



Intellectual Property Law (Law 430)

Eric Goldman

Marquette University Law School

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1. SESSIONS. The course meets Monday through Thursday between June 30 and July 24 from 5:00-7:15 pm in Room 204.

2. BOOKS. The casebook is Merges, Menell & Lemley, *Intellectual Property in the New Technological Age* (3rd edition 2003; ISBN 0-7355-3652-X). Please get the right edition! You also need a current statutory supplement. I recommend Goldstein & Kitch's *Selected Statutes and International Agreements on Unfair Competition, Trademark, Copyright and Patent* (2002 edition; ISBN 1-58778-353-3).

3. GRADING. There are two components of the final grade:

a. Final Exam. The final exam will be held Tuesday, July 29 starting at 5:00 pm. The final exam comprises 90% of the course grade. I intend to follow the standard law school curve. I expect that the final exam will be structured as a "take home" exam to permit you to use computers, but it will be conducted over only a few hours, like an in-class exam would be.

b. Case Summary. 10% of your course grade is based on summarizing a recent intellectual property case. The case summary has several benefits. First, it will get you thinking about very recent legal developments, a daily ritual for intellectual property practitioners. Second, the summary will allow you to apply and refine your writing skills.

Third, all summaries will be considered for publication in, among other places, the Wisconsin State Bar's Intellectual Property Section newsletter. I will forward all case summaries (with my publication recommendations) to the newsletter's editor. You can improve your publication chances by (1) closely adhering to the specifications in Appendix A, (2) picking a noteworthy case, and (3) submitting your summary well before the deadline.

I will post a list of summarizable cases in a TWEN forum. You can pick any case you want, even those not on that list, but each case can be summarized by only 1 person. To claim a case, you should post a message in the TWEN forum specifying which case you're summarizing. First come, first served!

Email your summary to eric.goldman@marquette.edu (as a virus-free Word for Windows attachment) so that it is in my in-box no later than **July 26 at 4:30 pm**. I will send you a confirming email at my earliest convenience after receiving your summary, but no exceptions will be made for any technical issues that prevent your email from getting to me on time. I do

not care if you invest little thought or write poorly, but I DO NOT TOLERATE LATE PAPERS. THERE IS NO GRACE PERIOD. NO EXCUSES!

I score case summaries 0, 1, 2 or 3. The only ways to get a 0 is by missing the deadline or writing an off-topic paper. The only way to get a 1 is by completely ignoring the specifications in Appendix A. I expect almost all summaries will earn a 2. I may occasionally give 3s to truly exceptional summaries (measured by things like clarity, conciseness and accuracy). However, rather than striving to get a 3, I encourage you to invest extra effort on your summary to improve your publication chances.

4. TWEN. YOU MUST REGISTER FOR THE COURSE'S TWEN SITE NO LATER THAN WEDNESDAY, JULY 2 AT 5 PM OR I MAY DROP YOU FROM THE COURSE. If you have any difficulties logging onto TWEN, contact Danae Weidemann, 800-550-5088 x3284. I will send important administrative emails and other emails of interest to the TWEN email list, so make sure you provide an email address to Westlaw that you actually check.

5. OFFICE HOURS. I don't have regularly scheduled office hours, but I am on campus most days (usually between 9:30 am and classtime) and I invite you stop by my office (Room 110E) at your convenience. Or, email me to arrange a scheduled time to talk. Also, I use email extensively, so I am also happy to answer questions by email.

6. ATTENDANCE. ABA and AALS rules require class attendance, but I do not record attendance or grade in-class participation. Therefore, you don't need to inform me if you are unable to attend class or need to leave early.

7. ESTIMATED SCHEDULE (subject to change).

Week #1

June 30: Introduction and Overview. Read casebook pages 1-26.
July 1-2: Trade Secrets. Read casebook pages 27-104.
July 3: Patents. Read casebook pages 105-147.

Week #2

July 7-9: Patents, continued. Read casebook pages 147-307 [skip pages 307-317].
July 10: Copyrights. Read casebook pages 319-366.

Week #3

July 14-16: Copyrights, continued. Read casebook pages 366-528 [skip pages 493-521].
July 17: Trademarks and Trade Dress. Read casebook pages 529-571.

Week #4

July 21-22: Trademarks and Trade Dress, continued. Read casebook pages 571-738 [skip pages 591-613].

July 23: Other Doctrines. Read casebook pages 789-830.

July 24: Catch-up and Conclusion.

8. CONTACT INFORMATION.

Eric Goldman
Marquette University Law School, Room 110E
1103 W. Wisconsin Avenue
Milwaukee, WI 53233
Phone: 414-288-5232
Fax: 414-288-6403
Email: eric.goldman@marquette.edu

More course-related materials, including an electronic copy of this syllabus, are available at http://eric_goldman.tripod.com.

Appendix A

Case Summary Specifications

Your case summary should provide an attorney with a “briefcase-friendly” digest of a recent IP case. Keep it short! (shoot for around 300 words; do not exceed 800 words) If a case has multiple unrelated issues, you might focus on just one key issue. If you are having length problems, you can often save words by eliminating or paraphrasing case quotes, avoiding the passive voice and removing prepositional phrases. Please minimize editorial comments. Your summary should follow Bluebook format.

Organize your summary as follows (please vary this only in exceptional situations):

- The first sentence should summarize the key takeaway point
- If different, state the court’s holding
- State what the lower court held (if applicable)
- Briefly state any facts necessary to appreciate the holding
- Describe the court’s logic
- The last sentence should state which party won

Where possible, try to refer to the parties using descriptive nouns such as “patentee,” “trademark owner,” “licensee” or “accused infringer” instead of generic nouns like “plaintiff” or “appellant.”

The summary’s title should be in the following format:

- Case name
- Court
- Date of decision
- “Summary by” [your name]

For examples of case summaries, see <http://www.wisbar.org/sections/iprop/news/>.