



CENTER FOR INTELLECTUAL PROPERTY RESEARCH

INDIANA UNIVERSITY
Maurer School of Law
Bloomington

Spring 2016: Courses in IP and Related Fields Indiana University Maurer School of Law

The bracketed comments below each course description are informal comments from the relevant professors, providing some additional information that will hopefully be helpful (but should not be confused with any official position of the faculty of the Maurer School of Law!).

CORE IP COURSES

B549 – International Intellectual Property – Leaffer

Description The law of intellectual property (patent, trademark, and copyright) has increasingly assumed an international dimension. In today's world of intellectual property law, one must understand how the rights of inventors, brand name owners, and creative artists, and software developers are protected in international and comparative law. Mirroring this reality, this course has two basic objectives. One is to equip students with the methodology necessary to engage in international intellectual property practice in both public and private international law. It will consider topics such as territoriality, national treatment, choice of law, multilateral treaties, and regional agreements that frame the substantive rules and practice of intellectual property law in a transnational setting. As a second objective, this course will consider intellectual property from a comparative law dimension. In this regard, it will focus on the basic differences in the approach to patent, trademark, and copyright law in national and regional systems. Within this theme, this course will examine the cultural and economic differences that have led to divisions between developed and developing countries on the protection of intellectual property. (3 credits)

B662 – Copyright Law – Leaffer

Description This course provides an introduction to federal copyright law, beginning with a historical overview and leading to current day developments. Matters to be covered include the nature of protected subject matter, the idea-expression dichotomy, duration, the bundle of rights conferred by copyright, joint works, works made for hire, fair use, and remedies for infringement. Special attention will be paid to technological developments affecting copyright, including issues related to computer software and the Internet. (3 credits)

B751 – Intellectual Property Survey – Du Mont

Description This course provides a broad overview of intellectual property law, one of the fastest growing areas of the law and one that has become relevant to virtually all areas of modern legal practice. The course is designed for students who do not necessarily intend to specialize in intellectual property, and does not require any background in technology. The course considers patent, trademark, copyright law and related bodies of state law, such as trade secret and the right of publicity. Patents protect technological information (inventive products and processes); copyrights cover expressive information (art, literature, music, computer software); trademarks encompass symbolic information (brand names, and other identifying symbols). Students who complete the course may wish to enroll in other upper-level intellectual property courses that we offer here, although this course is not a prerequisite for those courses. (3 credits)

ELECTIVE IP COURSES, SEMINARS, CLINICS AND EXTERNSHIPS

B528 – Advanced Appellate Advocacy – Janis (For IP Moot Court Members) (fulfills skills requirement)

Description Course enrollment is limited to, and mandatory for, students selected for the INTA, AIPLA and National Cultural Heritage Law Moot Court Competitions. Class work encompasses: a) completion of all practical requirements for competition preparation b) participation in all scheduled practice oral arguments and c) compliance with all applicable requirements of the external competition. Please note: due to the timing of the competitions a significant part of the workload will take place in the Fall term before the Spring semester begins. Thus, AIPLA and INTA students will need to register for one credit in the fall term and one credit in the spring term. (2 credits)

[Note from Prof. Janis: Students who have been selected for the INTA or AIPLA IP teams should sign up for 1 credit of B528 for the spring term, designating Prof. Janis as the instructor, in order to receive credit for participating on the team (2 credits total – one each term). Students who have been selected for the National Cultural Heritage Law Moot Court Competition should sign up for 2 credits of B528 for the spring term, and designate Prof. Goodwin as the instructor.] (Pass/Fail.)

B532 – Federal Circuit Advocacy – Castanias (fulfills skills requirement)

Description The U.S. Court of Appeals for the Federal Circuit is an important but controversial part of the federal judicial system. It was formed by an Act of Congress in 1982 with the predominant goal of "strengthen[ing] the United States patent system in such a way as to foster technological growth and industrial innovation." In the intervening 33-plus years, with the Federal Circuit becoming the exclusive appellate court for patent cases, the United States has indeed seen significant technological growth, but the court has also been widely criticized as being out of step with the Supreme Court—which has regularly reversed the Federal Circuit's patent decisions in recent years—with some judges and academic writers even calling for the

court's ouster as the exclusive appellate venue for patent cases. Nonetheless, given its central role in administering the U.S. patent system—it has appellate jurisdiction over virtually every kind of patent-related case that a court or administrative agency could decide—it is critical for any IP practitioner, whether a future litigator or otherwise, to possess a systematic understanding of the Federal Circuit, its history, procedures, doctrines, and dynamics. Through selected readings, vigorous class discussion, and a mock Federal Circuit argument (among other facets of the course), students should complete the class with a far better understanding of this unique court. (2 credits)

B544 – Intellectual Property Transactions – Mattioli and Flaton-Origenes

Description Through case studies, class exercises, lectures, and inclass discussions, this course provides students with an introduction to the theory and practice of IP transactions. In addition, agreements adapted from practice and copies of publicly available deal papers will be used as the basis for in-class simulations. As the course progresses, the complexity and depth of these exercises expands from discrete topics to fact patterns that take several sessions to work through. Prerequisites: Patent Law or IP Survey. (2 credits)

[Note from Prof. Mattioli: This class is a new skills-based IP course co-taught by myself and Suzanne Flaton-Origenes, Assistant General Counsel at BASF.]

B551 – Intellectual Property Externship – Du Mont

Description The Intellectual Property Externship program consists of a series of externship opportunities developed and administered by the law school in connection with the Center for Intellectual Property Research. The number and type of externships will vary from semester to semester. Some may be available during the summer. Intellectual Property externship opportunities will be posted at designated times during the fall and spring semesters. Students will ordinarily apply directly to the externship hosts, who will be responsible for selecting externs. Student externs will then enroll in the Intellectual Property Externship course. Prerequisites will vary, depending upon the externship. Note: Students may not both be paid and receive academic credit for the same externship hours. (2-4 credits)

[Note from Prof. Du Mont: Students who have been selected for an IP Externship should sign up for B551 to receive credit for the externship. Students will receive a syllabus detailing the expectations for the externship.] (Pass/Fail).

B559 – Patent Prosecution – Gandy (fulfills skills requirement)

Description Patent prosecution involves counseling with clients to understand their inventions, drafting patent applications designed to optimize legal protections for the inventions, and advocating for the grant of respective patents before U.S. and foreign patent offices. In the process of doing so, a weave of federal statutes, regulations, and case law must be taken into account in crafting and prosecuting patent applications that maximize clients' rights. This course will provide a complete overview of the patent process and will emphasize practical skills that are the foundation for effective patent prosecution.

The course begins as most representations begin, focusing upon the initial client contact and matters that must be well handled at the start. Issues and regulations related to subject matter conflicts and party conflicts, and practical techniques for investigating/handling them, will be addressed. This is followed by instruction upon how to work with clients (inventors) to understand and develop their invention disclosures to enable maximal protection.

In logical sequence, the course turns to a series of lectures that provide a review of the statutes, regulations, patent office rules and case law that govern the requirements of an application for patent, combined with practical drafting sessions for the major patent application components: claims defining the scope of the invention; the specification containing a detailed written description sufficient to enable others to make and use the invention; the background section setting up the need for the invention. Several in-class and take-home practical sessions will be given to provide hands on drafting experience designed to simulate real world experiences as a patent attorney.

The prosecution of patent applications typically involves a series of exchanges between the patent attorney and the Patent Office Examiner in which arguments are forwarded with respect to whether the invention (as defined by the claims you have submitted) is sufficiently unique to deserve patent protection. These exchanges explore whether the claims define an invention which meets the statutory requirements of novelty and nonobviousness set forth in Title 35 of the United States Code. It is the Examiner's job to make sure that no "unworthy" inventions proceed to patent. It is your job as an advocate to convince the Examiner that the claimed invention is worthy, and to help the client make key decisions whether the claims need to be amended to more fully distinguish from the prior art. Again, practical drafting sessions will be conducted.

After an application has been successfully prosecuted with a given set of claims, there are still other issues that need to be considered. Should another related application be filed to pursue additional protection through claims that are worded differently? "Continuing" patent application practice affords the opportunity to do this, and the related principles and procedures will be addressed in the course.

Patent prosecution requires an understanding of a series of statutes, regulations and cases, and how they shape effective advocacy in securing patent rights for your clients. This course will lay a foundation of understanding and practical experience that will provide value to those who are considering patent law as a specialization as well as those who simply want to develop a better understanding of the patent process. Patent Law is a prerequisite for this course. (2 credits)

B561 – Entrepreneurship Law Clinic – Need (fulfills skills requirement)

Description The Elmore Entrepreneurship Law Clinic is designed to provide students the unique opportunity to work on actual business formation, planning, and strategy issues in a multidisciplinary setting. Students interested in transactional law practice, advising entrepreneurs, or becoming entrepreneurs are typical candidates for participation in the Clinic.

The Clinic operates much like a small law firm, with Clinic interns working under the supervision of the Clinic Director, providing legal and business consulting to a variety of early stage companies. Client projects vary widely, but frequently include advising clients on appropriate business form; drafting necessary formation documents; obtaining permits and licenses; negotiating contracts and leases; and providing business planning advice. Students frequently have opportunities to review and provide feedback on business plans of actual startups.

Clinic interns meet with the Director in groups or individually to review project status and to discuss experiences and concerns. Clinic interns also attend a two-hour class each week. The course surveys typical legal issues affecting entrepreneurial enterprises, including choice of entity issues; ownership and governance issues; employment issues; operational liabilities and insurance issues; financing issues; and employment issues.

Strongly suggested prerequisites for participation in the Clinic include Corporations, Corporate Taxation, and Business Planning, or equivalent preparations as determined by the Director. Per Indiana Supreme Court Rules, students participating in the Clinic must also have completed or be enrolled in a Professional Responsibility course. 3Ls or 4th-year JD/MBAs only. Enrollment in the clinic is limited, so students must, at or prior to enrollment, submit a current resume and a brief statement of interest to the Director by email in order to obtain permission to participate, and proceed to enroll in the course while awaiting approval. (3 credits)

B567 – IP Practicum: Legal Aspects of the Music Industry – Meitus (fulfills skills requirement)

Description This course will involve working in a quasi-clinical mode with actual clients and complements Entertainment Law, Copyright Law and other intellectual property offerings. A prerequisite for this course will be Entertainment Law (or permission of the instructor). Enrollment will be limited to 12 students.

Methods for this course will include readings, legal research, contract drafting, classroom role enactments, client presentations and meeting and discussions. The class will work much in the way a small law firm or legal clinic would work, where the professor will play the role of firm partner or clinic director, and the students will turn in their work product to me. Students will be evaluated on legal writing exercises—either legal memoranda or contracts—and in client presentations and meetings.

Students will be assigned readings from Donald Passman’s “Everything You Need to Know About the Music Business” and from other sources and will work on a variety of actual music representations and issues for several types of clients, including, recording artists, composers, small record labels and music publishers. A significant portion of the course may also involve non-music cases, such as trademark registrations, domain name issues, etc., depending on the availability of actual cases during the semester. (2 credits)

B661 – Law & Biomedical Advance - Cripps

Description This course will examine the ways in which law is being affected by latest advances in biomedicine. The sequencing of the human genome has brought us sophisticated genetic testing, screening and the possibility of human genetic modification. These are relatively new arrivals in doctors' and pharmaceutical companies' array of offerings. The cloning of genes, and indeed whole organisms, raises new questions for lawyers, whether they specialize in property, tort, criminal law, insurance, or intellectual property. Fascinating constitutional questions must now also be addressed, as is illustrated by litigation instigated by the Association for Molecular Pathology, the ACLU and others against a company holding patents on human genes. The new synthetic biology, which involves the creation of organisms in laboratories, will also be considered, as will novel legal questions that it raises. Embryo selection and other related technologies also spark legal and ethical issues that will merit our attention. No prior knowledge of either biotechnology or intellectual property law is necessary for this class, which will be conducted in an open discussion format. (3 credits)

B572 – Intellectual Property Clinic – Hedges

Description The IP Clinic provides students the opportunity to work directly with clients on actual intellectual property law matters (e.g. patent, trademark, and copyright applications, interaction with the United States Patent & Trademark Office (USPTO), licenses, due diligence, and non-infringement and/or invalidity opinions). Students interested in IP law and advising individuals, start-ups, and small business are candidates for the Clinic. Because the Clinic is certified by the USPTO, students are eligible to receive temporary registration to practice before the USPTO. The Clinic is organized much like a law firm, with students working with other students and adjunct professors under the supervision of the Clinic Director. Students meet with the Director to review project status and to discuss experiences and concerns and attend at least a two-hour class each week. Students elect to participate in either (1) the patent section of the Clinic; (2) the non-patent section of the Clinic (trademark and other non-patent IP matters); or (3) both sections. Class sessions survey practical IP legal issues, including ethics, ownership, protection strategies, infringement avoidance, and client counseling.

Enrollment in the Clinic is limited, so students must submit a resume and an interest statement to the Director to obtain permission to enroll. Strongly suggested prerequisites or co-requisites include at least one of Patent Law, Trademark Law, or Survey of IP or equivalent experience. (3-4 credits, professional skills.)

B785 – Patent Trial Practice – Knebel (fulfills skills requirement)

Description The Patent Trial Practice course will teach the basic skills of a patent litigator by providing experiences as close as practical in a law school environment to those of a practicing litigator. The class of no fewer than eight nor more than twelve students will be divided at the beginning of the course into a plaintiff's team and a defendant's team, which will prepare and take to trial a hypothetical infringement case typically based on an actual United States patent. The hypothetical will be constructed to present generally balanced infringement, validity and/or

damage issues. Team members will have the opportunity to participate in mock hearings, take and defend mock depositions, participate in mediation and participate in a mock jury trial before an actual federal judge. Team members may also interact with law students in Taiwan on matters of strategy. Participation in these activities will be arranged so that each student will get at least two half-hours of opportunities for "on his/her feet" experience. In addition, the teams will work together to draft briefs and other documents. Prior to each opportunity for speaking or writing, the class will read and discuss materials and/or hear a lecture or presentation relevant to the task. The course will be conducted in one 150-minute class per week. Students must have completed the basic patent course. Enrollment requires permission of instructor and preference will be given to students who have taken or are taking an evidence course. (3 credits)

L637 – Seminar in Intro to Biotechnological Innovation – Cripps

Description This seminar will focus on the ways in which biotechnological developments are affecting traditional notions of property, intellectual property and information. In addition to patent law, other forms of protection, such as copyright, will be examined in relation to biotechnology and compared with the way in which they operate, for example, with regard to the internet and digital technology. There will also be an examination of whether genetically engineered organisms, clones and other biotechnological products should, if at all, be granted intellectual property protection either within the existing frameworks of intellectual property law or under a new regime designed specifically for that purpose. As is inevitable in any discussion of intellectual property law, international perspectives will be included.

No prior knowledge of either biotechnology or intellectual property law is necessary for this class which will be conducted in an open discussion format. (3 credits)

