Intellectual Property – Spring 2016 Syllabus

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Text:

Intellectual Property in the New Technological Age by Merges, Menell & Lemley (6th Edition 2012)

Student learning outcomes:

At the conclusion of this course, students should demonstrate a working knowledge of the basic elements of intellectual property law, including patent, trademark, copyright, and trade secret law.

In addition, students will develop and demonstrate lawyering skills and problem solving, including the ability to closely read and comprehend legal opinions, the ability to analyze and synthesize case law, and the ability to advocate for a legal position.

Class participation:

Class will be driven by student discussion and interaction. I reserve the right to take class participation and quality of class performance into account in determining a student's grade.

Student preparedness:

Each student is expected to attend class prepared to discuss the assigned material. If a student is not prepared for class, I recommend that the student still attend class.

Attendance:

ABA Standard 305(c) and School of Law Bulletin III.G.1 require "regular and punctual class attendance." I will take attendance each class and I reserve the right to take class attendance into account in determining a student's grade.

Laptops/Technology:

Laptops are permitted in class only for taking notes. A student whose laptop use interferes with the classroom experience may be asked to discontinue use of their laptop during class. Repeated disruption may result in a student losing their laptop privileges for the remainder of the course.

Exam:

The exam format will be a take-home exam. Students may use the textbook, their notes and any materials distributed to the class. However, students should not use any materials such as commercial outlines or notes and outlines generated by others. Students will have 8 hours to complete the exam.

Student Assessment:

Your grade for this course will be based on your performance on the final exam and the quality of your class participation. In addition to in-class performance, class participation may include the satisfactory completion of one to three (1-3) short response papers (at least one page in length) regarding guest speakers or other additional class experiences. Response papers will be assigned throughout the semester at the instructor's discretion. Class participation may adjust students' grades by at least 1/3 of a letter grade.

Office hours:

Office hours will be held on Fridays from 12-1 pm and by appointment only. On most class days, I will stay after class approximately 10-15 minutes to answer student questions. For the benefit of the entire class, I will generally address substantive questions I receive via email in class when appropriate.

Announcements:

Outside of the classroom, the primary method for communication will be email. Any class announcements will be made via email and/or TWEN. Students should register for this course's TWEN page as soon as possible.

Code of Professional Responsibility and Conduct:

Law students are being trained to enter a profession in which the highest standard of conduct is expected. Consequently, all law students are required to comply with the rules and regulations of the University and the Dedman School of Law. Students should take the time to familiarize themselves with these rules and regulations.

Disability Accommodations:

Students needing academic accommodations for a disability must first be registered with Disability Accommodations & Success Strategies (DASS) to verify the disability and to establish eligibility for accommodations. Students may call 214-768-1470 or visit http://www.smu.edu/alec/dass to begin the process. Once registered, students should then provide the letter of accommodation to Assistant Dean Steve Yeager to put accommodations in place in the law school.

Religious Observance:

Religiously observant students wishing to be absent on holidays that require missing class should notify me in writing at the beginning of the semester, and should discuss with me, in advance, acceptable ways of making up any work missed because of the absence.

Excused Absences for University Extracurricular Activities:

Students participating in an officially sanctioned, scheduled University extracurricular activity will be given the opportunity to make up any class assignments or other graded assignments missed as a result of

their participation. It is the responsibility of the student to make arrangements with me prior to any missed scheduled examination or other missed assignment for making up the work.

Holidays/No Class:

There will be no classes on January 18^{th} , February 24^{th} and during spring break (March $14-18^{th}$). I will provide students with ample notice if other classes will be cancelled.

Course Schedule and Approximate assigned pages per week:*

<u>Week</u>	<u>Topic</u>	Pages in Casebook	Speakers/Important Events
1 (Jan. 11, 13)	Overview of IP;	Skim 1-24; Read 24-31; 763-	
	Introduction to	790	
	Trademarks		
2 (Jan. 20)	Introduction to	804-810; 828-839	No Class January 18th
	Trademarks; Trademark		
	Classifications;		
	Establishment of		
	Trademark Rights		
3 (Jan. 25, 27)	Trademark Office	848-855; 857-866; 868-874;	
	Procedures;	876-881	
	Incontestability;		
	Infringement		
4 (Feb. 1, 3)	Infringement; Dilution;	889-899; 911-913; 923-930;	
	Domain Names and	943-949; 794-796; 817-821	
	Cybersquatting; False		
	Advertising; Defenses		
5 (Feb. 8, 10)	Defenses; Remedies;	953-958; 960-963; 972-980;	
	Introduction to Patent	989-994; 996-1000; Skim	
	Law	123-132	
6 (Feb. 15, 17)	Patentable Subject	132-139; 156-173; 177-180;	
	Matter; Utility;	185-190; 191-196; 205-209;	
	Describing/Enabling	226-229	
	the Invention; Novelty		
7 (Feb. 22, 24)	Describing/Enabling	234-240; 243-246; 248-251;	No Class Feb. 24 (USPTO
	the Invention; Novelty;	257-278	PTAB Hearings)
8 (2/29, 3/2)	Non-Obviousness;	234-240; 243-246; 248-251;	
		257-278; 287-289;	
9 (Mar. 7, 9)	Infringement; Defenses;	295-310; 323-326; 328-332;	
	Remedies; Design	362-365; 370-373; 375-380;	
	Patents	382-389; 399-409; 412-427	
10 (Mar. 14-18)		Spring Break	
11 (Mar. 21, 23)	Infringement; Defenses;	370-373; 375-380; 382-389;	
	Remedies; Design	399-409; 412-427	
	Patents		

12 (Mar. 28, 30)	Introduction to	429-445; 449-451; 454-464;	
	Copyright Law;	[467-478, 480-481]; 482-489;	
	Requirements;	497-506; [506-520]	
	Copyrightable Subject		
	Matter; The Useful Art		
	Doctrine; Domain and		
	Scope; Initial		
	Ownership of		
	Copyright;		
13 (Apr. 4, 6)	Duration and Renewal;	506-520; [526-536] 536-542;	
	Rights of Copyright	545-549; 556-568; 572-578;	
	Owners; Derivative	[583-584]; [588-598] 598-	
	Works; Public	606; 609-618	
	Performance and		
	Display Rights; Notes		
	on Moral Rights;		
	Indirect Liability; Fair		
	Use Defense;		
14 (Apr. 7, 11)	Fair Use Defense;	623-636; 639-649; 652-659;	
	Other Defenses; Digital	670-680; [684-691]; 694-695;	
	Copyright Law;	698-709; 711-726	
	Enforcement		
15 (Apr. 13, 18)	Digital Copyright Law;	729-731; 732-740; 33-43; 49-	Texas A&M IP
	Enforcement; Trade	53; 58-60	<u>Symposium</u>
	Secret Protection;		
	Subject Matter		
16 (Apr. 20)	Misappropriation of	65-68; 70-73; 76-79; 83-95;	
	Trade Secrets;	106-109; 111-122	
	Departing Employees;		
	Remedies		

^{*}Please note that I reserve the right to change the reading assignment at anytime during the course. The above table is an estimate for your benefit and is subject to change.