

SYLLABUS/TABLE OF CONTENTS [Tab 1]

CHISUM PATENT ACADEMY®

Advanced Patent Law Seminar
July 30 – August 1, 2012
Seattle, WA

Instructors: Donald S. Chisum and Janice M. Mueller

Session	Topics	Background Reading in Mueller, <i>Patent Law, Third Edition</i> (Aspen 2009)	Cases and Materials for Discussion [number indicates tab in binder]
Monday, July 30, 2012 Morning Session 9:00 am – 12:00 pm	<i>Supreme Court Review: October Term 2011</i>	Chapter 7 (“Potentially Patentable Subject Matter”).	2) <i>Mayo Collab. Servs. v. Prometheus Labs., Inc.</i> , 132 S. Ct. 1289 (2012); 3) <i>Kappos v. Hyatt</i> , 132 S. Ct. 1690 (2012); 4) Donald S. Chisum, <i>Mayo: Critical Evaluation of the Supreme Court's Framework for the “Exception” to Section 101 Patent Eligible Subject Matter</i> ; 5) Powerpoints on <i>Mayo</i> ; 6) Donald S. Chisum, <i>Hyatt: Judicial Review of PTO Rejections under Section 145; Issues the Supreme Court Did Not Address</i> .

<p>Monday, July 30, 2012</p> <p>Afternoon Session</p> <p>1:00 pm – 4:00 pm</p>	<p><i>Patent Claim Interpretation: The Ongoing Schism</i></p>	<p>Chapter 2 (“Patent Claims”);</p> <p>Chapter 9[B] (“Patent Claim Interpretation”).</p>	<p>7) Powerpoints on “Patent Claim Interpretation: The Ongoing Schism”;</p> <p>8) <i>Arlington Indus., Inc. v. Bridgeport Fittings, Inc.</i>, 632 F.3d 1246 (Fed. Cir. 2011);</p> <p>9) <i>Retractable Techs., Inc. v. Becton, Dickinson and Co.</i>, 653 F.3d 1296 (Fed. Cir. 2011) (panel opinion);</p> <p>10) <i>Retractable Techs., Inc. v. Becton, Dickinson and Co.</i>, 659 F.3d 1369 (Fed. Cir. 2011) (order denying petition for rehearing <i>en banc</i>; dissenting opinions by Moore, J., and O’Malley, J.).</p>
<p>Tuesday, July 31, 2012</p> <p>Morning Session</p> <p>9:00 am – 12:00 pm</p>	<p><i>Non-Obviousness: Recent Developments</i></p>	<p>Chapter 5 (“The Nonobviousness Requirement of 35 U.S.C. § 103”).</p>	<p>11) Abstract: <i>Eurand, Inc. v. Impax Labs., Inc. (In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.)</i>, 676 F.3d 1063 (Fed. Cir. 2012);</p> <p>12) Abstract: <i>Wm. Wrigley Jr. Co. v. Cadbury Adams USA LL</i>, 2012 U.S. App. LEXIS 12834, 2012 WL 2367047 (Fed. Cir. 2012);</p> <p>13) Abstract: <i>In re Suong-Hyu Hyon</i>, 679 F.3d 1363 (Fed. Cir. 2012);</p> <p>14) Abstract: <i>In re Baxter Int’l, Inc.</i>, 678 F.3d 1357 (Fed. Cir. 2012);</p> <p>15) Abstract: <i>Mintz v. Dietz & Watson, Inc.</i>, 679 F.3d 1372 (Fed. Cir. 2012).</p>

<p>Tuesday, July 31, 2012</p> <p>Afternoon Session</p> <p>1:00 pm – 4:00 pm</p>	<p><i>America Invents Act of 2011:</i></p> <p><i>Inter Partes Review; Post-Grant Review</i></p>	<p>N/A</p>	<p>16) Donald S. Chisum, <i>Inter Partes Review under the PTO's Proposed Rules</i>;</p> <p>Donald S. Chisum, <i>Analysis and Impact of the America Invents Act of 2011: Discussion and Cross-References</i> [200+-page document provided electronically to seminar participants];</p> <p>17) Janice M. Mueller, <i>Mueller on Patent Law (Vol. I): Patentability and Validity</i> (Wolters Kluwer 2012), Chapter 7A (“Novelty and Priority [Post-America Invents Act]”).</p>
<p>Wednesday, August 1, 2012</p> <p>Morning Session</p> <p>9:00 am – 12:00 pm</p>	<p>Anatomy of a Patent Case: <i>Marine Polymer v. Hemcon, Inc.</i></p> <p>Claim interpretation</p> <p>Parallel Reexamination Proceeding</p> <p>Intervening Rights:</p> <p>Absolute</p> <p>Equitable</p> <p>Remedies (District court)</p>	<p>Chapter 9 (“Patent Enforcement);</p> <p>Chapter 8[C][7] (“Intervening Rights”);</p> <p>Chapter 8[D] (“Reexamination”);</p> <p>Chapter 11 (“Remedies”).</p>	<p>18) <i>Marine Polymer Techs., Inc. v. Hemcon, Inc.</i>, 672 F.3d 1350 (Fed. Cir. 2012) (<i>en banc</i>) (LOURIE, Rader, Newman, Bryson & Prost, Linn joining in part II) (DYK, dissenting in part, Gajarsa, Reyna & Wallach, Linn joining in parts I-II);</p> <p>19) <i>Marine Polymer Techs., Inc. v. HemCon, Inc.</i>, 659 F.3d 1084 (Fed. Cir. 2011) (vacated panel opinion);</p> <p>20) Abstract of <i>Marine Polymer</i> (including timeline);</p> <p>21) Donald S. Chisum, <i>Reissue: Recent Federal Circuit Decisions</i>.</p>

<p>Wednesday, August 1, 2012</p> <p>Afternoon Session</p> <p>1:00 pm – 4:00 pm</p>	<p><i>Distributed Direct Infringement</i></p>		<p>22) Powerpoints on Distributed Direct Infringement;</p> <p>23) [Contents of this tab intentionally left blank.] We anticipate that by the date of our seminar, the Federal Circuit will issue an <i>en banc</i> decision in:</p> <p><i>Akamai Technologies, Inc. v. MIT</i>, 419 Fed. App'x 989 (Fed. Cir. 2011) (<i>en banc</i>) (order granting rehearing <i>en banc</i> and vacating panel's opinion in <i>Akamai Technologies, Inc. v. Limelight Networks, Inc.</i>, 629 F.3d 1311 (Fed. Cir. 2010)); and</p> <p><i>McKesson Technologies Inc. v. Epic Systems Corp.</i>, 463 Fed. App'x 906 (2011) (<i>en banc</i>) (order granting rehearing <i>en banc</i> and vacating panel's opinion in <i>McKesson Techs., Inc. v. Epic Sys. Corp.</i>, No. 2010-1291 (Fed. Cir. Apr. 12, 2011), <i>available at</i> http://www.cafc.uscourts.gov/images/stories/opinions-orders/10-1291.pdf).</p> <p>In the event that the Federal Circuit has <i>not</i> issued its <i>en banc</i> decision in the above cases by the date of our seminar, we will address the following:</p> <p><i>R&L Carriers, Inc. v. Pitt Ohio Express, Inc. (In re Bill of Lading Transmission & Processing Sys. Patent Litig.)</i>, 681 F.3d 1323 (Fed. Cir. 2012) (pleading contributory and induced infringement).</p>
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