

**Intellectual Property Law Survey – Spring 2026**

Tuesdays & Thursdays, 9:00 – 10:25AM	<b>Room:</b> Holland Hall 382	Professor <a href="#">Derek Bambauer</a>
<b>Course:</b> 6570-27574	<b>Credits:</b> 3	<b>Office Hours:</b> Thursdays, 10:45AM – 12:45PM, and by appointment, in Holland Hall 326 or on <a href="#">Zoom</a>
<b>Office phone:</b> 352.273.0957	<b>Office:</b> Holland Hall 326	<b>E-mail:</b> <bambauer@law.ufl.edu>

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Welcome to this survey course in Intellectual Property Law! In this course, we will survey the major doctrines that enable one to assert control over information, innovation, signals, and other intangible goods. The class is intended as a primer, either to begin your training in IP law, or to provide an overview for those of you who do not plan to specialize in the area. The class does not assume any prior exposure to IP or to the technologies that draw upon it.

**Contact Information**

Professor Bambauer can be reached by e-mail (bambauer@law.ufl.edu), by telephone (352.273.0957), or in Holland Hall 326. The best way to reach me is via e-mail; I infrequently check voice mail. If you haven't received a reply to your e-mail within 48 hours, please politely remind me.

Professor Bambauer's office hours are Thursdays, 10:45AM – 12:45PM; you are welcome (and encouraged!) to stop by. I have candy in my office.

I am also available by appointment, and am happy to get together over coffee / tea / lunch, in real space or via Zoom, to discuss patent law, jobs in IP, the obvious superiority of the Boston Red Sox (coming soon), or anything else of interest. You can also follow me on Twitter/X and Bluesky (mostly retweets) @dbambauer.

## **Logistics**

- **Materials** - The required textbook for this class is Peter S. Menell, Mark A. Lemley, Robert P. Merges, & Shyamkrishna Balganesh, [Intellectual Property in the New Technological Era: 2025](#), which comes in **2 volumes**. The supplement to the textbook is **optional**. All three books / volumes are available in print or as a PDF; you may purchase whichever format you prefer. Any additional materials for this course are linked to from this syllabus or posted to the course Canvas site.
- **Course Meeting Times** – The class will meet live on Tuesdays and Thursdays at 9:00AM, in Holland Hall 382. These sessions will be recorded automatically. In addition, if you would like me to record a class via Zoom and make it available on Canvas, please send me an e-mail, preferably at least 24 hours in advance of the class. **In addition**, there will be unscheduled assignments, group activities, and asynchronous video lectures. You are responsible for completing these course components by the deadlines indicated.
- **Communication** - I will communicate with the class via e-mail and via the course Canvas site. Please monitor your e-mail account, sign up for the course Canvas site, and check the Canvas site regularly (at least twice a week).
- **Assignments** - Please see the syllabus below for reading assignments. You are expected to have read and prepared the materials assigned for each class meeting. Please note carefully the page numbers and instructions; often, you will only need to read part of a case or section.

The syllabus will undoubtedly change; please check Canvas regularly for updates and note the “Last Updated” date at the top of the syllabus. You are responsible for reading the materials closely, and for posing questions about anything you do not understand.

- **Helpful Resources** – You should not need any additional resources beyond the required materials. However, if you would like more information on IP law, I recommend:
  - Dan Hunter, [Intellectual Property](#) (Oxford University Press 2012).
  - Treatises: CHISUM ON PATENTS (available on Lexis), MCCARTHY ON TRADEMARKS (available on Westlaw), and NIMMER ON COPYRIGHT (available on Lexis). These are the treatises most frequently used by practitioners and cited by courts.

## **Policies**

- **Attendance** - Regular, punctual attendance is required under the College of Law and American Bar Association rules. You are responsible for ensuring that you are not recorded as absent if you arrive late. If you miss more than 5 classes, you may be dropped from the course. The law school's policy on attendance can be found [here](#).

If you face special circumstances that require you to arrive late, leave early, or miss class sessions, please contact me so we can discuss how best to manage the situation. In particular, if you face an extended absence, contact me so I can help you stay current on the material.

If you feel sick or may have been in contact with someone who is infectious, please stay home and contact me so you can participate by Zoom. Except for seeking medical care, avoid contact with others and do not travel.

Please notify me if you will miss a scheduled course component. All course sessions are recorded so that you can access material that you miss, or review course content.

- **Professionalism** - Please be professional while attending class and while participating in assignments outside class (for example, blog discussions and e-mail exchanges). This includes treating other students and faculty courteously, being prepared for class, ensuring that you do not distract other students, and engaging the material as best you are able. In particular, I ask that you curb electronic distractions: turn cellular phones **off** whenever possible, avoid playing computer games, and do not use communication tools such as instant messaging or e-mail during class time. In return, I commit to treat you with respect and professionalism, including by beginning and ending class on time.
- **Blogging / Podcasting** - You are welcome to blog and podcast about class discussions and assignments, with this proviso: you may not identify any of your classmates by name (for example, "Jane Doe said that everything in this class is infringement") without that person's permission. This policy seeks to ensure frank, enthusiastic discussion in class without concern that an inadvertent error may be preserved forever by Google.
- **Recording Class** - Florida law permits all students to make their own video and/or audio recordings of all "class lectures," and professors may not prohibit or interfere with such recordings. A "class lecture" is defined as an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A "class lecture" does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, or private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Student may use such recordings **only for the following purposes**: (1) their own educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. **All other purposes are prohibited, and students may not “publish” recorded lectures without the written consent of the instructor.** A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code. “Publish” is defined as sharing, transmitting, circulating, distributing, or providing access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services.

- **Special Circumstances** - If you face special circumstances that could affect your participation in class or your ability to prepare adequately (such as a life event, a disability, repetitive strain injury (RSI), or stage fright), please contact me. There are resources at the College of Law and beyond that we can enlist to assist you. Law school can be a stressful experience; I (along with the rest of the faculty and administration) am here to help you manage its challenges. This applies outside of class as well: if you need help or are facing a problem, please reach out. There are a lot of resources here to assist you. In particular, I would like you to be aware of:
  - [Wellness at UF Law](#)
  - [U Matter, We Care](#) – contact at <umatter@ufl.edu> or 352.392.1575 (24 hours). A team member will reach out to you or to whomever needs assistance when in crisis.
  - [Counseling and Wellness Center](#) – <UFLawCares@law.ufl.edu> or 352.392.1575
  - [Student Health Care Center](#) – 352.392.1161 (24 hours)
  - [University of Florida Shands Emergency Room / Trauma Center](#) – 352.733.0111; the ER is at 1515 SW Archer Road, Gainesville, FL 32608
  - [UF Police Department](#): Call 352.392.1111 (or 9-1-1 for emergencies)
- **Vaccines** - The UF Student Health Center offers vaccines to students at no charge. Information is available [here](#).
- **Preferred Name and Pronouns** - It is important to me and to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise. I would like to acknowledge your preferred name, and pronouns that reflect your

identity. Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name.

You can also change your “Display Name” in Canvas. By default, Canvas sets the “Display Name” based upon your personal data in myUFL. You can change the Display Name to what you want people to see in the UF Directory—for example, “Ally” instead of “Allison.” To change your Display Name, go to [one.ufl.edu](https://one.ufl.edu), click on the drop-down menu at the top right, and select “Directory Profile.” Click “Edit” on the right side of the name panel, uncheck “Use my legal name” under “Display Name,” enter how you wish your name to be displayed, and click “Submit” at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records.

- **Out-of-Class Requirements** – American Bar Association Standard 310 requires devoting 2 hours of preparation outside (before) class for each hour of classroom instruction. This class has approximately three hours of classroom instruction per week; thus, you should spend roughly six hours per week outside class reading the assigned materials, preparing practice problems, formulating questions, and so forth.
- **Feedback** - At several points during the course, I will ask you for feedback in writing / electronically about how the course is progressing and how it can be improved. This feedback is anonymous, and it is extremely important to me. It is also a **required component** of the class. I will read and carefully consider everything that the class shares with me; then, I will summarize it at the start of the next session and also describe how I will respond based upon it.
- **College of Law Policies and Resources** - Information about UF Levin College of Law policies can be found at [this link](#).
- **UF Policies and Resources** - Information about UF academic policies and resources can be found at [this link](#).
- **Exam Delays and Accommodations** - The law school policy on exam delays and accommodations is [here](#).

## **Grading**

Your grade for the class will be based upon **3 components**: class feedback, three quizzes, and the final examination.

Deadlines are vitally important to IP lawyers. Failing to meet a deadline can mean that your client will be treated as having abandoned a patent application or as having waived objections or counterarguments in litigation. I may grant deadline extensions in my discretion, on a case by case basis, **if you ask for the extension in advance**. Late assignments will be penalized or will receive no credit at my discretion.

- **Feedback (5% total grade)** – At one or more points during the semester, I will ask you to submit feedback about the course via written response, Canvas post, or e-mail message. I use this feedback to adjust the course during the semester and to improve it year to year. **You earn points simply for submitting feedback – you will not be evaluated in any way based upon the content of the feedback.** (That’s the point of asking for candid input!)
- **Quizzes (3 x 12% each, 36% total grade)** - After we complete the modules on patent law, copyright law, and trademark law, there will be a short quiz (three in total) on each of those topics. Each quiz will comprise **5-7 short-answer questions**; quizzes are **closed-book** and will be hosted on Canvas. You will have **20 minutes**, starting when you commence the quiz, to answer the questions; this is twice as much time as you should need to complete the quiz. Quizzes are **not cumulative**: for example, the quiz after the trademark section will test only trademark law. We will discuss the logistics of the quizzes in class in greater detail.
- **Final Examination (59% total grade)** - The largest component of your grade will be the final examination. It will consist of an 8-hour test that you can download and take at a point of your choosing during exam period (1-14 May 2025). I will post instructions for the final exam to Canvas well in advance of the test - **read them carefully**. You may not copy pre-prepared material into your exam answer. The final exam is open book, open note, and open Internet. It goes without saying that your exam must consist of your own work; you may not accept or provide aid to other students during the examination. (Collaborative preparation in studying for the exam is permitted, and encouraged to the degree you find it helpful.)

## **Objectives**

This class is designed to enable you to:

- Understand the theoretical rationales for granting exclusive legal entitlements over information, and for limiting those grants
- Explain why a particular piece of information is or is not eligible for protection under the doctrines we study
- For each doctrinal area, to analyze:
  - Criteria for eligibility for protection
  - Rights granted to the IP owner
  - Elements in a claim for infringement of those rights
  - Applicable defenses to infringement
  - Remedies available in a successful infringement suit
  - Procedural requirements for obtaining protection and litigating infringement
- Understand the limits placed upon each doctrine by various constitutional provisions and statutes

## Syllabus

Page numbers refer to the textbooks unless otherwise indicated. Additional materials will either be posted to Canvas (“Canvas”) or linked to via hyperlink. This syllabus will change as we move through the course; I anticipate that I will reduce, but not increase, the reading as I assess our pace over the semester.

Some modules *may* be covered asynchronously: you will watch a recorded lecture on the material at a time of your choosing. These modules will be marked as “**ASYNC**” in the list of assignments below.

Module and Topic	Date	Assignment
1 – <b>Introduction and IP Theory</b>	20 January	<ul style="list-style-type: none"> <li>Textbook pages 1-37</li> </ul>
2 – <b>Patent Law:</b> Introduction, Subject Matter, & Inventorship	22 January	<ul style="list-style-type: none"> <li>35 U.S.C. §§ <a href="#">100</a>, <a href="#">101</a></li> <li>166-178</li> <li>279</li> <li>Skim 280-287</li> <li>287-299</li> <li>302-306 (##6-9)</li> <li>310-316</li> <li>322-326</li> </ul>
3 – Patent Law: Utility, Novelty, & Statutory Bars ( <b>pre-AIA</b> )	27 January	<ul style="list-style-type: none"> <li>35 U.S.C. § <a href="#">102</a></li> <li>243-253</li> <li>179-191</li> <li>193-204</li> </ul>
4 – Patent Law: Priority, Novelty ( <b>post-AIA</b> )	29 January	<ul style="list-style-type: none"> <li>204-206</li> <li>35 U.S.C. § <a href="#">102</a> (<b>post-AIA</b>)</li> <li>211-215</li> </ul>
5 - Patent Law: Non-obviousness	3 February	<ul style="list-style-type: none"> <li>35 U.S.C. § <a href="#">103</a> (read both <b>pre-AIA and post-AIA</b>)</li> <li>216-237</li> <li>240-43</li> </ul>
6 – Patent Law: Disclosure	5 February	<ul style="list-style-type: none"> <li>35 U.S.C. § <a href="#">112</a> (read both <b>pre-AIA and post-AIA</b>)</li> <li>253-67</li> <li>271-72</li> <li>276-78 (##2-5)</li> <li>278</li> <li>374-380</li> </ul>

7 – Patent Law: Claims & Direct Infringement	10 February	<ul style="list-style-type: none"> <li>• 35 U.S.C. § <a href="#">271</a></li> <li>• 339-344</li> <li>• 357-366</li> <li>• 382-87</li> </ul>
8 – Patent Law: Doctrine of Equivalents & Secondary Infringement	12 February	<ul style="list-style-type: none"> <li>• 387</li> <li>• 390-395 (Comments and Questions)</li> <li>• <i>Warner-Jenkinson Co. v. Hilton Davis Chemical Co.</i> (Canvas)</li> <li>• 398-409</li> </ul>
9 – Patent Law: Defenses & Remedies	17 February	<ul style="list-style-type: none"> <li>• 35 U.S.C. § <a href="#">284</a></li> <li>• 416-420</li> <li>• 421-438</li> <li>• 446-452</li> <li>• 452-462</li> <li>• 464-470</li> <li>• 471-472</li> </ul>
<b>Patent Quiz</b>	Available 9:00AM Wednesday 18 February; <b>must take by 11:59PM Wednesday 25 February.</b>	
10 – <b>Trade Secrets:</b> Trade Secret - Subject Matter, Reasonable Efforts, & Disclosure	19 February	<ul style="list-style-type: none"> <li>• 41-50</li> <li>• 50-62</li> <li>• 64-72</li> <li>• 73-78</li> <li>• <a href="#">Explaining the Defend Trade Secrets Act</a>, AM. BAR ASS'N (Sept. 20, 2016)</li> </ul>
11 – Trade Secrets: Misappropriation, Defenses, & Remedies	24 February	<ul style="list-style-type: none"> <li>• 80-85</li> <li>• 86-92</li> <li>• 93-99</li> <li>• 112-117, 120-121</li> <li>• 143-154</li> </ul>
12 – <b>Copyright:</b> Introduction, Fixation, & Subject Matter	26 February	<ul style="list-style-type: none"> <li>• 17 U.S.C. <a href="#">101</a> (as needed)</li> <li>• 17 U.S.C. <a href="#">102</a></li> <li>• 518-524</li> <li>• 527-538</li> <li>• 541-546</li> <li>• 547-551</li> <li>• 561-570</li> </ul>

13 – Copyright: Subject Matter & Ownership	3 March	<ul style="list-style-type: none"> <li>• 17 U.S.C. § <a href="#">103</a></li> <li>• 572-577</li> <li>• 579-588</li> <li>• 589-592</li> <li>• 593-96</li> <li>• Skim 596-608</li> <li>• 616-618</li> <li>• 621-633</li> </ul>
14 – Copyright: Duration & Rights / Direct Infringement (Reproduction, Derivative Works)	5 March	<ul style="list-style-type: none"> <li>• 17 U.S.C. <a href="#">106</a></li> <li>• 17 U.S.C. <a href="#">302</a>(a), (b), (c)</li> <li>• 649-56</li> <li>• 657-659</li> <li>• 662-684</li> <li>• 706-718</li> </ul>
15 – Copyright: Rights & Direct Infringement (Distribution, Public Performance, Public Display, Moral Rights)	10 March	<ul style="list-style-type: none"> <li>• 17 U.S.C. § <a href="#">501</a>(a)</li> <li>• 721-723</li> <li>• 735-36</li> <li>• Skim 736-746</li> <li>• 751-753</li> </ul>
16 – Copyright: Indirect Infringement & Defenses – Fair Use	12 March	<ul style="list-style-type: none"> <li>• 17 U.S.C. § <a href="#">107</a></li> <li>• 771-782</li> <li>• 783-795</li> <li>• 798-806</li> </ul>
17 – Copyright: Defenses – Fair Use & Other Defenses	24 March	<ul style="list-style-type: none"> <li>• 807-832</li> <li>• 837-844</li> <li>• 915-916</li> <li>• 723-724</li> </ul>
18 – Copyright: Remedies & Digital	26 March	<ul style="list-style-type: none"> <li>• 17 U.S.C. <a href="#">502</a></li> <li>• 17 U.S.C. <a href="#">504</a></li> <li>• 916-919</li> <li>• 920-926</li> <li>• 927-933</li> </ul>
19 – Copyright: Digital & Internet	31 March	<ul style="list-style-type: none"> <li>• 17 U.S.C. § <a href="#">512</a>(c)</li> <li>• 690-701</li> <li>• 765-767</li> <li>• 860-861</li> <li>• 863-878</li> <li>• Skim 895-914</li> </ul>

<b>Copyright Quiz</b>	<b>Available 9:00AM Wednesday 1 April; must take by 11:59PM Wednesday 8 April</b>	
20 – <b>Trademarks:</b> Introduction, Procedure, Subject Matter, & Distinctiveness	2 April	<ul style="list-style-type: none"> <li>• 15 U.S.C. <a href="#">1051</a>(a)</li> <li>• 15 U.S.C. <a href="#">1127</a> (as needed)</li> <li>• 949-957</li> <li>• 1038-1040</li> <li>• 957-976</li> <li>• 977-989</li> </ul>
21 - Trademarks: Distinctiveness	7 April	<ul style="list-style-type: none"> <li>• 15 U.S.C. § <a href="#">1052</a> (f)</li> <li>• 989-996</li> <li>• 996-1004</li> <li>• <i>Two Pesos, Inc. v. Taco Cabana, Inc.</i>, 505 U.S. 763 (1992) (excerpts, on Canvas)</li> </ul>
22 – Trademarks: Functionality, Use, Priority, & Geographic Limits	9 April	<ul style="list-style-type: none"> <li>• 15 U.S.C. §§ <a href="#">1051</a>(b), (d)</li> <li>• 1005-1014</li> <li>• 1031-1033</li> <li>• 1035-1036</li> <li>• 1019-1031</li> <li>• Derek E. Bambauer &amp; Robert W. Woods, <a href="#">Tea and Donuts</a>, 107 MINNESOTA LAW REVIEW 1875, 1875-1884, skim 1905-1928 (2023)</li> </ul>
23 – Trademarks: Registration	14 April	<ul style="list-style-type: none"> <li>• 15 U.S.C. §§ <a href="#">1051</a>(a), <a href="#">1052</a></li> <li>• Review 1038-1039</li> <li>• 1039-1051</li> <li>• <i>Matal v. Tam</i>, 582 U.S. 218 (2017) (excerpts, on Canvas)</li> </ul>
24 – Trademarks: Infringement by Confusion	16 April	<ul style="list-style-type: none"> <li>• 15 U.S.C. §§ <a href="#">1125</a>(a), <a href="#">1114</a>(1)</li> <li>• 1056-1076</li> <li>• 1084-1086</li> <li>• 1096-1098</li> </ul>
25 – Trademarks: Dilution, Cybersquatting, & Secondary Liability	21 April	<ul style="list-style-type: none"> <li>• 15 U.S.C. §§ <a href="#">1051</a>(c), (d)</li> <li>• 1100-1115</li> <li>• 1116-1117</li> <li>• 1118-1130</li> </ul>

26 – Trademarks: Defenses & Remedies	23 April	<ul style="list-style-type: none"> <li>• 15 U.S.C. §§ <a href="#">1064</a>, <a href="#">1115</a>(b), <a href="#">1117</a>(a)</li> <li>• 1051-1055</li> <li>• 1130-1137</li> <li>• 1138-1164</li> <li>• 1170</li> <li>• 1173-1180</li> </ul>
<b><i>Trademarks Quiz</i></b>	Available 9:00AM Friday 24 April; <b>must take by 11:59PM Friday 1 May</b>	
<b><i>Exam</i></b>	Available 9:00AM Friday 1 May; <b>must take by 11:59PM Thursday 14 May</b>	