Course Description:
In 2011, the America Invents Act (AIA) ushered in an important new era of patent litigation practice by creating the Patent Trial and Appeals Board (PTAB), now the most important patent tribunal in the United States. Tim Wilson, Director of Patents at SAS Institute, will lead students through the history of post-issuance proceedings to modern PTAB practice, discuss the relationship between PTAB and district court litigation, review PTAB procedure, and explore oversight of the PTAB by the Federal Circuit Court of Appeals and the United States Supreme Court. This is an advanced course that requires a basic understanding of patent law and an interest in learning about this rapidly changing area of patent practice.

Student Learning Outcomes: Students will understand the PTAB process and procedures as demonstrated on in-class testing and discussions.

Student Support Services for Students with Disabilities:
Students with disabilities (physical, learning, psychological, chronic medical, etc.) who would like to request accommodations and services are required to register with the Office of Student Disability Services in Suite G20 in the Student Services Building. Please contact Kesha Lee, Director at (919)530-6325 or email studentdisabilityservices@nccu.edu.

Student Support/Ombudsperson:
The Student Ombudsperson is available to assist students in navigating unexpected life events, (e.g. short-term illness/injury, loss of a loved one, personal crises) and guide them to the appropriate University or community resources. Students may also receive assistance with resolving some emergency financial concerns, understanding NCCU policies or general problem-solving strategies. Schedule an appointment by contacting the Student Ombudsperson in the Office of the Dean of Students, G-06 Student Services Building, at (919) 530-7492 or bsimmons@nccu.edu.

Text: Course Package Provided by Professor (Practice Manual and Case Files)

Required coursework: Weekly Assessments 80%; Student Participation and Presentations 20%. 
Course Schedule:

Classes will meet from 9 am to 11:30 am on the following Saturdays in Room 204 of the Turner Law Building, NCCU School of Law.

February 20  History and Background – ex parte and inter partes reexamination; passage of AIA; Compare and contrast patent litigation and PTAB proceedings

February 27  Compare claim construction standards and burden of proof at PTAB and in the District Court

Discussed estoppel and stay in related litigation; Discuss real-party-in-interest status; Finality – race to judgement;

Discuss IPR v. CBM v PGR review; categories of invalidity arguments

SPRING BREAK (Break for midterms, Easter holiday, Spring Break)

April 2  Review PTAB procedure and timing of events; PTO rules for practitioners

Review AIA statute and PTAB implementing regulations in practice; Identify common mistakes in PTAB proceedings

April 9  Deconstruct a PTAB petition and response for compliance with PTO requirements

Deconstruct a PTAB hearing

April 16  Discovery at the PTAB; Discuss the role of expert and inventor declarations/testimony in PTAB proceedings

Review CAFC jurisdiction over PTAB; appealable vs non-appealable issues, APA actions.