

SYLLABUS

CHISUM PATENT ACADEMY®

**Intensive Patent Law Training Seminars
July 25-27 and August 1-3, 2011
Seattle, WA**

Session	Topics	Corresponding Reading in Mueller, <i>Patent Law, Third Edition</i> (Aspen 2009)	Representative Cases for Discussion
Monday, July 25, 2011 Morning Session 9:00 am – 12:00 pm	Patent-Eligible Subject Matter	Chapter 7 (“Potentially Patentable Subject Matter”).	<i>Bilski v. Kappos</i> , 130 S. Ct. 3218 (2010) (intangible processes and business methods). <i>Research Corp. Techs., Inc. v. Microsoft Corp.</i> , 627 F.3d 859 (Fed. Cir. 2010) (narrow interpretation of <i>Bilski</i> and “abstract ideas”). <i>Prometheus Lab., Inc. v. Mayo Collaborative Serv.</i> , 628 F.3d 1347 (Fed. Cir. 2010) (diagnostic methods), <i>cert. granted</i> , ___ S. Ct. ___, 2011 WL 973139 (June 20, 2011).
Monday, July 25, 2011 Afternoon	Disclosure Requirements: Enablement	Pp. 97-113.	<i>In re Glass</i> , 492 F.2d 1228 (C.C.P.A. 1974) (enablement). <i>ALZA Corp. v. Andrx Pharms., LLC</i> , 603 F.3d

<p>Session</p> <p>1:00 pm – 4:00 pm</p>	<p>Best Mode</p> <p>Written Description of the Invention</p>	<p>Pp. 113-121.</p> <p>Pp. 121-133.</p>	<p>935 (Fed. Cir. 2010) (enablement).</p> <p><i>Young Dental Mfg. Co., Inc. v. Q3 Special Prods., Inc.</i>, 112 F.3d 1137 (Fed. Cir. 1997) (best mode).</p> <p><i>Green Edge Enterp., LLC v. Rubber Mulch Etc., LLC</i>, 620 F.3d 1287 (Fed. Cir. 2010) (best mode).</p> <p><i>Vas-Cath, Inc. v. Mahurkar</i>, 935 F.2d 1555 (Fed. Cir. 1991) (written description).</p> <p><i>Ariad Pharms. v. Eli Lilly & Co.</i>, 598 F.3d 1336 (Fed. Cir. 2010) (<i>en banc</i>) (written description).</p>
<p>Tuesday, July 26, 2011</p> <p>Morning Session</p> <p>9:00 am – 12:00 pm</p>	<p>Anatomy of a Patent Case: <i>i4i v. Microsoft</i></p> <p>Claim interpretation</p> <p>Anticipation (on sale bar)</p> <p>Direct and Indirect Infringement</p> <p>Willful Infringement</p> <p>Damages</p> <p>Permanent Injunction</p>	<p>Chapter 9 (“Patent Enforcement);</p> <p>Chapter 10 (“Defenses”);</p> <p>Chapter 11 (“Remedies”).</p>	<p><i>I4i Ltd. P’ship v. Microsoft Corp.</i>, 598 F.3d 831 (Fed. Cir. 2010), <i>aff’d sub nom. Microsoft Corp. v. i4i Ltd. P’ship</i>, 131 S. Ct. 2238 (June 9, 2011).</p>

	Burden of Proof to Invalidate		
<p>Tuesday, July 26, 2011</p> <p>Afternoon Session</p> <p>1:00 pm – 4:00 pm</p>	<p>Non-Obviousness in the Post-KSR Era</p>	<p>Chapter 5 (“The Nonobviousness Requirement of 35 U.S.C. § 103”).</p>	<p><i>KSR Int’l Co. v. Teleflex Inc.</i>, 550 U.S. 398 (2007) (modern restatement on nonobviousness).</p> <p><i>Transocean Offshore Deepwater Drilling, Inc. v. Maersk Contractors USA, Inc.</i>, 617 F.3d 1296 (Fed. Cir. 2010).</p> <p><i>In re Klein</i>, ___ F.3d ___, 2011 WL 2178134 (Fed. Cir. June 6, 2011) (analogous art).</p> <p><i>In re Kao</i>, 639 F.3d 1057 (Fed. Cir. 2011) (<i>prima facie</i> case; nexus requirement for secondary considerations evidence).</p>
<p>Wednesday, July 27, 2011</p> <p>Morning Session</p> <p>9:00 am – 12:00 pm</p>	<p>1) Inequitable Conduct/Duty of Candor/Attorney Ethics</p> <p>2) Joint Direct Infringement</p> <p>3) Inducing infringement</p>	<p>Pp. 431-442.</p> <p>Pp. 326-331.</p> <p>Pp. 383-389.</p>	<p><i>Therasense, Inc. v. Becton, Dickinson and Co.</i>, ___ F.3d ___, 2011 WL 2028255 (Fed. Cir. 2011) (<i>en banc</i>) (inequitable conduct).</p> <p><i>MuniAuction, Inc. v. Thomson Corp.</i>, 532 F.3d 1318 (Fed. Cir. 2008) (joint direct infringement).</p> <p><i>Akamai Techs., Inc. v. Limelight Networks, Inc.</i>, 629 F.3d 1311 (Fed. Cir. 2010) (vacated panel opinion) (joint direct infringement); ___ F.3d ___, 2011 WL 1518909 (Fed. Cir. Apr. 20, 2011) (order granting reh’g <i>en banc</i>).</p>

			<i>Global-Tech Appliances, Inc. v. SEB S.A.</i> , 131 S. Ct. 2060 (2011) (active inducement).
Wednesday, July 27, 2011 Afternoon Session 1:00 pm – 4:00 pm	1) Ownership 2) Recent Developments in Remedies	Chapter 11 ("Remedies for Patent Infringement").	<i>Bd. of Tr. Leland Stanford Jr. Univ. v. Roche Molecular Sys.</i> , 131 S. Ct. 2188 (2011) (employee assignment of patent rights; Bayh-Dole Act). <i>eBay, Inc. v. MercExchange, LLC</i> , 547 U.S. 388 (2006) (permanent injunctions; non-practicing patent owners). <i>Uniloc USA, Inc. v. Microsoft Corp.</i> , 632 F.3d 1292 (Fed. Cir. Jan. 4, 2011) (reasonable royalties). <i>In re Seagate Tech. LLC</i> , 497 F.3d 1360 (Fed. Cir. 2007) (<i>en banc</i>) (willful infringement).