

Patent Law

Fundamentals of
Doctrine and Policy

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Preface

Patent law is the foundational course for all future patent professionals. Yet it is also a course that many law students find exceptionally difficult. While the subject is vital to many students' career goals, the doctrine too often comes across as opaque and bewildering. The legal principles themselves can seem complicated, and the facts of patent cases are rife with science and technology that can impede student understanding of basic concepts. This is the challenge that every teacher of patent law faces. And this is the reason for our casebook. We sought to write a text that would be straightforward and accessible for law students, without compromising the detailed coverage of doctrine and policy that is so crucial to a successful practice.

With this in mind, we began our project. We gave priority to explaining the doctrine in ways that students would understand. Of course, “explaining the doctrine” means more than merely reciting the statutes or the “black letter” rules (although that is certainly important). It means describing the doctrine in layman's terms, providing examples with step-by-step analyses, depicting concepts with visual illustrations, asking follow-up questions that test and validate comprehension, and offering both simple and complex practice problems to assess mastery. Cases should be tools to teach rather than traps for the unwary. Notes that follow should emphasize and enlighten—not muddy and obscure. The focus should be on the fundamentals rather than the esoteric. Nuance and subtlety should be addressed, but only after full comprehension of the basics. In short, the text should be an instrument finely tuned for learning the law and understanding its practical application.

This was our goal, and this casebook represents our best effort to achieve that goal. The book covers all the core statutes and doctrines. Novelty, nonobviousness, subject matter, infringement, defenses, and remedies all receive thorough attention. Additionally, we've included chapters that provide contextual backdrops for many aspects of patent law and practice, including the history of patent law, patent application drafting and prosecution, patent litigation, and design patents. Taken together, the topics offer a robust and thorough introduction to the laws, institutions, and policies that comprise the United States patent system.

We hope that our casebook facilitates a productive and enriching study of patent law.

—Dan and Ned

