

26th Annual Joint Patent Practice Seminar

Thursday, April 29, 2010 - Hilton New York

PRELIMINARY PROGRAM PREVIEW - EVERYTHING NEW IN ONE DAY !!!

8:40 - 8:45 AM Welcome Remarks

Panel I

Litigation

- 8:45 - 8:55 AM Gemtron Corp. v. Saint-Gobain Corp., 91 USPQ 2d 1409 (Fed. Cir. 2009) - Infringing product manufactured outside of the United States.
- 8:55 - 9:05 AM The Forest Group Inc. v. Bon Tool Co. et al., 2009-1044 (Fed. Cir. Dec. 28, 2009) - False marking case - per article penalties - recognition of the qui tam aspect of the statute.
- 9:05 - 9:15 AM Tyco Healthcare Group LP v. Ethicon Endo-Surgery, Inc., 2008-1269, -1270 (Fed. Cir. 2009) - Plaintiff bore the burden of proving ownership of the patents pursuant to a contractual agreement and failed to do so.
- 9:15 - 9:25 AM Cardiac Pacemakers, Inc. et al. v. St. Jude Medical, Inc. and Pacesetter, Inc., 2007-1296, -1347 (Fed. Cir. 2009)
- 9:25 - 9:35 AM Lucent Technologies, Inc. v. Gateway, Inc., 92 USPQ 2d 1555 (Fed. Cir. 2009) [Microsoft v. Alcatel-Lucent]; and Cornell University v. Hewlett-Packard Co. 89 USPQ 2d 1575 (U.S. N. D. N.Y.) - Royalty calculations
- 9:35 - 9:45 AM In re Lister, 2009-1060 (Fed. Cir. 2009) - Prior Accessibility of Prior Art: PTO Must Provide Evidence of Indexing Date
- 9:45 - 9:55 AM Titan Tire Corp. et al. v. Case New Holland, Inc. et al., 566 F3d 1392 (Fed. Cir. 2009) - Legal standard and burden of proof for preliminary injunction in a patent case
- 9:55 - 10:05 AM Q & A - 10 minutes

Panel II

Pharmaceuticals/Life Sciences

- 10:05 - 10:15 AM Bayer Schering Pharma AG v. Barr Laboratories, Inc., 91 USPQ 2d 1569 (Fed. Cir. 2009) - Patent invalid because the formulation was obvious.
- 10:15 - 10:25 AM Ischemia Research and Education Foundation v. Pfizer, 1-04-CV-026653 (Santa Clara County Superior Court 2009) - Trade secrets dispute
- 10:25 - 10:35 AM Ariad Pharmaceuticals, Inc. et al. v. Eli Lilly and Company, 560 F3d 1366 (Fed. Cir. 2009) - Written disclosure requirement
- 10:35 - 10:45 AM Amgen Inc. v. F. Hoffmann-LaRoche Ltd., No. 2009-1020 (Fed. Cir. Sept. 15, 2009) - Material change under 271(g)

(continued on reverse side)

10:45 - 10:55 AM	Abbott Labs. v. Sandoz, Inc., 566 F.3d 1282 (Fed. Cir. 2009) (en banc) - Infringement of product-by-process claims
10:55 - 11:05 AM	University of Pittsburgh et al. v. Hedrick et al., 573 F3d 1290 (Fed. Cir. 2009) - Inventorship and co-invention in biotech setting.
11:05 - 11:15 AM	Q & A - 10 minutes
11:15 - 11:30 AM	Break

Panel III

Ethics

11:30 - 11:40 AM	In re Bose Corp., 2008-1448 (Fed. Cir. 2009) - Reversal of decision to cancel trademark registration due to fraud
11:40 - 11:50 AM	Is Civility Dead? - Ethics Professor - Paula Franzese, Law Professor Seton Hall University School of Law, Chairwomen of the State Ethics Commission
11:50 - 12:00 PM	Ethical issues relating to Mergers/Acquisitions
12:00 - 12:10 PM	Exergen Corp. v. Wal-Mart Stores, Inc., 91 USPQ2d 1656 (Fed. Cir. 2009) - Pleading inequitable conduct
12:10 - 12:20 PM	Board of Trustees of the Leland Stanford Junior University et al. v. Roche Molecular Systems, Inc. et al., 2008-1509, -1510 (Fed. Cir. 2009) - How technology transfer activities of universities and research institutes may affect ownership, interest, license and shop rights to patents
12:20 - 12:30 PM	NY - State Rules Revised: Attorney as a Witness
12:30 - 12:40 PM	Q & A - 10 minutes



**Keynote
Speaker**

**Hon. Pauline Newman, Circuit Judge
United States Court of Appeals for the Federal Circuit**

12:40 - 1:55 PM

Lunch and Keynote Speaker

Panel IV

Licensing/Foreign Practice/ITC

1:55 - 2:05 PM	Epistar v. International Trade Commission and Philips Lumileds Lighting, 91 USPQ 2d 1180 (Fed. Cir. 2009) - Impact of Merger/Buyout on Prior Agreement to Not Challenge Patent Validity
2:05 - 2:15 PM	AsymmetRx, Inc. v. Biocare Med. LLC, 92 USPQ 2d 1113 (Fed. Cir. 2009) - In maintaining the right to sue, as part of a license, although certain restrictions alone might not be destructive of the transfer of that right to the licensee/assignee, their totality may be sufficient to do so.
2:15 - 2:25 PM	Euclid Chemical Co. v. Vector Corrosion Technologies, Inc. et al., 90 USPQ 2d 1220 (Fed. Cir. 2009) - Patent assignment language assigning all continuation applications was found ambiguous as to previously issued patents not specifically identified in the assignment.

2:25 - 2:35 PM	Current status of <i>Princo Corporation et al. v. International Trade Commission and U.S. Philips Corp.</i> , 90 USPQ 2d 1673 (Fed. Cir. 2009) - Legal standards for patent misuse in licensing
2:35 - 2:45 PM	<i>Synthes v. G.M. Dos Reis Jr. Ind. Com. De Equip. Medico</i> , 90 USPQ 2d 1609 (Fed. Cir. 2009) - Attending US trade shows can subject a foreign company to the jurisdiction of the US Court at that location.
2:45 - 2:55 PM	Inventor Remuneration - UK, France, Germany and Japan - Is the Inventor King?
2:55 - 3:05 PM	License Drafting - Trademarks and Patents
3:05 - 3:15 PM	<i>Corebrace v. Star Seismatic</i> , 566 F3d 1069 (Fed Cir 2009) - Implicit license to "have made" by a third party arises in a general make, use and sell license unless expressly disclaimed
3:15 - 3:25 PM	The International Trade Commission and Design Patents
3:25 - 3:35 PM	Q & A - 10 minutes
3:35 - 3:50 PM	Break

Panel V

USPTO

3:50 - 4:00 PM	USPTO - Enrollment and Discipline presentation
4:00 - 4:10 PM	Current status of <i>In re Bilski</i> , 88 USPQ 2d 1385 (Fed. Cir. 2008) - Patentable subject matter
4:10 - 4:20 PM	Hindsight Bias
4:20 - 4:30 PM	<i>Larson Mfg Co. of South Dakota, Inc. v. Aluminart Products Ltd.</i> , 90 USPQ2d 1257 (Fed. Cir. 2009) - Office Actions in copending applications
4:30 - 4:40 PM	Best Practices on Inventorship - What is a contributor and how to evaluate
4:40 - 4:50 PM	<i>Wyeth et al. v. Kappos</i> , 2009-1120 (Fed. Cir. Jan. 2010) - Patent Term Extension
4:50 - 5:00 PM	Q & A - 10 minutes

Program Concludes at 5:00 PM

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This program is sponsored by Joint Patent Practice Continuing Legal Education, Inc. and co-sponsored by: Connecticut Intellectual Property Law Association, New Jersey Intellectual Property Law Association, New York Intellectual Property Law Association and Philadelphia Intellectual Property Law Association. The Preliminary Program Preview reflects topics planned as of February 1, 2010.

