

SYLLABUS

CHISUM PATENT ACADEMY™

Intensive Patent Law Training Workshops

July 29-31 and August 2-4, 2010

Seattle, WA

Day	Basic Topics	Background Reading for Basic Topics:	Enrichment Topics
	Morning Session (9:00 a.m. to 12:00 noon)	Corresponding pages in Mueller, <i>Patent Law, Third Edition</i> (Aspen) [copy provided to each workshop participant on Day 1]:	Afternoon Session (1:00 p.m. to 4:00 p.m.)
Day 1	<p>Patent Claims:</p> <p style="padding-left: 40px;">Centrality of Claims; Notice Function; Right to Exclude</p> <p style="padding-left: 40px;">Anatomy of a Patent Claim</p> <p style="padding-left: 40px;">Claim Drafting Conventions and Interpretation “Canons”</p> <p style="padding-left: 40px;">Evidentiary Hierarchy: The <i>Phillips</i> Debate</p> <p style="padding-left: 40px;">Judge vs. Jury: <i>Markman</i></p>	<p>65-68; 332-334.</p> <p>78-84.</p> <p>84-86; 347-349.</p> <p>337-344.</p> <p>334-336; 344-347.</p>	<p>Statutory Subject Matter:</p> <p>Background: see Mueller, <i>Patent Law, Third Edition</i>, Chapter 7.</p> <p>Decisions:</p> <ol style="list-style-type: none"> 1. <i>Bilski v. Kappos</i>, __ S. Ct. __, 2010 WL 2555192, 2010 U.S. LEXIS 5521 (June 28, 2010) (intangible processes and business methods). 2. <i>Prometheus Lab., Inc. v. Mayo Collaborative Serv.</i>, 581 F.3d 1336 (Fed. Cir. 2009) (diagnostic

	Appellate Review: <i>Cybor</i>	346-347.	methods).
Day 2	Disclosure Requirements: Enablement Best Mode Written Description of the Invention	97-113. 113-121. 121-133.	Written Description of the Invention: 1. <i>Ariad Pharm., Inc. v. Eli Lilly and Co.</i> , 598 F.3d 1336 (Fed. Cir. 2010) (<i>en banc</i>). Inequitable Conduct: Background: see Mueller, <i>Patent Law, Third Edition</i> , pp. 431-442. Decisions: 1. <i>Therasense, Inc. v. Becton, Dickinson and Co.</i> , 2010 WL 1655391, 2010 U.S. App. LEXIS 9549 (order granting reh'g <i>en banc</i>) (Fed. Cir. Apr. 26, 2010). 2. <i>Therasense, Inc. v. Becton, Dickinson and Co.</i> , 593 F.3d 1289 (Fed. Cir. 2010) (now-vacated panel opinion).
Day 3	Patent Enforcement: Infringement: Two-Step Analysis Literal and Doctrine of Equivalents	331; 349. 325-326; 349-360.	Active Inducement: 1. <i>SEB S.A. v. Montgomery Ward & Co.</i> , 594 F.3d 1360 (Fed. Cir. 2010) (active inducement; knowledge of patent).

	<p>Indirect Infringement: Active Inducement and Contributory Infringement</p> <p>Drafting Claims to Maximize Direct Infringement</p> <p>Prosecution History Estoppel</p> <p>Vitiation of Claim Limitations</p>	<p>383-389.</p> <p>326-331.</p> <p>361-376.</p> <p>380-382.</p>	<p>Remedies:</p> <p>Background: see Mueller, <i>Patent Law, Third Edition</i>, pp. 481-487.</p> <p>Decisions:</p> <ol style="list-style-type: none"> 1. <i>eBay, Inc. v. MercExchange, LLC</i>, 547 U.S. 388 (2006) (permanent injunctions; non-practicing patent owners). 2. <i>Lucent Technologies, Inc. v. Gateway, Inc.</i>, 580 F.3d 1301, 1301 (Fed. Cir. 2009) (damages; reasonable royalty; "entire market value rule"). 3. <i>Hewlett-Packard Co. v. Acceleron LCC</i>, 587 F.3d 1358, 2009 U.S. App. LEXIS 26359 (Fed. Cir. 2009) (letters from patent owners; declaratory judgments). <p>Willfulness:</p> <p>Background: see Mueller, <i>Patent Law, Third Edition</i>, pp. 510-517.</p> <p>Decisions:</p> <ol style="list-style-type: none"> 1. <i>In re Seagate Tech. LLC</i>, 497 F.3d 1360 (Fed. Cir. 2007) (<i>en banc</i>).
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