

國立臺北科技大學
教學卓越計畫暨智慧財產權研究所碩士學分班
「美國智財訴訟實務學分班」課程表

日期	時間	課程大綱	授課教師
7/21(四)	14:00~17:00	1. Class 1 - Introduction to the U.S. Legal System 1.1 Introduction to the U.S. Legal System 1.2 U.S. CONST. art. III 1.3 U.S. CONST. amend. XI 1.4 Federal Court's Jurisdiction 1.4.1 28 U.S.C. § 1331 1.4.2 28 U.S.C. § 1332 1.5 Federal Court's Jurisdiction on Patent Matters 1.5.1 Federal District - 28 U.S.C. § 1338 1.5.2 Federal Circuit Court - 28 U.S.C. § 1295	陳秉訓老師
7/23(六)	09:00~12:00	2. Class 2 - Introduction to the Federal Civil Procedure: Federal Rules of Civil Procedure (FRCP) 2.1 Pleading – FED. R. CIV. P. 8 2.2 Pre-pleading investigation - FED. R. CIV. P. 11 2.3 Rule 12(b) motions - FED. R. CIV. P. 12(b) 2.4 Pretrial procedure 2.4.1 Duty to disclose - FED. R. CIV. P. 26 2.4.2 Depositions - FED. R. CIV. P. 30, 31 2.4.3 Interrogatories - FED. R. CIV. P. 33	陳秉訓老師

		2.4.4 Requests for production - FED. R. CIV. P. 34 2.4.5 Requests for exams - FED. R. CIV. P. 35 2.4.6 Requests for admissions - FED. R. CIV. P. 36 2.4.7 Expert witness – FED. R. EVID. 702 2.4.8 Attorney-client privilege 2.4.9 Work-product doctrine 2.5 Bench trial v. Jury Trial - FED. R. CIV. P. 38, 39 2.6 Rule 56 Motions - FED. R. CIV. P. 56 2.7 Jury Instructions - FED. R. CIV. P. 51 2.8 Judgment as a Matter of Law (JMOL) - FED. R. CIV. P. 50 2.8.1 New Trial - FED. R. CIV. P. 59 2.8.2 Relief from Judgment or Order - FED. R. CIV. P. 60	
7/23(六)	14:00~17:00	3. Claim Construction; Sections 101, 102, 103, 112; Inequitable Conduct 3.1 Claim Construction 3.1.1 Prosecution v. Litigation 3.1.2 Methodology 3.1.2.1 Claim 3.1.2.2 Specification 3.1.2.3 Prosecution history 3.1.2.4 Extrinsic evidence 3.1.3 Means-plus-function claim 3.2 Patentable Subject Matters 3.3 Novelty 3.3.1 Standard	陳秉訓老師

		3.3.2 Effective filing date 3.3.3 Prior knowledge 3.3.4 Prior use 3.3.5 Prior sale 3.3.6 Prior publications 3.3.7 First to invent 3.4 Non-obviousness 3.4.1 Standard 3.4.2 Ordinary skilled in the art 3.4.3 Secondary considerations 3.4.4 Expert witness 3.5 Enablement 3.6 Best Mode 3.7 Written Description 3.8 Indefiniteness 3.9 Inequitable Conduct 3.9.1 Duty to disclose prior arts 3.9.2 Listing correct inventors	
7/27(三)	14:00~17:00	4. Class 4 - Patent Infringement; Remedies 4.1 Literal Infringement 4.2 Doctrine of Equivalents 4.3 Claim Vitiating 4.4 Active Inducement 4.5 Contributory Infringement 4.6 Foreign Activity	陳秉訓老師

		4.7 Process Patent Infringement by Product Importation 4.8 Abbreviated New Drug Application (ANDA) 4.9 Exhaustion 4.10 Monetary Relieves 4.10.1 Lost profits 4.10.2 Market share loss 4.10.3 Price erosion 4.10.4 Reasonable royalty 4.10.5 Willful Infringement and Enhanced Damages 4.10.6 Attorney's fee 4.11 Injunction Relieves 4.11.1 Preliminary injunction 4.11.2 Permanent injunction 4.12 Relief from Judgment	
7/28(四)	14:00~17:00	5. Class 5 - Personal Jurisdiction; Motion for Summary Judgment 5.1 Personal Jurisdiction 5.1.1 General Jurisdiction 5.1.2 Specific Jurisdiction 5.2 Motion for Summary Judgment	陳秉訓老師
7/29(五)	14:00~17:00	期中報告	陳秉訓老師
7/30(六)	09:00~12:00	美國智財訴訟實務案例（一） The Purpose of the Patent Law	Professor J. Jeffrey Hawley

7/30(六)	14:00~17:00	美國智財訴訟實務案例（二） Section 100-101 Patentable Subject Matter	Professor J. Jeffrey Hawley
8/3(三)	14:00~17:00	美國智財訴訟實務案例（三） Utility	Professor J. Jeffrey Hawley
8/4(四)	14:00~17:00	美國智財訴訟實務案例（四） Novelty	Professor J. Jeffrey Hawley
8/6(六)	09:00~12:00	美國智財訴訟實務案例（五） Statutory Bars	Professor J. Jeffrey Hawley
8/6(六)	14:00~17:00	美國智財訴訟實務案例（六） Nonobvious Subject Matter	Professor J. Jeffrey Hawley
8/10(三)	14:00~17:00	美國智財訴訟實務案例（七） Infringement	Professor J. Jeffrey Hawley
8/11(四)	14:00~17:00	美國智財訴訟實務案例（八） Remedies	Professor J. Jeffrey Hawley
8/13(六)	09:00~12:00	美國智財訴訟實務案例（九） Inequitable Conduct; Attorneys Fees; DJ Jurisdiction	Professor J. Jeffrey Hawley
8/13(六)	14:00~17:00	美國智財訴訟實務案例（十） Inventors and Owners	Professor J. Jeffrey Hawley
8/17(三)	14:00~17:00	美國智財訴訟實務案例（十一） discussion	Professor J. Jeffrey Hawley
8/18(四)	14:00~17:00	期末報告	Professor J.

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註：本所保留課程最終變動權利。