

SYLLABUS
Chisum Patent Academy
Intensive Patent Law Training Workshop
July 23-25, 2009
Seattle, Washington

Date	Basic Topics	Background Reading for Basic Topics:	Enrichment Topics
Thursday, July 23, 2009	<p>Morning Session (9:00 a.m. to 12:00 p.m.)</p> <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 style="padding-left: 40px;">Appellate Review: <i>Cybor</i></p>	<p>Corresponding pages in Mueller, <i>Patent Law, Third Edition</i> (copy provided to each workshop participant):</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>346-347.</p>	<p>Afternoon Session (1:30 p.m. to 4:30 p.m.)</p> <p>Claim Definiteness Requirement:</p> <p>Background: see Mueller, <i>Patent Law, Third Edition</i>, pp. 68-77.</p> <p>Recent Federal Circuit Decisions:</p> <p>1. <i>Datamize, LLC v. Plumtree Software, Inc.</i>, 417 F.3d 1342 (Fed. Cir. 2005).</p> <p>2. <i>Halliburton Energy Services, Inc. v. M-I LLC</i>, 514 F.3d 1244, 2008 U.S. App. LEXIS (Fed. Cir. 2008).</p> <p>3. <i>Star Scientific, Inc. v. R.J. Reynolds Tobacco Co.</i>, 537 F.3d 1357, 2008 U.S. App. LEXIS 18160 (Fed. Cir. 2008).</p>

			<p>4. <i>Cohesive Technologies, Inc. v. Waters Corp.</i>, 543 F.3d 1351, 2008 U.S. App. LEXIS 21013 (Fed. Cir. 2008).</p> <p>5. <i>Atmel Corp. v. Information Storage Devices, Inc.</i>, 198 F.3d 1374, 53 USPQ2d 1225 (Fed. Cir. 1999).</p> <p>6. <i>Aristocrat Technologies Australia Pty Ltd. v. International Game Technology</i>, 521 F.3d 1328, 2008 U.S. App. LEXIS (Fed. Cir. 2008).</p>
<p>Friday, July 24, 2009</p>	<p>Disclosure Requirements:</p> <p>Enablement</p> <p>Best Mode</p> <p>Written Description of the Invention</p>	<p>97-113.</p> <p>113-121.</p> <p>121-133.</p>	<p>Inequitable Conduct:</p> <p>Background: see Mueller, <i>Patent Law, Third Edition</i>, pp. 431-442.</p> <p>Recent Federal Circuit Decisions:</p> <p>1. <i>Nilssen v. Osram Sylvania, Inc.</i>, 504 F.3d 1223, 2007 U.S. App. LEXIS 23733 (Fed. Cir. 2007).</p> <p>2. <i>Brasseler, U.S.A. I, L.P. v. Stryker Sales Corp.</i>, 267 F.3d 1370, 60 USPQ2d 1482 (Fed. Cir. 2001).</p>

			<p>3. <i>Research Corporation Technologies, Inc. v. Microsoft Corp.</i>, 536 F.3d 1247, 2008 U.S. App. LEXIS 16420 (Fed. Cir. 2008).</p>
<p>Saturday, July 25, 2009</p>	<p>Patent Enforcement:</p> <p>Infringement: Two-Step Analysis</p> <p>Literal and Doctrine of Equivalents</p> <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>331; 349.</p> <p>325-326; 349-360.</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>, Chapter 11.</p> <p>Supreme Court and Federal Circuit Decisions:</p> <p>1. <i>eBay, Inc. v. MercExchange, LLC</i>, 547 U.S. 388 (2006).</p> <p>2. <i>Innogenetics, N.V. v. Abbott Laboratories</i>, 512 F.3d 1363, 2008 U.S. App. LEXIS 976 (Fed. Cir. 2008).</p> <p>3. <i>Broadcom Corp. v. Qualcomm Inc.</i>, 543 F.3d 683, 2008 U.S. App. LEXIS 20156 (Fed. Cir. 2008).</p> <p>4. <i>Acumed LLC v. Stryker Sales Corp.</i>, 551 F.3d 1323, 2008 U.S. App. LEXIS 26519 (Fed. Cir. 2008).</p>

			<p>Willfulness:</p> <p>Background: see Mueller, <i>Patent Law, Third Edition</i>, Chapter 11.</p> <p>Recent Federal Circuit 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>).2. <i>Finisar Corp. v. DirectTV Group, Inc.</i>, 523 F.3d 1323, 2008 U.S. App. LEXIS 8404 (Fed. Cir. 2008).3. <i>Cohesive Technologies, Inc. v. Waters Corp.</i>, 543 F.3d 1351, 2008 U.S. App. LEXIS 21013 (Fed. Cir. 2008).4. <i>Depuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.</i>, 2009 U.S. App. LEXIS 12389 (June 1, 2009).
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