



OCPLA NEWSLETTER

Orange County Patent Law Association
www.ocpla.org

Vol. 11, No. 8

August 2005

OCPLA SPONSORS LOCAL CHARITY EVENT

The OCPLA has agreed to help sponsor an upcoming bowl-a-thon fundraiser for a local Orange County charity. The 2005 Legal SPIN-Bowl will raise money for SPIN (Serving People In Need) of Orange County. The SPIN-Bowl will take place Saturday, September 24, 2005 from 2 pm to 4 pm. The \$30 registration fee will be waived for OCPLA members and family. See details inside on page 14.

AUGUST LUNCHEON MEETING

Please join us at our next luncheon meeting on Wednesday, August 24, 2005, when we are pleased to present **Bill Rooklidge** of Howrey Simon Arnold & White LLP, who will speak on "Patent Reform".

The lunch will be held at noon at the Wyndham Garden Hotel.

AUGUST BOARD MEETING

On September 7, 2005 the OCPLA Board of Directors is holding its monthly meeting at noon at Stout, Uxa, Buyan & Mullins, LLP, in Irvine. Members who wish to present items for the Board's consideration should contact our president, Margaret Kivinski, to have their item placed on the agenda, and to verify the time and location of the meeting.

E-MAIL DISTRIBUTION OF THE NEWSLETTER



The Newsletter is now being transmitted solely by electronic mail. If you know of anyone who should be, but is not getting this e-mail distribution, please have them

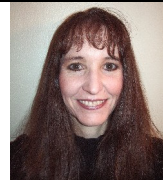
contact Neal Cohen at nmc@cohen-sak.com.

OCPLA HOLIDAY PARTY

MARK YOUR CALENDARS!! This year's OCPLA Holiday Party will take place at Ralph Brennan's Jazz Kitchen, in Downtown Disney, on Friday December 9, 2005 starting at 6:30 pm. Look for more details in upcoming newsletters. If you have any questions in the meantime, please contact Neal Cohen at nmc@cohen-sak.com.

MESSAGE FROM THE PRESIDENT

BY MARGARET KIVINSKI
THEROX, INC.
mkivinski@therox.com



Wow! What a great two months the OCPLA has had! At our June lunch meeting, Scott Whiteleather enthusiastically presented recent developments in rights of publicity. It was a very interactive presentation, with many interesting comments coming from those in attendance. Scott's enthusiasm for his area of practice was clear, and he provided an energetic presentation that made it enjoyable catching up on an area of law that we may not be called upon to practice on a daily basis. Once again, excellent materials were provided at the meeting providing a comprehensive overview of the rights of publicity. Additional copies of the meeting materials are available by contacting me at mkivinski@therox.com.

In July we heard Frederic Douglas of Klein O'Neill and Singh speak to us on inequitable conduct in patent cases. This was a rare opportunity to fulfill part of our CLE ethics credit requirement with a presentation directly related to our own area of practice. It was an interesting and thought-provoking presentation, in which the many attendees seemed keenly interested. Of particular interest were the useful tips on avoiding pitfalls that could result in inadvertent loss of our clients' patent rights.

August promises to be another great month. William Rooklidge of Howrey LLP, former president of the OCPLA and current president of the American Intellectual Property Law Association, will speak to us on Patent Reform.

Come out and learn the content and status of proposed legislation that could significantly affect the practice of patent law as we know and love it. I'm certain you won't want to miss this presentation, so reserve early and plan to attend.

We are pleased to have you come to the lunch meetings and appreciate you arriving on time. If you do arrive late, we will do our best to accommodate you, but if you join the meeting in progress, please be mindful of others trying to enjoy the presentation. A board member will discreetly assist you with CLE sign-up and obtaining your payment. Please note that we may not always be able to provide you a seat and/or a meal once the meal service is completed and the presentation has started. As always, we appreciate that you RSVP in advance and arrive on time whenever possible.

RSVP ON TIME FOR MONTHLY LUNCHESES

To reduce the likelihood of additional rate increases associated with last minute reservations, and attendance without advance reservations, we encourage you to RSVP early, i.e., no later than by noon on the Friday preceding the meeting, so that we can provide more accurate numbers of luncheon attendees to the hotel. Your efforts to register at least five days in advance of the lunches will be greatly appreciated, both by the hotel and the OCPLA Board of Directors.

The costs for the monthly luncheon meetings for student members is \$15.

2005 MEMBERSHIP RENEWAL

Dues for 2005 will remain at \$35 for attorneys and agents and entitle you to receive the monthly OCPLA newsletter, frequent announcements, and reduced rates for the monthly luncheons and seminars. A membership form is included in this month's newsletter and is also available on our website, at www.ocpla.org. Please renew early to reduce delays in processing your application.

NEW MEMBERS

We are pleased to welcome the following new members to the ranks of the OCPLA. His/her workplace and sponsors are listed.

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David Jafari Jafari Law Group P.C.	Neal M. Cohen Greg Hollrigel

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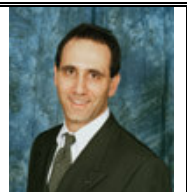
Check the OCPLA website at www.ocpla.org for copies of the OCPLA newsletter, for membership information and for current events of interest to members. Let us have your comments. We will be making changes and improvements as time passes, and your comments will be useful in knowing what to change and what to leave alone. Send comments to "webmaster@ocpla.org."

OCPLA POLICY

Although we are open to comments and suggestions, present policy concerning publication of advertisements in this newsletter is as follows: (1) "Positions Wanted," "Positions Available," and other similar ads will be printed free of charge and, unless otherwise requested, will run for two months; (2) Other ads such as word processing, legal support services, and firm announcements will be published for \$15 per issue or \$150 per year (for all 12 issues), payable in advance. We reserve the right to edit each advertisement. Please contact the Newsletter editor to place your ad or with your comments and suggestions.

MINUTIAE

BY NEAL M. COHEN
COHEN SAKAGUCHI & ENGLISH LLP
nmc@cohen-sak.com



Save \$\$ on Trademark Filings With "TEAS-Plus"

The basic trademark filing fee is \$325 per mark per class of goods / services. But the not-so-basic filing fee is \$275 per mark per class of goods / services. This is not a small-entity discount. Nope, this applies to the big boys as

well. That's right, recently the Trademark Office has instituted yet another incentive to encourage applicants to make the lives of the trademark examiners easier. Specifically, using TEAS, if the applicant is willing to voluntarily agree to certain rules (that will make the lives of the trademark examiners easier), then the fee is reduced to \$275. That will either save clients \$50 per mark per class, or for flat-fee arrangements it will earn trademark attorneys \$50 per mark per class. The new form is called a TEAS Plus application. Now, for marketing purposes, the PTO should call it a TEAS *Minus* application due to the reduced fees. But since this is a "Plus" for the trademark Examiners, it's a TEAS Plus form.

OK, so what are the rules? Well, right off of the PTO website, here they are. The applicant must agree to:

- file a "complete" application that satisfies all requirements set forth in [Rule 2.22\(a\)](#), not only the regular "[minimum requirements](#)" for obtaining a filing date. Almost all fields in this form are mandatory;
- select the listing of goods and/or services for this application directly from the USPTO's [Acceptable Identification of Goods and Services Manual](#). While certain listings will allow for "[customization](#)," total "free-text" entries for identifications CANNOT be made; **NOTE:** We strongly recommend that you confirm that your identifications appear in the Manual (using the provided link, *above*) **BEFORE** even entering the TEAS Plus form; otherwise, you may spend time completing some of the application, only to discover you were not eligible for a TEAS Plus filing once you reach the Goods/Services section of the form.
- attach all required image files, where applicable, in the .jpg format (for specimens, foreign registration certificates, consents, evidence) (except for sounds marks, for which a .wav or MP3 file can be submitted separately);
- pay the fees for ALL classes at the time of filing;

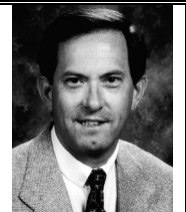
- file certain later communications regarding the application, such as a response to an Office action, through TEAS. See [Rule 2.23\(a\)\(1\)](#) for the listing of forms that must be filed through TEAS; and
- receive communications concerning the application by electronic mail (e-mail) during the pendency of the application.

NOTE: If you use the TEAS Plus version of the form, you must pay an additional fee of \$50 per class if, at any time during the examination of the application, the Office determines that (1) the application did not meet the filing requirements for a TEAS Plus application as of the filing date, as set forth in Rule 2.22(a); (2) the applicant files a paper form after the initial application, but a TEAS form existed for that purpose, e.g., a response to an Office action; and/or (3) the applicant refuses to receive correspondence from the Office by [electronic mail \(e-mail\)](#) during the pendency of the application.

Please e-mail any questions, comments, or submissions for future Minutiae columns, to Neal M. Cohen, at nmc@cohen-sak.com. (Note: all submissions must be approved by the Editor prior to publication).

RECENT INTERESTING IP CASES

BY LEONARD R. SVENSSON
BIRCH, STEWART, KOLASCH &
BIRCH, LLP
lrs@bskb.com



1. Expert Testimony Cannot Supplant Lack of Structure Corresponding to Means-Plus-Function Claim Element

Default Proof Credit Card Sys., Inc., v. Home Depot U.S.A., Inc., 412 F.3d 1291, 75 U.S.P.Q.2d (BNA) 1116 (Fed. Cir. June 16, 2005)

Issue: Can expert testimony supplant a patent specification's complete absence of disclosed structure corresponding to a means-plus-function claim element?

Answer: No.

Facts: Default Proof Credit Card System ("Default Proof") owns U.S. Patent No. 6,405,182 ("the '182 patent"), which is directed to a system for dispensing and validating

prepaid debit and credit cards. Default Proof filed suit against Home Depot, Starbucks, and other corporations, alleging that their "gift cards" infringed the claim 1 of the '182 patent. Home Depot filed a motion for summary judgment due to indefiniteness. Specifically, Home Depot alleged that the claimed "means for dispensing" is indefinite because the specification fails to disclose a structure clearly linked to the "dispensing" function, as required by 35 U.S.C. sec. 112, para. 6.

The court considered extrinsic evidence in the form of expert testimony, which identified various structures that could perform the "dispensing" function. The district court found that none of those structures "were mentioned anywhere in the '182 patent" and that "none of the ... available peripherals ... cited by the applicant during prosecution ... dispens[e] debit cards." The court then granted Home Depot's motion on grounds that the "means for dispensing" element found in claim 1 of the '182 patent, drafted in means-plus-function language, had no corresponding structure in the specification. Default Proof appealed.

Argument: Default Proof argued that the title of the '182 patent, "System for Dispensing Prepaid Debit Cards Through Point-of-Sale Terminals," clearly links the distributing function to a POS terminal. Default Proof continued its argument by pointing to Figure 2 of the specification, which shows the "dispenser" inside a dotted line labeled "POS terminal 54." It further argued that the district court erred in discounting the expert testimony.

Reasoning: Since the structure and language of the '182 patent point to the POS terminal and dispensing means as being separate components, the POS terminal "cannot provide structure corresponding to the 'means for dispensing.'" In regard to the expert testimony, the court explained that the expert's testimony could not compensate for the '182 patent's lack of disclosure of any structure capable of dispensing debit cards.

Conclusion: While the patentee did not need to disclose specific details of structures well known in the art, the "specification must nonetheless disclose some structure" to support an element written in means-plus-function format. Further, "the testimony of one of ordinary skill in the art cannot supplant the

total absence of structure from the specification." Consequently, this court affirmed the district court in finding claim 1 of the '182 patent invalid as indefinite.

The full text of this opinion is available from United States Court of Appeals for the Federal Circuit at: <http://www.fedcir.gov/opinions/05-1069.pdf>.

2. Dictionaries Less Important than "Intrinsic Record" when Construing Claims

Phillips v. AWH Corp., Nos. 03-1269, 03-1286 (Fed. Cir. July 12, 2005)

Issue: Should a dictionary, as opposed to the patent specification, be the primary tool utilized when construing claims?

Answer: No.

Facts: Phillips owns U.S. Patent No. 4,677,798 ("the '798 patent"), which describes modular, vandalism-resistant walls for use in prisons. Phillips entered into a licensing arrangement with AWH Corporation ("AWH") and others regarding the use of the '798 patent, and brought suit against AWH for patent infringement when the license arrangement concluded and AWH continued using the '798 patent technology.

The district court construed the '798 patent's claim language, concluding that the phrase "further means disposed inside the shell for increasing its load bearing capacity comprising internal steel baffles extending inwardly from the steel shell walls" is a "means-plus-function" claim element (i.e., subject to interpretation under 35 U.S.C. sec. 112, para. 6). Looking at the specification, the district court found that the disclosure only showed baffles at angles other than 90 degrees to the wall faces and concluded that the claims could not encompass baffles at right angles. Based on this claim construction, the court granted summary judgment of non-infringement to AWH. Phillips appealed.

A panel of the Federal Circuit affirmed the district court's decision, although on different grounds. While the panel held that the claim language did not invoke 35 U.S.C. sec. 112, para. 6, analysis, they nonetheless held that the '798 patent use of the term "baffles" does not cover baffles oriented at right angles to wall

faces. The panel's conclusion was based on the consistent reference in the specification to baffles positioned at non-90 degree angles to deflect projectiles and the lack of any disclosure of baffles positioned at right angles relative to the wall. Phillips requested rehearing, and the court agreed to vacate the panel's ruling and rehear the appeal *en banc*.

Reasoning: The court agreed with the panel that the term "baffles" is not a means-plus-function claim element requiring interpretation under 35 U.S.C. sec. 112, para. 6. The court next considered the proper methodology for determining the scope of the term "baffles."

Claim elements are given their "ordinary and customary meaning" from the perspective of a "person of ordinary skill in the art at the time of the invention." The person of ordinary skill is deemed to have read the claim in the context of the entire patent, including the specification. While the ordinary meaning may, in some cases, be readily apparent to even lay judges, many cases require examination of terms that have a particular meaning in a technological field. In these instances, courts need to look to other evidence in order to ascertain the meaning of specific claim language.

The Federal Circuit thoroughly examined the relative importance of intrinsic and extrinsic evidence during claim construction. The court first discussed the significance of claims themselves, including the context in which claim terms are used as well as other claims, which can be valuable because a patent typically uses claim terms consistently throughout the claims. Differences among claims "can also be ... useful."

Next, the court emphasized that the claims should be read in light of the specification, which it deemed the "single best guide to the meaning of a disputed term." The specification may even reveal a unique definition of a claim element that differs from the meaning it would otherwise have. The patent's prosecution history should also be analyzed. Since the patentee created the prosecution history, it explains how the inventor and the PTO understood the patent at the time of filing. A caveat noted by the court was that since the prosecution history is an "ongoing negotiation between the PTO and the applicant," it might

be contradictory or unclear and therefore less useful for a claim construction analysis.

The court concluded its consideration of claim construction methodology by discussing the relevance of extrinsic evidence. While courts have recognized dictionaries, treatises, and other outside publications as useful in claim construction, such sources are "less significant than the intrinsic record" because they do not have the benefit of being created at the time of patent prosecution. Also, extrinsic publications "may not be written by ... skilled artisans." Expert testimony can be useful, but it can suffer from bias since such testimony is produced for and at the time of litigation. The court expressed disagreement with the methodology of *Texas Digital Sys., Inc. v. Telegenix, Inc.*, 308 F.3d 1193, 64 U.S.P.Q.2d (BNA) 1812 (Fed. Cir. 2002) by noting that reliance upon extrinsic evidence (especially dictionaries) "risks transforming the meaning of the claim term to ... the abstract, out of its particular context, which is the specification."

While reinforcing the importance of looking at the entire patent, including the specification, when construing the meaning of claim elements, the court pointed out that the specification should be used to give meaning to claim elements; not to read limitations from the detailed description into the claims. Applying these principles to the facts of the case, the Federal Circuit concluded that the disclosed feature of "baffles" positioned at angles should not be read into the claims, and that the claims as patented are broad enough to encompass baffles oriented at 90 degree angles.

Conclusion: Finding that the claim term "baffles" includes structures extending from a wall face at any angle, the court reversed the district court and remanded the case.

The full text of this opinion is available from the United States Circuit Court of Appeals for the Federal Circuit at: <http://www.fedcir.gov/opinions/03-1269.pdf>.

**Supreme Court of Japan Confirms
Patentee's Right to Injunction
Notwithstanding Exclusive License Grant**

by John A. Tessensohn
jtessensohn@shupat.gr.jp

In a significant pro-patentee decision, the Supreme Court of Japan in *Sumisho Computer Systems Corporation v. A & Institute of Medicinal Molecular Design, Inc.*, Case No. H16 (uke) 997 dated June 17, 2005, ruled to allow a patentee's right to seek an injunction against an infringer even though the patentee had granted an exclusive license under the patent.

In the first instance hearing, the Tokyo District Court issued a decision, Case No. H13 (wa) 21278 dated Feb. 6, 2003, refusing the patentee's injunction request on the grounds that the patentee had granted an exclusive license of the patented invention. On appeal, the Tokyo High Court, Case No. H13 (ne) 1223 dated Feb. 27, 2004, overruled the District Court and held that the patentee could obtain an injunction against the accused infringer. The accused infringer subsequently appealed to the Supreme Court of Japan. The Supreme Court granted leave to hear the appeal from the Tokyo High Court, and in a succinct three paragraph judgment, it maintained the Tokyo High Court's position. The translation of the Supreme Court's self-explanatory reasoning is as follows.

A patentee has a right to require a person who is infringing that patentee's patent right to discontinue or refrain from such infringement (Patent Law, Section 100(1)). Further, it is stipulated that a patentee who grants an exclusive license will lose a right to commercially work the patented invention to the extent that the exclusive licensee exclusively possesses the right to work the patented invention (Patent Law, Section 68). Thus, in this case, it becomes a matter as to whether the patentee loses the right to demand an injunction based on the patent right.

From the wording of Patent Law, Section 100(1), there is no basis for finding that the right of a patentee who

has granted an exclusive license to demand an injunction is restricted.. Further, from a substantive point of view, where an exclusive license agreement stipulates that an amount of royalty is to be determined based on an amount of sales, there clearly exists a practical benefit for the patentee to remove an infringing act in order to ensure its royalty income, or, to avoid a decrease thereof. In addition, if an act of infringement of the patent right is left unchecked, there is a risk that the patentee will suffer detriment where the exclusive license is annulled for some reason, and the patentee itself tries to work the patented invention. Thus, it should be understood that it is necessary to recognize the patentee's right to demand an injunction.

In view of the above, it should be understood that even if an exclusive license of the patent right is established, the patentee does not lose the right to demand an injunction.

Analysis

The Supreme Court decision is important as it clarified the proper scope of two important patent law enforcement provisions (namely Section 100(1) and 68) relating to the patentee's enforcement rights after it had granted an exclusive license to a third party.

Section 100(1) of Japan's Patent Law states:

A patentee or exclusive licensee may require a person who is infringing or is likely to infringe the patent right or exclusive license to discontinue or refrain from such infringement.

Section 68 of Japan's Patent Law states:

A patentee shall have an exclusive right to commercially work the patented invention. However, where the patent right is the subject of an exclusive license, this provision shall not apply to the extent that the exclusive licensee exclusively possesses the right to work the patented invention.

Under Japanese Patent Law, a patentee is at liberty to grant a license to the invention on an exclusive or non-exclusive basis, and licensing

is statutorily provided for. If the patentee/licensor has licensed all its right to practice the invention to the licensee under a “*senyo-jisshi-ken*” (exclusive license), the exclusive licensee has unfettered freedom to conduct sole and exclusive business in Japan, free from interference or competition from the patentee.

Under Japanese patent law, such an exclusive licensee (assuming that it had registered said license at the Japanese Patent Office) is also statutorily entitled to enforce the patent independent of the patentee. As a result, it was opined by some that an exclusive licensee could not only exclude the patentee from working the patented invention in Japan but could also preclude the patentee from even *enforcing* it. The Supreme Court has disabused those from entertaining that assumption with its June 17, 2005 decision.

The inherent nature of any patent license relationship, in spite of all the laudatory businesspeak concerning the multifarious joys of licensing, is that the patentee's and exclusive licensee's interests are not always convergent and are even asymmetrical and there could be operational problems in executing patent litigation in a foreign unfamiliar jurisdiction like Japan. After the Supreme Court ruling, any patentee (foreign or Japanese) who has granted an exclusive license to a licensee that has turned out to be less than supportive of the patentee, will not be handicapped in any patent enforcement activity against third party infringers.

The Supreme Court's generous interpretation in favor of patentees' rights is a welcome affirmation that a patentee is not precluded from enforcing its patent right even if it had granted an exclusive license.

John A. Tessensohn is a Board Member, SHUSAKU YAMAMOTO, Osaka, Japan. Any questions about this article should e-mailed to John A. Tessensohn at jtessensohn@shupat.gr.jp

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Patent Practice	Tom Dao	(949) 476-0757 tom.dao@cph.com
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OCPLA Website	Marlene Klein	949-932-3132 marlene.klein@cda.canon.com
OCPLA Database	Greg S. Hollrigel	949-450-1750 gsh@patlawyers.com

OCPLA NEWSLETTER

Orange County Patent Law Association

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We hope that the Newsletter is helpful, informative, entertaining and interesting. Comments, ideas, announcements, proposed articles, suggestions and any other communications concerning the content, form or other aspect of this newsletter may be directed to:

OCPLA Newsletter Editor
Neal M. Cohen
 Cohen Sakaguchi & English LLP
 2040 Main Street, 9th Floor
 Irvine, CA 92614
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 Fax: (949) 625-8955
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INDIAN PATENT & TRADEMARK ATTORNEYS
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Andheri (East), Mumbai – 400 099, **INDIA**

Phones: +91-22-28380848, 28205425, 28324920

Telefax: +91-22-28380737, 28066294, 28389839

Email: cmjoshi@bom3.vsnl.net.in
chandrakantmjoshi@vsnl.net
chandrakantjoshi@vsnl.net

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Experienced Patent Legal Assistant**

Cohen Sakaguchi & English LLP (CS&E), located in Irvine, by John Wayne Airport is seeking an experienced patent legal assistant.

Ideal candidate has 5+ years experience as legal assistant for patent attorneys, knowledge of U.S. and foreign prosecution, federal court litigation, and is familiar with all aspects of PTO website, PAIR, docketing procedures, and Word. Knowledge of TimeMatters and of trademark prosecution is a plus. Duties include primary support for two partners, and part-time support for up to three other attorneys, all with permanent part-time assistance.

Send resume by mail only to:

COHEN SAKAGUCHI & ENGLISH LLP
ATTN: OCPLA AD XAFT0801.
2040 Main Street, 9th Floor
Irvine, CA 92614

Ad: xzft0801NS4

THE INTERNATIONAL PATENT SYSTEM: WIPO Comes to UCLA

UCLA School of Law, Los Angeles, California
Friday, September 16, 2005

[PROGRAM UPDATE AS OF JUNE 27, 2005]

8:45 WELCOME Dean Michael Schill, UCLA Law School
Jay Erstling, Director of the Office of the PCT, WIPO

9 – 10am **Topic 1: The Current State of the Global Patent System:
Accomplishments and Challenges/ Proposed Amendments to the
PCT—the Theoretical 2006-2007 PCT System**

Is it appropriate to have a single, international system for international patent filings? Is it wise to have a central, non-governmental body administering the system? How can it be improved? This panel of experts address issues and improvements that we might see in the future of the PCT.

Moderator: Mavis Gallenson, Ladas & Parry
Panel: Jay Erstling—Director of the Office of the PCT, WIPO
John Hornickel—Intellectual Property Counsel
PolyOne Corporation, Akron
*PCT skeptic/gadfly? – Possibly Chen Wang, Dupont
– Expect confirm June 20 (Jay/Rosemary).*

10 – 10:15 Morning Break

10:15 – 11:15 am **Topic 2: Patent Portfolio Management: Strategies,
Considerations and Best Practices**
Carefully planned strategies for international patenting are crucial for today's global business environment. This panel examines best practices for management of a patent portfolio, as it differs for large and small businesses, and for universities.

Moderator: Matt Bryan, Director, Legal Division of the Office
of the PCT, WIPO
Panel: David Reed, Director, International Patenting, Procter
and Gamble, Cincinnati
Lorelei de Larena, Intellectual Property Manager,
UCLA
John Hornickel, Intellectual Property Counsel, PolyOne
Corporation, Akron

11:15 -12:15 **Topic 3: Resolution of Global Patent Disputes**
Global patent strategies lead to global patent disputes. This panel of leaders from the business and university community, a former judge and the administrator of the WIPO Arbitration and Mediation Center, present their perspectives and experience on when and how to litigate or to seek alternative means of dispute resolution.

Moderator: JoAnna Esty, Liner Law

Panel: Christian Wichard — Deputy Director and Head of Legal Development Section, WIPO Arbitration and Mediation Center

Alice Sullivan—Chair of the Board, Scripps Research
Institute
Mr. Nagaoka, JPAA (Fujisuma, Tokyo)
Martin Simpson—University Counsel, Office of
Technology Transfer, University of California

12:15 – 1:15 Lunch Break

THE INTERNATIONAL PATENT SYSTEM: WIPO Comes to UCLA

1:15-2:30

Topic 4: Bridging the Gaps: North-South; North-North

Global interests are not always aligned. This panel of key representatives and scholars discusses issues in North-South and in North-North relations.

Moderator: Stefan Kirchanski, Liner Law

Panel: Professor Neil Netanel, UCLA Law School

Jorge Amigo Castaneda, Director General, Mexican
Institute of Intellectual PropertyBrian Darby, EPO, International Legal
AffairsCharles Pearson, USPTO Director, Office of PCT
Legal Administration

2:30 – 3:30

Topic 5: Looking East/Looking West

As the “Far East” looks to the West for technology transfer and management strategies, the “West” can learn from the “East” as well.

Moderator: Kenneth Polasko, Director UCLA Office of
Intellectual PropertyPanel: Alan Kasper—Partner, Sughrue Mion PLLC, Washington,
DCDavid Molnia, Dörries, Frank-Molnia & Pohlman,
Munich

Mr. Nagaoka, JPAA (Fujisuma, Tokyo)

Brian Darby, EPO, International Legal
Affairs

3:30 – 3:45

Afternoon Break

3:45 – 5pm

Topic 6: The PCT, Patent Law Harmonization, and the Future of International Patenting

Global patent law harmonization continues to be a major issue even as Congress moves forward with the 2005 patent reforms. This panel of current and former directors of the USPTO and WIPO discusses the pros and cons of global patent harmonization and how it is likely to proceed into the future.

Moderator: Georgann Grunebach, Assistant General
Counsel, DirectTV**Panel: Jay Erstling, Director, Office of the PCT, WIPO**

Jim Rogan, former Director USPTO

Charles Pearson, USPTO Director, Office of PCT
Legal Administration

5pm

CLOSING REMARKS

Jay Erstling -- Director of the Office of the PCT, WIPO
Professor Neil Netanel, UCLA School of Law

Orange County Patent Law Association

August Meeting

Date: Wednesday, August 24, 2005

Time: 12:00 Noon; Lunch will be served promptly at 12:15 p.m.

Location: Wyndham Garden Hotel
3350 Avenue of the Arts
Costa Mesa, California

Topic: Patent Reform

Speaker(s): **Bill Rooklidge** of Howrey LLP

Cost: \$30 for members, \$15 for students (proof of student status required), and \$35 for non-members

Reservations: Please make reservations by filling out the form below and mailing it with a check to T.J. Singh to reach his office address given below, by the Friday before the meeting. If time is short, please also email T.J. at tjsingh@koslaw.com or call in your reservation to the OCPLA Reservations Line number at (949) 955-1920.

The Orange County Patent Law Association certifies that this activity has been approved for minimum Continuing Legal Education credit by the State Bar Association of California in the amount of 1.0 hour. The Orange County Patent Law Association certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing Minimum Continuing Legal Education. The Orange County Patent Law Association is a State Bar of California MCLE-approved provider.

Reservation Form

Enclosed is a check for \$_____ payable to ORANGE COUNTY PATENT LAW ASSOCIATION for the OCPLA General Membership luncheon on Wednesday, August 24, 2005 for the following person(s):

This form and check should be mailed to:

T.J. Singh
Attention: OCPLA Lunch Reservations
Klein, O'neill & Singh, LLP
2 Park Plaza, Suite 510
Irvine, CA 92614
Tel: (949) 955-1920
Fax: (949) 955-1921
E-mail: tjsingh@koslaw.com

**Orange County Patent Law Association
presents . . .**

2005 LEGAL SPIN-BOWL

for the benefit of



through the generous support of McDermott Will & Emery LLP

THE 2005 LEGAL SPIN BOWL

The Orange County Patent Law Association presents a fund raising event to help SPIN and the people SPIN serves. The “Legal SPIN-Bowl” will take place on **Saturday, September 24 from 2 pm to 4 pm**. We are organizing bowling teams of 6 people (a maximum of 40 teams) to bowl for charity and raise money.

SPIN (which stands for **Serving People In Need**) is a non-profit organization in Orange County dedicated to assisting low-income and homeless people by providing financial assistance for housing costs and comprehensive life-skill support services.

The event will take place at Irvine Lanes, located at 415 Michelson Dr., Irvine, CA 92612; 949-786-9625.

TEAM CAPTAINS AND BOWLERS NEEDED!!

We are recruiting Team Captains to organize teams of 6 bowlers. The registration fee of **\$30** per bowler will cover the cost of 2 games, shoe rental and a souvenir t-shirt. **The registration deadline is August 19; please indicate if you are an OCPLA member.**

We are asking teams to collectively raise \$600. This money can be raised in a variety of ways including asking friends and family for donations or “pledges” based on the team’s bowling performance, company matching or other supporter contributions. Team captains will be responsible for collecting and turning in the donations one week before the event (**September 16**). **All donations and pledges are 100% tax deductible.**

Prizes will be awarded to the team and the individual bowler that raise the most money; ALL proceeds go to SPIN - Serving People in Need.

**For more information or if you have any questions, please contact
Matthew Weil at 949.757.7153 or Rania Sarkis at 949.757.6080**



Orange County Patent Law Association

WWW.OCPLA.ORG • P.O. Box 7632 Newport Beach, CA 92658

2005 OCPLA MEMBERSHIP APPLICATION/RENEWAL FORM

This is an application for (please circle one): **Membership Renewal or New Membership**

Member / Applicant Information:

Name: _____
 Firm/Employer: _____
 Address: _____
 E-mail Address (**required to receive newsletter**): _____
 Telephone No.: _____ Facsimile No.: _____

Professional Information:

	Yes	No	
Are you a member of the California bar?	___	___	Bar No. _____
Are you a member of the bar of another state or the District of Columbia?	___	___	Jurisdiction/Bar No. _____
Are you registered to practice before the U.S.P.T.O.?	___	___	Reg. No. _____
Are you a student?	___	___	School: _____

Please circle not more than TWO committees in which you would like to participate:

Annual Seminar	Law Office Management	Membership
Copyright Practice	Legislation	Patent Practice
Federal Courts	MCLE	Trademark Practice
International Practice	Meetings/Programs	Trade Secret/Unfair Competition

Dues Membership Year 2005 (please circle one):

Regular Membership (attorneys, agents):	\$35.00	\$17.50
Student Membership	\$17.50	\$ 8.75
Associate Membership (other)	\$35.00	\$17.50

(New Member After 07/01/05)

New Applicants please complete the following:

I believe I qualify for membership in the Orange County Patent Law Association.

Applicant's Signature: _____ Date: _____
 Printed Name: _____

Send Application to OCPLA P.O. Box 7632 Newport Beach, CA 92658

Two OCPLA member sponsors are required for new applicants. Two undersigned members hereby recommend the above-signed applicant for membership into the Orange County Patent Law Assn.

Sponsor Signature: _____ Date: _____
 Printed Name: _____
 Sponsor Signature: _____ Date: _____
 Printed Name: _____

2005 OCPLA EVENTS SCHEDULE

Date	Location	Speaker/Event	Topic
August 24, 2005	Wyndham Garden Hotel	Bill Rooklidge Howrey LLP	Patent Reform
September 28, 2005	Wyndham Garden Hotel	William Diaz McDermott, Will & Emery	What Every IP Lawyer Needs to Know to Keep His Client Out of Antitrust Trouble
October 26, 2005	Wyndham Garden Hotel	John King Knobbe Martens Olson & Bear LLP	Claims Drafting Workshop
November 23, 2005	Wyndham Garden Hotel	TBD	TBD
December 9, 2005	Ralph Brennan's Jazz Kitchen (Downtown Disney)	OCPLA Holiday Party	Fun



Orange County Patent Law Association
P.O. Box 7632
Newport Beach, CA 92658