

MIT Sloan School of Management
Independent Activities Period (IAP) 2022

15.620

Patent Law Fundamentals

Jeffrey A. Meldman

3 units G, graded P/D/F

Listeners are welcome
(Please register for 15.620 with “Listener” status.)

Meets (in person) in room E51-376

MWF, 1 to 3 pm

on the following dates in January:

M		W		F
10		12		14
		19		21
24		26		

Intensive introduction to the basic provisions of U.S. patent law, emphasizing the legal requirements for patentability and the legal process of applying for a patent.

Designed for undergrads and grad students in all MIT departments.

May be taken for 3 units G credit (graded P/D/F) or attended as a listener.

Reading materials include key sections of the U.S. patent statute (Title 35, U.S. Code) and related federal case law. Readings and lecture slides will be posted on the Canvas IAP 2022 website for 15.620, to which registered listeners will have access as well. There are no textbooks or course packs to purchase.

For students taking 15.620 for credit, there will be an end-of-term quiz during the final class on Wednesday, January 26. Students’ grades will be determined by performance on the quiz.

Jeff Meldman is Senior Lecturer in the MIT Sloan School of Management. He received his SB, SM, and PhD degrees from MIT (EECS) and his JD degree from Harvard Law School. His teaching and research focus on technology-related law and on computer modeling of legal reasoning and legal procedure.

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15.620
Patent Law Fundamentals
January 2022 (IAP)

Preliminary Syllabus Nov. 5, 2021

Reading materials will be posted a few days before each class. It will be helpful to read them, or at least to look through them, before the class. ***It will be especially helpful to bring a printed copy of the patent statute excerpts (35 USC) to all of our classes so that we can refer to various sections more easily.*** (Printed copies of this syllabus and of the readings assigned for the first class will be handed out in class as well as posted.)

For purposes of the quiz, students are not responsible for materials marked “***optional.***”

Lecture slides will be posted shortly after each class.

Topics

Reading Materials

***Mon
Jan 10***

Introduction to Patents and Intellectual Property

U.S. Patent No. 5,425,497, Sorensen, “Cup Holder,” June 20, 1995

What a patent is:

U.S. Constitution, Article 1, Sec. 8, Clause 8

As a form of intellectual property
and

As a legal document publicly disclosing a new and useful invention, and establishing the boundaries for the precise invention to which the rights of patent ownership apply

A sample patent document

Fundamental Components of U.S. Patent Law

Constitutional authority for U.S. patent (and copyright) law

Overview of Title 35 of the United State Code (35 USC)

Case law and the role of the federal courts

The quasi-judicial and rule-making roles of the “patent office” (PTO)

***Core Excerpts from
Title 35 of the United States Code (35 USC)***

This short document is our most important reading. We will refer to various parts of it throughout the course. Look briefly through all four pages at the start of the course; then review more carefully the indicated sections as they are assigned for specific classes.

As noted above, it will be especially helpful to bring a printed copy of the 35 USC excerpts to all of our classes.

Optional: “Introduction to the Patent System,” Federal Judicial Center (FJC) # 4342 - V/02, Oct. 2002, video shown to jurors just before patent infringement trials (link to video), and

Optional: “Portable Apparatus for Sitting,” fictitious sample patent used in FJC video

Topics

Reading Materials

**Wed
Jan 12**

Conditions for Patentability ("New and Useful"):

Utility
Novelty
(including the new U.S. rule
regarding inventor priority)
Non-obviousness

*(Please remember to bring a copy of the excerpt
from 35 USC with you to class.)*

Review: 35 USC §§101, 102, and 103.

Structural Rubber Products v. Park Rubber, 749
F.2d 707 (Fed. Cir. 1984)

Graham v. John Deere Co., 383 U.S. 1 (1966)

**Fri
Jan 14**

Eligible Classes of Patentable Invention

Statutory subject matter and
judicially recognized
exceptions

Patentability of software, business
methods, and human genes

Rights of Patent Ownership

Right to exclude others (versus
exclusive right) in relation to
improvement patents

Review: 35 USC §§ 101 and 154

State Street Bank & Trust v. Signature Financial
Group, 149 F.3d 1368 (Fed. Cir. 1998)

Alice Corporation Pty. Ltd. v. CLS Bank
International et al., 573 U.S. 208 (2014)

Enfish v. Microsoft, 822 F.3d 1327 (Fed. Cir.
2016)

Association for Molecular Pathology v. Myriad
Genetics, 569 U.S. 576 (2013)

**Wed
Jan 19**

Obtaining a Patent

The application process
(patent prosecution)

Contents of the application
(especially the specification)

The role of the patent search

On-line search tools available
through the MIT Libraries

Guest:

Nicholas Albaugh
Innovation and
Entrepreneurship Librarian
MIT Libraries

Review: 35 USC §§ 111, 112, 113, and 115

Title 37 of the Code of Federal Regulations
(CFR), selected excerpts relating to the patent
specification (§§ 1.71-1.77)

To be handed out in class:

Sample U.S. patent. This patent will also be
posted on Canvas after class, along with
optional excerpts from the patent's
prosecution history (PTO "file wrapper").

Topics

Reading Materials

Fri
Jan 21

Patent Claims

Patent claims as property boundaries

The scope, language, and structure of patent claims

Patent Licenses and the MIT Technology Licensing Office

Guest:

Dan Dardani
Technology Licensing Officer
Shirley Database Project
Functional Lead
MIT Technology Licensing Office

O'Reilly v. Morse, 56 U.S. 62 (1854)

Review the claims in the patent handed out in Wednesday's class, and bring the patent with you to class today.

Mon
Jan 24

Patent Infringement, Defenses, and Remedies

Literal infringement and the doctrine of equivalents

Patent invalidity and other defenses

Legal and equitable remedies

Other Forms of Intellectual Property

Overview of copyrights, trade secrets, and trademarks, and how they differ from patents

Comparing patent and copyright protection for software

Review: 35 USC §§ 271(a), 282, 283, and 284.

Warner-Jenkinson v. Hilton Davis Chemical, 520 U.S. 17 (1997)

Lotus v. Borland, 49 F.3d 807 (1st Cir. 1995), affirmed, *per curiam*, 516 U.S. 233 (1996)

Optional: Title 17, U.S. Code (Copyrights), excerpts

Optional: Uniform Trade Secrets Act (abridged)

Optional: Title 15, U.S. Code, Chapter 22 (Trademarks), excerpts

Wed
Jan 26

End-of-Term Quiz

(E51-376, 1 to 3 pm)

(In the unlikely event of an MIT snow closure on Wednesday, January 26, the quiz will be held on Thursday, January 27 (same time and room).