COURSE DESCRIPTION
Although patent cases often involve complicated scientific discoveries or technologies, the essential legal principles and policies do not depend on understanding the underlying science or technology. Accordingly, students with non-technical backgrounds are encouraged to take this course, particularly given that patent assets are increasingly important to commercial clients around the world.

As part of the classroom discussions, I hope to include multiple guest speakers to review real-world patent related issues and the policies and economics underlying and justifying the patent law system. Depending on availability, guest speakers will include inventors, patent litigators, patent prosecutors, and business owners commercializing patents for profit.

This course will review the fundamental elements of patent law, and thus students will learn the basic legal rules and policies governing patentable inventions. Subjects covered will include: (1) what types of inventions or discoveries fall within the ambit of the Patent Act, including recent hot-button issues such as computer software, biotechnology and business methods; (2) the specific requirements for patentable subject matter, such as the utility, disclosure, enablement, novelty, and nonobviousness requirements, and the statutory bars of public use, sale and abandonment; (3) the basic legal rules and policies governing how patented inventions are licensed, asserted in court, and how they are treated under antitrust laws; (4) the nature and function of patent claims, claim construction, direct infringement, and the doctrine of equivalents infringement; (4) the defenses to patent infringement lawsuits, including laches, exhaustion, experimental use, inequitable conduct, and the new prior user right in the recently enacted America Invents Act of 2011 (AIA); and (5) commercialization issues raised by the exploitation of patents in the marketplace, including the doctrines of assignment, licensee estoppel, and the relationship between patent law and antitrust law.
OBJECTIVES
In addition to learning the fundamentals of patent law, the broad classroom discussion of patent principles will help students understand (1) how the law develops, changes, and is applied, and (2) evaluate legal institutions, doctrines, and principles critically and from multiple practical, theoretical, philosophical, and social perspectives. Further, through written work and class presentations, this course will help develop students’ abilities to learn complex legal principles individually and explain them in a group setting.

TEXT
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INTERNET RESOURCES FOR PATENT LAW
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 www.uspto.gov/patft/index.html
Listing of several online patent databases www-sul.stanford.edu/depts/swain/patent/patdbases.html
C.F.R. Title 37 - Patents, Copyrights and Trademarks (searchable) cfr.law.cornell.edu/cfr/cfr.php?title=37
World Intellectual Property Organization www.wipo.int
American Intellectual Property Association www.aipla.org
LAPTOP & CELL PHONE POLICY
Laptops are allowed for class note taking purposes only. 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 three credit hour course that will meet Tuesdays from 4pm to 6:30pm. If a class is cancelled, a makeup class will be scheduled as soon as possible.

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 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.

Further points on attendance:
- Late arrivals will be treated as absences
- If you have special circumstances that may require you to have an excused absence from class, or an excuse to turn in a written assignment late (for example due to a prolonged illness), please contact the Associate Dean for Academic Affairs, Frank Houdek. Dean Houdek will then be in contact with me to notify me of any excused absences and how to proceed.

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

40%, Final Exam—The final exam will consist of a three hour short answer and essay question exam. It will be an open-book/open-notes exam administered on Thursday, May 8, 2014, at 1:15pm.

25%, Class Presentation—Each student will be required to present on a patent law subject. Students will be allowed to select their subject through a pool of options created by the professor. The presentation will be to the class and will be expected to last one hour with discussion included. The style of presentation is to facilitate more of a
classroom discussion on the subject as opposed to a speech. Students will be graded on clarity, organization, handouts and/or visuals, and discussion.

25%, Written Paper—Tied to the presentation, each student will be required to draft a research paper regarding the patent law subject they present on. The paper will be between 12 and 15 pages (3,300 words minimum, 4,000 maximum). The paper will introduce and explain the subject, historical background, recent developments, and future concerns. Students will be graded on research, organization, and clarity.

10%, Class Participation—Each student will be evaluated on class participation. Special emphasis will be on participation related to discussions and questions during guest lectures. Students will be provided the names of guest speakers prior to the lecture and are expected to individually research and prepare for questions regarding the speakers background and speaking topic.

NOTE: Students should contact Dean Houdek to discuss any extensions of time needed for the final exam, rescheduling the date the exam is administered, or extensions of time related to written assignments.

DISABILITIES REQUIRING ACCOMMODATION
If you have a disability for which you are or may be requesting accommodation, you should contact Dean Houdek as early as possible in the semester. Dean Houdek will verify your disability, determine reasonable accommodations for this course, and communicate with me regarding how to proceed.

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

CLASS RECORDING
Audio or visual recordings of the class are prohibited without written permission from the professor. In any instance when a recording will be made with the permission of the professor, the class will be notified.

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 whenever you’d like, or email me to make an appointment, as I am in my office regularly during normal business hours on Mondays, Tuesdays, and Wednesdays. My “official” office hours are Mondays and Wednesdays from 3:30pm to 5pm and Tuesdays from 2pm to 3pm.

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 CLASS” 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 special interest).

Since building material to discuss in a recommendation letter takes time, I will not be able to write letters of recommendation for any student until after the spring semester. Should you need a letter of recommendation after the semester, please email me at least four weeks before the letter is needed. Please include a copy of your résumé, all detail regarding what the letters is for, a list of all classes you have taken from me, and the grade you received in each class.

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 or “friends” 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
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. Please 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.

READING ASSIGNMENTS

- Further class assignments will be distributed regularly throughout the semester as the course progresses.
- We may move through some material more quickly or slowly. I will announce at the end of each class what should be prepared for the next class period if it diverges from the listed assignment. Due dates for written papers will never change.
- You are responsible for all the material assigned including case notes, comments, and questions that follow the principle cases in the book.
- All assigned material, even if we do not cover it in class, is fair game for the examination.
- All written papers 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 of the paper. All written papers should be double spaced, have 1” margins, 12 point Times New Roman font, be printed on white paper, and have all pages stapled together.

<table>
<thead>
<tr>
<th>CLASS</th>
<th>READING ASSIGNMENTS</th>
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<tr>
<td>1. 14 January 2014</td>
<td>M&amp;D 1-55; 69-107</td>
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<tr>
<td>3. 28 January 2014</td>
<td>M&amp;D 209-220; 241-284</td>
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