

IP File

The IP File's mission is to scour the universe for compelling stories in intellectual property law. In the United States, there are four main types of intellectual property protection available: patents, copyrights, trademarks and trade secrets.

May 18, 2016

Connecting the Dots with DTSA

By: Guy Rodgers

The Defend Trade Secrets Act of 2016 ("DTSA") was signed into law by President Obama on Wednesday, May 11, 2016.[1] This new act is the final piece of the federal law puzzle regarding intellectual property protections. Until now, IP owners enjoyed federal law protections over their patents, trademarks, and copyrights, but were left to their state courts to protect their trade secrets under various state laws. The DTSA is being hailed as an important and valuable tool for business owners, by providing greater predictability to trade secrets law.[2]

TAGS: Cause of Action, Civil, Defend Trade Secrets Act, DTSA, E-Commerce, EEA, Electronic Espionage Act, federal court, Intellectual Property, Intellectual Property, Internet Commerce, Interstate Commerce, Misappropriation, Obama, President, Trade Secret & Unfair Competition, Trade Secrets, Uniform Trade Secrets Act, UTSA

May 4, 2016

TVEyes on the Prize: Clarifying the Law of Copyright Fair Use

By: Guy Rodgers

TVEyes is a media monitoring service, claiming, "to organize the world's TV and radio broadcasts and make them universally searchable by the spoken word." [1]

TAGS: Audio Mining, Copyright & Idea Theft, Copyrights, direct infringement, Fair Use, federal court, Fox News, Intellectual Property, Intellectual Property, Media Monitoring Service, S.D.N.Y., Southern District of New York, Transformative, TVEyes

April 6, 2016

35 U.S.C. § 101 – If At First You Don't Succeed, Try, Try Again

By: Rex Hwang

As most practitioners know, even a duly issued patent can be invalidated under 35 U.S.C. § 101 if the patent's claims are directed to a "patent-ineligible concept," such as an abstract idea. Yet, trying to anticipate whether a patent claim will actually be invalidated under § 101 remains as difficult as ever. The dispute between Global Cash Access, Inc. ("Global Cash") and NRT Technology Corp. ("NRT") involving U.S. Patent No. 6,081,792 (the "792 Patent") is illustrative.

TAGS: federal court, Intellectual Property, Intellectual Property, Litigation, patent, patent act, patent case, patent claim, Patent Law, Patent Litigation, patent litigation, patent-eligible, PTAB, PTAB, USPTO

March 16, 2016

Lexmark International, Inc. v. Impression Products, Inc. – The Latest on Patent Exhaustion

By: Steven Basileo
Summary

TAGS: Federal Circuit, federal court, Intellectual Property, Intellectual Property, Litigation, patent, patent case, patent claim, Patent damages, patent infringement, Patent Law, Patent Litigation, patent litigation, PTAB, PTAB, Supreme Court, U.S. Supreme Court

February 12, 2016

Slaying the Dragon: Understanding and Effectively Managing the Use of the Model Order on E-Discovery in Patent Cases

On February 11, 2016, Glaser Weil Partner, Mieke Malmberg, presented a one hour webinar sponsored by the State Bar of California on the use of the Federal Circuit's Model order on electronic discovery in patent cases.

TAGS: federal circuit, federal court, intellectual property, litigation, patent, patent case, patent claim, patent damages, patent infringement, ptab, uspto

September 30, 2015

Laches As a Defense to Patent Damages Survives – For Now

By: Rex Hwang

In last week's 6-5 decision in *SCA Hygiene Prod. v. First Quality Baby Prod., LLC*, No. 2013-1564, 2015 WL 5474261 (Fed. Cir. Sept. 18, 2015), the US Court of Appeals for the Federal Circuit, sitting en banc, reaffirmed that laches remains a viable defense in patent infringement lawsuits. The decision was reached despite the relatively recent U.S. Supreme Court decision in *Petrella v. Metro-Goldwyn-Mayer, Inc.*, 134 S.Ct. 1962 (2014), where the high court struck laches as an available copyright infringement defense. However, the Federal Circuit's sharp divide on this issue suggests that further review by the U.S. Supreme Court may be on its way.

TAGS: Federal Circuit, federal court, Intellectual Property, Intellectual Property, laches, patent act, patent case, patent claim, patent infringement, Patent Law, Patent Litigation, patent litigation, U.S. Supreme Court, US Supreme Court

June 10, 2015

No Suit For You! Changes to Patent Pleading Standard Issued By the U.S. Supreme Court Require More Than Bare Bones Pleading

In late April, the U.S. Supreme Court adopted changes to the Federal Rules of Civil Procedure which have significant implications for patent plaintiffs. In an April 29, 2015 order, the high court approved, without comment, changes initially approved by the Judicial Conference of the U.S. in September 2014. While these changes impact several different areas of civil litigation, they specifically impact patent litigation: unlike the previous edition of the Federal Rules, which allowed patent plaintiffs to "file bare-bone complaints," patent plaintiffs will soon be subject to the same heightened pleading standards required of plaintiffs in other types of civil litigation.

TAGS: ashcroft v iqbal, bell atl corp v twombly, federal court, form 18, frcp, intellectual property, model forms, model patent complaint, patent infringement, patent litigation, rule 84, us supreme court

January 28, 2015

For the Redskins, NFL Playoff Season Means. . . Constitutionality Questions?

The NFL playoffs aren't the only big football news happening this month! The U.S. Department of Justice recently decided to intervene in the Washington Redskins trademark litigation over the constitutionality of certain provisions of the Lanham Act.

TAGS: commercial speech, doj, eastern district of virginia, federal court, fifth amendment, first amendment, football, free speech, intellectual property, lanham act, lanham act section 2a, native americans, nfl, notice of intervention, redskins, registered trademark, trademark & trade dress, trademark litigation, trademarks, ttab, u.s. department of justice, u.s. district court, u.s. trademark trial and appeal board, washington redskins
