



SDIPLA News

**SDIPLA FEBRUARY 7, 2008, 6:00 P.M. DINNER MEETING
FEATURING HAROLD C. WEGNER, ESQ.
D.C. OFFICE OF FOLEY & LARDNER
“PATENT REFORM IN CONGRESS” AND OTHER TOPICS
SHERATON HOTEL LA JOLLA**

Mr. Wegner will discuss Patent Reform in Congress, the PTO and the Courts: Senate “Cloture” and Necessary Compromises; and Judicial Challenges, Supreme Court Quanta “patent exhaustion”; and Kubin post-KSR biotechnology obviousness, and other challenges.

Mr. Wegner is a partner at the D.C. office of Foley & Lardner while continuing his teaching affiliation with the George Washington University Law School, where he was director of the Intellectual Property Program and professor of law. Mr. Wegner regularly operates in Japan, working with the firm’s Intellectual Property Department. Mr. Wegner crafts strategies for multinational patent enforcement and management based on current intelligence on global intellectual property law and practice as well as cutting edge understanding of trends in patent case law.

Mr. Wegner was honored recently with the American Intellectual Property Law Association’s President’s Award for Outstanding Achievement for his long time efforts in mentoring and in advancing diversity within the legal profession and the AIPLA. Mr. Wegner holds degrees from Northwestern University (B.A.) and the Georgetown University Law Center (J.D.)

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February 7, 2008 — Sheraton Hotel La Jolla:

Date/Time/Location:

February 7, 2008
6:00 p.m.—8:30 p.m.
Sheraton Hotel La Jolla
3299 Holiday Court, La Jolla

NOTES:

Complimentary parking

Directions:

From I-5 S to La Jolla Village Drive;
Turn left, left on Villa La Jolla, left on
Holiday Court
From I-5 N to La Jolla Village Drive;
Turn right, left on Villa La Jolla, left on
Holiday Court

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Internet Sightings by Jim Hawes (cont. p. 3)

This column highlights some of the more notable recent internet notices, newsletters and blogs dealing with IP prosecution issues. It is a distillation of the submitted IS column. The full IS column, with compilations of some of the sources such as Hal Wegner's newsletter, should be up and available at www.internetsightings.com shortly.

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

- The 1/5/08 email states that today the average ex parte reexamination takes about 5 years (vs. the PTO's claim that it takes 2 years). If an appeal to the CAFC is involved, that extends the period to 7.7 years.
- Hal's 1/6/08 posting stresses the importance of a patent-savvy next President, and that now is the time to work towards that goal.
- The 1/7/08 newsletter attaches the CAFC's en banc order in the Egyptian Goddess design patent case, and lists the issues to be briefed.
- The 1/13/08 posting discusses the Commonwealth Scientific appeal to the CAFC from grant of an injunction; will address eBay inj. standards.
- Hal's 1/15/08 email reports the Baldwin Graphic decision of the CAFC and its discussion of "a," "the" and "said."
- The 1/22/08 posting discusses prospects for passage of the patent reform bill, which if it happens will happen in February according to the IPO.
- The 1/24/08 email reports that Senator Leahy has the votes to pass patent reform legislation in February. The AIPLA seems to be ignoring it.

The SDIPLA thanks our Sponsors for the monthly meetings:

Knobbe Martens Olson & Bear LLP
www.kmob.com

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www.paulhastings.com

Townsend and Townsend and Crew LLP
www.townsend.com

(listed alphabetically)

Internet Sightings

by Jim Hawes (cont. p. 6)

- The 1/25/08 message reports that the IRS has weighed in against business method patents on tax strategies.
- A second 1/25/08 email reports 2 CAFC decisions: the first held a patent invalid for indefiniteness of a preamble term, the second held a patent unenforceable for inequitable conduct (withholding information about a prior art poster viewed at a conference). Not good weather for patents.
- The 1/30/08 posting reports the CAFC Oatey decision holding that claim constructions should include disclosed embodiments absent a disclaimer or prosecution history estoppel.

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

- The 1/10/08 blog ranks the top 30 law school patent programs by hits on the website for 2007. The top 3 are: GW, Univ. of Texas/Austin and DePaul Univ.
- The 1/15/08 offering discusses the S.1145 patent reform bill providing – a first to file system, enhanced post-grant oppositions, publishing all applications, revamping inequitable conduct, requiring pre-filing searches and many other things.
- The 1/26/08 blog discusses the current patent reform proposed legislation, said to be the “most sweeping reforms” since the 1800s.

IP law 360 – a newsletter covering all IP, but focusing mainly on litigation – web address: www.iplaw360.com

- The 1/14/08 posting discusses the recent amendments to the FOIA.
- The 1/30/08 email reports that the PTO has set up pilot data exchange programs with Canada and Korea.

Daily Dose of IP – a grab-bag of various IP matters by Mark Reichel – www.dailydoseofip.com

- The 1/4/08 email reports that the PTO is seeking to curb “disruptive uses” of its online databases, especially PAIR. That’s why using it might be slow.
- The 1/14/08 dose discusses the recent PublicPAIR problems at the PTO and their fixes.
- The 1/24/08 offering discusses the just announced PTO revision to its duty of disclosure requirements effective 6/1/08.
- The 1/28/08 dose discusses a UK ruling that opens the door for expanded protection of software there.

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

- The PTO, in a notice dated 1/8/08, thanks all those who filed patent application documents using EFS-web. Did you?
- By a notice dated 1/11/08 the PTO will now require a two word verification code to gain access to Public PAIR, all to stop automated and anonymous access from overloading the sys-

Reservation Form for February 7, 2008 Dinner Meeting

FEBRUARY 7, 2008, 6:00 P.M. DINNER MEETING
Featuring Harold C. Wegner, Esq.
Partner of the D.C. office of Foley & Lardner
Sheraton Hotel La Jolla

Thursday
February 7, 2008

Sheraton Hotel La Jolla

Cocktails 6:00 p.m.
 Dinner 6:45 p.m.
 Presentation 7:30 p.m.

The Menu

Bibb & baby lettuce salad with candied walnuts,
 dried cranberries, citrus vinaigrette

Choice of the following entrees:

Grilled Atlantic Salmon

With herbed couscous

** OR **

Grilled Chicken Tuscany

With fettuccini pasta cake

With green beans, crème fraiche, and chives

** OR **

Vegetarian Feast

Eggplant, asparagus, herbed goat cheese with
 grilled polenta & tomato coulis

And

Dessert

Chocolate Obsession

Sheraton Hotel has extended the registra-
 tion deadline to February 6th at 5:00 P.M.

To reserve your place, please fill out the
 below registration, and send it **WITH**
YOUR CHECK MADE PAYABLE TO
'SDIPLA' to:

Jessica Mitchell
 SDIPLA Secretary
 Neil, Dymott, Frank, McFall & Trexler
 1010 Second Avenue, Suite 2500
 San Diego, CA 92101
 (619) 238-2255
 Fax: (619) 238-1562
 jmittell@neildymott.com

On-line reservation available– go to
www.acteva.com and search for SDIPLA
 or follow the link at www.SDIPLA.org

Please fill out a separate form
 for each attendee.

REMINDERS

- Please mail, fax, or e-mail your reservation to Jessica Mitchell at the address, fax, or e-mail address indicated for receipt **no later than February 6, 2008.**
- The reservation deadline is dictated by the hotel and not by the SDIPLA.

NOTE MEAL PRICES

Member: \$55.00
Non-member: \$65.00

Registration

Name: _____ E-Mail Address: _____

Firm/Employer: _____

Telephone Number: _____

Member of SDIPLA? (circle one) YES NO

Entrée Choice: _____ Grilled Salmon _____ Grilled Chicken _____ Vegetarian

Internet Sightings

by Jim Hawes



PTO notices

www.uspto.gov/main/newsandnotices (continued)

- The notice of 1/16/08 reports that the EFS training materials have been updated.
- The e-alert for 1/31/08 states that the USPTO – Japanese PTO “prosecution highway” is now permanent and open for those filing applications in both countries. Check the PTO for requirements.

Copyright Office News

http://www.copyright.gov/newsnet_past_issues.html#2007

- A 1/23/08 mailing revises the notice of termination regulations and recordation procedures.

Other Stuff

- Two new (to me) patent related web sites are the Patent Prospector (www.patenthawk.com/blog) for patent information and opinion, and Patent Pal (www.thepatentpal.com) for patent related searches. Check them out.
- The International Asset Management Magazine on 1/24/08 reported work on an international standard for valuing patents, citing a relevant german paper.

Additional Information

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



Employment Situation Available (cont. p. 7)

Patent Agent/ Attorney Req #463

Innovation is in our genes.

Illumina (NASDAQ: ILMN) develops next-generation tools for large-scale analysis of genetic variation and function. The results will pave the way for personalized medicine, a key goal of genomics and proteomics – the underpinnings of tomorrow's medicine. With thought-provoking work and people inspired to reach new levels of creativity, the potential to help mankind is the great motivator for the staff at Illumina. We thrive on an environment that is intellectually stimulating, team-oriented and responsive. We enjoy cutting-edge technology, excellent training, industry-leading benefits, and a strong belief in ethical behavior – and each other. Oh, and fun. Lots of it.

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Job Summary:

This individual will work in a team environment to prepare and prosecute company patent applications, evaluate intellectual property landscapes around research projects, and assist with intellectual property aspects of licensing and research agreements.

Job duties include but are not limited to:

- Identify and evaluate patentable inventions emerging from dynamic, multi-disciplined research projects.
- Prepare and prosecute patent applications in-house.
- Assist with evaluation of intellectual property landscapes and freedom to operate analyses.
- Manage outside counsel involved in patent prosecution and freedom to operate analyses.
- Assist with intellectual property aspects of licensing and research agreements.

Employment Situation Available (cont.)



Education and Experience:

- Strong background in at least one of the following technical areas: biochemistry, molecular biology, bioinformatics, mechanical engineering, electrical engineering or chemical engineering; and must be comfortable interfacing with technical personal while performing job duties related to all of these technical areas.
- Strong knowledge of all aspects of patent law.
- Minimum of 3 years experience as a registered patent agent.
- Law firm experience preferred.
- PhD in relevant technical area preferred.

To apply, please go to the careers page on our website via the link posted below and click on “search jobs”

www.illumina.com/careers

EOE

About Illumina:

At Illumina, its goal is to apply innovative technologies and revolutionary assays to the analysis of genetic variation and function, making studies possible that were not even possible just a few years ago.

Illumina has developed a comprehensive line of products that address the scale of experimentation and the breadth of functional analysis required to achieve the goals of molecular medicine. Its offering includes leading-edge solutions for:

- SNP genotyping
- Copy number variation
- DNA methylation studies
- Gene expression profiling
- Low-multiplex analysis of DNA, RNA, & protein



Announcement**The Association Internationale pour la Protection de la Propriete Intellectuelle (AIPPI)**

- The 41st World Intellectual Property Congress will be held in Boston from Sept. 6 - 11, 2008.
- This is the first time in 33 years that the AIPPI is having the Congress in the US.
- The Congress will address many issues concerning harmonization of intellectual property laws, cross border enforcement of Intellectual Property rights, and fundamental issues of intellectual property protection.
- The Congress will be the largest meeting of general intellectual property lawyers in the world including outside intellectual property counsel and corporate intellectual property counsel from around the world such as Microsoft, Rohm & Haas, Yahoo!, General Electric, SAP, and Sun Microsystems.

Contact Information

Philip Swain
Foley Hoag LLP Boston, MA
Chair, AIPPI Boston 2008 Organizing Committee

Clark Lackert
King & Spalding LLP New York, NY
President, AIPPI United States Group

Additional Information

Detailed information will be posted on www.sdipia.com.

MEMBERSHIP/RENEWAL APPLICATION

Name: _____

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(required to receive newsletters)

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Mailing Address: _____

City/State/Zip: _____

Telephone Number: _____

Send check or money order **payable to SDIPLA Dues to:** Jessica S. Mitchell

Attorney Member Dues: \$50/year SDIPLA Secretary

Non-Attorney/Retired Attorney Dues: \$25/year Neil Dymott Frank McFall & Trexler, PC
(e.g. law students, paralegals, patent agents, retired attorneys, etc.) 1010 Second Ave, Suite 2500
San Diego, CA 92101

Notes Regarding Your Membership

- E-Mailing of newsletters and notices has replaced regular mailing.
- **On-line registration now available– visit www.SDIPLA.org.**
- SDIPLA would like to increase active membership, including significantly in-house practitioners.
- SDIPLA welcomes any suggestions to make the renewal process more efficient.
- SDIPLA welcomes any suggestions to increase membership.
- If you have suggestions, please do not hesitate to contact one of the officers.

Next SDIPLA Dinner Meeting—March 11, 2008

European patent lawyers, Maria Stenback and Inga-Lill Andersson, with the law firm of AWA Patent will speak on the following:

- the changes in EPC 2000 that went into effect in December 2007;
- the status of the London Agreement;
- the future of divisional applications in Europe

Venue: To be announced shortly.

Visit SDIPLA on the Web at:
www.sdipla.org

ARTICLES: If you have an article for the newsletter, please send it to Jessica.
DUES: To pay or renew your **membership dues:** Please use the form on page 9, and send form via mail or fax to Jessica Mitchell. - online registration now available - visit www.SDIPLA.org.

Date	Event	Speaker/Topic
February 7, 2008	Dinner Meeting at Sheraton Hotel La Jolla	Harold C. Wegner, Esq.
March 11, 2008	Dinner Meeting	Maria Stenbäck and Inga-Lill Andersson of AWA Patent
April 24, 2008	Dinner Meeting	Robert Vigil of Analysis Group will speak on patent damages