

University of Illinois - College of Engineering  
 Industrial and Enterprise Systems Engineering Dept.  
 SE 400 – Engineering Law  
 Fall 2018

Professor	<p>Joe Barich          Lecturer          Department of Industrial and Enterprise Systems Engineering</p> <p>Adjunct Professor          University of Illinois College of Law</p> <p>Attorney          Barich IP Law Group          Tel. (312) 620-2471  <a href="mailto:joebarich@barichip.com">joebarich@barichip.com</a></p> <p>NB: A phone call is preferable to e-mail for complex matters.</p>										
Class Schedule	<p>Thursdays, 4:00 pm-6:20 pm          101 Transportation Building          14 Class meetings          Office Hours immediately following class or by phone/appointment.</p>										
Class Materials	<p><u>Required Reading</u>          Coursepack Available at Illini Union Bookstore (IUB)</p> <p>Class Handouts/Links available at:  <a href="http://www.joebarich.com">www.joebarich.com</a>          or on Compass</p> <p><u>Recommended Reading</u>  <i>Legal Aspects of Engineering</i>, by Cynthia M. Gayton          (Kendall-Hunt Publishing, 10<sup>th</sup> Ed.).</p>										
Grading	<p>All grades<sup>1</sup> are based on the following:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: right;"><u>Percent of Final Grade</u></th> </tr> </thead> <tbody> <tr> <td>First Exam</td> <td style="text-align: right;">25%</td> </tr> <tr> <td>Second Exam</td> <td style="text-align: right;">25%</td> </tr> <tr> <td>Third/Final Exam</td> <td style="text-align: right;">25%</td> </tr> <tr> <td>In-Class Pop Quizzes (top 4 of 5)</td> <td style="text-align: right;">25%</td> </tr> </tbody> </table>		<u>Percent of Final Grade</u>	First Exam	25%	Second Exam	25%	Third/Final Exam	25%	In-Class Pop Quizzes (top 4 of 5)	25%
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<sup>1</sup> For Graduate Students, please see [Graduate Student Credit and Grading](#) below.

More Detail With Regard To Grading

In-Class Exams

Three Exams will take place during the semester. Each Exam will primarily focus on material from the weeks immediately preceding the exam, but material from any prior point in the semester is fair game.

Exams will be composed primarily of multiple choice and true/false answers, but may include a short answer or essay portion at the instructor's discretion. The Exams are closed book, closed notes. Please remember to bring a pencil - #2 or mechanical – to fill out your scantron sheet.

In-Class Pop Quizzes

Five (5) Pop Quizzes will take place during the semester. The dates for the Pop Quizzes will NOT be announced in advance. The Pop Quizzes will each take about 30 minutes and may take place at any point during the class – at the start of class, in the middle of class, or at the end of class.

The Pop Quizzes serve several purposes: 1) Only those who are actually attending class will be able to take the quiz - consequently, students will be incentivized to attend class; 2) a Pop Quiz may take place immediately at the start of class and no extra time will be given to students who arrive late - consequently, students will be incentivized to get to class on time; and 3) a Pop Quiz may involve material from the Required Reading for that day's class - consequently, students will be incentivized to do the Required Reading before class.

It will typically NOT be possible to take a Pop Quiz at a later date. Consequently, it is highly recommended that you do the reading, attend class, and get to class on time. Obviously, if you are incapacitated (jail, coma, sick with note from McKinley, for example) or otherwise involuntarily unable to attend class (death in the family, job interview, competing in an “away” University gymnastics event or basketball game - not intramurals, etc.), then we can make other arrangements. However, having a big assignment due in another class, wanting to attend a fraternity event, cheer a sports competition, or leave early for a big weekend in Vegas are personal scheduling matters and not sufficient excuse for missing class or to clear an absence. (However! Each semester we have people in the GE Senior Design Class that need to meet with their corporate sponsors – that counts as involuntary and we will schedule around it. Please let me know two weeks in advance so that we can schedule a time for you to take the quiz.)

The total scores on the top 4 of the 5 Pop Quizzes form your Quiz grade. However, if you do in fact take the 5<sup>th</sup> Quiz, then the points from that Quiz will count as extra credit, but you can't get more than 100% of the total Quiz points.

Example 1 - Took 4/5 Quizzes, got 85% on each one.

4 Quizzes \* 85 points = 340/400. You get 85% for your quiz score.

Example 2 - Took 5/5 Quizzes, got 85% on each one.

4 Quizzes \* 85 points = 340/400. Add in 85 points from 5<sup>th</sup> quiz, so total quiz points become 425/400, but cap at 400/400 for total quiz score of 100%

Example 3 - Took 5/5 Quizzes, got 60% on each one.

4 Quizzes \* 60 points = 240/400. Add in 60 points from 5<sup>th</sup> quiz, so total quiz points become 300/400 for a total quiz score of 75%.

### Final Grades

Average the scores from each of the three Exams and the Quiz score and compare it to the chart below. The chart indicates the minimum grade that you will receive.

100-95 = A  
95-90 = A-  
90-85 = B+  
85-80 = B  
80-75 = B-  
75-70 = C+  
70-65 = C  
65-60 = C-  
Less than 60 = D  
Less than 50 = F

### Graduate Student Credit and Grading

As per ISE Department policy, graduate level classes are 4-credit-hour classes rather than 3-credit-hour classes. Consequently, to obtain graduate credit for the additional class hour, graduate students must draft a paper of at least 10 pages in length on a legal topic approved by Professor Barich. The 10 pages must be double-spaced with 1-inch margins and 12-point font. Any title page, index, or bibliography does not count toward the page count.

Paper quality - You are a graduate student at a top university and your work quality should reflect that. Some aspects that may impact your grade include: the presence of misspellings or grammatical errors, the level of research/effort you put into your topic, and additional work beyond the minimum page length of 10 pages.

Paper grading – Take the average of the three Exams and the Quiz score that is used for determining the final grade and subtract the Paper Score Subtraction (if any) to arrive at your final grade. The Paper Score Subtraction is 0% if the final paper actually does represent the quality work expected of a graduate student at a top university, but may be as large as 5% for unacceptable work.

Paper topics must be approved by Class 10, but the earlier you can propose and I can approve your paper topic, the more writing time you will have. The final version of your paper must be turned in to me by noon on the Monday after Class 14.

In order to assist you in delivering high-quality work, you can submit a draft of your paper to me for evaluation up to twice during the semester, but I will require 3 business days to respond with comments. Consequently, the last day to submit a draft to me will be the Friday before Class 14.

### Advice To Help You Get A Better Grade – Take Notes By Hand

Study after study has repeatedly confirmed that students that take notes by hand outperform students who take notes using a laptop or other electronic device. Here are just a few articles written about the studies:

- <http://www.npr.org/2016/04/17/474525392/attention-students-put-your-laptops-away>
- <http://www.scientificamerican.com/article/a-learning-secret-don-t-take-notes-with-a-laptop/>
- <http://www.wsj.com/articles/can-handwriting-make-you-smarter-1459784659>
- <http://www.psychologicalscience.org/index.php/news/releases/take-notes-by-hand-for-better-long-term-comprehension.html>
- [http://taxprof.typepad.com/taxprof\\_blog/2018/08/in-class-cellphone-and-laptop-use-lowers-exam-score.html](http://taxprof.typepad.com/taxprof_blog/2018/08/in-class-cellphone-and-laptop-use-lowers-exam-score.html)

Consequently, I highly recommend that you take notes by hand. In this regard, I note that the Coursepack has been specifically designed to allow you to take notes by hand so as to help you get the best possible grade. However, I recognize that you are all adults with the ability and right to make your own decisions, even decisions that disadvantage you, so do what you think is best!

### Electronic Device Usage Policy

#### No Audio, Photographic, or Video Recording Allowed

No electronic audio, photographic, or video recording is allowed in class without my prior written permission. Any recording is a violation of the University Student Code and may subject you to discipline. There are at least three reasons for this: first, we want to provide an encouraging environment for student questions and discussion; second, we want students and the instructor to have control over the use of their respective images and expressions; and third, we will be reviewing Quiz and Exam questions in class and I don't want people to form a "question bank" for subsequent classes – which both impairs learning and is a Student Code violation.

#### No Distracting Others

No texting, Instant Messaging, taking a call, or other communication should take place in class. If you receive an urgent communication that you absolutely have to respond to at that moment, please excuse yourself from class and go into the hall to respond.

Also, please don't text or message with other students in the class during class. It is both transparent to me and distracting to all involved and the rest of the class.

Finally, if you are using a laptop or other electronic device, please recall that everyone behind you can see what is on your laptop's screen. Please don't access sites that may be distracting to you or to the people behind you.

### The Goal Of This Class

The purpose of this class is to provide soon-to-be engineers with an introductory understanding of the legal framework under which they will work. That is, all engineering is performed under the constraints imposed by our society's laws and must take those laws into account.

More specifically, I have designed the course with the following goals in mind:

- 1) Give you a greater understanding of your and your company's position relative to the law so that you can act and talk more intelligently on the subject and be a better asset for your company.
- 2) Highlight a few areas that often trip up people in industry so that you can avoid the pitfalls or raise a concern if your company seems like it might have some exposure.
- 3) Help you know when your company has a potential or actual legal problem and should call a lawyer.

Please note that this is merely an introductory class. This class will not make you a lawyer. You are advised to seek legal representation if and when you or your company encounters a legal issue.

Additionally, this is an educational class, not legal representation. Consequently, nothing in the class materials, lectures, office hours, or any other materials or communication is to be taken as providing any legal advice whatsoever with regard to any real-life situation. Further, although I am a practicing attorney, nothing in the materials, lectures, office hours, or any other materials or communications should be construed to create an attorney-client relationship of any sort.

### Substance of the Class

Substantively, the class is divided into three sections, 1) Basics of the legal system including sources of law and enforcing laws and agreements in court, 2) Contracts and Torts, and 3) Intellectual Property. Each of the three sections will be the primary focus of one of the In-Class Exams described above.

An overall outline of the course appears on the subsequent pages.

- I. Basics of the Legal System
  - A. Sources of Law
    - 1. Constitutional Law
    - 2. Federal Statutes
    - 3. Treaties
    - 4. State Constitution
    - 5. State Laws
    - 6. Agencies – Federal and State
    - 7. Professional Licensing
    - 8. Standards Setting Bodies
    - 9. Company Policy
  - B. The Court System – Enforcing Laws and Agreements
    - 1. Structure of the Court System
      - a. Federal
      - b. State
    - 2. Anatomy of a Lawsuit
    - 3. Complaint
    - 4. Jurisdiction and Venue
    - 5. Answer
    - 6. Discovery
    - 7. Settlement
    - 8. Trial
    - 9. Appeal
    - 10. Injunctions
- II. Contracts
  - A. Introduction to Contracts
  - B. Parties
  - C. Offer and Acceptance
  - D. Mistake, Misrepresentation, and Fraud
  - E. Duress and Undue Influence
  - F. Consideration
  - G. Enforceability
    - 1. Statute of Frauds
    - 2. Lawful Subject Matter
  - H. Performance, Breach, and Remedies
  - I. Warranties
- III. Torts
  - A. Intentional Torts
  - B. Negligence
  - C. Fraud
  - D. False Advertising
  - E. Products Liability

- IV. Intellectual Property
  - A. Overview and Theory of Intellectual Property
    - 1. US Rights
    - 2. Foreign Rights
    - 3. Function vs. Expression
  - B. Patents
    - 1. The Patenting Process
    - 2. Review of Sample Patents
    - 3. Patentable Subject Matter
    - 4. Novelty
    - 5. Non-Obviousness
    - 6. 35 U.S.C. Sec. 112
    - 7. Claim Types
    - 8. Novelty vs. Infringement Analysis
    - 9. Design Patents
  - C. Copyrights
  - D. Trademarks
- V. Engineering Work In A Legal Context

# Syllabus

Class #	Date	Read Before Class	Class Topic
1	Aug 30	Gayton, Chapter 3 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	I. Basics of the Legal System A. Sources of Law 1. Constitutional Law 2. Federal Statutes 3. Treaties 4. State Constitution 5. State Laws
2	Sept 6	Gayton, Chapters 3 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	I. Basics of the Legal System A. Sources of Law 6. Agencies – Federal and State 7. Professional Licensing 8. Standards Setting Bodies 9. Company Policy
3	Sept 13	Gayton, Chapter 3-4 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	I. Basics of the Legal System B. The Court System – Enforcing Laws and Agreements 1. Structure of the Court System a. Federal b. State 2. Anatomy of a Lawsuit 3. Complaint 4. Jurisdiction and Venue
4	Sept 20	Gayton, Chapter 4 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	I. Basics of the Legal System B. The Court System – Enforcing Laws and Agreements 5. Answer 6. Discovery 7. Settlement 8. Trial 9. Appeal 10. Injunctions  Questions Before Exam



5	Sept 27	Gayton, Chapters 5, 6, 7, 8, 9 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	II. Contracts A. Introduction to Contracts B. Parties C. Offer and Acceptance
		EXAM #1 – Second Half of Class	EXAM #1 – On Class 1-4 materials
6	Oct 4	Review Exam #1  Gayton, Chapters 10, 11, 13, 14 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	II. Contracts D. Mistake, Misrepresentation, and Fraud E. Duress and Undue Influence F. Consideration G. Enforceability 1. Statute of Frauds 2. Lawful Subject Matter H. Performance, Breach, and Remedies
7	Oct 11	Gayton, Chapters 15, 25 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	II. Contracts I. Warranties  III. Torts A. Intentional Torts
8	Oct 18	Gayton, Chapter 25 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	III. Torts B. Negligence C. Fraud D. False Advertising
9	Oct 25	Gayton, Chapter 26 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	III. Torts E. Products Liability  Questions Before Exam

10	Nov 1	Gayton, Chapter 20 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	IV. Intellectual Property A. Overview and Theory of Intellectual Property 1. US Rights 2. Foreign Rights 3. Function vs. Expression
		EXAM #2 – Second Half of Class	EXAM #2 – On Class 5-9 materials
11	Nov 8	Review Exam #2  Gayton, Chapter 21 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	IV. Intellectual Property B. Patents 1. The Patenting Process 2. Review of Sample Patents 3. Patentable Subject Matter 4. Novelty 5. Non-Obviousness 6. 35 U.S.C. Sec. 112
12	Nov 15	Gayton, Chapter 21, 23 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	IV. Intellectual Property 7. Claim Types 8. Novelty vs. Infringement Analysis 9. Design Patents C. Copyrights
	Nov 22	FALL BREAK- NO CLASS	
13	Nov 29	Gayton, Chapter 22 Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	IV. Intellectual Property D. Trademarks  Questions Before Exam
14	Dec 6	Materials at: <a href="http://www.joebarich.com">www.joebarich.com</a>	V. Engineering Work In A Legal Context  Questions Before Exam
		EXAM #3 – Second Half of Class	EXAM #3 – On Class 10-13 materials