



SDIPLA News

Please join us for our March 25, 2010 meeting featuring:

Art Chong
Broadcom’s Senior Vice President,
General Counsel and Secretary

Mr. Chong will address a general counsel’s perspective on managing intellectual property legal issues in view of the current economic landscape. SDIPLA will be accepting questions for Mr. Chong, which we request be submitted no later than Wednesday, March 17, 2010.

Please send questions for Mr. Chong to Jessica Mitchell at jessicamitchell@sandiegoiplaw.com

San Diego Intellectual Property Law Association
<http://www.sdipla.org/index.htm>

In this Issue:

Board of Directors	2
Sponsors	2
Reminders	2
Meeting Registration.....	3
Internet Sightings	4-5
State Bar/IP Section Info	6
Teris Advertisement	6
USD Event.....	7

Date/Time/Location:

March 25, 2010
 6:00 p.m.—9:00 p.m.
 DEL MAR MARRIOTT
 11966 El Camino Real
 San Diego, CA 92130

Directions:

From I-5 exit Carmel Valley Road
 East on Carmel Valley Road
 North on El Camino
 West on Valley Centre Drive

**SDIPLA
Board of Directors**

President

Jessica S. Mitchell
jessicamitchell@sandiegoiplaw.com

Vice President

John E. Peterson
Perkins Coie
619 886-3854
john.e.peterson.ph.d@gmail.com

Secretary

Kenneth E. Jenkins
Townsend and Townsend and Crew
858 350-6100
kejenkins@townsend.com

Treasurer

Kurt M. Kjelland
Foley & Lardner
858 847-6783
kkjelland@foley.com

Immediate Past President

Boris Zelkind
Knobbe Martens Olson & Bear
619 235-8550
boris.zelkind@kmob.com

Newsletter Editor

Kenneth E. Jenkins

Webmaster

Kenneth E. Jenkins

REMINDERS

Update Contact Info

Please submit changes of your contact information to Ken Jenkins: (kejenkins@townsend.com)

Membership Renewal

Please renew your membership at:
<http://www.acteva.com/booking.cfm?bevaaid=95102>

Articles/Advertising

If you have an article and/or advertising for the newsletter, please contact Ken Jenkins: (kejenkins@townsend.com)

Sponsorship

If your firm or company is interested in sponsoring a meeting, please contact Ken Jenkins: (kejenkins@townsend.com)

The SDIPLA would like to thank our Sponsors for the monthly meetings:

Foley & Lardner LLP (www.foley.com)

Knobbe Martens Olson & Bear LLP (www.kmob.com)

Perkins Coie LLP (www.perkinscoie.com)

Quant Economics (www.quanteconomics.com)

Townsend and Townsend and Crew LLP
(www.townsend.com)

(listed alphabetically)

Please join us March 25, 2010 and welcome:

Art Chong
Broadcom's Senior Vice President,
General Counsel and Secretary

Thursday, March 25, 2010

Dinner Meeting
Del Mar Marriott

Registration: 6:00 p.m.
Cocktails: 6:00 p.m.
Dinner: 7:00 p.m.

Menu:

Fresh Seasonal Salad
With one of the following entrees:

Chicken Marsala
Grilled Salmon
Mushroom Pasta w/Vegetables

Dessert
Coffee and Tea

Registration and payment is due
no later than March 22, 2010

Early Registration Recommended

Reserve your space online at:

[http://www.acteva.com/booking.cfm?
binid=1&bevalD=200615](http://www.acteva.com/booking.cfm?binid=1&bevalD=200615)

Or register below and mail
with your check made payable to 'SDIPLA' to:

Ken Jenkins, SDIPLA Secretary
Townsend and Townsend and Crew LLP
12730 High Bluff Drive, Suite 400
San Diego, CA 92130

MEAL PRICE

SDIPLA members: \$55.00 per person
(plus \$3.32 Acteva service fee)

Non-members/guests: \$65.00
(plus \$3.77 Avteva service fee)

Name: _____

E-Mail Address: _____

Firm/Employer: _____

Telephone Number: _____

Member of SDIPLA? (circle one) YES NO

Entrée Choice: _____ Chicken _____ Salmon _____ Vegetarian

INTERNET SIGHTINGS

By Jim Hawes

This column highlights some of the more notable recent internet notices, newsletters and blogs dealing with IP prosecution issues. The full IS column is also available at internetsightings.blogspot.com.

Hal Wegner's newsletter – a lot of great stuff – Contact: hwegner@foley.com

- Hal's top ten list of cases on appeal is now available at GrayonClaims.com/hal. Check it out.
- The 2/3/10 newsletter reports that the PTO has refused a fax filing because it was received upside down. One commentator described this as a “recto-cranial inversion” by someone at the PTO.
- The 2/19/10 email reports that the PTO now has a Chief Economist, which Hal applauds.
- The 2/21/10 message reports that China received 977,000 new patent applications in 2009, well more than any other country. They were split about 3:1, domestic to foreign applicants.
- The 2/24/10 email reports the Croc design patent CAFC decision in which the Court stressed the importance of the shown design and downplayed any accompanying verbal description.
- The 2/26/10 message reports that chances for Patent Reform Legislation this year have improved considerably.

Patently-O – a blog written by Dennis Crouch – www.patentlyo.com.

- The 2/3/10 blog reports that the PTO projects a 15% fee increase for the FY2011 budget to reduce pendency and backlog. Again.
- The 2/5/10 email reports the Outside the Box CAFC decision in which a firm atty. filed an expert declaration for the winner at trial, then the firm sought to represent the loser on appeal, which the Court quashed.
- The 2/8/10 message gives data showing that the PTO's budget shortfall is due to declining maintenance fee payments.
- The 2/9/10 email presents data showing patent examiner experience levels for the various Tech Groups at the PTO. It's a surprise.
- The 2/11/10 blog includes a thorough paper by Reines and Greenblatt titled “Interlocutory Appeals of Claim Construction.”
- The 2/17/10 email considers appeals from the BPAI of an ex parte reexamination decision and concludes that it is only to the CAFC.
- The 2/19/10 message reports an empirical study of the importance of the written description requirement, concluding that it is not important. It also reports an alarming increase in the BPAI backlog.

IPFrontline – an IP magazine – ipfrontline.com

- The 2/10 issue highlights *Abbott Labs v. Sandoz*, 566 F.3d 1282 (CAFC en banc '09) holding that a product by process claim is only infringed by another making the product by the claimed process.

INTERNET SIGHTINGS by Jim Hawes – continued**TTABlog** – a blog written by John Welch – www.TTABlog.com

- The 2/2/10 blog reports the In re Nielsen Business Media TTAB decision of 1/28/10 holding that 2f tacking of Bollywood Reporter rights to Hollywood Reporter rights was not proper for the two are not equivalent.
- The 2/3/10 blog discusses curing fraud holdings of many recent TTAB cases, most finding that the fraud was not cured.
- The 2/11/10 email references 3 papers covering the Board's Accelerated Case Resolution option.
- The 2/17/10 case discusses policing efforts of the applicant Murad which warranted TTAB reversal of a mere descriptiveness rejection.
- The 2/19/10 email reports that Swedish Luxury and Swedish Sleep System, both for mattresses, are confusing similar to the Board. However, the 2/23 email reports that Capital City Bank and Citibank for banking services are not confusingly similar to the Board.

AIPLA Direct – a newsletter issued from time to time - aipla.org/Content/ContentGroups

- Another AIPLA trademark boot camp will be offered in June 2010 in Alexandria, VA.

Copyright Society of the USA – periodic emails to members – www.csusa.org

- The Society will co-sponsor with the Berkeley Center for Law and Tech a conference on 4/9-10/10 to explore the future of copyright law.

PTO notices – www.uspto.gov/main/newsandnotices

- The PTO has posted a notice that it was officially closed on Monday 2/8 through Thursday 2/11. Any action due on 2/6-10 is timely if done on 2/12.
- The BPAI will hold its first annual day-long Board conference on 4/7/10 in Alexandria, VA.
- One of the just announced goals of the PTO is a 20 month total patent application pendency by 2014. Hal, in his 2/25/10 email, notes that PCT cases don't begin being active in the US until after a 20 month plus pendency. Hmmm.

WIPO – The international IP group in Geneva – www.wipo.int

- EPO fees increase April 1, 2010.

Other Stuff –

- The PTO seeks to hire experienced patent practitioners as examiners. Interested?
- If you'd like to see what the current PTO exam looks like, check out patentbar-exam.wordpress.com/2010.
- A unique CLE / patent moot court event will occur at the Waldorf-Astoria on 3/26/10. For more info access nyipla.org.

For more information about any of the patent topics mentioned consult *Patent Application Practice*. Trademark topics are discussed in *Trademark Registration Practice*. Both are published by West and updated twice a year.



The Intellectual Property Law Section of the State Bar of California announces publication of a new treatise and practice guide

Trade Secret Litigation and Protection in California

New Second Edition



25 Chapter Practice Guide

New Edition features:

- Reference to more than 65 new trade secret cases
- New chapters on licensing trade secrets and idea claims
- New appendix with CACI trade secret jury instructions

Randall E. Kay
Co-Editor
Jones Day
San Diego, CA

Rebecca Edelson
Co-Editor
Steptoe & Johnson LLP
Los Angeles, CA

Now Available Online at www.ipsection.org

TERIS

COME TO WHERE
THE GRASS IS GREENER.



Electronic Discovery



Consulting



Managed Review



Repository/ Hosting



Document Imaging



Traditional Reprographics

Seattle | San Francisco | Silicon Valley | San Diego | Phoenix | Austin | Dallas | Chicago | 619.231.3282 | TERIS.com

University of San Diego School of Law's Third Annual Intellectual Property Law Careers Event

USD Law Career Services, Center for Intellectual Property Law & Markets, and the University of San Diego School of Law Intellectual Property Law Association host this annual event where law students, including those with technical or hard science degrees, learn more about IP Law careers, leveraging their skills and connecting with the region's top IP attorneys.

Thursday, March 25

Schedule of Events

6:00 – 7:00 p.m.

Attorney Panel 1: Copyright and Trademark Law, Warren Hall, Room 2A

Callie Bjurstrom/Luce Forward
John Buche/Buche & Associates P.C.
Ed McPherson/McPhersonRane LLP
Lisa Rosaya/Baker & McKenzie
Andrew Serwin/Foley & Lardner LLP

Attorney Panel 2: Patent Law, Warren Hall, Room 2B

Stephen Korniczky/Paul Hastings, Janofsky & Walker LLP
Roger Martin/Qualcomm, Inc.
Dale Rieger/Jones Day
Licia Vaughn/DLA Piper

7:00 – 8:30 p.m.

Student/Attorney Mixer, Warren Hall, Second Floor Lobby

If are an IP attorney and are interested in attending, [email Heather Harrigan, Esq.](mailto:heather.harrigan@usd.edu), Assistant Director, Career Services. Refreshments and reserved parking provided.

SPONSORS

This year, we are grateful to the following law firms for their generous support of this event:

[DLA Piper](#)
[Foley & Lardner LLP](#)
[Jones Day](#)
[Luce Forward](#)
[Paul, Hastings, Janofsky & Walker LLP](#)