



CENTER FOR INTELLECTUAL PROPERTY RESEARCH

IP (and IP-Adjacent) Course Descriptions

Last updated: 6/4/21

Fall 2021

- **B551 Intellectual Property Externship – Violi, L.**

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.

- **B561 Elmore Entrepreneurship Law Clinic ^^ (3) – Need, M.**

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

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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.

Please note: Ordinarily, no student may enroll in a field placement concurrently with a law clinic. Rare exceptions may be made by Dean McFadden.

- Tuesdays 4:30–6:30 P.M. Rm L312

- **B572 Intellectual Property Clinic ^^ (3-4) – Hedges, N.**

In this introductory section of the IP Clinic course, students have the opportunity to work directly with clients on a wide range of 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 (3 credits); (2) the non-patent section of the Clinic (trademark and other non-patent IP matters) (3 credits); or (3) both sections (4 credits). 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 corequisites include at least one of Patent Law, Trademark Law, or Survey of IP or equivalent experience. 3-4 credits, professional skills.

- Thursdays 8:30 A.M. (Soft IP); 9:35 A.M. (Intro IP Clinic); 10:40 A.M. (Patents); 11:45 A.M. (Advanced IP Clinic). Room 213

- **B572 Advanced Intellectual Property Clinic ^^ (1-4) – Hedges, N.**

Advanced 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 eligible for this

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course have already participated in the IP Clinic (B572) and participate in this course in the role of “senior associates” in the IP Clinic’s law firm framework. This course allows students to advance their skills and IP Clinic experiences, digging deeper into past IP Clinic projects and client relationships. Expectations for supervision, legal skills, administrative knowledge, communications, etc. increase as students transition from “junior associates” to “senior associates.”

Class sessions survey practical IP legal issues, including supervision, advanced client development, transitioning to partner, and transitioning out of a law firm.

Enrollment in Advanced IP Clinic is limited, so students must submit an interest statement to the IP Clinic Director to obtain permission to enroll. IP Clinic (B572) is a prerequisite. 1-4 credits, professional skills. Students are allowed to enroll in this course for multiple semesters; however, total credits for the Advanced IP Clinic will be limited to 8 total credits, not including any credits obtained in IP Clinic (B572).

- Thursdays 8:30 A.M. (Soft IP); 9:35 A.M. (Intro IP Clinic); 10:40 A.M. (Patents); 11:45 A.M. (Advanced IP Clinic). Room 213

- **B587 Cybersecurity Law I (3) – Cate, F.**

Information security is a rapidly expanding and very important area of law. It responds to the need in our increasingly data-dependent society to secure information and information systems from unauthorized access, destruction, alteration, and misuse. As a result, it affects every segment of our economy and almost every aspect of our lives. This course will examine some of the most pressing threats to data and systems, the major legal and practical responses, and the policy issues they raise, with a particular focus on individuals, corporations, not for profit organizations, and civilian government agencies. No technical knowledge is required.

- M/T/W 8:00–9:25 A.M. Online.

- **B639 ALR: Intellectual Property ^^ (1) – Mattioli, K.**

In this 1-credit specialized research course, students will learn how to conduct research on all types of intellectual property: patents, trademarks, copyright, and trade secrets. Topics will also include areas of law that involve intellectual property rights, including the right to publicity, antitrust, and international trade. By the end of the course, students will know how to locate resources such as cases, statutes, guidance documents, administrative materials, registrations, secondary sources, and more.

This course will be delivered asynchronously online and in a condensed timeframe during the first 6 weeks of the semester. Students will have access to a variety of instructional content including video demonstrations, readings, and tutorials. There will be no final exam for this course. Grades will be determined based on a combination of research exercises, discussions, and quizzes.

- Asynchronous Online.

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- **B662 Copyright Law (3) – Leaffer, M.**

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.

- Note from Professor Leaffer: Even diehard patent people should consider this course for a well-rounded education in IP and the fact that today's copyright law overlaps patentable subject matter (software, database protection, artificial intelligence, etc.).
- M/T/W 9:50–10:45 A.M. Rm 122

- **B708 Information Privacy Law I (3) – Tomain, J.**

Privacy law and policy is one of the most important and rapidly expanding (and changing) fields in the world today. Increasingly most aspects of daily life involve the (often unwitting) collection, communication, and use of personal data. As personal data are generated and collected more widely, and are far more revealing, governments are challenged to determine the proper limits and regulatory structures to enforce those limits, while businesses and other data users must determine how to comply with those emerging rules, often in the context of new technologies and unclear norms. The field of information privacy has grown so large that we are now covering it in two courses. Information Privacy I (this course) will address the academic and constitutional background to privacy, the intersection of privacy and free speech, the protection of privacy in law enforcement, and (time permitting) privacy considerations in national security. Information Privacy II (not this course) will focus on privacy issues involving government records, and commercial and international contexts. This class will have a take-home essay exam that is distributed the last day of class and will be due before the exam period starts.

- M/T/W 3:25–4:20 P.M. Rm 213

- **B710 Cybersecurity Clinic ^^ (3) – Bose, S.**

The IU Cybersecurity Clinic is a first-of-its-kind initiative driven to enhance the cybersecurity of under-resourced stakeholders, including local municipalities, counties, school corporations, non-profits, and small businesses. The Clinic has dual goals of improving local and state cyber preparedness while training the next generation of cybersecurity professionals and leaders. The Clinic leverages Indiana University's strong tradition of applied, interdisciplinary cybersecurity leadership to provide a much-needed service across the Hoosier state, and beyond. Students participating in the Clinic will work directly with clients to provide on-the-ground cybersecurity expertise to address pressing concerns and help instill legal, technical, governance, and managerial best practices.

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Alongside the project, students will take a 3-credit substantive course providing an overview of cybersecurity risk management frameworks, cybersecurity and privacy law, incident response management, and best practices for addressing common cybersecurity challenges for organizations. For Cybersecurity MS Students, the Clinic can fulfill any concentration requirement. For JD Students, the Clinic fulfills the skills requirement.

- M 6:00 – 7:30 P.M. Online.

- **B726 IP Antitrust (3) – Knebel, D.**

This course will focus on the interplay between the antitrust laws and laws protecting intellectual property such as inventions, works of authorship and trademarks. Although both sets of laws are ultimately intended to make our economy more innovative and productive, their distinct ways of accomplishing that objective often seem to put them at odds with each other and courts are routinely called upon to resolve those conflicts. In the process of looking at these conflicts and their resolution, the course will provide an understanding of basic antitrust principles that may be sufficient for students not intending to concentrate in that area.

No previous exposure to antitrust is expected or required. It is recommended that students have taken at least one intellectual property course, or be concurrently enrolled in one.

- M/T 3:25 – 4:50 P.M. Room 120.
- Typically offered every other year.

- **B734 Advocacy: IP (1) – Janis, M.**

This course is the for-credit component of students participation on one of the IP Moot Court teams, which include AIPLA, INTA, Oxford International IP Moot, and the International Patent Drafting Competition. Enrollment is by permission of the instructor only. Before enrolling under this course number, please confirm your participation on the IP Moot Court Team with the CIPR Administrative Director, Casey Nemecek (cipr@indiana.edu).

- **B743 Patent Law (3) – Janis, M.**

This class surveys United States patent law, with an emphasis on the decisions of the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (USPTO), and the U.S. Supreme Court. The structure follows the basic steps of a patent infringement suit, addressing claim construction, validity, infringement, defenses and remedies. In general, we will draw on cases involving straightforward and sometimes even humble technological developments that illustrate fundamental patent law principles. We will learn how patent law arguments are developed and rebutted before the courts and the USPTO; how the institutions of the patent system operate and how they might be improved; and how changes to the patent law regime, including those enacted as part of the America Invents Act, affect a wide range of innovators, from start-ups to universities to multinational tech companies. The exam is an open-book take-home exam.

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- Note from Professor Janis: Patent Law is a prerequisite for several upper-level courses (Patent Prosecution; Patent Trial Practice; Federal Circuit Advocacy) and is strongly recommended for IP Clinic. Contrary to rumor, you don't need a technical background to take this course. It's one of our core IP courses. You should consider taking it even if you're certain that you're interested in non-patent IP.
 - M/T/W 2:20 – 3:15 PM. Rm 124
- **L730 Seminar in Intellectual Property: Data Law & Policy ** (3) – Mattioli, M.**
 [Description from Fall 2020] This seminar explores new policy challenges at the nexus of intellectual property law and the emerging field of data science. Today, policymakers and technologists believe the world is on the cusp of a new industrial age that will be powered and defined by digital information of all kinds--from health records, to credit card reports, to the digital footprints our smartphones and other electronic devices create throughout the day. Considering the vast potential of this emerging area, the legal framework that relates to the exchange and reuse of data itself remains conspicuously underdeveloped. Through weekly readings, class discussions, and guest lectures, the seminar will canvas a set of policy problems that have emerged against this backdrop. These include problems related to data exclusivity, control over downstream uses of data, inadequate disclosure of metadata, data transactions, data valuation, and more. Drawing upon these readings and discussions, students will craft their own articles over the course of the semester. Prior or concurrent enrollment in at least one intellectual property course is a prerequisite. Updated 10/18
 - R 1:15–3:15 PM. Rm 216
 - **L730 Seminar in International Intellectual Property ** (3) – Leaffer, M.**
 This Seminar has two goals. The first is provide students the opportunity to write a substantial paper relating to their interest in IP. The second goal is expose students to current developments in IP (with a pronounced international theme) and cutting-edge legal scholarship. In this regard, our class sessions will feature invited intellectual property law scholars who will deliver works-in-progress to the class for discussion and review.
 - R 3:25–5:25 PM. Online.

Spring 2022

Scheduled class times & locations may change

- **B532 Federal Circuit Advocacy (3) – Castanias, G.**
 [Description from Spring 2020] The U.S. Court of Appeals for the Federal Circuit is an

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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 35 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 Circuits patent decisions in recent years with some judges and academic writers even calling for the courts 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 practitioner (particularly, but not limited to, IP practitioners), 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, visits by former (and perhaps current) Federal Circuit judges, 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. No specialized knowledge of or background in IP or patent law is required for this course. The professor, who has appeared before the Federal Circuit more than almost any other lawyer in the country, majored in English and Philosophy and never took an IP course in law school.

- **Typically offered every other year.**

- **B544 IP Transactions ^^ (3) – Mattioli, M.**

Through case studies, class exercises, and in-class discussions, this course introduces students to the theory and practices 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 exercises. As the course progresses, the complexity and depth of these exercises will expand from discrete topics to fact patterns that take several sessions to work through.

- **B551 Intellectual Property Externship – Violi, L.**

- **B559 Patent Prosecution ^^ (2)**

[Description from Spring 2021] Patent prosecution involves counseling clients in regards to their inventions, drafting patent applications that seek commercially-significant coverage for those inventions, and negotiating with the U.S. Patent and Trademark Office the grant of those patent applications. This course will provide an overview of the patent process and will emphasize practical skills that are the foundation for effective patent prosecution. In this course, students will draft patent claims, patent applications, and other documents involved in typical patent prosecution. Students will undertake exercises that probe the regulations and other authorities that guide patent prosecution practice.

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Students will also study administrative decisions and other materials generated by the U.S. Patent and Trademark Office. Students may also be exposed to aspects of post-grant administrative practice, such as inter partes review and post-grant review proceedings. This course is of particular importance for any students who intend to practice patent law, whether they expect to specialize in patent prosecution or patent litigation. This course will be of special interest to those students who intend to take the Patent Bar examination. However, students do not need to have a technical background to take the course. Patent Law is a prerequisite for this course.

- **B561 Elmore Entrepreneurship Law Clinic ^^ (3) – Need, M.**
(See description under fall courses).
 - T 4:30–6:30 PM. Rm L312
- **B572 Intellectual Property Clinic ^^ (3-4) – Hedges, N.**
(See description under fall courses).
 - Thursdays 8:30 A.M. (Soft IP); 9:35 A.M. (Intro IP Clinic); 10:40 A.M. (Patents); 11:45 A.M. (Advanced IP Clinic)
- **B572 Advanced Intellectual Property Clinic ^^ (1-4) – Hedges, N.**
(See description under fall courses).
 - Thursdays 8:30 A.M. (Soft IP); 9:35 A.M. (Intro IP Clinic); 10:40 A.M. (Patents); 11:45 A.M. (Advanced IP Clinic)
- **B590 Entertainment Law (2) – Meitus, R.**
[Description from Fall 2020] Entertainment law is a respected area of legal practice dealing with representation of both creative talent and business interests. Entertainment law has most notably been at the forefront of popular culture as forms of media distribution have moved to the Internet in digital forms. This course will provide students with the opportunity to develop both a practical understanding of representing creative and business interests in the fields of music, film and television, and literary publishing and a theoretical understanding of the broader IP and constitutional issues at stake with regard to control of creative media. The course is designed to be useful even if a student does not go on to practice directly in the entertainment or media law fields.

Either of the courses Survey of Intellectual Property Law or Copyright Law are recommended to be taken either prior to or concurrently with Entertainment Law (but are not required). The subject matter of Entertainment Law, though drawing on copyright law to some extent, does not significantly overlap with any other course to an extent that would preempt students from taking both. Text: Corey Field's Entertainment Law Fundamentals and Practice (First Edition) published by Cognella Academic Publishing.

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- B661 Law & Biomedical Advance (3) – Cripps**
 [Description from Spring 2021] This course will examine the ways in which law is being affected by latest advances in biomedicine, including precision medicine. 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. Three parent embryos, chimeras 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.
- B710 Independent Clinical Project: Independent Film Production Legal Clinic ^^ (2) - Dresden, M.**
 [Description from Spring 2021] This course will provide students with real-world experience acting as legal counsel on independent film projects. Through readings, class discussions, and assignments, students will learn about the legal aspects of financing, developing, producing, and exploiting independent films. Under the instructor's supervision, students will engage directly with filmmakers and work on multiple discrete projects. The class will consist of a weekly seminar, and may be augmented by guest lectures, screenings, and set visits (for projects filming in Indiana). The supervising instructor is Matthew Dresden of the Harris Bricken firm in Seattle. Students will meet with Mr. Dresden by videoconference during a scheduled class time (expected to be once per week for one hour). The legal services to be provided may include (1) drafting and negotiating agreements, including option and purchase agreements, cast and crew agreements, location agreements, and music licenses; (2) reviewing scripts and advising clients regarding IP issues such as fair use, public domain, clearance, privacy, defamation, and rights of publicity; and (3) reviewing agreements and advising clients on the exploitation of projects, including the roles of CAM services, sales agents, and distributors. Interested students should submit a resume and interest statement to the Center for Intellectual Property Research (cipr@indiana.edu) in advance of registration. No pre/co-requisites, although Entertainment Law is recommended.
- B728 Information Privacy Law II (3) – Tomain, J.**
 Privacy law and policy is one of the most important and rapidly expanding (and changing)

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fields in the world today. Increasingly, most aspects of daily life involve the (often unwitting) collection, communication, and use of personal data. As personal data are generated and collected more widely, and are far more revealing, governments are challenged to determine the proper limits and regulatory structures to enforce those limits, while businesses and other data users must determine how to comply with those emerging rules, often in the context of new technologies and unclear norms. The field of information privacy has grown so large that we are now covering it in two courses. Information Privacy Law I (not this course) will address the academic and constitutional background to privacy, the intersection of privacy and free speech, and the protection of privacy in law enforcement and national security. Information Privacy Law II (this course) will focus on privacy issues in commercial, consumer, government, and international contexts. Information Privacy Law II is a survey course that will provide a foundational background in some or all of the following substantive areas of law: (1) Government Records; (2) Financial Data; (3) Consumer Data; (4) Data Security; (5) Education Privacy; (6) Employment Privacy; and (7) International Privacy Law. While Information Privacy Law I is not a prerequisite, students are encouraged to take both courses in sequence. Updated 10/19.

- M/T/W 10:55–11:50 A.M. Rm 222

- **B734 Advocacy: IP (1) – Janis, M.**

This course is the for-credit component of students participation on one of the IP Moot Court teams, which include AIPLA, INTA, Oxford International IP Moot, and the International Patent Drafting Competition. Enrollment is by permission of the instructor only. Before enrolling under this course number, please confirm your participation on the IP Moot Court Team with the CIPR Administrative Director, Casey Nemecek (cipr@indiana.edu).

- **B738 Cybersecurity Law II (3) – Lubin, A.**

[Description not currently available]

- **B751 IP Survey (3) - Marinotti, J.**

[Description from Spring 2021] 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

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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.

- **B758 Trademarks (3) – Janis, M.**

[Description from Spring 2021] This course will introduce students to the federal Lanham Act and related common law doctrines that protect against consumer confusion and the appropriation of commercial goodwill. We will investigate the creation and maintenance of trademark rights, trademark registration and administrative proceedings, loss of trademark rights, infringement of trademark rights, defenses and limitations, and jurisdiction and remedies. In addition to these topics, registration, and infringement, we will consider the constitutional and economic foundations of trademark protection and evaluate current trends in trademark law as it applies in online environments.

- **B785 Patent Trial Practice ^^ (3) – Knebel, D.**

[Description from Spring 2021] 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.

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