Introduction to different types of patent law practice; unique concerns with different types of inventor/creator clients and patent work environments; common patent law practice tasks; discussion about topics related to memo in Class 5—select topics for memo in class</td>
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**Preparation:** Prepare subject matter selections for patent infringement cease and desist letters in Class 3 and full Written Paper memo with rough draft due in Class 5 (to report/discuss in class). Turn in email address to be used for all class communications (will write into class sign-in sheet).

| 2. 26 January | **TOPIC:** Resolving client IP disputes pre-litigation; sending/receiving cease and desist letters; sending/receiving patent licensing demand letters; background for writing assignment due in Class 3 |

**Reading:** Patent Law Practicum Reading Packet 2 (emailed)

| 3. 2 February | **TOPIC:** IP law firm operating processes; client meetings; docketing patent and trademark prosecution; internal firm communications (background for memo draft due in Class 5) |

**Writing assignment due:** Draft a 2pg patent infringement cease and desist letter in formal business letter format

**Reading:** Patent Law Practicum Reading Packet 3 (emailed)

| 4. 9 February | **TOPIC:** Patent prior art searches; background for writing assignment due in Class 7 |

**Reading:** Patent Law Practicum Reading Packet 4 (emailed)
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<th>Date</th>
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| 5. 16 February | TOPIC: Patent prosecution processes; life as a PTO examiner     | Writing assignment due: First draft of written paper memo due; draft not graded but must have substantial effort put into it (correct Bluebook citations, free from typos, etc.)
                                                                                   | Reading: Patent Law Practicum Reading Packet 5 (emailed)                                  |
| 6. 23 February | TOPIC: Conducting IP due diligence for M&A deals               | Reading: Patent Law Practicum Reading Packet 6 (emailed)                                  |
| 7. 1 March    | TOPIC: Individual meetings re. paper progress (to be scheduled individually) | Writing assignment due: Draft a 2pg patent infringement summary                           |
                                                                                   | Reading: Patent Law Practicum Reading Packet 7 (emailed)                                  |
| 8. 8 March    | TOPIC: Advising business clients on IP-related matters and expenses | Reading: Patent Law Practicum Reading Packet 8 (emailed)                                  |
| 9. 22 March   | Future Class Topics: Phone calls with patent and trademark examiners during prosecution; addressing technical issues before generalist district court judges; admission into special IP courts and agencies; unique IP litigation discovery issues; etc. |                                                                                          |