

**Prof. Andrew Chin**  
chin@unc.edu  
www.andrewchin.com

**Spring 2010 Syllabus**  
University of North Carolina School of Law  
Law 286 (20187)

## **PATENT LAW**

### **Description**

This course provides an introduction to essentially all aspects of patent law and practice, including the legal doctrines, public policies, and intellectual theories that inform the practices of patent prosecution, counseling, and litigation. You will initially develop an understanding of the form and substance of the patent instrument, with particular attention to the claims that define the substantive scope of the patent grant. You will then study the statutory requirements for obtaining a patent grant, including utility, novelty, nonobviousness, and adequacy of disclosure. You will also learn the procedures, both before and after the patent grant, that are relevant to the acquisition and maintenance of patent rights. Finally, you will examine the law governing patent infringement, including literal infringement and infringement under the doctrine of equivalents, as well as the applicable defenses and remedies.

### **Casebook, Supplement, and Additional Materials**

The casebook is MARTIN J. ADELMAN ET AL., *CASES AND MATERIALS ON PATENT LAW* (3rd ed. 2009), published by West Group, supplemented by other handouts. We will also be studying some subset of the Patent Act, 35 U.S.C. §§ 1-376.

### **Course Format; Reading**

Lectures and discussion will consume the bulk of our class time. Assigned readings for this class may total as much as 50 pages per week. Plan accordingly and read ahead whenever possible, especially before the Wednesday classes. It is far easier to tackle 50 pages over seven days than over a 48-hour period.

### **Class Participation and Grading**

The class will be divided into three rotating “on-call” groups, each of which will be assigned a number of cases (generally two). You may volunteer during any class session, and are strongly encouraged to do so. If you are on call but unprepared and wish to be spared being called on in class, you may email or speak to me before class and I will do my best to remember not to call on you.

There will be a three-hour final examination, which will be graded in accordance with the law school curve. Your participation grade will be A+, which will count for between 0% and 20% of your final grade, based on the overall quality of your assigned and unassigned participation.

### **Office Hours**

Room 5079, 962-4116. Tuesdays and Wednesdays, 1-2:30; other times if my door is open; and by appointment. At other times, email is preferred. Do not rely on voicemail for time-sensitive matters.

## Order of Topics

The principal cases are listed for your convenience; however, you are also responsible for all material on the pages listed, whether or not it is covered in class. **Minor revisions to this syllabus are likely; they will be announced in class and posted on the class Web site.**

## Show and Tell Assignment (Week 1)

Find a household object, preferably one that you can bring to class, that is marked with a U.S. Patent number. (*Optional:* For more on the significance of marking, read pages 896-904 of your casebook.) Then visit the U.S. Patent Office Web site ([www.uspto.gov](http://www.uspto.gov)) and print out the full text of the patent document. (You can also use [google.com/patents](http://google.com/patents), but do familiarize yourself with the USPTO site.) Be prepared to discuss the object and the document with your practice group.

<i>Unit</i>	<i>Group</i>	<i>Topics</i>	<i>Principal Cases</i>	<i>Pages</i>
1		Overview of the Patent Act; The Patent System as a Policy Instrument	Bonito Boats	3-8, 13-40
2		Show and Tell Exercise		
3	1	Patent Claims	Fressola, Catalina	459-78
4	2	Enablement	Gould v. Hellwarth, Atlas Powder, Wright, Pharmaceutical Resources	386-415
5		Claim Drafting Exercise		
6	3	Written Description	Vas-Cath, Gentry Gallery, Eli Lilly	416-37
7	1	Written Description, Best Mode	Enzo, Chemcast, Exercise	437-58
8	2	Patentable Subject Matter	Chakrabarty, Labcorp	58-76
9	3	Patentable Subject Matter	Benson, Diehr	76-88
10	1	Patentable Subject Matter	Bilski, Exercises	88-122
11	2	Utility	Lowell, Juicy Whip, Brenner, Fisher	123-54
12	3	Public Use	Egbert, Metallizing, City of Elizabeth	180-200
13	1	On Sale, Third Party Activities	Pfaff, ESB, Abbott, Gore, Exercises	200-20, 223-24

14	2	Prior Invention	Woodcock, Gillman, Oka	225-41
15	3	Prior Invention	Scott, Gould v. Schawlow, Woodland Trust	241-64
16	1	Prior Invention	Apotex, Milburn, Exercises	264-77, 284-85
17	2	Anticipation	Titanium Metals, Schering, Exercises	155-79
18	3	Nonobviousness	Graham, KSR, Translogic, Deuel, <i>Artful Prior Art</i>	298-334, 359-68
19	1	Claim Construction	Markman, Phillips	654-665, 674-690
20	2	Doctrine of Equivalents	Graver Tank, Warner- Jenkinson	697-714
21	3	Prosecution History Estoppel	Corning Glass, Festo	714-31
22	1	Defenses and Remedies (time permitting)	Madey, eBay, Panduit, Rite-Hite	799-808, 835-42, 849-69