



# SDIPLA News

## October 8, 2009 Dinner Meeting



Matt Smith of Foley and Lardner (DC)  
and Dion Bregman of Morgan Lewis (SF)  
will present on the topic of Patent Reexaminations

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



**REMINDER:**

SDIPLA would like to thank those who have renewed their membership and to offer this reminder that it is membership renewal time. Our fiscal year runs August 1 to July 31.

Please renew your membership at:

<http://www.acteva.com/booking.cfm?bevoid=95102>

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**Date/Time/Location:**

October 8, 2009  
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

# PRESIDENT'S MESSAGE

As President of the SDIPLA and on behalf of the Board, it is my pleasure to welcome you to the 2009-2010 term. We hope you and yours have had a great summer and are ready for another fabulous year of SDIPLA events. A heartfelt thank you goes out to Boris Zelkind, Immediate Past President, for his wonderful contributions and hard work and leadership provided to the SDIPLA this year past.

We will continue on with the SDIPLA's tradition of providing excellent speakers and events. This included our first dinner event held on August 27<sup>th</sup> featuring Circuit Judge Randall R. Rader of the Court of Appeals for the Federal Circuit.

Forging ahead, we have a great year planned including events with discussion panels of General Counsels, Patent Reexaminations, District Judges, and Magistrate Judges; PTO Road Show; and of course, our Annual Holiday Party in December where we will announce the recipient of our IP Achievement Award.

While these events are great ways to earn your MCLE credits, we do encourage you to attend to just get out of your office to meet members in our IP community. Who knows, maybe you will even find a compatible workout partner, good friend, or whatever. Our hope is that you can also have fun at these events!

Finally, as always, we encourage participation in the SDIPLA. We have a myriad of committees to get involved including Amicus, Sponsorship, Events and Awards, and Mentorship. Currently, the SDIPLA could use help with the Sponsorship Committee. If you wish to get involved, please feel free to let us know.

From all of us on the Board, thank you for your support and participation in the SDIPLA. We look forward to a fabulous, interesting, and fun year. See you on October 8th.

Jessica S. Mitchell  
President  
SDIPLA

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## October 8, 2009 Dinner Meeting

Matt Smith of Foley and Lardner (DC)  
and Dion Bregman of Morgan Lewis (SF)  
will present on the topic of Patent Reexaminations

Online registration for this event is now available at:

<http://acteva.com/booking.cfm?binid=1&bevalD=191161>

SDIPLA members: \$55.00\*

Nonmembers: \$65.00\*

\*(plus Acteva service fee listed on page 4)

San Diego Intellectual Property Law Association

<http://www.sdipla.org/index.htm>

**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)

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

(listed alphabetically)

Reservation Form for **October 8, 2009 Dinner Meeting**

**Matt Smith of Foley and Lardner (DC)  
and Dion Bregman of Morgan Lewis (SF)**  
will present on the topic of Patent Reexaminations

**Thursday October 8, 2009  
Dinner Meeting  
Del Mar Marriott**

Registration starts at 6:00 p.m.  
Cocktails at 6:00 p.m.  
Dinner starts at 7:00 p.m.  
Discussion at 7:30 p.m.

**The Menu**

Fresh Seasonal Salad

With one of the following entrees:

Chicken Marsala

\*\* or \*\*

Grilled Salmon

\*\* or \*\*

Mushroom Pasta w/Vegetables

*With*

Dessert

Coffee and Tea

Pre-Registration and Pre-Payment is due no later than October 5, 2009.

Reserve your space online at:

**<http://acteva.com/booking.cfm?binid=1&bevaID=191161>**

Or fill out the below registration, and send it **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  
(858) 350-6100  
[kejenkins@townsend.com](mailto:kejenkins@townsend.com)

**Please fill out a separate form for each attendee.**

**REMINDERS**

- **Update Contact Info:**  
To ensure delivery of this publication, please submit any changes of your contact information to Ken Jenkins: [kejenkins@townsend.com](mailto:kejenkins@townsend.com)
- **Membership Renewal:**  
Please renew your membership for the upcoming fiscal year. <http://www.acteva.com/booking.cfm?bevaID=95102>

**MEAL PRICES**

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

Non-members: \$65.00  
(plus \$3.77 Acteva service fee)

✂ Registration

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. It may be a distillation by this publication's editor of the submitted IS column. If you would like to subscribe to the full column directly by email, write [onejehawes@aol.com](mailto:onejehawes@aol.com) or go to the internet sightings website.

**Hal Wegner's** newsletter – a lot of great stuff – Contact: [hwegner@foley.com](mailto:hwegner@foley.com) to subscribe. The cited email is at the internet sightings website.

- The 8/3/09 newsletter discusses the European submarine patent problem.
- The 8/4/09 blog reports the Safoco CAFC decision construing the inter partes reexamination estoppel as being triggered by issuance of the reexamination certificate.
- The 8/5/09 email discusses some of Hal's top ten cases on appeal. See also his emails for 8/18, 8/22 (two), 8/23, 8/24, 8/26, 8/27, 8/29 and 8/31.
- The 8/7/09 blog discusses "cite bites" in the context of the Bilski cert petition. To avoid being bitten, check it out.
- Another 8/7/09 email reports that Judge Schall of the CAFC is taking senior status, opening a position for Pres. Obama to fill. Let's hope that it is with someone competent in patent law rather than in senate politics.
- A third 8/7/09 message reports the *ex parte* Brune BPAI decision holding a means claim indefinite due to there being no correlated means structure in the specification.
- The 8/14/09 email discusses the Hyatt v Doll CAFC decision affirming the District Court's exclusion of evidence suppressed while before the PTO. Patently-O also discusses this decision.
- The 8/31/09 blog reports the In re Bose case in which the Wave trademark was cancelled by the TTAB for fraud, but reversed by the CAFC for inadequate proof of fraud.

**Patently-O** – a blog written by Dennis Crouch – [www.patentlyo.com](http://www.patentlyo.com).

- The 8/6/09 blog discusses worldwide patent trends.
- The 8/7/09 email reports that David Kappos has been confirmed by the Senate as the next Under Secretary of Commerce and Director of the PTO. It concludes: "Congratulations. Now get to work!"
- The 8/12/09 message reports that a copy of the unpublished Bilski patent application is available, and gives the web address for those interested.
- The 8/22/09 blog reports that the CAFC has granted an en banc hearing in the Ariad case to consider the scope of the written description requirement (35 USC 112).
- The 8/25/09 email states that the PTO has issued new guidelines for examiners to determine statutory subject matter issues.

# INTERNET SIGHTINGS

By: Jim Hawes (cont.)

**Carl Oppedahl** – mainly emails about PCT practice – [carl@oppedahl.com](mailto:carl@oppedahl.com)

- The 8/5/09 posting consists of an email from [isenbruck@1b-patent.de](mailto:isenbruck@1b-patent.de) about why to choose EP as your ISA.
- Another 8/5/09 email, this time from [Robert.Watson@Newburn.com](mailto:Robert.Watson@Newburn.com), discusses the impact of the new PCT rules on using the EP as an ISA.
- On 8/5/09 a third opinion to Carl, this time from Alexander Schlee – [alex@schleeip.com](mailto:alex@schleeip.com) – gave more pros and cons about using the EP as an ISA.
- The 8/9/09 email is a reminder that, while some examiners prefer American word spellings, MPEP 608.01 expressly permits other spelling styles.
- The 8/10/09 message suggests that, to keep up with PCT developments, subscribe to [pctupdates-request@uspto.gov](mailto:pctupdates-request@uspto.gov).

**AIPLA Direct** – a sporadic electronic newsletter - <http://www.aipla.org>

- The Association has announced “the best value in IP” – its annual meeting in DC on 10/15-17. See its website for more information.
- The Association also announced a new, free online discussion series for members with Exec. Director Dickinson beginning on 9/10/09 at noon EST. Preregistration is required.

**Cal Bar IP Section** – Section news – [Mitch.Wood@calbar.ca.gov](mailto:Mitch.Wood@calbar.ca.gov)

- The IP Section will present a free 1 hour teleseminar on 12/9/09 (rescheduled from 9/9/09) giving practice tips on patent application preparation and prosecution.
- This year’s IP Section Institute will be held 11/12-14 at Dana Point.

**Copyright Office News** – [copynews@loc.gov](mailto:copynews@loc.gov)

- A reminder – many Copyright Office fees changed August 1, 2009.
- **WIPO** – The international IP group in Geneva – [www.wipo.int](http://www.wipo.int)
- The ISA/EP search fee increases to \$2378. on Oct. 1, 2009.

**Other Stuff** –

- Patentdocs.com periodically offers a calendar of coming IP events. You should subscribe for it has many more than what are here.
- The opt in or out deadline for the Google Books Settlement is now Sept. 4, 2009.
- For those considering a late stage (post pub) continuation filing, see Hal Wegner’s treatise at [www.patenthawk.com/blog\\_docs/071019](http://www.patenthawk.com/blog_docs/071019).

## EMPLOYMENT OPPORTUNITIES AND OFFICE SHARE



### TOWNSEND AND TOWNSEND AND CREW

#### PATENT PROSECUTION ASSOCIATE ATTORNEY

Townsend and Townsend and Crew is currently seeking an experienced patent prosecution associate for the San Diego office with 2-5 years experience with wireless and/or telecom work experience and/or circuit work experience. A strong academic background is required.

To apply, go to [www.townsend.com](http://www.townsend.com)

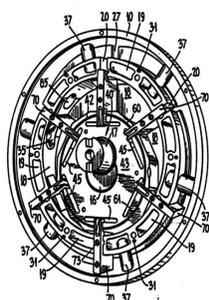


FIG. 2.

### HTC CORPORATION

#### PATENT LICENSING DIRECTOR

In San Diego or Seattle/Bellevue

- At least 3 years experience in patent licensing; must have knowledge of patent licensing terms, CDMA, and WCDMA
- Negotiation experience preferred
- Will report directly to General Counsel or Chief Patent Counsel
- Resumes can be sent to [lara\\_zwerling@htc.com](mailto:lara_zwerling@htc.com) and [alex\\_chen@htc.com](mailto:alex_chen@htc.com)

### CARLSBAD OFFICE SHARE

IP attorney needed to share Carlsbad law office suite, central location, 24-hour access, conference room, kitchen, lobby, copy machine, all furnished, month to month, no deposit, \$250.00.

(760) 931-0030