



# SDIPLA News

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## Upcoming Events:

### November 18, 2010 Dinner Meeting

Randy Kay of Jones Day will speak regarding: “Trade Secret Litigation: Recent Developments and Best Practices”

1.0 MCLE Credit

November 18, 2010, 6pm—9pm, Del Mar Marriott

11966 El Camino Real, San Diego CA 92130

Details and registration information on page 3

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### December 9, 2010 Holiday/Awards Party

December 9, 2010 6pm-10pm, L’Auberge Hotel

1540 Camino Del Mar, Del Mar, CA 92014

Details and registration information on page 4

San Diego Intellectual Property Law Association

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

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**REMINDERS**

**Membership Renewal**

**Please renew your membership for 2010-2011 at:  
<http://www.acteva.com/booking.cfm?bevaaid=95102>**

**November 9, 2010, 9:00 AM**

**Connect Public Policy Forum: PTO's Proposed  
Three Track Examination Process:  
A Review of the Benefits and Pitfalls**

**Update Contact Info**

Please submit changes of your contact information to Kurt Kjelland: ([kkjelland@goodwinprocter.com](mailto:kkjelland@goodwinprocter.com))

**Articles**

If you have an article for the newsletter, please send it to Kurt Kjelland: ([kkjelland@goodwinprocter.com](mailto:kkjelland@goodwinprocter.com))

**Sponsorship**

If your firm or company is interested in sponsoring a meeting, contact Kurt Kjelland: ([kkjelland@goodwinprocter.com](mailto:kkjelland@goodwinprocter.com))

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

Goodwin Procter LLP ([www.goodwinprocter.com](http://www.goodwinprocter.com))

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**(listed alphabetically)**

# November 18, 2010 Dinner Meeting

“Trade Secret Litigation—Recent Developments and Best Practices”

**Thursday November 18, 2010**

**Dinner Meeting  
Del Mar Marriott**

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

**Menu:**

Fresh Seasonal Salad

With one of the following entrees:

- Chicken**
- Salmon**
- Vegetarian**

Dessert  
Coffee and Tea

**Reserve your space online at:**

<http://www.acteva.com/booking.cfm?bevaaid=212051>

Or register below and mail your form and  
**CHECK MADE PAYABLE TO ‘SDIPLA’ TO:**

Kurt M. Kjelland  
SDIPLA Secretary  
Goodwin Procter, LLP  
4365 Executive Drive, Third Floor  
San Diego, CA 92121  
(858) 202-2728

[kkjelland@goodwinprocter.com](mailto:kkjelland@goodwinprocter.com)

**MEAL PRICES**

SDIPLA members: \$65.00 *(plus Acteva service fee)*

Non-members: \$85.00 *(plus Acteva service fee)*

**Dinner Registration and payment is due  
no later than November 15, 2010.**

**Please fill out a separate form for Each Attendee**

Name: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Firm/Employer: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Member of SDIPLA? (circle one) YES NO

Entrée Choice:            \_\_\_\_\_ Chicken            \_\_\_\_\_ Salmon            \_\_\_\_\_ Vegetarian

# December 9, 2010 Holiday/Awards Party

**Thursday December 9, 2010  
6pm-10pm**

Reception on the Sunset Terrace  
6pm—7pm

Dinner in the Emerald Ballroom  
7pm-10pm

**Menu:**

**Passed Hors D'Oeuvres**

**Butter Leaf and Citrus Salad**

With one of the following entrees:

**Cranberry Glazed Free Range Breast of Chicken**

**Grilled Swordfish with Sun-Dried Tomato  
Tapenade, White Beans, Chanterellas  
and Artichokes**

**Chef's Choice Vegetarian Entree**

**Warm Chocolate Cake with White Chocolate Cen-  
ter and Cappuccino Gelato  
Coffee and Tea**

**Spouses/Significant Others Welcome  
Reserve your space online at:**

<http://www.acteva.com/booking.cfm?bevaaid=212282>

**Or register below and mail your form  
and CHECK MADE PAYABLE TO  
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SDIPLA Secretary  
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4365 Executive Drive, Third Floor  
San Diego, CA 92121  
(858) 202-2728  
kkjelland@goodwinprocter.com

\$90 per person for Members/Guests  
\$120 per person for Non-Members/Guests

**Please indicate meal choice for Each Attendee**

Name(s): \_\_\_\_\_

E-Mail Address(es): \_\_\_\_\_

Firm/Employer: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Member of SDIPLA? (circle one) YES NO

Entrée Choices: \_\_\_\_\_ Cranberry Glazed Chicken \_\_\_\_\_ Grilled Swordfish \_\_\_\_\_ Vegetarian

# INTERNET SIGHTINGS

## **Internet Sightings** by Jim Hawes

This column highlights some of the more notable recent internet notices, newsletters and blogs dealing with IP prosecution issues.

### **Hal Wegner's** newsletter – a lot of great stuff – Contact: [hwegner@foley.com](mailto:hwegner@foley.com)

- The 10/6/10 newsletter says that the PTO is on track to issue a record number of patents this year.
  - The 10/12/10 email reports that the Supreme Court has granted cert in the Global-Tech case to consider the “deliberate indifference” standard for patent infringement.
  - The 10/14/10 report discusses the Costco case now before the Supreme Court for its IP rights exhaustion issues.
  - The 10/15/10 newsletter discusses the PTO FY2010 partial report, noting that total pendency is somewhere in the 5 to 7 year range, due in large part to “application churning.”
- The 10/29/10 email reports that the DOJ has flunked Patents 101 for its patentability of DNA brief relying on the Funk decision.

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

- The 10/4/10 email cites the Chippendale CAFC decision, holding the cuff and collar trade dress to not be registrable as inherently distinctive based on the 4 Seabrook factors, in spite of having been previously registered based on acquired distinctiveness.
  - On 10/5/10 Dennis and others announced that they were circulating a paper reviewing all the CAFC's decisions on inequitable conduct.
  - The 10/9/10 blog gives allowances per examiner data for FY 2001 to 2010.
  - The 10/12/10 email cites and discusses three recent BPAI §101 cases.
  - The 10/25/10 message reports that petitions work. 78% were granted. Of the rest, 20% were first denied then, on reconsideration, were granted. Much more was reported – check it out.
- The 10/30/10 email reports that the DOJ supports the DC holding that isolated genes are unpatentable. Oh, oh.

### **USPTO** – The official website of the Office – [uspto.gov](http://uspto.gov).

- The Office continues to expand use of the Patent Prosecution Highway. The 3 newest members are Spain, Austria and Russia.
- As a reminder, on 7/27/10 the USPTO published interim guidelines for examiners considering Bilski §101 issues.
- The PTO also has announced that the first action interview pilot program has been extended to 4/1/11.
- On 10/20/10 the PTO and the EPO announced a joint project to develop a patent classification system.
- The PTO has been advised by WIPO that, due to currency fluctuations, the fees involving US cases were changed 11/1/10.
- The Commerce Dept. is reported to be seriously considering satellite offices for the PTO. Some cities are said to be lobbying.
- The PTO and the IPO are co-sponsoring a PTO Day conference in DC on 12/6/10.

### **Other Stuff** –

- ACI is holding a Biotech Patents conference in Boston on 11/30-12/1.
  - The 2010 IP Yearbook has been published by the Midwest IP Institute. Its 13 chapter titles are listed in the 10/7/10 TTABlog. The 10/8/10 TTABlog offers it at a 10% discount.
- The IQPC will hold its 6<sup>th</sup> annual patent conference on developing IP strategies in London 12/7-8/10.

# EMPLOYMENT OPPORTUNITIES AND OFFICE SHARE



FITCH EVEN TABIN & FLANNERY, a national Intellectual Property law firm, is expanding its Woodland Hills office. This location is away from the traffic and congestion of downtown Los Angeles. FETF is seeking partners and associates who have established client relationships. We have offices in Chicago, San Diego, San Luis Obispo, Washington, D.C., and Boulder. To learn more about the firm and our practice, please visit us at: <http://www.fitcheven.com>

All submissions are held in confidence. For confidential discussion and consideration, please contact:

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FITCH EVEN TABIN & FLANNERY  
Suite 1600  
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(312) 577 7000

### NEED A RESEARCHER?

*Prior art for oppositions, IDS, infringement, FTO/patentability/validity studies,  
or even state-of-the-art/competitive intelligence/technology assessments*

Professional IP/Patent Analyst / Technology Specialist, newly arrived in San Diego  
20+ years scitech experience (8+ in IP with two large international IP firms headquartered in EU);  
expertise includes international patent-prosecution management  
Broad research background in diverse fields: pharma, physics, aerospace, medical appliances, mechanics; CCD channel doping, solar, nanotechnologies, vortex mills, and many others;  
chemical-structure searches  
US, European, Worldwide Searches  
Collegial, perspicacious, and exceptional computer literacy  
AOP 'Genius' Advisor

Donald Hamilton, A.B, A.M, S.M., Ph.D. (Chicaginiensis)  
[ipsavant@gmail.com](mailto:ipsavant@gmail.com), T: 619-200-6430, 165 Carnation Avenue, Imperial Beach, CA 91932  
Résumé and references obtainable upon request. Initial contact preferably by email.



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