

2010 PATENT LAW AND POLICY SYLLABUS

v. 1

Tuesday 8:30 a.m.- 9:55 a.m.

Thursday 8:15 a.m.- 9:40 a.m.

Course No. 24 PROP 713-001

Professor Ed Acheson

Frost Brown Todd LLC

Office 651-6708 Fax 651-6981

Cell 604-1094

eacheson@fbtlaw.com

Note: Cases in italics might be deleted from the syllabus

	TOPIC	ASSIGNMENT
	8/24	35 U.S.C. §§101-103 (available on line at http://www4.law.cornell.edu/uscode/35/pIIch10.html)
1	Introduction 8/26	Background materials 1-57, including <i>E.I. duPont & Co. v. Christopher</i> 47-53
2	Patent Eligibility 8/31	58-59 (through intro to §2.1); notes p. 76 - 77; <i>Gottschalk v. Benson</i> 77-80; notes p. 86-88; <i>Bilski v. Kappos</i> http://www.supremecourt.gov/opinions/09pdf/08-964.pdf and p. 119-122; Exercises p. 122
3	Utility 9/2	123-124; <i>Lowell v. Lewis</i> 124-125; <i>Juicy Whip v. Orange Bang</i> 126-132; § 3.2 intro 132; notes 1-5, p. 139-140; notes p. 153; Exercise 153-154
4	Anticipation 9/7	155-156; <i>Titanium Metal v. Banner</i> 156-166; notes p. 176-178; Exercise 178-179
5	Statutory Bar 9/9, 9/14	180-183; <i>Egbert v. Lippman</i> 183-188; <i>Metalizing Engineering v. Kenyon Bearing & Auto Parts</i> 188-193; <i>City of Elizabeth v. Am. Nicholson Pavement Co.</i> 193-200; <i>Pfaff v. Wells</i> 200-209; <i>Group One v. Hallmark</i> (handout; 254 F3d 1041); <i>Electric Storage Battery v. Shamadzu</i> 209-211; <i>Abbott Labs v. Geneva Pharmaceutical</i> 211-216; <i>W. L. Gore & Associates v. Garlock, Inc.</i> 216-220; 220-223; Exercises 223-224

	TOPIC	ASSIGNMENT
6	Novelty: Prior Invention 9/16, 9/21	225-226; Woodcock v. Parker 226-227; Gillman v. Stern 227-233; §6.2 233-237; Oka v. Youssefeyeh 237-241; p. 241; Scott v. Finney 242-249; Gould v. Schawlow 249-257; Woodland Trust v. Flower Tree Nursery 257-264; <i>Apotex USA v. Merck</i> 264-273; Alexander Milburn Co. v. Davis-Bournonville Co. 273-277; §6.5, p. 277; Notes, p. 280-282; First to File v. First to Invent 282-284; Exercises 284-285
7	Nonobviousness 9/23, 9/28	286-289; Graham v. John Deere Co. 298-308; KSR International Co. v. Teleflex Inc., 308-326; In Re Translogic Technology, Inc. 327-334; Ormco Corp. v. Align Technology, Inc. 334-348
8	Prior Art for Nonobviousness 9/30	369-370; In Re Foster 370-375; In Re Clay 375-381; Exercise 381-382
9	Specification 10/5	386-387; Gould v. Hellwarth 387-398; Atlas Powder Co. v. duPont 398-402; In re Wright 402-409; Application of Barker (handout); notes 414-415; note 3-7 p.425-426; notes 443-445
10	Best Mode 10/7	Chemcast Corp. v. Arco Indus. Corp. 445-457; Best Mode exercise 458
	Fall Break No class 10/12 & 10/14	
	Review 10/19	
11	Claims 10/21, 10/26	459-460; Claim format (including §9.2[a][1], 467-468; p. 474 (note 1) – 479; Al-Site 487500; 508-511; Orthokinetics, Inc., v. Safety Travel Chairs, Inc. 511-517; notes 525-527
12	Prosecution 10/28	530-544; Ethicon v. US Surgical 544-558; Kingsdown Medical Consultants, Ltd. v. Hollister Inc. 558-567; Brasseler v. Stryker Sales (handout); In re Vogel 587595

	TOPIC	ASSIGNMENT
13	Infringement I 11/2, 11/4	Autogiro v. US 649-654; Markman v. Westview Instruments, Inc. 654-665; 672-674; Phillips v. AWH 674-690; Computer Docking Station Corp. v. Dell, Inc. 690-697
14	Infringement II 11/9, 11/11	Graver Tank v. Linde 697-702; Warner-Jenkinson v. Hilton Davis Chemical Co. 702-714; Corning Glass Works v. Sumitomo Elec. USA, Inv. 714-720; Festo v. Shoketsu 721-731; Johnson & Johnston v. R.E. Service 731-739; Wilson Sporting Goods Co. v. David Geoffery & Assocs. 740-742; DSU Medical Corporation v. JMS Company, Ltd. 742-754; Jazz Photo v. US ITC 754-766; Exercise p. 787-790
15	Post-Grant Procedures 11/16 International Prosecution	§10.5 608-609; 617-624; International prosecution 624-628; 632-634; 644-645; Exercises 645-648
16	Equitable Defenses 11/18, 11/25	791-792; Madey v. Duke University 799-808; USM Corp. v. SPS Technologies, Inc. 808-815; A.C. Aukerman co. v. R.L. Chaides Construction Co. 815-824; McElmurry v. Arkansas Power & Light Co. 824-830; 830-833
17	Remedies 11/25, 11/30	834-835; eBay Inc. v. MercExchange, LLC 835-842; Panduit Corp. v. Stahl Bros. Fibre Works, Inc. 849-856; Rite-Hite Corp. v. Kelley Co. 856-868; Bic Leisure Products, Inc. v. Windsurfing International, Inc. 869-876; Georgia Pacific 876-880; 882-884; In re Seagate Technology, LLC 884-896; 896-897; notes 900-902; Exercises 902-904
	REVIEW 12/2	Review