



Patent Law and Practice, Seventh Edition

By Herbert F. Schwartz, Robert J. Goldman

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Patent Law and Practice was first published by the Federal Judicial Center in 1988 as a one-volume introduction to patent law for federal judges. Since that time, the judiciary has come to rely on this reference for up-to-date information on patent law as it has evolved in response to the courts, Congress, and changes in practice at the Patent and Trademark Office (PTO). Patent Law and Practice has been cited by courts more than 100 times since its initial publication, most notably in the Supreme Court decision, *Markman v. Westview Instruments*. Now, with the all-new Seventh Edition, the authors provide the latest analysis of the most recent case law and new legislation, including the Leahy-Smith America Invents Act, enacted into law on September 16, 2011. This law encompasses sweeping changes to the U.S. patent code, including a move to the first-inventor-to-file priority system and new options for testing the validity of an issued patent. The handbook also has been updated with discussion of the most important patent law decisions from the past three years, including: *Bilski v. Kappos* (2010, S. Ct.), in which the Supreme Court addressed the scope of patentable subject matter, paving the way for resolution of validity challenges in the fields of business method patents, computer software, and biotechnology inventions *i4i v. Microsoft* (2011, S. Ct.), in which the Supreme Court established the burden of proof for allegations of patent invalidity and explained how to address in litigation the problem of prior art that was not considered by the PTO during prosecution of the patent in suit *Therasense v. Becton Dickinson* (2011, Fed. Cir.), in which the Federal Circuit redefined the defense that a patent may be unenforceable because of inequitable conduct, overturning 30 years of decisional law *Uniloc v. Microsoft* (2011, Fed. Cir.) and a series of related decisions beginning with *Lucent v. Gateway* (2009, Fed. Cir.), in which the Federal Circuit began to establish new standards for asserting and proving reasonable royalty damages. The Seventh Edition covers these decisions, as well as the Federal Circuit's continued evolution of the law relating to claim construction, invalidity for anticipation and obviousness, the statutory disclosure and claiming requirements, indirect infringement, and the availability of injunctive relief for patent infringement. Practitioners will use the latest edition of Patent Law and Practice to: Cite cases and sources relied upon by the bench Direct the judge to a specific page in the guide for a key case or explanation Understand, and specifically address, procedural issues facing the court To simplify research in the large volume of Federal Circuit decisions and cut down on research time, the

treatise s footnotes have been revised and shortened to provide only the relevant leading cases and recent examples of how the Federal Circuit has applied the law.

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