VEDDER PRICE®

Chicago • New York • Washington, DC • London • San Francisco • Los Angeles

October 2014

IP Strategies

They Know It When They See It: Patentable Subject Matter After *Alice*

To those with even a casual interest in the preparation and prosecution of patents in the United States, the holding in the Supreme Court's June 2014 decision in *Alice Corp. v. CLS Bank International* is well known: claims directed to intermediated settlement encompass an abstract idea, and generic recitation of a computer implementation in such claims fails to transform the abstract idea into patent-eligible subject matter. Predictably, numerous articles have since been published extolling the virtues (or lack thereof, as the case may be) of the *Alice* decision. While the patent eligibility debate is good and necessary, it leaves open the question of many would-be patentees: may I get a patent on my software-based innovation?

While the Court provided virtually no "bright line" rules in answer to this question, the decision nevertheless suggests various approaches that may be employed going forward to best ensure your patent application embraces patent-eligible subject matter.

Background

Alice Corporation obtained various patents directed to, as the Court put it, "a computerized scheme for mitigating 'settlement risk'—i.e., the risk that only one party to an agreed-upon financial exchange will satisfy its obligation." In a highly fractured opinion, the Court of Appeals for the Federal Circuit concluded that all of Alice's claims were directed to patent-ineligible subject matter.

On further appeal, the Court cited its recent decision in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, in which the Court laid out its two-step process for separating patents directed to patent ineligible concepts from "those that claim patent-eligible applications of those concepts." First, one must "determine whether the claims at issue are directed to . . . patent ineligible concepts." If so, in the second step, one must then ask what else is in the claims that may be sufficient to "transform" the ineligible concept into a patent-eligible application thereof.

Unfortunately, the Court provides no guidance *how* one goes about determining whether claims are directed to ineligible concepts in the first step. In fact, the Court expressly takes a pass on the issue, stating that it "need not labor to delimit the precise contours" of what constitutes a patent-ineligible concept. Instead, the Court noted that it's *Bilski* decision concerned claims directed to "hedging," which "all members of the Court agreed" constituted an abstract idea. Without further reference to the actual language of the claims, the Court stated that Alice's "claims . . . are drawn to the concept of intermediated settlement." With this setup, the Court quickly concluded that "[l]ike the risk hedging in *Bilski*, the concept of intermediated settlement is a 'fundamental economic practice long prevalent in our system of commerce.'"

Turning to the second step, the Court had little trouble in determining that various other recitations in the claim beyond the abstract idea failed to "do more than simply instruct the practitioner to implement the abstract idea of intermediated settlement on a generic computer." Looking at "the claim elements separately," the Court stated that "each step does no more than require a generic computer to perform generic computer functions." Further, considering the claimed computer elements "as an ordered combination" did not add anything "that is not already present when the steps are considered separately."

In this issue...

Going Forward

So, you are now considering patent protection for your new, software-implemented invention, but the Court's "guidance" in *Alice* has left you unsure whether it makes sense to proceed. Despite the outcome in *Alice*, patents based on software-implemented innovations have not been knocked out entirely, though they did take a pretty good punch to the gut. Going forward, would-be patentees must take greater care to ensure that they claim and present their inventions in a manner that minimizes the likelihood of being interpreted as an "abstract idea." The following observations should help you avoid that pitfall.

1. *Stay As Far Away From* Bilski *and* Alice *As You Can*

As noted, the closest the Court came to providing concrete guidance for identifying patent-ineligible abstract ideas was to measure how close the underlying "inventive concept" of an invention comes to the abstract ideas found in *Bilski* and, in the future, *Alice*. That is, if the subject matter of your claims is reasonably analogous to the risk hedging claimed in Bilski or the intermediated settlement in *Alice*, it's almost certainly going to be viewed as embracing an abstract idea. Instead, try to find a way to describe the subject matter of your invention as something other than a concept that is related to these concepts.

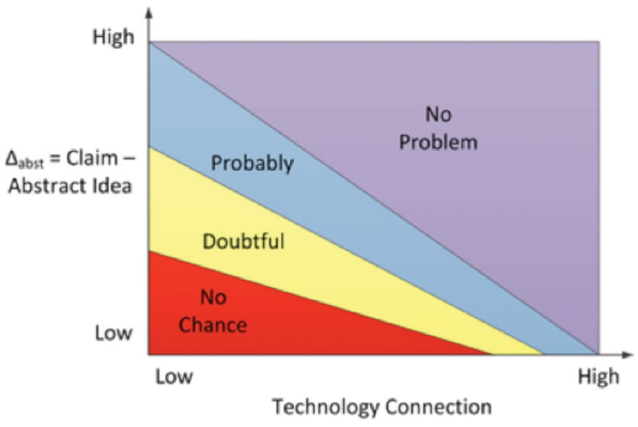
Even more so than before, for software-implemented ideas, application drafting will require a careful balancing of what you say in the specification and in the claims. That is, the difference between whatever abstract idea is arguably discussed in the specification versus the limitations in your claims (Δ_{abst}) should be as large as possible.

For example, assume an invention concerns a new technique for completing payments for goods and services via mobile, wireless devices, which method facilitates a more rapid exchange of certain types of data. Having a method claim that begins "A method for completing payments via mobile, wireless devices" strongly suggests that the "inventive concept" is directed to the mere idea of completing financial transactions, which starts to sound awfully similar to the intermediated settlement of *Alice*. Rather than focusing the claim on the novelty of the financial transaction itself, attempt to focus the claim on the effect the method has on the underlying mobile device, e.g., "A method for communicating transactional data by a mobile, wireless device."

2. Get "Technical"

Perhaps more importantly, even if you can strongly contrast your claims to the underlying abstract idea, you may still be on shaky grounds if your application doesn't somehow discuss how it leads to a *technological* improvement. In *Alice*, when rejecting the sufficiency of a generic computer implementation to rescue claims otherwise directed to an abstract idea, the Court specifically noted that the claim did not "purport to improve the functioning of the computer itself . . . [or] effect an improvement in any other technology or technical field." Stated another way, rather than directing your specification and claims as teaching improvements to a traditionally human-implemented field of endeavor (e.g., hedging risk, mediating settlement risk), they should clearly establish how the innovation improves the operation of a machine (i.e., the computer implementing the software-driven method) or an overarching "technology or technical field" in which the computer-implemented method is employed.

The graph below illustrates the apparent "sliding scale" nature of the abstract idea and technology aspects of the *Alice* decision. As shown, the connection of the claimed subject matter to improvement to a particular technology is shown along one axis, and the distinction of the claims over an encompassed abstract idea (Δ_{abst}) is shown along the other. For claimed subject matter that demonstrates little distinction from the alleged abstract idea and that demonstrates a weak connection to a technological improvement, there is little likelihood ("No Chance") of demonstrating subject-matter eligibility. Oppositely, for claimed subject matter that is strongly distinguished from the alleged abstract idea and that clearly concerns a technological improvement, there is a much greater likelihood ("No Problem") of demonstrating subject-matter eligibility. It is to be expected, however, that the relative areas of the illustrated outcomes will be different according to the particular realm of abstract ideas at hand, i.e., the "No Chance" area is likely to be



much larger when dealing with finance-related inventions versus inventions concerning, say, telecommunications.

For example, assume an invention concerns a new process applicable to trading platforms for various financial instruments, e.g., stocks, commodities, etc. Where possible, one should *not* stress how the claimed process makes trading markets more efficient or enables different types of financial instruments to be traded. Instead, it may be better to acknowledge in the specification that electronic trading is well-known and that the invention leads to better operation of the underlying machines (e.g., where the claimed process enables the machine to complete more trades per unit of time, complete the trades more accurately, in a manner less consuming of resources, etc.) or broadens the capabilities of such machines (e.g., where the process provides a function that was previously unavailable). In drafting the specification, carefully ascribe certain steps to humans versus machines where possible and then make sure the claims don't include any of the human-performed steps.

3. Get to Know a European Patent Attorney

It has been observed by many commentators that the *Alice* decision is yet another nudge of U.S. practice in the direction of European practice, i.e., focused on a "technical problem" for which your invention must provide a "technical solution." European patent attorneys have been dealing with such issues for many years and may be able to offer valuable insights how to best position your invention in an application.

4. Be Prepared to Make Decision Makers Prove "Abstractness"

A concern with the Court's lack of guidance when assessing whether a claim embraces excluded subject matter is that, not unlike those seeking to obtain patents, the examiners at the U.S. Patent & Trademark Office (USPTO) and federal district court judges will be equally in the dark. Unfettered from concrete guidance, it may be anticipated that examiners and judges will be more apt to make unsubstantiated assertions that claims encompass abstract ideas. Having drafted your claims and specification as noted above, i.e., emphasizing less how the invention helps achieve a business goal or perform human tasks better and instead illustrating how it improves/extends operation of an underlying machine or overarching technology, you will at least have a stronger foundation for arguing against the alleged abstract idea.

If you have questions about *Alice Corp. v. CLS Bank International*, or for more information on patent eligibility, please contact **Christopher P. Moreno** at +1 (312) 609 7842 or your Vedder Price attorney. ■

The 2014 Term Brings More IP to the Supreme Court

The U.S. Supreme Court's 2013 Term was an active one for intellectual property, once a rarity at the Court. So far, the 2014 Term, which starts October 6, is shaping up to offer more guidance in the intellectual property arena. The first oral argument in an intellectual property case is scheduled for just the second week of the Term. Cases touching on key trademark, patent and possibly copyright issues are all on deck.

B&B Hardware, Inc. v. Hargis Industries, Inc.

In July, the Supreme Court agreed to hear arguments in *B&B Hardware, Inc. v. Hargis Industries, Inc.* The questions are (1) whether a decision by the Trademark Trial and Appeal Board (TTAB) of the United States Patent and Trademark Office (USPTO) that there is a likelihood of confusion between two trademarks has a preclusive effect on federal district court trademark litigation, such that the trademark owner cannot relitigate the decision in an infringement action; and (2) if not fully precluded, whether the federal district court must give deference to the TTAB's finding of likelihood of confusion.

B&B registered its trademark "Sealtight" for industrial fasteners for the aerospace industry with the USPTO in 1993. Hargis filed an application to register its "Sealtight" for self-drilling, self-tapering screws for use in the metal-building industry at the USPTO in 1996, and was initially refused registration based on B&B's mark. Among other administrative proceedings, B&B opposed Hargis application through the opposition procedure available at the USPTO, and the TTAB made a determination that there was a likelihood of confusion between the two marks and denied registration of Hargis mark.

B&B and Hargis at the same time had been involved in a trademark infringement action in federal district court. B&B filed a summary judgment motion based on the TTAB's finding of likelihood of confusion. The district court denied the summary judgment motion and denied admission of the TTAB decision into evidence for the jury. The jury was told of the TTAB's conclusion, but ultimately found no likelihood of confusion. The court of appeals affirmed the district court's decision and also held that likelihood of confusion in the context of a registration does not equate to likelihood of confusion in the context of an infringement action.

Oral Argument in *B&B Hardware, Inc. v. Hargis Industries, Inc.* is set for December 2, 2014.

Hana Financial, Inc. v. Hana Bank

The Supreme Court has also agreed to hear arguments in another trademark matter, *Hana Financial, Inc. v. Hana Bank*.

In spring of 1994, Korean company Hana Bank began offering services in the United States under the name Hana Overseas Korean Club. In advertisements in the summer of that year, Hana Bank used the name "Hana Overseas Korean Club" in English and "Hana Bank" in Korean, along with Hana Bank's logo. Hana Financial, Inc. was founded in California in the fall of 1994. In 1996 Hana Financial obtained a federal trademark for its graphic logo with the words "Hana Financial." Hana Bank was aware of Hana Financial's use of the name "Hana Financial," but did not take action because the entities were not in direct competition.

In 2007, Hana Financial sued Hana Bank for trademark infringement. The district court jury found that Hana Bank had used the "Hana Bank" trademark in the United States continuously since before Hana Financial began using the "Hana Financial" trademark in 1995. The district court also found that under the tacking doctrine, Hana Bank could "tack" the date of its trademarks to the 1994 advertisements to include similar, but distinct, use of the term "Hana Bank." Under the tacking doctrine, a trademark owner can "tack" the date of the first use of a mark onto a subsequent mark to establish trademark priority and thus ownership where the two marks are so similar that consumers would generally regard them as being the same.

This case comes to the Supreme Court after two passes through the Ninth Circuit Court of Appeals. The district court first granted summary judgment to Hana Financial on the priority issue, but the Ninth Circuit reversed and remanded, holding that there was an issue of fact regarding priority. On its second pass through the district court, a jury found in favor of Hana Bank, finding that Hana Bank's first use had predated Hana Financial's use. The district court denied Hana Financial's motion for judgment after the verdict and its motion for a new trial. Hana Financial appealed, claiming that the determination of whether a trademark may be "tacked" to a prior mark is a question of law that must be determined by the court, not a question of fact that may be decided by a jury. The Ninth Circuit affirmed Hana Bank's win, and Hana Financial appealed to the Supreme Court.

The question thus before the Supreme Court is whether the jury or the court determines whether use of an older trademark may be tacked to a newer one. Oral arguments are set for December 3, 2014. The American Intellectual Property Law Association has filed an *amicus curiae* (friend of the court) brief in this case.

Teva Pharaceuticals USA v. Sandoz

Teva Pharmaceuticals USA manufactures Copaxone, which is used to treat multiple sclerosis. Sandoz and Mylan Pharmaceuticals filed Abbreviated New Drug Applications (ANDAs) to the Food and Drug Administration (FDA) to produce and market generic versions of Copaxone. Teva, which had patented Copaxone, sued Sandoz and Mylan for infringement based on the ANDA. Claims of the patent used the term "molecular weight." The district court had construed the term "molecular weight" to refer to the peak average molecular weight of the claimed polypeptide. The defendants had argued, and the district court rejected, that the term "molecular weight" was indefinite because it could refer to three different molecular weight measures. The district court instead heeded Teva's expert's testimony that a person of ordinary skill in the art would have known to use the peak average molecular weight. The district court thus held that the Sandoz and Mylan products infringed on Teva's patent.

The Federal Circuit Court of Appeals reviewed the district court's indefiniteness determination "*de novo*," i.e., without deference to the lower court's finding, and reversed the district court's holding that the claims were not indefinite. The Federal Circuit reviewed not only the expert's testimony but the history of the prosecution of the patent application at the USPTO, and found that some of the claims were not shown to be definite.

The Supreme Court granted *certiorari* in March 2014 to consider whether a district court's factual finding in support of its construction of a patent claim term may be reviewed *de novo*, as the Federal Circuit requires (and did in its review of this case), or only for clear error, as Federal Rule of Civil Procedure 52(a) requires. Oral argument is set for October 15, 2014. No fewer than ten (10) *amicus curiae* (friend of the court) briefs have been filed by various third parties, including Google and Intel.

More to Come?

As the Supreme Court's 2014 Term began, it had the opportunity to add to its docket at least two more cases.

On the patent side, in *Pronova BioPharme Norge AS v. Teva Pharmaceuticals USA, Inc.*, the Court considered whether to grant certiorari to address the issue of whether the statutory bar for "public use" of an invention broadly bars a patent when an innovator company allows any public access to its invention, even if the invention is not actually used in public for its intended purpose.

On the copyright side, the Court considered whether to grant *certiorari* in *Kirby v. Marvel Characters, Inc.* to address the issues of (1) whether a court can constitutionally take copyrights to works originally owned

and authored by an independent contractor and hand them to a private party by judicially re-designating them "works for hire;" (2) whether "employer" under the Copyright Act of 1909 can be judicially extended beyond conventional employment to independent contractors, when this contradicts its common-law meaning, binding Supreme Court precedent and longstanding canons of statutory construction; and (3) whether "work for hire" can be determined based on post-creation contingencies, like discretionary payment, when authorship and ownership of a copyrightable work, including "work for hire," vests at inception.

However, neither of these writs of *certiorari* in IP cases were granted, with *Kirby* being dismissed prior to the Supreme Court's scheduled September 29, 2014 conference.

In addition, the Court has called for the view of the U.S. Solicitor General in three more patent cases: *Cisco Systems v. Commil USA, LLC*; *Commil USA, LLC v. Cisco Systems*; and *Kimble v. Marvel Enterprises*.

Stay tuned, the 2014 Term may be yet another exciting term for intellectual property at the Supreme Court.

If you have questions about this article, please contact **Rebecca Goldman Rudich** at +1 (202) 312 3366 or your Vedder Price attorney. ■

Uncertain Times for Biotech and Pharma Patents

Ever since the Supreme Court unanimously ruled in *Mayo Collaborative Services v. Prometheus Laboratories Inc.*[1] that a method for adjusting a drug dosage after observing a patient's reaction to a drug administration was patent-ineligible subject matter under 35 U.S.C. § 101,[2] biotechnology and pharmaceutical patents have been subject to further scrutiny. The unanimous Supreme Court ruling in *Association for Molecular Pathology v. Myriad Genetics, Inc.*[3] that isolated human genes were patent-ineligible under 35 U.S.C. § 101 further undercut patents directed to isolated genes.

On March 4, 2014, the U.S. Patent and Trademark Office (USPTO) released a guidance memorandum (the Guidance) to the Patent Examining Corps providing guidelines for analyzing subject matter eligibility under 35 U.S.C. Section 101 of claims reciting or involving laws of nature/natural principles, natural phenomena and/or natural products in view of the *Prometheus* and *Myriad* decisions.

The impact of the Guidance is significant. For claims involving natural products (such as active ingredients from natural products or naturally occurring nucleic acids, such as antigens, antibodies, DNA, RNA) to be patent eligible, they must be "significantly" or "markedly" different from the natural products. We anticipated and have observed a significant increase in Section 101 rejections to claims directed to natural products and diagnostic methods—the subject matter of many biotechnology and pharmaceutical patent applications. A number of these rejections have turned on what is necessary for a claimed product to be "significantly" or "markedly" different from a natural product, especially as "significantly" or "markedly" different from a natural product is a USPTO-created test, not based in statutory language. As an example, we observed a significant increase in Section 101 rejections to claims directed to natural products and diagnostic methods—the subject matter of many biotechnology and pharmaceutical patent applications.

On May 8, 2014, the Federal Circuit affirmed a Patent Trial and Appeal Board (PTAB) decision that the claims of U.S. Patent Application No. 09/225,233 (the '233 application) are not patentable-eligible subject matter under 35 U.S.C. § 101. Dolly's genetic identity to her donor parent rendered her patent ineligible. The Federal Circuit clarified that having the same nuclear DNA as the donor mammal may not necessarily result in patent ineligibility in every case.

The backlash to the Guidance reverberated in the biotech community. The USPTO solicited comments from the community and plans to set forth a revised Guidance to clarify the standards for patent-eligible subject matter.

[1] *Mayo Collaborative Services v. Prometheus Laboratories Inc.*, 132 S.Ct. 1289 (2012)

[2] 35 U.S.C. § 101. Inventions patentable. Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

[3] 569 U.S. _, 133 S. Ct. 2107, 2116, 106 USPQ2d 1972 (2013)

But what to do in the meantime in the face of potentially non-enforceable patents as well as Section 101 rejections?

With respect to potentially non-enforceable patents dealing with isolated genes and/or diagnostic matters, these patents may be cured by reissue. 35 U.S.C. § 251 provides for the reissue of defective patents.[4] A patent may be reissued if a patent is deemed wholly or partly inoperative or invalid by reason of the patentee claiming more or less than he had a right to claim in the patent. The *Prometheus* and *Myriad* decisions may render a patent invalid and the patentee may have claimed more or less than he had a right to claim. If there is sufficient disclosure in the specification for transformative steps, method claims and/or kit claims, reissue could be a cure for patents rendered invalid by the *Prometheus* and *Myriad* decisions.

What about patent applications currently in prosecution? Currently, the USPTO broadly applies the Guidance and it is the Applicant's burden to rebut the USPTO. Arguments of a transformative step or a "significant" or "marked" difference alone may not be persuasive, but should be presented to preserve the issue for appeal. Alternative claims directed to methods of manufacture and/or methods of treatment should also be considered. For biotech patents, claims to isolated nucleic acid sequences may be patent ineligible; however, claims directed to vectors containing isolated nucleic acid sequences, cells expressing isolated nucleic acid sequences and organisms isolated nucleic acid sequences remain patent-eligible subject matter. Furthermore, as evidenced by the Dolly decision, patent applicants need to ensure that distinctions (e.g., phenotypic, mitochondrial distinctions) between donor animals and clones are recited in claims before the USPTO—as well as in claims taken up on appeal to the PTAB or the Federal Circuit.

Please contact **Thomas J. Kowalski**, **Deborah L. Lu**, or any Vedder Price attorney or agent in the Intellectual Property group with any questions regarding patent-eligible subject matter under 35 U.S.C. § 101, especially with respect to overcoming 35 U.S.C. § 101 rejections by the USPTO, or advancing the argument that patented subject matter being asserted by a Third Party is patent ineligible under 35 U.S.C. § 101. ■

[4] 35 U.S.C. 251. Reissue of defective patents. Whenever any patent is, through error without any deceptive intention, deemed wholly or partly inoperative or invalid, by reason of a defective specification or drawing, or by reason of the patentee claiming more or less that he had a right to claim in the patent, the Director shall, on the surrender of such patent and the payment of the fee required by law, reissue the patent for the invention disclosed in the original patent, and in accordance with a new and amended application, for the unexpired part of the term of the original patent. No new matter shall be introduced into the application for reissue.

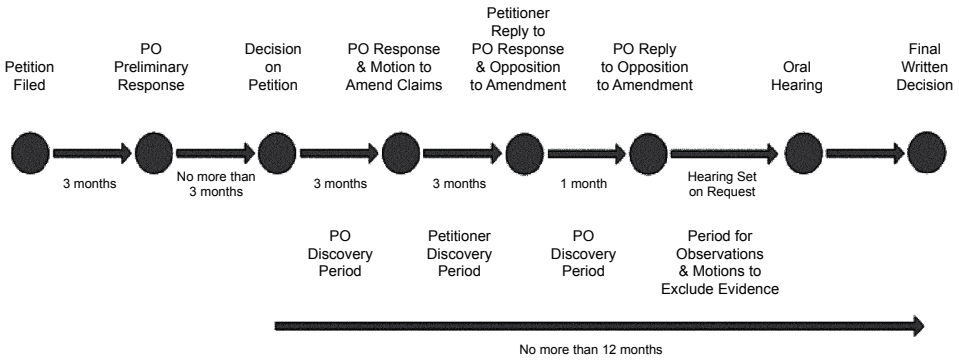
Beware: The New Patent Litigation Forum

On September 16, 2012, one year after the America Invents Act (AIA) was signed into law, the new Patent Trial and Appeal Board (PTAB) began accepting petitions for the new *inter partes* review (IPR) and covered business method review. No one could have predicted how quickly the PTAB would become one of the most favored jurisdictions for seeking invalidation of issued U.S. patents. In fact, the PTAB has more actions instituted on an annual basis than every judicial district with the exception of the Eastern District of Texas and the District of Delaware.

The process is quick and unforgiving, and it requires a statutorily mandated final written decision to be issued no more than 12 months from the date the petition to initiate a review is granted. The procedures permit the PTAB to review the patentability of one or more claims in an issued patent only on a ground that could be raised under §§ 102 or 103, and only on the basis of prior art consisting of patents or printed publications. In a petition for an *inter partes* review, the petitioner must by statute (i) identify all real parties in interest; (ii) identify all claims challenged and all grounds on which the challenge to each claim is based; and (iii) provide copies of evidence relied upon. The petition must be accompanied by a fee. In addition, the petitioner must by rule (i) identify the grounds for standing; (ii) provide a claim construction for each challenged claim; (iii) specifically explain the grounds for unpatentability; and (iv) specifically explain the relevance of evidence relied upon. Listed below is a basic timeline for the *inter partes* review proceedings:

With the speed and newness of these proceedings, the following are some points to keep in mind:

1. This is serious litigation. The PTAB has been granting close to 80 % of the petitions to institute an *inter partes* review. Moreover, the PTAB is ruling in favor of the petitioner at a rate of approximately 50 % of the time in its final decisions.
2. It is not uncommon for there to be parallel proceedings in district court. In these parallel proceedings the district courts are granting almost ¾ of the motions to stay the district court proceedings in favor of the *inter partes* review in front of the PTAB.
3. Although initially described as means to go after patent trolls, the patents being invalidated or cancelled are not limited to weak or poorly drafted patents, but include important electrical,



computer and biotech patents owned by some of the largest corporations in the world.

4. PTAB uses the "broadest reasonable interpretation" of claims for patentability, whereas district courts use the "most reasonable claim interpretation," a narrower scope.

5. Expert testimony is generally crucial to a successful outcome. Although expert testimony is not permitted in the patent owner's **preliminary** response, it may be used in the form of a declaration (which has no page limitation) in support of the patent owners response (which is limited to 60 pages) to strengthen and provide additional support for the positions taken in the patent owner's response.

6. Always put considerable effort into the patent owner's preliminary response. This is your first opportunity to put your case forward to the Board, but more importantly, it may be used to persuade the Board to decline to review the patent.

Although a relatively new procedure, the *inter partes* review is fast becoming the forum for litigating issued patents. All companies, even small companies, with patents they consider important to their businesses, need to be prepared to successfully defend their patents in *inter partes* reviews at the PTAB.

If you have questions about this article, please contact **Robert S. Rigg** at +1 (312) 609 7766 or your Vedder Price attorney. ■

Intellectual Property Group Members

Chicago

Robert S. Beiser ..... +1 (312) 609 7848
Angelo J. Bufalino
Co-Chair ..... +1 (312) 609 7850
John K. Burke ..... +1 (312) 609 7622
Mark A. Dalla Valle ..... +1 (312) 609 7620
Christopher P. Moreno ..... +1 (312) 609 7842
John E. Munro ..... +1 (312) 609 7788
Timothy M. Nitsch ..... +1 (312) 609 7535
Robert S. Rigg ..... +1 (312) 609 7766
Jason K. Schmitz ..... +1 (312) 609 7660
Michael J. Turgeon
Editor/Co-Chair ..... +1 (312) 609 7716
Alain Villeneuve ..... +1 (312) 609 7745

New York

John C. Cleary ..... +1 (212) 407 7740
Thomas J. Kowalski ..... +1 (212) 407 7640
Deborah L. Lu, Ph.D. ..... +1 (212) 407 7642
Lakshmi Rajan, Ph.D.,
Patent Agent ..... +1 (212) 407 7796
Mark W. Russell ..... +1 (212) 407 6983
Michael B. Scher, Ph.D.,
Patent Agent ..... +1 (212) 407 6936
Smitha B. Uthaman, Ph.D.,
Patent Agent ..... +1 (212) 407 7646
Pooja Varshneya, Ph.D.,
Patent Agent ..... +1 (212) 407 6995

Washington, DC

Rebecca Goldman Rudich ..... +1 (202) 312 3366

Intellectual Property Group

Vedder Price offers its clients the benefits of a full-service patent, trademark, copyright and technology law practice that is active in both domestic and foreign areas. Vedder Price's practice is directed not only at obtaining protection of intellectual property rights for its clients, but also at successfully enforcing such rights and defending its clients in court and before federal agencies, such as the U.S. Patent and Trademark Office (USPTO) and the U.S. International Trade Commission, when necessary.

About Vedder Price

Vedder Price is a thriving general-practice law firm with a proud tradition of maintaining long-term relationships with our clients, many of whom have been with us since our founding in 1952. With approximately 300 attorneys and growing, we serve clients of all sizes and in virtually all industries from our offices in Chicago, New York, Washington, DC, London, San Francisco and Los Angeles.

This communication is published periodically by the law firm of Vedder Price. It is intended to keep our clients and other interested parties generally informed about developments in this area of law. It is not a substitute for professional advice. For purposes of the New York State Bar Rules, this communication may be considered ATTORNEY ADVERTISING. Prior results do not guarantee a similar outcome.

Vedder Price P.C. is affiliated with Vedder Price LLP, which operates in England and Wales, and with VP (CA), LLP, which operates in California.

VEDDER PRICE®

Chicago
222 North LaSalle Street
Chicago, IL 60601
T: +1 (312) 609 7500
F: +1 (312) 609 5005

Washington, DC
1401 I Street NW, Suite 1100
Washington, DC 20005
T: +1 (202) 312 3320
F: +1 (202) 312 3322

San Francisco
275 Battery Street, Suite 2464
San Francisco, CA 94111
T: +1 (415) 749 9500
F: +1 (415) 749 9502

New York
1633 Broadway, 47th Floor
New York, NY 10019
T: +1 (212) 407 7700
F: +1 (212) 407 7799

London
4 Coleman Street
London EC2R 5AR
T: +44 (0)20 3667 2900
F: +44 (0)20 3667 2901

Los Angeles
1925 Century Park East, Suite 1900
Los Angeles, CA 90067
T: +1 (424) 204 7700
F: +1 (424) 204 7702