

**INTELLECTUAL PROPERTY LICENSING AND TECHNOLOGY AGREEMENTS (962A-001)**

**Fall 2018**

**Room TBD**

**M 7:30-9:30 pm**

**SYLLABUS AND COURSE REQUIREMENTS**

- INSTRUCTOR:** Lou Brucculeri and Tom Mavrakakis  
Office 342; 832-423-3212 (Lou); 650-714-0345 (Tom)  
Email: [brucculeri@icloud.com](mailto:brucculeri@icloud.com); [mav@me.com](mailto:mav@me.com)  
Office Hours: By appointment
- TEXT:** Raymond T. Nimmer, *Licensing of Intellectual Property and Other Information Assets* (2<sup>nd</sup> ed., LexisNexis 2007)
- Additional readings and supplemental material (if any) will be distributed in class.
- ATTENDANCE:** Attendance is mandatory and attendance will be taken at every class meeting. Excused absences are those of which the instructor has been notified and approved in advance or which involve a medical emergency. Unexcused absences and late arrival to class will negatively affect your class participation grade.
- If a student has an excused absence, he/she may request that the class be videotaped for later viewing. To request videotaping, the student should e-mail the instructor as soon as an absence is anticipated. The instructor will authorize videotaping for excused absences only.
- Students who arrive to class late cause unnecessary disruption and show disrespect to the instructor and other students. Late arrival to class will negatively affect a student's participation grade.
- SUBMISSION OF WRITTEN WORK:** Unless otherwise expressly indicated by the instructor, all written work for this class should be submitted in printed, hard copy form. Do NOT submit your work to the instructor via e-mail without prior permission to do so (which will only be granted under special circumstances). The deadline for submitting written work, if any, is listed in the syllabus. Assignments are due at the beginning of class on the relevant date (or as otherwise specified by the instructor). Work that is submitted after the relevant deadline (including work that is slipped under the door after hours) will be downgraded. To ensure that your assignments are received on time, it is advisable not to wait until the last minute to turn them in.

**GRADING:** Due to the high level of instructor-student interaction, grading for this class is not anonymous. Grades will be assigned as follows:

Final Exam/Written Assignment	85%
Class <u>participation</u>	<u>15%</u>
	100%

**WRITTEN ASSIGNMENT:** Instructions for the written assignment (if any) will be distributed during the semester. The assignment is due when indicated on the syllabus. Late submission is permitted only due to serious medical or other WCL-recognized excuse. Unexcused late assignments will be penalized.

**EXAM:** The final examination for this class will be a 2-hour exam that is open-book and open- notes. You cannot refer to external reference sources, the Internet and the like. The exam will be anonymously graded.

**CLASS PARTICIPATION:** **General.** Class participation consists of the following minimum requirements: attendance at all classes for the entire class period, arriving on time at the beginning of each class, reading all assigned materials prior to class, being prepared to discuss any of the assigned materials and topics of discussion in class, active participation in class exercises, engaging in and contributing to thoughtful class discussion, and demonstrating professional conduct and respect for the opinions of your peers.

**ELECTRONIC DEVICES:** Use of laptop computers and tablet devices in class is permitted for note-taking and other authorized purposes only. The use of computers, tablets, texting devices and mobile telephones during class for checking messages, communicating with classmates, web surfing and other purposes unrelated to class is **prohibited**.

**SYLLABUS:** The syllabus is to serve as a general guide as to how the class will be conducted. You are expected to be familiar with all class requirements described in this document. The instructor reserves the right to change the syllabus as the term progresses so as to accommodate special events, updates, recent developments, speakers, or other unexpected factors.

**CAPS:**

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus.

[http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html)

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**CLASS SCHEDULE and READINGS**

1.	M 8/20	IP strategy. What is a License? Contract Interpretation  <b>A. Before the License is Signed</b> Pre-Transaction Disclosures	Nimmer: 3-4, 11-17, 193-195  Nimmer: 58-60, 67-87
2.	M 8/27	IP Due Diligence  <b>B. Existence of a License</b> Copyright "First Sale"	Nimmer: 267-279
	M 9/3	NO CLASS (LABOR DAY)	
3.	M 9/10	Implied License  Patent Exhaustion	Nimmer: 305-306, 319-344  Nimmer: 283-290
4.	M 9/17	Shrinkwrap and Clickwrap Licenses  Open Source Code Licenses	Nimmer: 18-24, 87-108  Nimmer: 808-815, 820-21, 825
5.	M 9/24	Bankruptcy Issues  <b>C. License Building Blocks</b> <b>Definitions: Parties, Field, Territory, Sublicensing, Term</b>	Nimmer: 709-716, 720-723, 726-732
6.	M 10/1	Exclusive Licenses: Obligations  License Terms: Grant and Scope	Nimmer: 150-156, 181-189  Nimmer: 196-203, 224-243
7.	M 10/8	Antitrust	Nimmer: 607-618, 637-639, 646-662
8.	M 10/15	Patent Pools and Cross-Licensing	Nimmer: 639-646

		Standards Development	
9.	M 10/22	Standing to Sue	Nimmer: 142-150,161-165,173-181
		Licensee Estoppel	Nimmer: 670-680, 368-385
10.	M 10/29	<b>D. Special Licensing Models</b>	TBD
		Joint Ventures	
11.	M 11/5	Trademark Licensing and Franchise Issues	Nimmer: 429-441
		Music Licensing	
12.	M 11/12	Academic Technology Transfer	TBD
		Exam Review Session	