

# Syllabus: Intellectual Property Survey

Spring 2026

## General Information

Professor	Jeff Andrews
Course	Section 15707 – 5201 Intellectual Property Survey
Meeting Schedule	Wednesdays, 5:30 – 7:30
Instruction Mode	Face-to-Face
Location	211
Final Exam	May 6, 2025

## Learning Outcomes

This course surveys the basics of intellectual property law, guiding students through the core areas in the field: trade secret law, patent law, copyright law, and trademark law. We will begin with the justifications for and basis of intellectual property protections generally. We will then define the various core areas of intellectual property rights, legal requirements for protection, infringement/misappropriation, and remedies. Where appropriate, we will compare legal protections, such as between trade secrets and patent, and between patents and copyrights.

## Course Materials

Casebook:

- Lydia Pallas Loren & Joseph Scott Miller, Intellectual Property Law: Cases & Materials, 8th ed. (2023) (ISBN: 978-1-943689-19-4) (Open Source) (available at: [https://semaphorepress.com/IntellectualPropertyLaw\\_overview.html](https://semaphorepress.com/IntellectualPropertyLaw_overview.html) as a digital version for suggested price of \$30; also available as a printed and bound copy from Amazon.com for \$74 at [Amazon.com: Intellectual Property: Cases & Materials: 9781943689194: Loren, Lydia Pallas, Miller, Joseph Scott: Books](https://www.amazon.com/dp/B09Y8Y8Y8Y))

Statutes for reference:

- Uniform Trade Secrets Act: <https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=e58f19a0-6a5e-c90f-67c1-ac1f747ad47b&forceDialog=0>
- Texas Uniform Trade Secrets Act: <https://statutes.capitol.texas.gov/Docs/CP/htm/CP.134A.htm>
- Defend Trade Secrets Act: <https://www.law.cornell.edu/uscode/text/18/1836>
- Patent Act: [https://www.uspto.gov/web/offices/pac/mpep/consolidated\\_laws.pdf](https://www.uspto.gov/web/offices/pac/mpep/consolidated_laws.pdf)
- Lanham Act: 35 U.S.C. §§ 1051-1141 (see <https://www.law.cornell.edu/uscode/text/15/1051>)

**Office Hours:**

I will be available after class and at other times by appointment. Please contact me via email to arrange a time.

**Professor Contact Information:**

Email: [jandrews@yettercoleman.com](mailto:jandrews@yettercoleman.com)

Office: 713-632-8071

Assistant: Kasi Mitchell; [kmitchell@yettercoleman.com](mailto:kmitchell@yettercoleman.com); 713-597-7145

**Course Expectations****A. Attendance**

The Law Center has a minimum 80% attendance policy for students. It is your responsibility to ensure you attend the required number of classes. Any student who attends fewer than the minimum percentage of my classes will be referred to the Associate Dean for Student Affairs. This class meets one day per week. To meet the 80% attendance policy, you may have no more than three absences. I realize that many who take this class, including myself, are working professionals. Thus, I will not consider those who come in late absent. However, much of the learning that occurs is due to the active exchange of ideas and information that will occur in the classroom. So please make every effort to be on time.

**B. Preparation Policy**

Please be punctual. They say that 90% of the job is just showing up. But, as with most, and especially in the practice of law, you never want to keep your client, boss, colleague, or judge waiting. While I will not penalize you for being tardy, please be professional and respect your classmates and my time by minimizing classroom disruptions by being on time.

Please be prepared. I expect that you will participate when called upon. I believe that a lively and engaged discussion of the topic will lead to a better learning experience. You will not be graded or judged based on what you say, but failure to participate in classroom discussions when you are called upon may count against you in the final grading.

Please be respectful. During these discussions, I expect you to be respectful, civil to each other, incorporate constructive comments, and not dominate the discussion. This does not mean you cannot express your disagreement in a significant way, but you should do so using the sort of language you would use in court and in a way that displays respect for others. You should argue in class applying what I call the red face test. That is your argument would cause the judge's face to turn red, then you are not stating your case as persuasively as possible.

Please be engaged. There is no such thing as a stupid question in law school. So I encourage and expect questions and participation from any student at any time. We all have our own experiences and perspectives and if we listen carefully, we can all learn from each other.

### C. Use of Electronics

Recent studies on learning have demonstrated that we learn better when we are not distracted by electronics. More importantly, studies have shown that students who write their notes out on paper rather than type them on a computer learn more – showing stronger conceptual understanding and were more successful in applying and integrating the material than those who used took notes with their laptops. So, I recommend you take hand-written notes and then convert and regularly update an electronic outline.

If you choose to use your laptop, please limit the use to note taking or review of other course related materials. All other electronic devices should be turned-off or silenced during the class. Use of electronic devices in a manner that distracts from the classroom experience, including sending or receiving text messages or e-mail, playing games, or viewing obscene or offensive material is not allowed.

### D. Grading

The grade will be based principally (95%) on a final exam. The remaining 5% of the grade will be based on in-class participation and preparation.

Final exam format: A mixture of essay, short answer, and multiple-choice questions.

The final exam is open materials. This means any non-electronic and non-interactive materials prepared by you or others, including traditional study guides available for purchase and outlines from other students. Further details concerning the examination and any other grade evaluation mechanisms will be provided as the semester progresses.

### E. Reading Assignments (subject to revision)

Date	Assignment
Jan. 21	<p><b>Introduction, overview of types of IP, legal basis for IP</b></p> <p><b>Trade Secrets 1 of 2: defining trade secrets; DTSA, UTSA, and TUTSA; misappropriation</b></p> <p>Loren &amp; Miller, pp. 1-6, 29-32, 41-54 (skip Yale L.J.), 55-59, 62-68, 73-81 (first paragraph), 85 (starting at <i>Silvaco Data Sys.</i>)-93</p> <ul style="list-style-type: none"><li>• Cases: <i>Burbank Grease Services v. Sokoloski</i>; <i>Cemen Tech Inc. v. Three D Industries, L.L.C.</i>; <i>Rockwell Graphic Systems, Inc. v. DEV Industries, Inc.</i>; <i>InteliClear v. ETC Global Holdings</i>; <i>Silvaco Data Sys. v. Intel Corp.</i></li><li>• Statutes: Skim UTSA, TUTSA, and DTSA (links provided above)</li></ul>

<b>Jan. 28</b>	<b>Trade secrets 2 of 2: departing employees; remedies</b> Loren & Miller, pp. 94-114; 124-127 (Increasing Legal Hostility to Non-Competition Agreements); 733-735. <ul style="list-style-type: none"> <li>Cases: <i>PepsiCo, Inc. v. Redmond</i>; <i>Whyte v. Schlage Lock Co.</i>; <i>Farmers Edge Inc. v. Farmobile, LLC</i></li> </ul>
<b>Feb. 4</b>	<b>Patents 1 of 4: overview of the patent system; claim construction; written disclosure</b> Loren & Miller, pp. 129-170 <ul style="list-style-type: none"> <li>Cases: <i>Teva Pharma. USA, Inc. v. Sandoz, Inc.</i>; <i>Teashot.LLC v. Green Mountain Coffee Roasters, Inc.</i>; <i>Nautilus, Inc. v. Biosig Instruments, Inc.</i>; <i>Pacing Techs., LLC v. Garmin Int'l, Inc.</i></li> <li>Statutes: 35 U.S.C. 112</li> </ul>
<b>Feb. 11</b>	<b>Patents 2 of 4: patentable subject matter</b> Loren & Miller, pp. 170-202 (top) <ul style="list-style-type: none"> <li>Cases: <i>Mayo Collaborative Servs. v. Prometheus Labs., Inc.</i>; <i>Alice Corp. v. CLS Bank Int'l</i>; <i>Juicy Whip, Inc. v. Orange Bang, Inc.</i></li> <li>Statutes: 35 USC 101, 102</li> </ul>
<b>Feb. 18</b>	<b>Patents 3 of 4: novelty; statutory bars; obviousness</b> Loren & Miller, pp. 202-245 <ul style="list-style-type: none"> <li>Cases: <i>Titanium Metals Corp. of America v. Banner</i>; <i>In re Klopfenstein</i>; <i>Beachcombers v. Wildewood Creative Prods.</i>; <i>Pfaff v. Wells Electronics, Inc.</i>; <i>Clock Spring, L.P. v. Wrapmaster, Inc.</i></li> <li>Statutes: 35 USC 102, 103</li> </ul>
<b>Feb. 25</b>	<b>Patents 4 of 4: obviousness; infringement; remedies</b> Loren & Miller, pp. 245-257; 265-289; 736-739 (skip design patent disgorgement) <ul style="list-style-type: none"> <li>Cases: <i>KSR International Co. v. Teleflex Inc.</i>; <i>Nassau Precision Casting Co. v. Acushnet Co.</i>; <i>Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.</i>;</li> <li>Statutes: 35 USC 154, 271, 283, 284, 285, 286, 287, 292,</li> </ul>
<b>Mar. 4</b>	<b>Copyright 1 of 4: introduction; theory and copyrightable subject matter</b> Loren & Miller, pp. 321-368 <ul style="list-style-type: none"> <li>Cases: <i>Bleistein v. Donaldson Lithographing Co.</i>; <i>Feist Publications v. Rural Telephone Serv.</i>; <i>Baker v. Selden</i>; <i>Mazer v. Stein</i>; <i>Star Athletica v. Varsity Brands</i></li> </ul>
<b>Mar. 11</b>	<b>Copyright 2 of 4: owning and maintaining and copyright; rights of ownership</b>

	<p>Loren &amp; Miller, pp. 368-409</p> <ul style="list-style-type: none"> <li>Cases: <i>Community for Creative Nonviolence v. Reid</i>; <i>Rentmeester v. Nike</i>; <i>Kay Berry v. Taylor Gifts</i></li> </ul>
<b>Mar. 18</b>	<b>Spring Break Holiday</b>
<b>Mar. 25</b>	<p><b>Copyright 3 of 4: fair use; direct liability</b></p> <p>Loren &amp; Miller, pp. 409-474</p> <ul style="list-style-type: none"> <li>Cases: <i>Andy Warhol Foundation v. Goldsmith</i>; <i>Google v. Oracle</i></li> </ul>
<b>Apr. 1</b>	<p><b>Copyright 4 of 4: secondary liability; remedies</b></p> <p>Loren &amp; Miller, pp. 474-511; 739-741</p> <ul style="list-style-type: none"> <li>Cases: <i>Perfect 10 v. Giganews</i>; <i>Fonovisa v. Cherry Auction</i>; <i>Sony v. Universal Studios</i>; <i>MGM Studios v. Grokster</i></li> </ul>
<b>Apr. 8</b>	<p><b>Trademarks 1 of 3: introduction; theory; likelihood of confusion; registration; color as a trademark; trade dress</b></p> <p>Loren &amp; Miller, pp. 511-554</p> <ul style="list-style-type: none"> <li>Cases: <i>E.T. Browne Brug v. Cococare Products</i>; <i>Top Tobacco v. N. Am. Operating Co.</i>; <i>Qualitex v. Jacobson Prods.</i>; <i>Two Pesos v. Taco Canbana</i>;</li> </ul>
<b>Apr. 15</b>	<p><b>Trademarks 2 of 3: functionality; infringement</b></p> <p>Loren &amp; Miller, pp. 560-600</p> <ul style="list-style-type: none"> <li>Cases: <i>TraFFix Devices v. Marketing Displays</i>; <i>Kellogg v. Toucan Golf</i>; <i>Experience Hendrix v. Electric Hendrix</i>; <i>DastarCorp. V. Twentieth Century Fox</i></li> </ul>
<b>Apr. 22</b>	<p><b>Trademarks 3 of 3: dilution; defenses; remedies</b></p> <p>Loren &amp; Miller, pp. 615-656; 746-751</p> <ul style="list-style-type: none"> <li>Cases: <i>Starbucks v. Wolfe's Borough Coffee</i>; <i>TrueNorth Cos v. TruNorth Warranty Plans of N. Am.</i>; <i>Smith v. Chanel Inc.</i>; <i>KP Permanent Make-Up v. Lasting Impression</i>; <i>Swarovski v. Building #19</i></li> </ul>
<b>Apr. 29</b>	<p><b>IP Limits: preemption; first sale doctrine; exhaustion</b></p> <p>Loren &amp; Miller, pp. 673-720</p> <ul style="list-style-type: none"> <li>Cases: <i>Bonito Boats v. Thunder Craft</i>; <i>Forest Park Pictures v. Universal Television</i>; <i>Kirtsaeng v. John Wiley &amp; Sons</i>; <i>Bowman v. Monsanto</i></li> </ul>
<b>May 6</b>	Final Exam

### **UHLC Notices:**

- Honor Code
  - The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.
- AI Generated Text
  - The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as “generative” large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.  
 Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any work product generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Text may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take-home” final examination unless specified as an exception below. The parts of the Honor Code that refer to unauthorized materials or aid are specifically prohibited from any use of AI Generated Text in this course unless specified as an exception below.
- Counseling and Psychological Services.
  - Counseling and Psychological Services (“CAPS”) can help students who are having difficulties managing stress, adjusting to the demands of a professional program,

or feeling sad and hopeless. You can reach CAPS by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let’s Talk” program, a drop-in consultation service at convenient locations and hours around campus.

- The Texas Lawyers’ Assistance Program (“TLAP”) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP’s website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.
- Anti-Discrimination and Sexual Misconduct Policies
  - UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University System’s Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08.
  - Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.
- Recording of classes generally not permitted.

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Center for Students with DisABILITIES. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor’s recordings for their own studying and notetaking. Instructor’s recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

**University of Houston Notices:**

- COVID-19 Information

Students are encouraged to visit the University's COVID-19 website for important information including on-campus testing, vaccines, diagnosis and symptom protocols, campus cleaning and safety practices, report forms, and positive cases on campus. Please check the website throughout the semester for updates.

- Vaccinations

Data suggests that vaccination remains the best intervention for reliable protection against COVID-19. Students are asked to familiarize themselves with pertinent vaccine information, consult with their health care provider. The University strongly encourages all students, faculty and staff to be vaccinated.

- Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact the Justin Dart Jr. Student Accessibility Center (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

- Excused Absence Policy [superseded by ABA's attendance policy]

- Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

- Syllabus Changes

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so



at any time. Notice of such changes will be announced as quickly as possible through the Lexis class website.