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CHISUM PATENT ACADEMY®

**Advanced Patent Law Seminars
July 31 – August 2, 2013 and August 5 – 7, 2013
Seattle, WA**

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 [tab number indicates tab in binder]
Day 1 Morning Session 9:00 am – 12:00 pm	<i>Recent Blockbuster Supreme Court and Federal Circuit Cases</i>	Chapter 7 (“Potentially Patentable Subject Matter”).	Tab 2: Donald Chisum, <i>Abstracts of 2013 Supreme Court Patent Cases</i> . Abstracted decisions: <ul style="list-style-type: none"> ● <i>AMP v. Myriad Genetics, Inc.</i>, 133 S. Ct. 2107 (2013) (gene-based inventions as patent eligible subject matter); ● <i>Gunn v. Minton</i>, 133 S. Ct. 1059 (2013) (subject matter jurisdiction for patent malpractice actions); ● <i>Bowman v. Monsanto Co.</i>, 133 S. Ct. 1761 (2013) (doctrine of patent exhaustion prevented farmer from reproducing genetically modified seeds); ● <i>F.T.C. v. Actavis, Inc.</i>, 133 S. Ct. 2223 (2013) (reverse settlements in generic drug cases); ● <i>Already, LLC v. Nike, Inc.</i>, 133 S. Ct. 721 (2013) (trademark declaratory judgment jurisdiction; covenant not to sue);

			<ul style="list-style-type: none"> • <i>Kirtsaeng v. John Wiley & Sons, Inc.</i>, 132 S. Ct. 1905 (2012) (international exhaustion re copyrighted works). <p><u>Tab 3:</u> Donald Chisum, <i>Abstracts of Selected Critical 2013 Federal Circuit Cases</i>. Abstracted decisions:</p> <ul style="list-style-type: none"> • <i>CLS Bank Int'l v. Alice Corp. Pty. Ltd.</i>, No. 2011-1301, 2013 WL 1920941 (Fed. Cir. May 10, 2013) (<i>en banc</i>) (§101 patent eligible subject matter); • <i>Robert Bosch, LLC v. Pylon Mfg. Corp.</i>, No. 2011-1363, 2013 WL 2664281 (Fed. Cir. June 14, 2013) (<i>en banc</i>) (jurisdiction in appeals from bifurcated trials under 28 U.S.C. § 1292(c)(2)); • <i>Medtronic Inc. v. Boston Scientific Corp.</i>, 133 S. Ct. 2393 (Mem.) (2013) (granting <i>certiorari</i>); <i>Medtronic Inc. v. Boston Scientific Corp.</i>, 695 F.3d 1266 (Fed. Cir. 2012) (holding that declaratory judgment plaintiff/patent licensee Medtronic bore burden of proving noninfringement when continued existence of license prevented declaratory judgment defendant/patent licensor MFV from counterclaiming for infringement); • <i>Lighting Ballast Control LLC v. Philips Elecs. N.A. Corp.</i>, 500 Fed. Appx. 951 (granting petition for rehearing <i>en banc</i>, and vacating panel decision at 498 Fed. Appx. 986 (non-precedential) (standard of review for patent claim interpretation)).
<p>Day 1</p> <p>Afternoon Session</p>	<p><i>Injunctions; Design Patents</i></p>	<p>Chapter 7[H][2] (“Design Patents”);</p> <p>Chapter 11[B] (Injunctions”);</p>	<p><u>Tab 4:</u> Donald Chisum, <i>Abstracts of Recent Preliminary Injunction Cases</i>. 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

<p>1:00 pm – 4:00 pm</p>		<p>Chapter 11[C] (“Ongoing Royalties for Future Infringements”).</p>	<p>1370 (Fed. Cir. Oct. 11, 2012) (“<i>Apple II</i>”);</p> <ul style="list-style-type: none"> ● <i>Celsis in Vitro, Inc. v. CellzDirect, Inc.</i>, 664 F.3d 922 (Fed. Cir. 2012). <p><u>Tab 5:</u> Janice Mueller, Powerpoints on “Injunctive Relief: Developments in the <i>Apple v. Samsung</i> Smartphone Wars.”</p>
<p>Day 2</p> <p>Morning Session</p> <p>9:00 am – 12:00 pm</p>	<p><i>Drafting and Enforcing Method and System Claims: Active Inducement, Divided Infringement, and Territoriality Issues</i></p>	<p>Chapter 9[A][1][b] (“Joint Direct Infringement by Multiple Parties”);</p> <p>Chapter 9[E][1] (“Inducing Infringement Under §271(b)”).</p>	<p><u>Tab 6:</u> Donald Chisum, <i>Abstracts of Recent Cases on Method and System Claims: Active Inducement, Joint/Distributed Infringement, Territoriality, Damages, Knowledge and Intent</i>. Abstracted decisions:</p> <ul style="list-style-type: none"> ● <i>DSU Med. 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); ● <i>Centillion Data Systems, LLC v. QWest Communications Int’l, 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>LaserDynamics, Inc. v. Quanta Computer, Inc.</i>, 694 F.3d 51 (Fed. Cir. 2012); ● <i>R&L Carriers, Inc. v. Pitt Ohio Express, Inc.</i> (<i>In re Bill of Lading Transmission & Processing Sys.</i>

			<p><i>Patent Litig.</i>), 681 F.3d 1323 (Fed. Cir. 2012);</p> <ul style="list-style-type: none"> ● <i>Commil USA, LLC v. Cisco Sys., Inc.</i>, No. 2012-1042, 2013 WL 3185535 (Fed. Cir. June 25, 2013).
<p>Day 2</p> <p>Afternoon Session</p> <p>1:00 pm – 4:00 pm</p>	<p><i>Computer-Implemented Inventions</i></p>	<p>Chapter 7 (“Potentially Patentable Subject Matter (35 U.S.C. §101)”);</p> <p>Chapter 2[E][1] (“Means–Plus-Function Claim Elements (35 U.S.C. §112(f))”).</p>	<p><u>Tab 7:</u> Donald Chisum, “<i>Computer-Implemented Inventions: The Federal Circuit’s En Banc CLS Bank Decision.</i>”</p> <p><u>Tab 8:</u> Donald Chisum, “<i>Computer-Implemented Inventions: Definiteness of “Means” Clauses.</i>” Abstracted decisions:</p> <ul style="list-style-type: none"> ● <i>DealerTrack, Inc. v. Huber</i>, 674 F.3d 1315 (Fed. Cir. 2012); ● <i>Ergo Licensing, LLC v. Carefusion 303, Inc.</i>, 673 F.3d 1361 (Fed. Cir. 2012); ● <i>Noah Sys., Inc. v. Intuit Inc.</i>, 675 F.3d 1302 (Fed. Cir. 2012); ● <i>ePlus, Inc. v. Lawson Software, Inc.</i>, 700 F.3d 509 (Fed. Cir. 2012).
<p>Day 3</p> <p>Morning Session</p> <p>9:00 am – 12:00 pm</p>	<p><i>Patent Practice Gone Wrong: Lessons from Recent Cases on Patent Malpractice, Rule 11 and Attorney Fee Sanctions, and Inequitable Conduct</i></p>	<p>Chapter 10[D][1] (“Inequitable Conduct”);</p> <p>Chapter 11[E] (“Attorney Fees”).</p>	<p><u>Tab 9:</u> Donald Chisum, <i>Abstracts of Recent Cases on Patent Malpractice, Rule 11 and Attorney Fee Sanctions, and Inequitable Conduct.</i> Abstracted decisions:</p> <ul style="list-style-type: none"> ● <i>Davis v. Brouse McDowell, L.P.A.</i>, 596 F.3d 1355 (Fed. Cir. 2010); ● <i>USPPS, Ltd. v. Avery Dennison Corp.</i>, 676 F.3d 1341 (Fed. Cir. 2012), <i>vacated and remanded</i>, 133 S. Ct. 1794 (2013); ● <i>Landmark Screens, LLC v. Morgan, Lewis, & Bockius, LLP.</i>, 676 F.3d 1354 (Fed. Cir. 2012); ● <i>Minkin v. Gibbons P.C.</i>, 680 F.3d 1341 (Fed. Cir. 2012); ● <i>iLOR, LLC v. Google, Inc.</i>, 631 F.3d 1372 (Fed. Cir. 2011);

			<ul style="list-style-type: none"> ● <i>Old Reliable Wholesale, Inc. v. Cornell Corp.</i>, 635 F.3d 539 (Fed. Cir. 2011); ● <i>Eon-Net, LP v. Flagstar Bancorp.</i>, 653 F.3d 1314 (Fed. Cir. 2011); ● <i>MarcTec, LLC v. Johnson & Johnson</i>, 664 F.3d 907 (Fed. Cir. 2012); ● <i>Rates Tech., Inc. v. Mediatix Telecom, Inc.</i>, 688 F.3d 742 (Fed. Cir. 2012); ● <i>Highmark, Inc. v. Allcare Health Management Sys., Inc.</i>, 687 F.3d 1300 (Fed. Cir. 2012); ● <i>Woods v. Deangelo Marine Exhaust, Inc.</i>, 692 F.3d 1272 (Fed. Cir. 2012); ● <i>Raylon, LLC v. Complus Data Innovations, Inc.</i>, 700 F.3d 1361 (Fed. Cir. 2012); ● <i>Therasense, Inc. v. Becton, Dickinson & Co.</i>, 649 F.3d 1276 (Fed. Cir. 2011) (<i>en banc</i>); ● <i>Aventis Pharma S.A. v. Hospira, Inc.</i>, 675 F.3d 1324 (Fed. Cir. 2012); ● <i>1st Media, LLC v. Electronic Arts, Inc.</i>, 694 F.3d 1367 (Fed. Cir. 2012); ● <i>Outside the Box Innovations, LLC v. Travel Caddy, Inc.</i>, 695 F.3d 1285 (Fed. Cir. 2012); ● <i>In re Rosuvastatin Calcium Patent Litigation</i>, 703 F.3d 511 (Fed. Cir. 2012).
<p>Day 3</p> <p>Afternoon Session</p> <p>1:00 pm – 4:00 pm</p>	<p><i>Non-Obviousness: Recent Developments</i></p>	<p>Chapter 5 (“The Nonobviousness Requirement (35 U.S.C. §103”).</p>	<p><u>Tab 10:</u> Donald Chisum, <i>Recent Case Law on the Nonobviousness Condition of Patentability</i>. Abstracted decisions:</p> <ul style="list-style-type: none"> ● <i>In re Hyon</i>, 679 F.3d 1363 (Fed. Cir. 2012); ● <i>In re Mouttet</i>, 686 F.3d 1332 (Fed. Cir. 2012); ● <i>In re Antor Media Corp.</i>, 689 F.3d 1282 (Fed. Cir. 2012); ● <i>In re Applied Materials, Inc.</i>, 692 F.3d 1289 (Fed.

			<p>Cir. 2012);</p> <ul style="list-style-type: none">● <i>C.W. Zumbiel Co., Inc. v. Kappos</i>, 702 F.3d 1371 (Fed. Cir. 2012);● <i>Wm. Wrigley Jr. Co. v. Cadbury Adams USA LL</i>, 683 F.3d 1356 (Fed. Cir. 2012);● <i>Mintz v. Dietz & Watson, Inc.</i>, 679 F.3d 1372 (Fed. Cir. 2012);● <i>ArcelorMittal France v. AK Steel Corp.</i>, 700 F.3d 1314 (Fed. Cir. 2012);● <i>Transocean Offshore Deepwater Drilling, Inc. v. Maersk Drilling USA, Inc.</i>, 699 F.3d 1340 (Fed. Cir. 2012);● <i>K-Tec, Inc. v. Vita-Mix Corp.</i>, 696 F.3d 1364 (Fed. Cir. 2012);● <i>Pregis Corp. v. Kappos</i>, 700 F.3d 1348 (Fed. Cir. 2012);● <i>Amkor Tech., Inc. v. U.S. Int'l Trade Comm'n</i>, 692 F.3d 1250 (Fed. Cir. 2012);● <i>Norgren Inc. v. Int'l Trade Comm'n</i>, 699 F.3d 1317 (Fed. Cir. 2012).
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