

Plan for it Now!

April 29, 2010

26th Annual Joint Patent Practice Seminar

A One-Day Program Featuring
Five Panels of Experts discussing
recent developments in the law which
all patent practitioners will need to know.

Our panels of experts will address topics on

- **Litigation** • **Pharmaceuticals/Life Sciences** •
- **Ethical Issues** • **Licensing/Foreign Patent Practice/ITC** •
- **USPTO Practice** •

Thursday, April 29, 2010

The Hilton New York • Grand Ballroom •
1335 Avenue of the Americas (between W53rd & W54th), New York, NY

8:40 A.M. to 5:00 P.M.

**Keynote Speaker • Honorable Pauline Newman, Circuit Judge
United States Court of Appeals for the Federal Circuit**



Hon. Pauline Newman

\$420.00 Registration Fee-if payment is received
by April 16, 2010

\$450.00 Registration Fee-if payment is received
after April 16, 2010

(This fee includes lunch and all Seminar materials.)

New York State attorneys earn **8.0 CLE Credits***

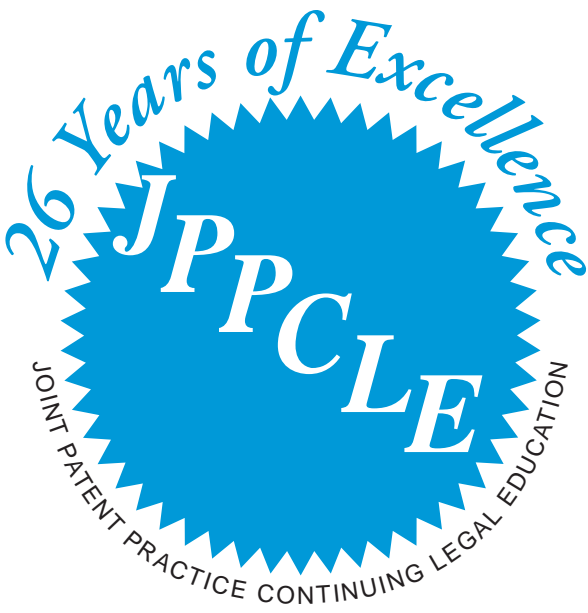
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*This course satisfies 1.5 NYS Ethics CLE credits and 6.5 NYS Professional
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**This course satisfies 1.0 PA Ethics CLE credits and
5.5 PA Professional Practice CLE Credits.

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 • Philadelphia Intellectual Property Law Association

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**RESERVATION FORM
MAIL OR FAX THIS**

by April 16, 2010

Date: _____

TO: John S. Child, Jr., Program Chair
 c/o JPPCLE, Inc.
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 Oradell, New Jersey 07649
 Phone: (201) 634-1870 Fax: (201) 634-1871
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CONTACT: Name _____ E-Mail _____
 (if contact is also attending the program, please list below)

Firm/Comp. _____ Tel # _____
 Address _____

The following people wish to attend the Twenty-Sixth Annual Joint Patent Practice Seminar on Thursday, April 29, 2010:
 (Please photocopy for additional registrations)

(please check the appropriate association, if applicable)

- | | | | | | |
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| _____ | Member of | <input type="checkbox"/> CIPLA | <input type="checkbox"/> NJIPLA | <input type="checkbox"/> NYIPLA | <input type="checkbox"/> PIPLA |
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- **Early Registration Fee \$420.00 for payments received *by* 04/16/10**
- **Late Registration Fee \$450.00 for payments received *after* 04/16/10**

Cancellation Policy: All cancellations must be received in writing on or before April 16, 2010. Registration fees are non-refundable after April 16, 2010. Refunds are not given for "no-shows."

Payment: Full-payment must accompany your registration form for your registration to be processed. Your signature below authorizes JPPCLE, Inc. **to charge your credit card the total payment and acknowledges that there are no refunds after April 16, 2010.** JPPCLE, Inc. reserves the right to charge the correct amount if different from the total due listed below.

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For registrants seeking NYS CLE credit, full and partial scholarships to attend this program are available to judges, judicial law clerks, law professors, law students, government agencies, unemployed attorneys, and those with financial hardship. To apply for a scholarship, send your request stating the reason for your interest in a scholarship to NYIPLA Committee on Continuing Legal Education, c/o NYIPLA, 485 Kinderkamack Road, 2nd Floor, Oradell, N.J. 07649 along with the completed registration form for this program. Students are requested to submit a photocopy of their validated student identification card.

26th Annual Joint Patent Practice Seminar
Thursday, April 29, 2010 - Hilton New York

PROGRAM AND SPEAKERS – EVERYTHING NEW IN ONE DAY !!!

8:40 - 8:45 AM **Welcome Remarks**

Panel I - Litigation

Anthony Giaccio – Kenyon & Kenyon LLP - Moderator

8:45 - 8:55 **Through the Looking Glass: Implications of Product versus Product by Process Claim Construction in Gemtron v. Saint-Gobain.**

Lynn B. Morreale – Woodcock Washburn LLP

8:55 - 9:05 **The Qui Tam Plaintiff – Raiders of the False Mark**

Joseph A. Farco – Locke Lorde Bissell & Liddle LLP

9:05 – 9:15 **Towards an Ethical Referent and Commitment to Civility** (*Ethics*)

Prof. Paula Franzese – Seton Hall School of Law

9:15 - 9:25 **Deep-six The Methods: The Limits of Section 271(f) Under Cardiac Pacemakers v. St. Jude Medical**

Raymond B. Churchill, Jr. – Lerner, David, Littenberg, Krumholtz & Mentlik LLP

9:25 - 9:35 **Pitfalls in Royalty Calculations after Lucent and ResQNet**

Edward M. Mathias – Axinn Veltrop Harkrider LLP

9:35 - 9:45 **Pre-Critical Date Copyright Registration of Manuscript Disclosing Claimed Subject Matter Does Not Establish Presumption of Invention's Public Accessibility – In re Lister, 92 USPQ2d 1225 (Fed. Cir. 2009)**

Patrick J. Hagan – Dann Dorfman Herrell and Skillman, P.C.

9:45 - 9:55 **Tire-d of the Confusion: Clarifying the Legal Standard and Burden of Proof for a Preliminary Injunction in a Patent Case (Titan Tire Corp. v. Case New Holland, Inc.)**

Mark J. Abate – Goodwin Procter LLP

9:55 -10:05 **Q & A - 10 minutes**

Panel II – Pharmaceuticals/Life Sciences

Nanette S. Thomas – Becton Dickinson Co. - Moderator

10:05 - 10:15 **Bayer Schering Pharma AG v. Barr Laboratories–Patent Invalid Under the Obvious to Try Test**

Diane Dunn McKay – Porzio, Bromberg & Newman

- 10:15 - 10:25 **Ischemia Research and Education Foundation v. Pfizer - Unauthorized Database Access**
Alex R. Sluzas – Paul and Paul
- 10:25 - 10:35 **Ariad Pharmaceuticals, Inc. et al. v. Eli Lilly and Company, 560 F3d 1366 (Fed. Cir. 2009) - Written disclosure requirement**
Richard Twilley – McCormick, Paulding & Huber LLP
- 10:35 - 10:45 **What is “Material Changed” under 35 U.S.C. §271(g)? Amgen v. Hoffmann-La Roche 580 F.3d 1380 (Fed. Cir. 2009)**
Jay P. Lessler – Blank Rome LLP
- 10:45 - 10:55 **Product-By-Process Claims: Abbott Labs. v. Sandoz, Inc. (Fed. Cir. 2009)**
Krishna G. Banerjee – Merck & Co. Inc.
- 10:55 - 11:05 **University of Pittsburgh et al. v. Hedrick et al., 573 F3d 1290 (Fed. Cir. 2009) - Inventorship and Co-Invention in a Biotechnology Setting**
Kathryn R. Doyle – Drinker Biddle & Reath LLP
- 11:05 - 11:15 **Q & A - 10 minutes**
- 11:15 - 11:30 **Break**

Panel III – Ethics

James P. Jeffry – St. Onge Steward Johnston & Reens - Moderator

- 11:30 - 11:40 **In re Bose Corp. – The federal circuit reverses the TTAB and changes the standard for cancellation of registrations based on misstatements in the identification of goods.**
Anthony Lo Cicero – Amster, Rothstein & Ebenstein LLP
- 11:40 - 11:50 **Looking for Ethical Issues in Mergers/Acquisitions**
Michael B. Fein – Cozen O’Connor
- 11:50 - 12:00 **Exergen Corp. v. Wal-Mart – Pleading Inequitable Conduct**
Walter B. Welsh – St. Onge Steward Johnston & Reens
- 12:00 - 12:10 **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**
Andrea L. Colby – Johnson & Johnson

12:10 - 12:20 **Revised NYS Ethics Rules on the Attorney as a Witness**

Thomas F. Fleming – Kaye Scholer LLP

12:20 - 12:30 **TiVo v. EchoStar Designing Around An Injunction: Seek Permission or Roll The Dice?**

Richard H. Brown – Day Pitney LLP

12:30 - 12:40 **Q & A - 10 minutes**

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

12:40 - 1:55 **Lunch and Keynote Speaker**

Panel IV – Licensing/Foreign Patent Practice/ITC

Lynda L. Calderone – Flaster Greenberg - Moderator

1:55 - 2:05 **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**

Robert H. Fischer – Fitzpatrick, Cella, Harper & Scinto

2:05 - 2:15

Bio Bilski: The SDNY's ACLU v. Myriad Genetics Decision (Summary judgment that claims in seven patents relating to Breast Cancer Susceptibility Genes 1 and 2 are invalid pursuant to 35 U.S.C. Section 101).

Aleksander J. Goranin – Woodcock Washburn LLP

2:15 - 2:25 **Caveat Emptor – Ambiguity in a Patent Assignment: Euclid Chemical Co. v. Vector Corrosion Technologies, Inc. 561 F.3d 1340 (Fed. Cir. 2009)**

Lou A. Budzyn – Hoffmann & Baron LLP

2:25 - 2:35 **Patent Pools, Standards Setting, and Patent Misuse: Who Bears What Burden? Princo v. Int'l Trade Commission**

Charles A. Weiss – Kenyon & Kenyon LLP

2:35 - 2:45 **Attendance At United States Trade Shows By Foreign Nationals Can Create A Basis For *In Personam* Jurisdiction**

Thomas Rechen – McCarter & English LLP

2:45 - 2:55 **German Inventorship Law and its Consequences**

Frank D. Peterreins – Fish & Richardson P.C.

2:55 - 3:05 **Lessons in How Contract Constructions Can Impact Patent Ownership - Tyco Healthcare Group v. Ethicon Endo-Surgery, Inc.**

Dorothy R. Auth – Cadwalader, Wickersham & Taft LLP

3:05 - 3:15 **Corebrace v. Star Seismatic, 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**

Stephen B. Schott – Volpe & Koenig P.C.

3:15 - 3:25 **The International Trade Commission and Design Patents**

Anthony H. Handal - Handal & Morofsky LLC

3:25 - 3:35 **Q & A - 10 minutes**

3:35 - 3:50 **Break**

Panel V – USPTO

Daniel A. Monaco – Drinker Biddle & Reath LLP - Moderator

3:50 - 4:00 **Patent Reform Act of 2010: Problems and Pitfalls**

Jay H. Anderson – Wiggin & Dana LLP

4:00 - 4:10 **Current status of In re Bilski, (Fed. Cir. 2008) - Patentable Subject Matter**

Leah Reimer – Cantor Colburn LLP

4:10 - 4:20 **Hindsight Bias: The Human Condition**

Frank S. DiGiglio – Scully Scott Murphy & Presser P.C.

4:20 - 4:30 **Larson Mfg Co. of South Dakota, Inc. v. Aluminart Products Ltd., 90 USPQ2d 1257 (Fed. Cir. 2009)**

Rabiya Kader – L'Oreal

4:30 - 4:40 **Thoughts on Best Practices Regarding Inventorship and Dealing with Inventors**

Charles N. Quinn – Fox Rothschild LLP

4:40 - 4:50 **Patent Term Adjustments: *post*-Wyeth**

Edward L. McMahon – Olhandt, Greeley, Ruggerio & Perle LLP

4:50 - 5:00 **Q & A - 10 minutes**

Program Concludes at 5:00 PM