

# Law 366, Patent Law – Course Description

## ***Overview***

This course focuses on the principles and practical implications of patent protection in Canada. Discussions will include the fundamental concepts of validity (including statutory subject-matter, novelty, obviousness and utility), infringement, and commercial exploitation of patentable technology. Patent protection for pharmaceuticals, other biotechnological inventions and computer-related inventions will be specifically discussed. There will also be a brief comparative view of the United States patent system in contrast to Canada's.

## ***Course Objectives***

Students should learn how to apply the principles discussed in class to real-world fact patterns. Patent validity and infringement analysis are of particular importance, and two lectures will be devoted to reviewing and discussing non-graded exercises on these topics.

## ***Course Methodology***

This course typically consists of 12 two-hour classes. Nine classes are lectures discussing assigned readings, which consist almost entirely of case-law. Two classes are devoted to discussing and reviewing two non-graded exercises, one on validity (novelty and obviousness) and the other on infringement. The final class is a review class, reserved for interactive discussion between the students and the instructors concerning topics relevant to the final examination.

## ***Methods of Evaluation***

A student's grade on the **final examination** will constitute **100%** of the student's grade in this course (unless a student has requested and obtained approval from the instructor(s) to write a research paper as discussed below). The final examination is open-book. Unless expressly stated otherwise in class by the instructor(s), all topics covered in class, by both the primary instructor(s) and any guest lecturer(s), shall be potential topics for final examination questions. The final examination will typically consist of a major infringement fact pattern question, and a number of shorter questions of varying length and complexity. A sample final examination and its marking guide are posted on the course website.

Alternatively, a student may request the opportunity to write a research paper on a patent law topic approved by the instructors. If the instructor(s) approve the request and the proposed topic, the **research paper** shall constitute **30%** of the student's grade, and the **final examination** shall constitute **70%** of the student's grade. The

instructor(s) shall have an absolute unfettered discretion to approve or disapprove any such request and any proposed topic. Any request to write a research paper should be submitted prior to the end of the first calendar month of classes.

The Faculty has adopted a scale of numerical letter grade equivalency in which a letter grade in a course represents a numerical percentage and a grade point value within the range set opposite the letter grade on the following scale:

<b>Letter Grade</b>	<b>Numerical % Equivalent</b>	<b>Grade Point</b>	<b>Narrative Description</b>
A+	90+	9	Exceptional Performance
A	85 – 89	8	Outstanding Performance
A-	80 – 84	7	Excellent Performance
B+	75 – 79	6	Very Good Performance
B	70 – 74	5	Good Performance
B-	65 – 69	4	Solid Performance
C+	60 – 64	3	Satisfactory Performance
C	55 – 59	2	Minimally Satisfactory Performance
D	50 – 54	1	Marginal Performance
F	49 and below	0	Failing Grade

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