

FALL 2009

PATENT LITIGATION STRATEGY

Prof. Lewis and Prof. Mansfield

Class Schedule and reading assignments for Class 10-13

10 JEM	11/11	Proving Infringement	Literal Infringement Doctrine of Equivalents Means plus Function All Elements Rule Prosecution History Estoppel Disclosed but not claimed	MML 322- 334, 342-349, 383, 395-396, 405-407, 409, 424-431 and problems 1 and 2, 432-433, 441-468
11 CJL	11/18	Invalidity Unenforceability Other defenses	Presumption of validity Anticipation Obviousness Reexamination/Stay 112 Defenses Inequitable Conduct Patent Misuse Laches and Estoppel	MML 498-501, 505-510, 517-519, 526-527, 532-533, 541-543, 544-549, skim 549-560 (KSR), 560-563 873-874, 887-890 MML 563, 569-571, 580-583, 587-588 MML 597-598, 605 -606, 615-618 MML 618-620, 626-628 MML 639, 655-656
12 JEM	11/25	Injunctions Damages	Preliminary Injunctions Permanent Injunctions Lost Profits Reasonable Royalty Entire Market Rule Interest and Costs Enhanced Damages Willfulness & Attorney Fees Marking	MML 673-674, 680-686, skim 686-692 (Ebay) PFC 871-892 PFC 892-900 PFC 900-905 PFC 905-912 PFC 953-980 MML765-769 PFC 691-696
13 CJL	12/1*	Clean Up Pizza on the Profs	Infringement Invalidity Damages	NO READING

* John and I have a mediation in Chicago on 12/3/09, so would need to leave on 12/2 for travel. We would like to schedule class for 12/1 or 11/30. We will discuss at next class.