

**LAW & BIOSCIENCE SEMINAR
PROFESSOR ROBIN FELDMAN
U.C. HASTINGS COLLEGE OF THE LAW
FALL 2008**

Week 1:

A. Introduction to Law and Biotechnology

Now, the Hard Part: Putting the Genome to Work

by Nicholas Wade, NYT, June 27, 2000.....

Introduction to the Field of Biotechnology Law

by Gale R. Peterson in Understanding Biotechnology Law

Week 2:

B. Navigating Between Academia, the Private Sector & the Government

The Bayh-Dole Act: A Guide to the Law and Implementing Regulations.....

The Legacy of Cohen-Boyer

Signals Magazines (1998).....

Madey v. Duke (2002) (Experimental Use).....

Merck v. Integra (2005) (Experimental Use in Regulatory Settings).....

C. Licensees & Licensors: How Far Can You Reach?.....

Medimmune v. Genentech (2007) –(Licensees who challenge).....

Excerpt from, Robin Feldman, “The Insufficiency of
Antitrust Analysis for Patent Misuse” (Reach-Through Royalties).....

Week 3:

D. Subject Matter and Applicable Art.....

Patentable Subject Matter – Diamond & Parke Davis.....
in *Intellectual Property in the New Technological Age*
(Aspen Publishers 2003)

Owning the Stuff of Life, Gary Stix, *Scientific American*, February 2006.....

Labcorp v. Metabolite (2006).....

Ariad v. Eli Lilly (2007).....

Classen v. Biogen.....

E. Current Congressional Reform Proposals.....

Biotechnology’s Prescription for Patent Reform, Chris Holman,
5 John Marshall Rev. of I.P. Law 318 (2006).....

Reform of the Patent Laws, William C. Rooklidge,
88 J. Patent & Trademark Office Society 9 (2006).....

H.R. 977 Genomic Research & Accessibility Act (2007).....

H.R. 977 – Introductory Statement.....

Patenting Life, Michael Crichton, 2/13/07 N.Y. Times, A23.....

Abbot Recently Sought Compulsory License in US Patent Dispute (2007).....

Week 4:

F. Modern Disclosure Debates.....

The Impact of Human Gene Patent on Innovation & Access (excerpt)
By Christopher Holman (UMKC L. Rev. 2007)

Regents of the University of California v. Eli Lilly (1997).....

Enzo Biochem v. Gen-Probe (2002).....

Amgen v. Hoechst (2003).....

Chiron v. Genetech (2004).....

Rochester v. Searle: Complying with the Written Description and Enablement Requirements in Early-Stage Drug Discovery
by Anne Y. Brody, Ph.D. (*Biotechnology Law Report*, October 2003).....

University of Rochester v. Searle (2004).....

Week 5:

G. Shifting Sands of Non-Obviousness.....

In Re Deuel (1995).....

KSR v. Teleflex (2007).....

Ex Parte Kubin (2007).....

H. International Considerations.....

A Comparison of the Patentability and Patent Scope of Biotechnological Inventions
In the United States and the European Union (excerpt)
By Samantha Jameson (*AIPLA Quarterly Journal* Spring 2007)

Biopiracy: The Plunder of Nature & Knowledge
by Vandana Shiva.....

Native People Collide with Bioprospectors, Paul Elias, Associated Press,
Mercury News, Jan21, 2006.....

Giving Blood but Getting Nothing.....

Week 6:

I. Inherency.....

Schering v. Geneva (2003).....

In re Cruciferous Sprout Litigation (2002).....

Elan v. Mayo (2003).....

J. Regulatory Landscape.....

FDA Regulation of Biotechnology Products for Human Use
by Michael J. Malinowski in *Encyclopedia of Ethical, Legal,
and Policy Issues in Biotechnology*.....

Current Trends in Hatch-Waxman Patent Litigation – PLI.....

Week 7.

K. Life in Trenches.....

Real Word Example — Avanir Pharmaceutical.....

Hoffman-La Roche v. Promega, 323 F.3d 1354 (2003).....

Bristol Myers v. Rhone-Poulenc Rorer, 326 F.3d 1226 (2003).....

NYU v. Autodesk (2007).....

McKesson v. Bridge (2007).....