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CHISUM PATENT ACADEMY®

Advanced Patent Law Seminar
February 20-22, 2013
New York, NY

Instructors: Donald S. Chisum and Janice M. Mueller

Session	Topics	Background Reading in Mueller, <i>Patent Law, Fourth Edition</i> (Aspen 2013)	Cases and Materials for Discussion (Listed by Tab Number)
Wednesday, Feb. 20, 2013 Morning Session 9:00 am – 12:00 pm	America Invents Act’s “First Inventor to File” Principle on the Eve of Its Effective Date (March 16, 2013), Part I	Chapter 4, Part III (“Novelty and Priority Post-America Invents Act of 2011”)	2) Donald Chisum, Powerpoints on “The America Invents Act: Will It Establish a More Efficient Patent System? Improve Patent Quality? Limit Unnecessary Litigation Costs?”; 3) Donald Chisum, Excerpts from <i>America Invents Act of 2011: Analysis and Cross-References</i> (Third Edition September 2012) (distributed in advance to seminar participants in electronic form due to page length).

<p>Wednesday, Feb. 20, 2013</p> <p>Afternoon Session</p> <p>1:00 pm – 4:00 pm</p>	<p>Claims as the “Name of the Game”: Lessons on Patent Claim Drafting and Interpretation from Recent Federal Circuit Cases</p>	<p>Chapter 2 (“Patent Claims”);</p> <p>Chapter 9[B] (“Step One: Patent Claim Interpretation”).</p>	<p>4) Janice Mueller, Powerpoints on “Patent Claim Interpretation: The Ongoing Schism,” including:</p> <ul style="list-style-type: none"> ● <i>Phillips v. AWH Corp.</i>, 415 F.3d 1303 (Fed. Cir. 2005) (<i>en banc</i>); ● <i>Arlington Indus. v. Bridgeport Fittings</i>, 632 F.3d 1246 (Fed. Cir. Jan. 20, 2011); ● <i>Retractable Techs., Inc. v. Becton, Dickinson and Co.</i>, 653 F.3d 1296 (Fed. Cir. 2011); ● <i>Thorner v. Sony Computer Ent. Am. LLC</i>, 669 F.3d 1362 (Fed. Cir. 2012); ● <i>Deere & Co. v. Bush Hog, LLC.</i>, ___ F.3d ___, 2012 WL 6013405 (Fed. Cir. Dec. 4, 2012). <p>5) Donald Chisum, Abstracts of Recent Cases: Claim Language on “Joinder” Language and the “Singular or Plural” Problem. Abstracted decisions:</p> <ul style="list-style-type: none"> ● <i>Deere & Co. v. Bush Hog, LLC</i>, 2012 U.S. App. LEXIS 24895 (Fed. Cir. 2012); ● <i>General Electric Co. v. U.S. Int’l Trade Comm’n</i>, 685 F.3d 1034 (Fed. Cir. 2012); ● <i>Sandisk Corp. v. Kingston Technology Co., Inc.</i>, 695 F.3d 1348 (Fed. Cir. 2012); ● <i>01 Communique Lab. Inc. v. LogMeln, Inc.</i>, 687 F.3d 1292 (Fed. Cir. 2012); ● <i>Harari v. Lee</i>, 656 F.3d 1331 (Fed. Cir. 2011).
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<p>Thursday, Feb. 21, 2013</p> <p>Morning Session</p> <p>9:00 am-12:00 pm</p>	<p>America Invents Act’s “First Inventor to File” Principle on the Eve of Its Effective Date (March 16, 2013), Part II</p>	<p>Chapter 4, Part III (“Novelty and Priority Post-America Invents Act of 2011”)</p>	<p>[See materials listed for Wednesday morning session.]</p>
<p>Thursday, Feb. 21, 2013</p> <p>Afternoon Session</p> <p>1:00 pm – 4:00 pm</p>	<p>Preliminary Injunctions and Design Patents</p>	<p>Chapter 7[H][2] (“Design Patents”);</p> <p>Chapter 11[B] (Injunctions”);</p> <p>Chapter 11[C] (“Ongoing Royalties for Future Infringements”).</p>	<p>6) Donald Chisum, Abstracts of Recent Preliminary Injunction Cases. Abstracted decisions:</p> <ul style="list-style-type: none"> ● <i>Apple, Inc. v. Samsung Elecs. Co., Ltd.</i>, 678 F.3d 1314 (Fed. Cir. May 14, 2012) (“<i>Apple I</i>”); ● <i>Apple, Inc. v. Samsung Elecs. Co., Ltd.</i>, 695 F.3d 1370 (Fed. Cir. Oct. 11, 2012) (“<i>Apple II</i>”); ● <i>Celsis in Vitro, Inc. v. CellzDirect, Inc.</i>, 664 F.3d 922 (Fed. Cir. 2012). <p>7) Janice Mueller, Powerpoints on “Preliminary Injunctions Developments in <i>Apple I</i> and <i>Apple II</i>.”</p>
<p>Friday, Feb. 22, 2013</p> <p>Morning Session</p> <p>9:00 am –</p>	<p>Active Inducement, Method and System Claims, and Joint/Distributed Infringement.</p>	<p>Chapter 9 (“Patent Infringement”), Part A[1][b] (“Joint Direct Infringement by Multiple Parties”)</p>	<p>8) Donald Chisum, Abstracts of Recent Cases: Active Inducement, Method and System Claims, and Joint/Distributed Infringement. Abstracted decisions:</p> <ul style="list-style-type: none"> ● <i>DSU Medical Corp. v. JMS Co., Ltd.</i>, 471 F.3d 1293 (Fed. Cir. 2006) (<i>en banc</i> as to “Section III.B”); ● <i>Global-Tech Appliances, Inc. v. SEB S.A.</i>, 131 S. Ct. 2060 (2011);

<p>12:00 pm</p>			<ul style="list-style-type: none"> ● <i>Centillion Data Systems, LLC v. QWest Communications International, Inc.</i>, 631 F.3d 1279 (Fed. Cir. 2011); ● <i>Advanced Software Design Corp. v. Fiserv, Inc.</i>, 641 F.3d 1368 (Fed. Cir. 2011); ● <i>HTC Corp. v. IPCom GmbH & Co., KG</i>, 667 F.3d 1270 (Fed. Cir. 2012); ● <i>Toshiba Corp. v. Imation Corp.</i>, 681 F.3d 1359 (Fed. Cir. 2012); ● <i>Akamai Techs., Inc. v. Limelight Networks, Inc.</i>, 692 F.3d 1301 (Fed. Cir. 2012) (<i>en banc</i>); ● <i>Mirror Worlds, LLC v. Apple Inc.</i>, 692 F.3d 1351 (Fed. Cir. 2012); ● <i>Technology Patents LLC v. T-Mobile Ltd.</i>, 700 F.3d 482 (Fed. Cir. 2012).
<p>Friday, Feb. 22, 2013</p> <p>Afternoon Session</p> <p>1:00 pm – 4:00 pm</p>	<p>Inequitable Conduct: Decisions Since <i>Therasense</i></p>	<p>Chapter 10[D][1] ("Inequitable Conduct")</p>	<p>9) Donald Chisum, Abstracts of Recent Cases: Inequitable Conduct After <i>Therasense</i>. Abstracted decisions:</p> <ul style="list-style-type: none"> ● <i>Aventis Pharma S.A. v. Hospira, Inc.</i> (Fed. Cir. 2012) (upholding an inequitable conduct finding); ● <i>1st Media, LLC v. Electronic Arts, Inc.</i> (Fed. Cir. 2012) (no inequitable conduct); ● <i>Outside the Box Innovations, LLC v. Travel Caddy, Inc.</i> (Fed. Cir. 2012) (no inequitable conduct).