Patent Prosecution Course Description and Procedures

Professors Friedrich and Ashburg

Substantive law and procedure governing the patent application process are covered. This course is not intended to prepare students to take the Patent Bar Exam. Rather, this course is intended to provide students with the basics of preparing a patent application and prosecuting the application in the United States Patent and Trademark Office. Strategies for obtaining a patent which can withstand pre-litigation and litigation scrutiny are also covered.

During the first 3-4 weeks of the semester, students will be required to complete non-graded claim drafting exercises. Examples of A-level responses to these exercises will be provided as a guide for the student to self-examine their progress. Students will also have required readings to be completed before certain classes, as will be specified in a detailed Syllabus to be posted on the Law Center website prior to the first week of classes. The readings will be compiled into printed and/or electronic format available for purchase through the Law Center. The instructors intend for the practical and strategical aspects of this class to be as up to date as possible, and therefore, additional or substitute readings may be assigned during the semester. Such additional or substitute readings will be posted on the class online discussion board.

Classes will be presented in PowerPoint format, copies of which will be posted on the class online discussion board prior to each class. Students may print out copies of the presentations prior to the class for their reference but will not be permitted to use any electronic device (i.e., computers, iPad, smartphone) during the class except for taking notes. Contact details for the instructors will be provided on the first class day.

The grade for this class will be based upon a final exam which may include any standard law school test format as well as exercises in claim drafting, drafting patent application portions and/or responding to an office action. The instructors reserve the right to lower grades for failure to complete the non-graded claim drafting exercises and/or failure to prepare class readings in a manner sufficient to allow the student to discuss the reading during class. Students who are registered patent agents are graded on a separate curve.
The Law Center’s attendance requirement will be enforced with a roll sheet passed at the start of each lecture.