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Patent Litigation Strategies Handbook, Third Edition, with 2011 Supplement



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Main Volume Information

Patent Litigation Strategies Handbook, Third Edition gives you both the “how-to” and the “why-to” of patent litigation, with specific, proven tactics for protecting your clients’ interests. Expert litigators provide practical, winning answers to questions such as “Why sue in the first place?”; “Should you consider ADR instead?”; “What are your burdens of proof?”; “What types of damages should you seek?”; and more. Get discussions and analysis of and strategic reasoning behind every phase of patent infringement litigation, from initial client counseling through the filing of the Notice of Appeal. **Patent Litigation Strategies Handbook, Third Edition** provides updates on the most recent trends in patent litigation and winning strategies from some of the country’s leading attorneys, from both a patent owner’s and a challenger’s perspective.

The **Third Edition** gives you procedural developments and pronouncements on claim construction, as well as tips on how to address them. It includes:

- An insightful chapter on the judge’s viewpoint—a key element in any patent case strategy—from Chief Judge James F. Holderman, United States District Court, Northern District of Illinois, which also includes common sense advice and practical tips for litigators
- A chapter thoroughly examining the importance of, and the ethical, fiduciary, and privilege pitfalls that arise in a strong joint-defense agreement
- A settlement chapter discussing the long life and broad reach of a patent infringement settlement, and the fact that it often includes a prospective license between plaintiff and defendant
- Coverage of the latest, most influential cases in patent law, including *Warner-Lambert Co. v. Apotex Corp.*; *Takeda Chemical Industries, Ltd. v. Watson Pharmaceuticals, Inc.*; *Micro Chem. Inc. v. Lextron Inc.*; and *Pension Committee*, where Judge Scheindlin provides a detailed analysis concerning litigation holds and spoliation of evidence.

Supplement Information

The **2011 Supplement to Patent Litigation Strategies Handbook, Third Edition** addresses recent developments and important topics including:

- The Federal Circuit’s handling of damages, which were handed down in several opinions, including *Reqsnet.com Inc. v. Lansa, Inc.*, which required patent owners to be more detailed and rigorous in their presentation of damages evidence, and resulting legislation (H.R. 1249, the America Invents Act, and S.23, the Patent Reform Act of 2011) that did not impose any additional obligations on the court with respect to damages
- *Global-Tech Appliances, Inc. v. SEB S.A.*, in which the Supreme Court more clearly defined the law of induced infringement
- The standard for proving prosecution laches, which was further clarified in *Cancer Research Tech. Ltd. v. Barr Labs., Inc.*, in which the Federal Circuit ruled that the moving party must present evidence of intervening rights to establish that the patentee engaged in an unreasonable and unexplained delay in prosecution
- The unique issues related to biotechnology patent litigation
- The 2010 amendments to Rule 26(b)(4) effective December 1, 2010, dealing with the discoverability of drafts of expert reports and communications with counsel
- The 2010 decisions of circuit courts of appeal regarding discovery issues, especially issues of discovery sanctions and spoliation
- How the courts have dealt with issues of production and preservation of dynamic content that is frequently deleted, replaced, or edited such as caches, Wikis, data logs, and other intangible data, with a look at lessons learned from *D.L. v. Dist. of Columbia*, where a district court sanctioned the District of Columbia for failing to timely produce numerous e-mails
- Reasonable royalty in light of the Federal Circuit’s 2011 decision in *Uniloc USA, Inc. v. Microsoft Corp.*, which scrutinized the methodology used by some experts on the subject

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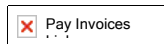
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