

TRANSNATIONAL INTELLECTUAL PROPERTY LAW, THEORY & PRACTICE P506B Winter, Spring 2009

Syllabus

Transnational IP Seminar

At CEIPI, University of Strasbroug

Day	Time	Topic	Speaker
Monday, March 23	09:00	Welcome and Orientation (coffee and pastries)	
	10:00	Copyright Protection fo Software in U.S. and EU	Prof. Bob Gomulkiewicz and CEIPI professor
	11:30	<i>Break</i>	
	11:45	License Essentials in EU And UW	Prof. Bob Gomulkiewicz and CEIPI professor
	13:00	<i>Lunch break</i>	
	14:30	Introduction of Hypothetical for Licensing Exercise	Prof. Bob Gomulkiewicz, Prof. Dan Laster, and CEIPI professor
	15:00	License Negotiation Preparation	
	17:00	<i>End of class</i>	
Tuesday, March 24	09:00	Copyright and Moral Rights Issues	Prof. Dan Laster and CEIPI professor
	10:30	<i>Break</i>	
	10:45	Patent Litigation	Prof. Doug Stewart, Dr. Jochen Pagenberg, and

		Proceeding in U.S., German and France	CEIPI professor
	12:15	<i>Lunch break</i>	
	14:00	License Negotiation Exercise	Profs. Bob Gomulkiewicz, Prof. Dan Laster, and CEIPI professor
	16:00	Evaluation	
	17:00	<i>End of class</i>	
Wednesday, March 25	09:00	Patent Exhaustion in U.S., Germany and France	Prof. Paul Meiklejohn, Prof. Heinz Goddar, and CEIPI professor
	10:30	<i>Break</i>	
	10:45	Extraterritorial Patent Enforcement in EU and US	Prof. Toshiko Takenaka and Prof. Dieter Stauder
	12:15	<i>Lunch break</i>	
	14:00	Introduction of the mock trial hypothetical: version for American students and version for French and Italian students .	Prof. Meiklejohn and Prof. Stewart
	15:00	Preparation for Mock Trial	
	17:00	<i>End of class</i>	
Thursday, March 26	09:00	Extent of Patent Protection	Prof. Toshiko Takenaka, Judge Randall Rader, Italian and French judges
	11:00	<i>Break</i>	
	11:15	Preparation for Mock Trial	
	12:00	<i>Lunch break</i>	
	13:00	Mock Trial	
	16:00	Evaluation	
	17:00	<i>End of class</i>	
Friday, March 27	09:00	Trademark Protection in U.S. and EU	Prof. Signe Naeve and CEIPI professor
	10:30	<i>Break</i>	
	10:45	International	Sabine Ag and Paul

		Patent Litigation Strategies	Meiklejohn
	<i>12:15</i>	<i>Lunch break</i>	
	<i>14:00</i>	<i>No class</i>	

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Readings

You may be prompted to enter your UWNetID and password.

Reading Assignments

March 23 Copyright Protection of Software in U.S. and EU

[Apple Computer v. Franklin Computer, 714 F.2d 1240 \(3d Cir. 1983\)](#)

[Lotus Development v. Borland Int'l, 49 F.3d 807 \(1st Cir. 1995\)](#)

[Apple Computer v. Microsoft, 35 F.3d 1435 \(9th Cir. 1994\)](#)

March 23 License Essentials in U.S. and E.U

[Gomulkiewicz, Nguyen, and Conway-Jones, Licensing IntellectualProperty: Law & Application, Chapter 1, Overview, Licensing Transactions and Law](#)

[Specht v. Netscape, 306 F.3d 17 \(2d Cir. 2002\)](#)

[National Car Rental v. Computer Assoc., 991 F.2d 426 \(8th Cir. 1993\)](#)

March 24 Copyright and Moral Rights Issues

Readings TBA

March 24 Patent Litigation Proceeding in U.S., German and France

[Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, Official Journal of the European Union L 157 of 30 April 2004](#)

[Council Regulation \(EC\) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, Official Journal of the European Communities L12/1 of 16 January 2001](#)

[Klaus Grabinski, Can and may determination of the extent of protection conferred by a European patent in different countries lead to different results? 30 IIC 855 \(1999\)](#)

[Patent Act 1981, Sec. 14; European Patent Convention, Art. 69 - "Cutting Blade" \(Schneidmesser](#)

[I\) 33 IIC 873 \(2002\)](#)

[Jochen Pagenberg, *Another Year of Debates on Patent Jurisdiction in Europe and No End in Sight?* 38 IIC 805 \(2007\)](#)

[Patent Act, Sec. 10; Civil Code, Sec. 823\(1\) Ai, 38 IIC 609 \(2007\)](#)

[Federal Supreme Court \(Bundesgerichtshof\) 29.04.1986 Case No. X ZR 28/85 "Moulded Curbstone" \(Formstein\), 18 IIC 795 \(1987\)](#)

[Pierre Veron 1998 article, "Successful Practical Strategies for Obtaining an Injunction in France"](#)

[Roux-Vaillard 2005 presentation, « Patent Infringement Damages in France »](#)

[Pierre Veron 2006 chapter, "Patent Infringement Damages in France"](#)

[Thomas Bouvet 2003 presentation, "The French Saisie-Contrefaçon as a Tool in International Patent Litigation"](#)

[Clifford Chance, « Patent Litigation in France : An Overview »](#)

March 25 Patent Exhaustion in U.S., Germany and France

Meiklejohn presentation in PDF: [Quanta Computer v. LG Electronics and Its Implications](#)

[Quanta Computer, Inc. v. LG Elecs., Inc., 128 S. Ct. 2109, 170 L. Ed. 2d 996, 86 U.S.P.Q.2d 1673 \(U.S. 2008\)](#)

[John W. Schlicher, The New Patent Exhaustion Doctrine of Quanta v. LG, 90 JPTOS 762 \(2008\)](#)

[Niels Hölder, Contributory Patent Infringement and Exhaustion in Case of Replacement Parts Comment on a Recent Supreme Court Decision in Germany, 36 Int'l Rev. Intell. Prop. & Competition L. 889 \(2005\)](#)

[LG Elecs., Inc. v. Bizcom Elecs., Inc., 453 F.3d 1364](#)

Trademark Protection in U.S. and E.U.

[USPTO Geographical Indicators Explanatory Document](#)

[David Snyder, ENHANCED PROTECTIONS FOR GEOGRAPHICAL INDICATIONS UNDER TRIPS: POTENTIAL CONFLICTS UNDER THE U.S. CONSTITUTIONAL AND STATUTORY REGIMES, 18 Fordham Intell. Prop. Media & Ent. L.J. 1297 \(Summer 2008\)](#)

[Annette Kur and Sam Cocks, NOTHING BUT A GI THING: GEOGRAPHICAL INDICATIONS UNDER EU LAW, 17 Fordham Intell. Prop. Media & Ent. L.J. 999 \(Summer 2007\)](#)

Additional References

[USPTO link to Geographical Indicators Common Law:](#)

[Michelle Agdomar, REMOVING THE GREEK FROM FETA AND ADDING KORBEL TO](#)

[CHAMPAGNE: THE PARADOX OF GEOGRAPHICAL INDICATIONS IN INTERNATIONAL LAW, 18 Fordham Intell. Prop. Media & Ent. L.J. 541 \(Winter 2008\)](#)

March 26 Extent of Patent Protection

[Phillips v. ARH Corporation, 415 F.3d 1303 \(Fed. Cir. 2005\)](#)

[Warner-Jenkinson v. Hilton Davis Chemical Co., 520 U.S. 17 \(1997\)](#)

[Friedrich-Wilhelm Engel, *The „Wortsinn“ of Patent Claims in German Case Law on Patent Infringement Disputes*, IIC 2003 Heft 03 233](#)

[European Patent Convention 2000 \(EPC 2000\) as adopted by decision of the Administrative Council of 28 June 2001](#)

[Toshiko Takenaka, *Claim Construction and the Extent of Patent Protection: A Comparative Analysis of the Phillis en banc Federal Circuit Decision*, 1 Oxford Journal of IP Law and Practice, 119 \(2006\)](#)

March 27 Extraterritorial Patent Enforcement in EU and US

[Voda v. Cordis, 476 F.3d 887 \(Fed. Cir. 2007\)](#)

[Microsoft Corp. v. AT&T Corp., 550 U.S. 437 \(U.S. 2007\)](#)

[35 USC Section 271 \(a\)\(b\)\(c\)\(f\)\(g\)](#)

[GAT v. LUK \(ECJ 2006\)](#)

[Roche v. Primus \(ECJ 2006\)](#)

International Patent Litigation Strategies

Readings TBA

Office Presentation Formats

Microsoft Office documents may be posted in the 2003 or 2007 formats. If you have Office 2003, you can access 2007 documents by downloading and installing the free Office 2007 compatibility pack available from the [Microsoft download website](#).