

CHISUM PATENT ACADEMY®

SYLLABUS

Patent Law Seminar: Critical Developments and Future Prospects

Westin Alexandria Old Town, Alexandria, Virginia

March 7-8, 2024

Thursday, March 7, 2024

8:30 – 9:00	Continental Breakfast (provided)
9:00 – 12:00	Topic: Blockbusters--Recent Significant Federal Circuit and Supreme Court Patent Law Decisions <ul style="list-style-type: none">- Enablement- Inventorship- Eligibility- Nonobviousness- Double Patenting
12:00 – 1:30	Lunch (provided); personal time
1:30 – 2:30	Topic: New Rules for Prior Art Effective Dates under the AIA <ul style="list-style-type: none">- 35 U.S.C. §§ 102(a)(2), 102(d)(2) (AIA)- <i>Penumbra v. RapidPulse</i> (PTAB designated precedential Nov. 15, 2023)- Substantive versus Formal/Ministerial entitlement to earlier filing date- Balance of power between PTAB and Federal Circuit

2:30 – 4:30	<p>Continuation of “Blockbusters” from morning session;</p> <p>Additional Topics for Discussion with Judge Paul Michel:</p> <ul style="list-style-type: none"> - How predictable are outcomes on validity issues? - Is patent enforcement affordable? - Are remedies adequate (injunctions, continuing infringement)? - Evolution of the PTAB in the AIA era and the Federal Circuit’s role as reviewer - Patent trolls; patent hold-up vs. hold-out - Design patent obviousness <i>en banc</i> - How might Artificial Intelligence impact appellate judging?
5:00 – 6:00	Optional post-seminar cocktails at Trademark Drink and Eat, hotel lobby bar

Friday, March 8, 2024

8:30 – 9:00	Continental Breakfast (provided)
9:00 – 12:00	<p>Topic: “To Err is Human”: Strategies for Correcting Errors in Patent Claims and the Prior Art</p> <ul style="list-style-type: none"> - Judicial correction - Substitute claims in inter partes reviews - Reissue - Certificates of correction
12:00 – 1:30	Lunch (provided); personal time
1:30 – 2:30	<p>Topic: Ethics Issues in USPTO PTAB Practice</p> <ul style="list-style-type: none"> - Ethics rules in 37 CFR - PTO’s Fed.R.Civ.Pro. 11 counterparts - Examples of Misconduct: “Abuse of IPR process,” discovery abuse, protective order violations, selective withholding of test data, ex parte contact with judges - PTAB/Director sanctions

	- Office of Enrollment & Discipline orders
2:30 – 4:30	Topic: Patent Claim Interpretation: The Recurring Issue of Singular versus Plural
4:30	Adjourn Seminar