CE 404/ ISE 404
BUSINESS AND INTELLECTUAL PROPERTY LAW FOR ENGINEERS
FALL 2011

Section: 29649 R  
Time: Monday 6:30 p.m. to 9:10 p.m. (A 10 min break)  
Location: KAP 138

Instructor: Dana Sherman, Esq. (BA, JD, MBA, MBT, MPA)  
Senior Lecturer, Epstein Department and Astani Department  
PO Box 570775  
Tarzana, CA 91357-0775  
818-881-3738 (tel)  
818-881-5580 (fax)  
danasher@usc.edu danaesq@earthlink.net

Office hours:  (a) After class, (b) By appointment Monday, Tuesday and Thursday late  
afternoons (c) By email, or telephone anytime. My office phone is forwarded if  
I’m not there. Email is very good as I often work late in the evening or weekend.  

If you send an email, please be relatively specific, including the course number  
and subject line. If you have a question about a problem describe the problem,  
not just a problem number.

Office location OHE 530G.

Prerequisites: None.

Materials:  Gideon’s Trumpet, by Anthony Lewis (paperback - available from Amazon)  
Ascent of Money by Niall Ferguson (paperback-available from Amazon)  
Professor prepared reading materials posted on Blackboard

Course Assistant:

Course Objectives:

The course is intended to provide an introduction to the field of law and to serve as a basis for  
more advanced courses in business law, intellectual property, and legal aspects of technology  
commercialization. The knowledge and information gained will be useful to professional  
engineers as employees, managers, entrepreneurs and in their personal lives. It will better enable  
the professional engineer to work as part of an project team. The class is not limited to  
gineering or science majors, but will be also be useful for social science and liberal arts majors  
with an interest in engineering management and technology commercialization. This class is  
specifically intended to satisfy the USC Stevens Institute legal course requirement.
Method of Instruction:

Lecture and class discussion will occupy the entire class period. Students are expected to participate in class. This means that students are expected to come to class prepared and having already read the course material for that evening. There will be no separate discussion or problem sections. The material is presented in a sequential fashion and if a student falls behind or does not attend class, the student grades will quickly reflect this.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>First Midterm</td>
<td>15%</td>
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<tr>
<td>Second Midterm</td>
<td>15</td>
</tr>
<tr>
<td>Quiz/Assign.</td>
<td>20</td>
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<tr>
<td>Final</td>
<td>50 (cumulative)</td>
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There is no “forced curve”... that is everyone can get an “A” (or an “F”). Cooperative learning assignments (this does NOT mean simply copying another student’s work). Thus, it is to your benefit to help each other study as much as possible. I assure you that if you do not attend class or do the work, you will quickly fall behind in both points and material. You are also encouraged to contact the instructor if you are having problems. You should do so as early as possible and not the week before the final exam. For university policy about grading, incomplete grades, etc. please go to www.usc.edu.dept/ARR

NOTE: When you check your scores on the Blackboard, these will be UNWEIGHTED points. The points will be weighted at the end of the course. It will give you information regarding how you did relative to the other students on each quiz/assignment, but not necessarily reflect your overall class standing. Final course grades are largely dependent upon the final exam, but if you fail to timely submit homework and quizzes, your grade will suffer.

There will be an occasional opportunity to obtain “extra credit” points, up to a maximum of 5% of the possible course grade. These points are added AFTER the grade levels are established, that is, you are not penalized for not attending. This will probably include a tour of the Los Angeles Superior Court to view a trial.

Late assignments are accepted with a penalty of fifty percent of the actual score up to one week late if the answers have not been discussed in class. You should turn in the original assignment but retain a copy for yourself. If you have a question regarding the grading of a homework problem, you should bring it to the attention of the instructor as soon as possible. Unclaimed papers will be discarded after four weeks.

While cooperative learning is encouraged, plagiarism or the copying of the work of another student is not allowed. This has recently become a problem in my classes. If this is
determined to occur, the grade for that assignment will be negative the number of possible points for that assignment. This negative score applies to all persons involved, regardless of who originated the assignment and who did the copying. You are MUCH better off to turn in an assignment late (and get 50% of the points) than to copy another paper and receive (minus 100%). If there is a repeat violation, the student will be subject to the Student Conduct Code provisions (see below).

Quizzes and Examinations:

There will be a quiz and/or assignment due at almost every class. There is no make-up of missed quizzes after the quiz is given and all quiz scores will count. Quiz and examination exercises are not cooperative. Examinations are closed book, closed note and closed mouth. Quizzes and exams are primarily objective (true-false and multiple choice) in format using scan-tron forms. While some students don’t like this format, I assure you it is the fairest way to grade and is as good, or better than, any other system. You should bring a soft-lead number 2 pencil to class each week. The final examination will be cumulative.

Attendance:

Attendance is not mandatory and is not taken but your failure to attend class may result in a missed quiz. Participation is considered when awarding final course grades, primarily for students on a borderline between grades. I understand that students may have personal, family or employment obligations that may result in a class being missed and you should notify the instructor in advance if possible. This does not include fraternity events, band practice and club meetings (even if you are a business major). After more than 30 years of teaching, I will advise you that the best grades uniformly go to my students who attend each class and do the homework assignments timely. This is not the course for you take if you cannot devote the time necessary to learn the material.

I would like to make two important points with regard to the course. First, the goal of the course is not about your grade. My goal in the course is to make it possible for you to learn at least as much of the subject matter as I present and as much as you want to. There is only one purpose of the quizzes and assignments and tests which is to help you learn the material and then evaluate your understanding so you can improve. If you need help with the homework, discuss it with another student or the teaching assistant. If you don’t understand the material, don’t worry and wander around the intellectual darkness...ask the instructor. Learning is not about competing with others, it is about doing the best you can.

Second, grading is inherently unfair. Some of you may already have some background in the subject, through work or classes. Your grade does not measure effort. It does not measure worthiness, need or desire. It does not measure the amount of your improvement. It only measures either (a) final performance relative to a fixed standard or (b) final performance relative to others in the class. The grade is not the goal, the grade is only an outcome. However, if you get a good grade, it will reflect a knowledge of the material.
Taping of lectures and class presentations or discussions is not allowed.
There is no term project or paper due either as a requirement or as “extra credit.”

Additional Important Information: (The “legal” stuff...what else would you expect)

USC seeks to maintain an optimal learning environment. General principles of academic honesty include the concept of respect for the intellectual property of others, the expectation that individual work will be submitted unless otherwise allowed by the instructor, and the obligation both to protect one’s own academic work from misuse by others as well as to avoid using another’s work as one’s own. All students are expected to understand and abide by these principles. The Viterbi School adheres to the University’s policies and procedures governing academic integrity described in the Student Conduct Code in section 11.00 of Scampus. The recommended violation sanctions are found at www.usc.edu/dept/pulbications/SCAMPUS/gov/. Students are expected to be aware of and observe the academic integrity standards applicable to all students and will be enforced in this course. Students will be referred to the Office of Student Judicial Affairs and Community Standards for further review, should there be any suspicion of academic dishonesty. The review process can be found at www.usc.edu/student-affairs/SJACS/.

Any student requesting academic accommodations based upon a disability is required to register with the Disability Services and Programs Office (DSPO) each semester. A letter of verification for approved accommodations can be obtained from DSPO and should be delivered as soon as possible. DSPO is located in STU 301 and the telephone number is 213-740-0776.

COURSE CALENDAR
CE 404 / ISE 404
THE ENGINEER IN THE LEGAL ENVIRONMENT

Aug 22 Course introduction; nature of the legal system; origins of laws; functions and limitations of the law
(Handout Materials)

Aug 29 Structure of the legal system; state and federal jurisdiction; codes, statutes and regulations
(Handout Materials and Gideon’s Trumpet Chapters 1 and 2)

Sep 05 Labor Day-No Class

Sep 12 Courts, arbitration, and dispute resolution processes
(Handout Materials and Gideon Chap 3, 4, 5)

THE ENGINEER AND CONTRACTS

Sep 19 Introduction to Contracts; principles of offer and acceptance
(Contracts Handout 3.1 to 3.4; Gideon 6, 7, 8)

Sep 26 Contracts continued: consideration, parties and forms of contracts
(Contracts Handout 3.5 to 3.8; Gideon 9, 10, 11)

Oct 03 Illegality; contract performance and remedies for breach
(Contracts Handout 3.9 to 3.12; Gideon 12, 13, 14, Epilog)

Oct 10 Midterm #1 (Legal System and Contracts)
(Handout Introduction to Intentional Torts 5.1 to 5.3)

THE ENGINEER IN A RISK ENVIRONMENT

Oct 17 Intentional Torts and Negligence
(Torts 5.4 to 5.9); Ascent (Intro and 1)

Oct 24 Negligence, strict liability and risk management
(Torts 5.10 to 5.11); Ascent (2)

THE ENGINEER IN BUSINESS
Oct 31  Employers and employees, independent contractors, agency and vicarious liability
      (Handout-Employment and Agency); Ascent (3)
      View PBS Frontline video Blackmoney

Nov  2  Extra Credit: Visions and Voices: Motopia (Harris Hall 101; 5:00 p.m)

Nov  6  Forming a business; sole proprietorship, partnerships and corporations
      (Handout- Business Forms); Ascent (4)

Nov 14  Raising capital, borrowing and lending, stocks and bonds
      (Handout-Capital Markets); Ascent (5)
      View PBS Frontline video Meltdown

THE ENGINEER AND INTELLECTUAL PROPERTY RIGHTS

Nov 20  Midterm #2 (on Torts and Business):
      Intellectual Property... Copyrights and Trademarks
      (Handout-); Ascent (6) and Epilog

Nov 24-25  *Thanksgiving*

Nov 28  Intellectual Property Continued: Patents
      (Handout-Course Evaluations)

FINAL MATTERS and FINALS MATTER

Dec  5  Study Day (no class)

Dec 12  Final Exam

The Final Exam will be cumulative and will be evenly divided among Legal
System, Contracts, Torts, Business Law, and Intellectual Property. In addition, the final exam
will evaluate how well the students can integrate the five course areas.

**Handout** means instructor prepared material, posted on Blackboard
**Gideon** means Gideon’s Trumpet by Anthony Lewis
**Ascent** means Ascent of Money by Niall Ferguson