



Intellectual Property (Law 388)
Professor Eric Goldman
Fall 2012

1. SESSIONS. The course meets in Bannan 135 Mondays and Wednesdays 10:30-11:45 am from August 13 to November 21 with the following exceptions:

- We will not meet on September 3 (Labor Day), 5 (traveling), 17 (Rosh Hashana) or 26 (Yom Kippur) or October 8 (Fall recess)
- We will have makeup sessions (also in Bannan 135) from 1-3 pm on September 21 and October 12

2. BOOKS. Merges, Menell & Lemley, *Intellectual Property in the New Technological Age*, Sixth Edition (ISBN 978-1454820093), plus a supplement available in Claranet.

3. READINGS (subject to change). I based the pages on the book's page proofs, so I will have to adjust if the page numbers changed from page proofs to print.

Introduction and Overview (approx. 1 week): 1-31 and pages 2-11 of the supplement

Trade Secrets (approx. 2 weeks): 33-57, 60-63, 66-75, 83-87, 89-112 + page 12 of the supplement, 117-122

Patents (approx. 3 weeks): pages 13-23 of the supplement, 123-139, 144-182, 185-201, 205-232, 234-278, 284-328, 370-389, 399-409, 415-421

Copyright (approx. 3½ weeks): 429-466, 480-522, 526-555, 572-651 + page 24 of the supplement, 682-684, 751-761

Trademarks (approx. 3 weeks): 763-845, 876-904, Pillsbury v. Milky Way (page 25 of the supplement), 953-982

Publicity Rights (approx. 1 week): 1064-1096

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 session, including the makeup sessions. However, because our lives are unpredictable, you have five "free passes" for unexcused absences. Let me know about an upcoming absence only if you are requesting that I excuse it. I excuse absences only for very good cause; and job interviews don't qualify (although they are good news!). 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 be able to check out the exam on any of the following days at any time the Faculty Support Office (FSO) is open: November 26-29 or December 3-6. Your exam will be due to the FSO before 4:30 pm the day after you check out your exam (and you must return it when the FSO is open). I don't anticipate that we will distribute exams, or accept exam answers, electronically.

Important note: I do not accept late exams. **You will fail the course if your exam is not returned on time—even you are late by only 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 hope to audio- and video-record all course sessions (except guest lectures) and distribute those recordings to you. I am anticipating uploading the audio recordings to iTunesU, which is available to the public. If you have any concerns about being recorded, please let me know ASAP.

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 sort my emails between my two classes.

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