

Foreword

As trials become less common today, the need for teaching and enhancing trial skills increases. These course materials are the result of the authors' nearly twenty years of teaching an advanced course in trial practice geared specifically to a patent infringement trial. They had their genesis in a project for the American Bar Association and National Institute for Trial Advocacy as a program for practicing lawyers; they were refined specifically for undergraduate students at Georgetown University Law Center in Washington, D.C. and later at Northwestern University School of Law in Chicago, Illinois. The authors have now taught the course to more than a hundred law students in small, NITA-style classes. Every aspect of these materials is focused on improving students' proficiency in one event: the trial of a patent case.

The authors are grateful for the contributions made over the years by the students themselves, who have shown remarkable ingenuity and creativity in finding new dimensions to the problems presented here. As patent law has evolved, most particularly through the introduction of the *Markman* practice, so have the problems, lectures, and course materials.

Each year we experience the joy of watching our students' skills in trial presentation improve, week by week. We now not only see students during the course of the semester, but we also see them practice their skills as opposing counsel in real-world litigation. Watching this development is what makes the course fun for the teachers, if not always for the students.

We are grateful for the opportunity to teach this course year after year, to present these revised materials for publication, and most of all to meet and work with the many young professionals who make this labor of love so rewarding.

We are indebted to our partner, Christopher Roth, for his thoughtful comments and assistance with this edition.

This *Patent Trial Advocacy Casebook*, as with the previous edition, is dedicated to Mark T. Banner—our deceased partner, friend, and fellow-teacher. Mark was an inspirational and extraordinary individual: attorney, educator, astute tactician, and patent litigator.

Joseph M. Potenza
Christopher J. Renk
Thomas K. Pratt
Erik S. Maurer