

Introduction to Intellectual Property – Spring 2020  
Prof. Rantanen

**Course Syllabus**

Class No.	Topic	INTELLECTUAL PROPERTY: LAW & THE INFORMATION SOCIETY SELECTED STATUTES AND TREATIES	INTRODUCTION TO INTELLECTUAL PROPERTY: CASES AND QUESTIONS
1.	Introduction		
2.	Policies and Theories	U.S. Const. Article 1, Section 8, Clause 8.	Excerpts from Fisher, Bentham, Locke, Madison & Jefferson.
3.	Copyrightable subject matter and the requirements of originality and fixation	17 U.S.C. §§ 102, 103, 104	<i>Feist Publ'ns, Inc., v. Rural Telephone Service Co.</i> , 499 U.S. 340 (1991)
4.	The idea/expression dichotomy and the useful articles doctrine		<i>Baker v. Selden</i> ; 101 U.S. 99 (1879); <i>Star Athletica, L.L.C. v. Varsity Brands, et al.</i> , 137 S.Ct. 1002 (2017)
5.	Ownership of copyrights	17 U.S.C. §§ 101, 201	<i>Cmtty. for Creative Non-Violence v. Reid</i> , 490 U.S. 730 (1989)
6.	Copyright formalities, duration, and termination	17 U.S.C. §§ 104A, 109, 401, 402, 407, 409, 411, and 412	<i>Golan v. Holder</i> , 565 U.S. ___ (2012)
7.	Copyright infringement I: Reproduction	17 U.S.C. § 106(1)	<i>Nichols v. Universal Pictures Corp.</i> , 45 F.2d 119 (2d Cir. 1930)
8.	Copyright infringement II: Additional rights	17 U.S.C. § 106(2)-(6); § 106A	<i>Pickett v. Prince</i> , 207 F.3d 402 (7th Cir. 2000)
9.	Statutory limits on copyright enforcement, including fair use	17 U.S.C. § 107	<i>Campbell v. Acuff-Rose Music, Inc.</i> , 510 U.S. 569 (1994)
10.	Team Exercise One		
11.	What is a trade secret?	Uniform Trade Secrets Act	<i>Learning Curve Toys v. Playwood Toys</i> , 342 F.3d 714 (7th Cir. 2003)
12.	Misappropriation of trade secrets	Uniform Trade Secrets Act	<i>E.I. DuPont &amp; Co. v. Christopher</i> , 431 F.2d 1012 (5th Cir. 1970)

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13.	Employee mobility and trade secrets	Cal. Bus. & Prof. Code §§ 16600-16602	<i>PepsiCo v. Redmond</i> , 54 F.3d 1262 (7th Cir. 1995)
14.	What is a patent?	Special assignment: Watch the Federal Courts video on Patents. <sup>1</sup>	U.S. Patent No. 5,352,605 and Reexamination; <i>Bowman v. Monsanto</i> , 133 S.Ct. 1761 (2012)
15.	Patent eligible subject matter I: natural phenomena vs. human created	35 U.S.C. § 101	<i>Ass'n for Molecular Pathology v. Myriad Genetics, Inc.</i> , 133 S.Ct. 2107 (2013)
16.	Patent eligible subject matter II: abstract ideas		<i>Diamond v. Diehr</i> , 450 U.S. 175 (1981)
17.	Prior art and the requirement of novelty	35 U.S.C. § 102	<i>Manning v. Cape Ann Isinglass &amp; Glue Co.</i> , 2 S.Ct. 860 (1883); <i>In re Lister</i> , 583 F.3d 1307 (Fed. Cir. 2009).
18.	The requirement of nonobviousness	35 U.S.C. § 103	<i>Apple, Inc. v. Samsung Electronics Co., Ltd.</i> , 839 F.3d 1034 (Fed. Cir. 2016)
19.	Patent claims and patent process	35 U.S.C. § 112	<i>Nautilus, Inc. v. Biosig Instruments, Inc.</i> , 134 S. Ct. 2120 (2014)
20.	The requirement of disclosure	35 U.S.C. § 112(a)	U.S. Patent No. 317,676; <i>The Incandescent Lamp Patent</i> , 159 U.S. 465 (1895)
21.	Infringement and claim construction	35 U.S.C. § 271(b)	U.S. Patent No. 4,677,798; <i>Phillips v. AWH</i> , 415 F.3d 1303 (Fed. Cir. 2005) (en banc)
22.	Team Problem Two		
23.	What is a trademark?	15 U.S.C. §§ 1052, 1114, and 1125(a)	<i>Qualitex Co. v. Jacobson Prods. Co.</i> , 514 U.S. 159 (1995)

<sup>1</sup> Available at: <https://www.youtube.com/watch?v=ax7QHQTbKQE>

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24.	Distinctiveness	15 U.S.C. §§ 1052, 1114, and 1125(a)	<i>Zatarains Inc. v. Oak Grove Smokehouse</i> , 698 F.2d 786 (5th Cir. 1983)
25.	Priority, incontestability, and registration	15 U.S.C. §§ 1051, 1052, 1114 & 1115	<i>Park 'n Fly v. Dollar Park and Fly</i> , 782 F.2d 1508 (9th Cir. 1986); <i>Matal v. Tam</i> , 137 S.Ct. 1744 (2017)
26.	Trade dress	15 U.S.C. § 1125	<i>Qualitex Co. v. Jacobson Prods. Co.</i> , 514 U.S. 159 (1995); <i>Two Pesos v. Taco Cabana</i> , 505 U.S. 763 (1992); <i>Wal-Mart Stores v. Samara Bros.</i> , 529 U.S. 205 (2000)
27.	Functionality	15 U.S.C. § 1052(e)(5)	<i>Qualitex Co. v. Jacobson Prods. Co.</i> , 514 U.S. 159 (1995); <i>Traffix Devices v. Marketing Displays</i> , 532 U.S. 23 (2000)
28.	Trademark infringement	15 U.S.C. §§ 1114 & 1125(a)	<i>Kemp v. Bumble Bee Seafood</i> , 398 F.3d 1049 (8th Cir. 2005)
29.	Permissible uses of trademarks I	15 U.S.C. § 1115	<i>Zatarains v. Oak Grove Smokehouse</i> , 698 F.2d 786 (5th Cir. 1983); <i>Anheuser-Busch v. Balducci</i> , 28 F.3d 769 (8th Cir. 1994); <i>Mattel v. MCA Records</i> , 296 F.3d 894 (9th Cir. 2002)
30.	Permissible uses of trademarks II; Trademark dilution		<i>Louis Vuitton v. Haute Diggity Dog</i> , 507 F.3d 252 (4th Cir. 2007);
31.	The rights of publicity and privacy		<i>Zacchini v. Scripps-Howard Broadcasting Co.</i> , 433 U.S. 562 (1977)
32.	Team Problem Three		
33.	Remedies	15 U.S.C. § 1117; 17 U.S.C. § 504; 35 U.S.C. § 284	<i>eBay Inc. v. MercExchange, L.L.C.</i> , 547 U.S. 388 (2006)
34.	Indirect infringement	35 U.S.C. § 271(b) & (c)	<i>Metro-Goldwyn-Mayer Studios v. Grokster</i> , 545 U.S. 913 (2005);
35.	Misappropriation; preemption of state law	17 U.S.C. § 301	<i>International News Service v. Associated Press</i> , 248 U.S. 215 (1918);

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36.	Preemption of state law		<i>Kewanee Oil Co. v. Bicron Corp.</i> , 416 U.S. 470 (1974); <i>Bonito Boats v. Thunder Craft Boats</i> , 489 U.S. 141 (1989)
37.	Intellectual property and competition		<i>Motion Picture Patents Company v. Universal Film Manufacturing Company</i> , 243 U.S. 502 (1917)
38.	Post-sale restraints		<i>Impression Products, Inc. v Lexmark International, Inc.</i> , 137 S.Ct. 1523