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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***

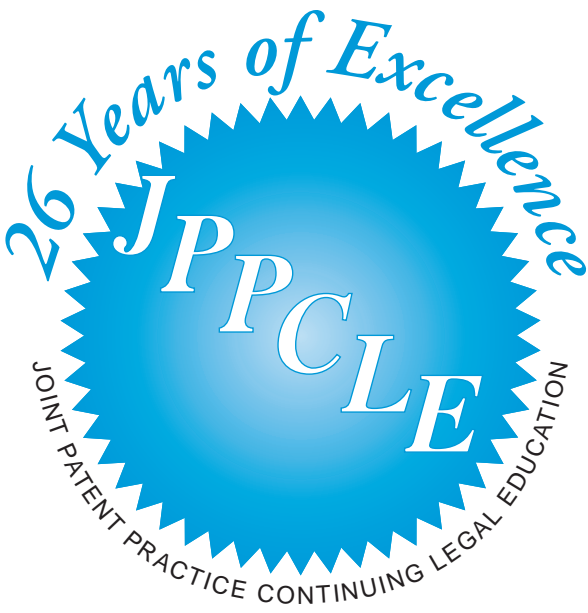
Pennsylvania attorneys earn **6.5 CLE Credits****

*This course satisfies 1.0 NYS Ethics CLE credits and 7.0 NYS Professional
Practice CLE Credits for experienced and newly admitted attorneys.

**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.
 485 Kinderkamack Road, 2nd Floor,
 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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- **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."

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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

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)

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|------------------|--|
| 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

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|------------------|--|
| 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. |

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|----------------|--|
| 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

EVERYTHING NEW IN ONE DAY!!!

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Use the enclosed form or go to www.jppcle.org

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.

