



LILENFELD PC

# Patent Wars

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# Agenda

Topic 1:  
Patents 101

Topic 2:  
Litigation  
Costs

Topic 3:  
Remedies

Topic 4:  
Participant  
Teach

# Patent Law

Topic 1

Topic 2

Topic 3

Topic 4

“[T]o promote the Progress of Science and Useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries . . . .”  
*Art. I, Sec. 8 of United States Constitution*

Patent term:  
20 yrs. from filing



# Patent Claim

Topic 1

Topic 2

Topic 3

Topic 4

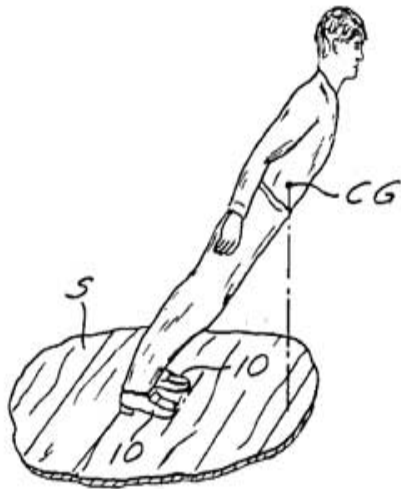


Fig. 6

1. A system for engaging shoes with a hitch means to permit a person standing on a stage surface to lean forwardly beyond his or her center of gravity, comprising: at least one shoe having a heel with a first engagement means, said first engagement means comprising a recess formed in a heel of said shoe covered with a heel slot plate located at a bottom region of said heel, said heel slot plate having a slot formed therein with a relatively wide opening at a leading edge of said heel and a narrower terminal end rearward of said leading edge, said recess being larger in size above said terminal end of said slot than is said terminal end of said slot; and a second engagement means, detachably engageable with said first engagement means, comprising a hitch member having an enlarged head portion connected by a narrower shank portion to a means for raising and lowering said head of said hitch member above and substantially level with or below said stage surface, said head portion being larger in size than said terminal end of said slot and said shank portion being narrower than said terminal end of said slot, wherein said hitch member can be moved through apertures in said stage surface between a projecting position raised above said stage surface and a retracted position at or below the stage surface, and when said head portion of said hitch member is raised above said stage surface, said first engagement means can be detachably engaged with said projecting hitch member, thereby allowing a person wearing the shoes to lean forwardly with his or her normal center of gravity beyond a front region of said shoes, and maintain said forward lean.

# Costs of Litigation

Topic 1

Topic 2

Topic 3

Topic 4

- ▶ 3 and 2\*
- ▶ Contingency fees

# Factors Influencing Cost & Duration of Litigation

Topic 1

Topic 2

Topic 3

Topic 4

- ▶ Product's value to your business
- ▶ Product's value to your adversary
- ▶ Adversary's resources
- ▶ Quantity of patents, defenses, parties and claims
- ▶ Volume of evidence
- ▶ Venue
- ▶ Law firm and litigation strategy

# “A DJ Action”

Topic 1

Topic 2

Topic 3

Topic 4

- ▶ Declaratory Judgment – judgment of a court declaring the rights, duties, or obligations of the parties.



# Remedies

Topic 1

Topic 2

Topic 3

Topic 4

- ▶ Money
- ▶ Injunctions
- ▶ Seizure

# Remedies: Money

Topic 1

Topic 2

Topic 3

Topic 4

## Money Damages . . .

- ▶ “adequate to compensate for the infringement . . . .”
- ▶ “but in no event less than a reasonable royalty for the use made of the invention by the infringer . . . .”

# Remedies: Money cont'd

Topic 1

Topic 2

Topic 3

Topic 4

## ▶ Willfulness:

“[I]nfringer acted despite an objectively high likelihood that its actions constituted infringement of a valid patent.”

# Remedies: Money cont'd

Topic 1

Topic 2

Topic 3

Topic 4

- ▶ Attorney fees – in exceptional cases

# Remedies: Money cont'd

Topic 1

Topic 2

Topic 3

Topic 4

- ▶ Pre-judgment and post-judgment interest

# Remedies: Injunctions

Topic 1

Topic 2

Topic 3

Topic 4

- ▶ TRO *ex parte*
- ▶ TRO *inter partes*
- ▶ Preliminary injunction
- ▶ Permanent injunction
- ▶ Seizure

?

# Participant Teach

Topic 1

Topic 2

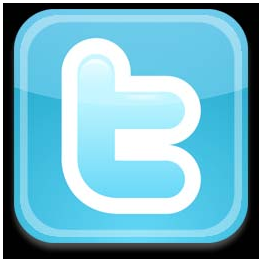
Topic 3

Topic 4

- ▶ Congratulations! You are now a member of the Management Team of Appy, Inc.
- ▶ Appy's newly launched product has skyrocketed to success and profits are soaring.
- ▶ But two separate patent owners are claiming you are infringing their patents.
- ▶ Shortly, you will receive a Memo from your outside litigation counsel summarizing the facts and laying out your options.



# Contact Info



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