

LAWS70061 Interpretation and Validity of Patents

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| Credit Points: | 12.50 |
| Level: | 7 (Graduate/Postgraduate) |
| Dates & Locations: | 2013, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus. |
| Time Commitment: | Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available |
| Prerequisites: | Successful completion of Patent Law and Patent Practice or equivalent. |
| Corequisites: | None |
| Recommended Background Knowledge: | Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience. |
| Non Allowed Subjects: | None |
| Core Participation Requirements: | The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/ |
| Coordinator: | Mr Geoff Mansfield |
| Contact: | For more information, contact the Melbourne Law Masters office. Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters) |
| Subject Overview: | <p>Reading and interpreting patent specifications is a central part of a patent attorney's daily practice. It is also a critical feature of any patent litigation where both sides will be competing for alternative interpretations that favour their client. This subject is intended to hone these skills of analysis and interpretation, working on the basic legal principles that students seeking PSB accreditation have already obtained through their study of Patent Law and Patent Practice. It is taught by a team of experienced attorneys and litigators, and meets the PSB requirements for Topic Group H.</p> <p>This subject will be conducted with of a number of case studies carried out by a team of practitioners to develop skills in the application of the rules of interpretation to an Australian patent specification and in the application of Australian patent law.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # The validity of an Australian patent or patent application under the provisions of section 40 # The validity of an Australian patent or patent application in the light of prior art information supplied, including through prior published specifications and prior user |

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| | # The infringement of an Australian patent by a product or process. |
| Objectives: | <p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Understand how to read and interpret a patent specification # Be able to, on the basis of this understanding, advise clients on the issue of validity over given prior art, the requirements of section 40 of the <i>Patents Act 1990</i> (Cth) and other relevant grounds of invalidity and, where relevant, to advise on issues of amendment # Be able, on the basis of this understanding, to advise clients on infringement issues relating to the patent in question. |
| Assessment: | 4-hour examination (100%) (22 November) |
| Prescribed Texts: | Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject. |
| Breadth Options: | This subject is not available as a breadth subject. |
| Fees Information: | Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees |
| Links to further information: | http://www.law.unimelb.edu.au/subject/LAWS70061/2013 |