

SYLLABUS/AGENDA [File01 on USB drive]

CHISUM PATENT ACADEMY®

Advanced Patent Law Small Group Seminar

March 9-10, 2017

Renaissance Cincinnati Downtown Hotel

Cincinnati, Ohio

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Session	Topics	Cases and Materials for Discussion
Day 1 Morning Session 9:00 am – 12:00 pm	Recent Blockbuster Supreme Court and Federal Circuit En Banc Cases	File02 , Donald Chisum, <i>Powerpoints on Blockbusters: Recent Supreme Court and Federal Circuit En Banc Decisions; Pending Cases:</i> <ul style="list-style-type: none">• <i>Life Techs. Corp. v. Promega</i>, No. 14-1538, --- S. Ct. ---, 2017 WL 685531 (Feb. 22, 2017) (supplying substantial portion of components from U.S.; Section 271(f)(1));• <i>Samsung Elecs. Co. v. Apple Inc.</i>, 137 S. Ct. 429 (Dec. 6, 2016) (design patent infringement damages for multicomponent products);• <i>SCA Hygiene Prods. Aktiebolag v. First Quality Baby Prods., LLC</i>, 807 F.3d 1311 (Fed. Cir. 2015) (<i>en banc</i>), <i>cert. granted</i>, 136 S. Ct. 1824 (May 2, 2016) (laches);• <i>Lexmark Int'l, Inc. v. Impression Prods., Inc.</i>, 816 F.3d 721 (Fed. Cir. Feb. 12, 2016) (<i>en banc</i>) (conditioned sales; international exhaustion), <i>cert. granted</i>, 137 S. Ct. 546 (Dec. 2, 2016);• <i>In re TC Heartland LLC</i>, 821 F.3d 1338 (Fed. Cir. April 29, 2016), <i>cert. granted sub nom. TC Heartland LLC v. Kraft Food Brands Grp. LLC</i>, 137 S. Ct. 614 (Dec. 14, 2016) (venue);• <i>Apple Inc. v. Samsung Elecs. Co., Ltd.</i>, 839 F.3d 1034 (Fed. Cir. Oct. 7, 2016) (<i>en banc</i>) (obviousness; claim interpretation; jury trials; winner of our “Stinker of 2016” award);• <i>Wi-Fi One, LLC v. Broadcom Corp.</i>, 837 F.3d 1329 (Fed. Cir. Sept. 16, 2016), <i>vacated and reh'g en banc granted</i>, ___ F.3d ___, No. 2015-1944 (Fed. Cir. Jan. 4, 2017) (whether Federal

		<p>Circuit can review PTAB's §315 IPR time bar determinations) (also discussed in IPR session below);</p> <ul style="list-style-type: none"> • <i>In re Aqua Prods., Inc.</i>, 823 F.3d 1369 (Fed. Cir. May 25, 2016), <i>vacated and reh'g en banc granted</i>, 833 F.3d 1335 (Fed. Cir. Aug. 12, 2016) (burdens of proof and production for IPR motions to amend) (also discussed in IPR session below).
<p>Day 1</p> <p>Afternoon Session</p> <p>1:00 pm – 4:00 pm</p>	<p>Patent Claim Construction:</p> <p>Continuing Schisms at the Federal Circuit</p>	<p>File03, Janice Mueller, <i>Powerpoints on Recent Patent Claim Interpretation Cases</i>. Cases analyzed:</p> <ul style="list-style-type: none"> • <i>Trustees of Columbia Univ. v. Symantec Corp.</i>, 811 F.3d 1359 (Fed. Cir. Feb. 2, 2016); • <i>Eon Corp. v. Silver Eon Corp. v. Silver Spring Networks, Inc.</i>, 815 F.3d 1314 (Fed. Cir. Feb. 29, 2016); • <i>David Netzer Consulting Engineer LLC v. Shell Oil Co.</i>, 824 F.3d 989 (Fed. Cir. May 27, 2016); • <i>Poly-America, L.P. v. API Indus., Inc.</i>, 839 F.3d 1131 (Fed. Cir. Oct. 14, 2016). <p>File04, <i>Representative Claims from Recent Patent Claim Interpretation Cases</i>.</p>
<p>Day 2</p> <p>Morning Session</p> <p>9:00 am – 12:00 pm</p>	<p>Inter Partes Review:</p> <p>Reviewability; Burdens of Proof and Production; Due Process.</p>	<p>File05, Donald Chisum, <i>Powerpoints on Inter Partes Review: Federal Circuit Cases Before and After Cuozzo</i>:</p> <ul style="list-style-type: none"> • <i>In re Aqua Prods., Inc.</i>, 833 F.3d 1335 (Fed. Cir. Aug. 12, 2016), <i>granting en banc review and vacating</i>, 823 F.3d 1369 (Fed. Cir.2016); • <i>Wi-Fi One, LLC v. Broadcom Corp.</i>, No. 2015-1944 (Fed. Cir. Jan. 4, 2017) (<i>reh'g en banc order</i>), <i>granting en banc review & vacating</i> 837 F.3d 1329 (Fed. Cir. 2016). • <i>Belden</i>, 805 F.3d 1064; • <i>Ariosa Diagnostics</i>, 805 F.3d 1359; • <i>Redline Detection</i>, 811 F.3d 435; • <i>Dell</i>, 818 F.3d 1293; • <i>Intelligent Bio-Systems</i>, 821 F.3d 1359; • <i>SAS Institute</i>, 825 F.3d 1360; • <i>Genzyme Therapeutic</i>, 825 F.3d 1360; • <i>TriVascular</i>, 812 F.3d 1056; • <i>In re Magnum Oil Tools Int'l, Ltd.</i>, 829 F.3d 1364; • <i>PersonalWeb Techs.</i>, No. 2016-1174 (Feb. 14, 2017).

<p>Day 2</p> <p>Afternoon Session</p> <p>1:00 pm – 4:00 pm</p>	<p>Patent-Eligible Subject Matter:</p> <p>2016 Federal Circuit Cases</p>	<p>File06, Donald Chisum, <i>Powerpoints on Patent Eligible Subject Matter: 2016 Federal Circuit Cases.</i></p> <ul style="list-style-type: none"> • NOTE: seminar discussion will focus on bolded cases • <i>Mortgage Grader</i>, 811 F.3d 1314; • <i>Smith</i>, 815 F.3d 816; • <i>Enfish</i>, 822 F.3d 1327; • <i>TLI Communications</i>, 823 F.3d 607; • <i>Bascom</i>, 827 F.3d 1341; • <i>Electric Power Group</i>, 830 F.3d 1350; • <i>McRO</i>, 837 F.3d 1299; • <i>Affinity Labs</i>, 838 F.3d 1253; • <i>Affinity Labs</i>, 838 F.3d 1266; • <i>Intellectual Ventures I</i>, 838 F.3d 1307; • <i>FairWarningIP</i>, 839 F.3d 1089; • <i>Synopsis</i>, 839 F.3d 1138; • <i>Amdocs (Israel)</i>, 841 F.3d 1288; • <i>Apple v. Ameranth</i>, 842 F.3d 1229; • <i>Genetic Techs.</i>, 818 F.3d 1369; • <i>Rapid Litigation</i>, 827 F.3d 1042.
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