



Intellectual Property (Law 388)
Professor [Eric Goldman](#)
Fall 2011

- 1. SESSIONS.** The course meets in Bannan 135 Mondays and Wednesdays 10:30-11:45 am from August 15 to November 23, except September 5 (Labor Day) and October 10 (Academic Recess).
- 2. BOOKS.** Merges, Menell & Lemley, *Intellectual Property in the New Technological Age*, Fifth Edition (ISBN 978-0735589131), plus a short coursepack available in Claranet.
- 3. READINGS** (subject to change).

Introduction and Overview (approx. 1 week): 1-31

Trade Secrets (approx. 2 weeks): 33-58, 60-78, 85-112, 119-123

Patents (approx. 3 weeks): 125-146, *Bilski v. Kappos* (in coursepack), 166-172, 175-191, 195-201, 207-214, 216-256, 262-285, 295-299, 343-347, *Therasense v. Becton Dickinson* (in coursepack), 353-367, 377-399

Copyright (approx. 3½ weeks): 411-448, 460-504, 508-539, 555-634, 722-732

Trademarks (approx. 3 weeks): 733-788, 824-852, *Pillsbury v. Milky Way* (in coursepack), 890-940

Publicity Rights (approx. 1 week): 1020-1051

Notes: We will discuss the casebook problems only occasionally, so feel free to skim them. Pay close attention to the statutes reprinted in the casebook.

4. GRADING.

Attendance. In-class material and discussions are crucial to this course, so I expect you to attend every class. However, because our lives are unpredictable, you have five “free passes” for unexcused absences. You only need to let me know about an expected absence if you are requesting that I excuse it. I will excuse absences only for very good cause. Your sixth unexcused absence may trigger a significant penalty to your final course grade. At my option, I may drop you from the course or give you an F upon a seventh unexcused absence.

Grading. Except for adjustments due to excessive unexcused absences, the final exam will constitute 100% of the course grade. The final exam will be a take-home exam, probably consisting of 2 essay questions with a maximum word count for each. You will check out a hard copy of the exam any time during the designated exam window, with the exam due no later than

24 hours from your checkout time. The Faculty Support Office must be open both when you check out the exam and when you return it (i.e., no checkouts on Friday). The checkout window will open on November 30, and the last checkout day is December 8. Please note: I do not accept late exams; **you will fail the course if your exam is checked out for more than 24 hours—even by 1 minute.** Please don't learn the hard way how seriously I take deadlines.

I strongly encourage you to review my past exams to understand my exam style. You can find past exams and sample answers at [my website](#) (note the law may have changed in the interim).

5. RECORDING. I intend to record most course sessions and post them to iTunesU. If you have any concerns about your in-class comments being recorded, please let me know.

6. OFFICE HOURS. Unless I am teaching class, at a meeting or traveling, I am typically in my office between 9:30 and 6 M-F. I can schedule a time to speak with you at your convenience. Please email me to make an appointment. I'm also happy to talk by email.

7. CONTACT.

Eric Goldman
Santa Clara University School of Law
500 El Camino Real, Bannan 200K
Santa Clara, CA 95053
Phone: 408-554-4369
Email: egoldman@gmail.com

When emailing me, please reference "IP" in the subject line to avoid unintentional deletion as spam. This also helps me distinguish emails from my two classes.

If you want to see some of the issues I'm tracking, consider reading [my blog](#) or following me at [Twitter](#) (@ericgoldman). More course-related materials, including an electronic copy of this syllabus, are available at [my personal website](#), <http://www.ericgoldman.org>.