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## Drafting Patents for Litigation and Licensing, with 2011 Cumulative Supplement



*A guide through the minefield of court decisions that have systematically eroded the scope and validity of patents.*

### Main Volume Information

**Drafting Patents for Litigation and Licensing** is the first book to help practitioners draft the broadest possible patent that can sustain a validity challenge by synthesizing and applying lessons from the case law. Nearly every day, the courts provide patent practitioners with practical guidance on how to best comply with the requirements of the patent statute. **Drafting Patents for Litigation and Licensing** provides an organized review of these lessons and guidance for applying them. This treatise not only benefits the patent practitioner, but it also aids and advances the patent system: better, stronger patent applications can result in higher-quality patents of value both to their owners and to the public.

**Drafting Patents for Litigation and Licensing** allows you to prepare the strongest patents possible. The book contains in-depth discussions on:

- Pitfalls in claim drafting
- Dangers of means-plus-function clauses in claims
- Strategies to target direct infringers
- Recent trends regarding the scope of enablement
- Instructions on how to “Festo-Proof” a patent application
- Pitfalls with provisional patent applications
- Strategies for continued prosecution of patents
- Statutory subject matter problems affecting software, business method, and biotechnology patents
- Creative claim drafting to avoid common problems in chemical and pharmaceutical patents
- Strategies for maximizing design patent protection

**Drafting Patents for Litigation and Licensing** focuses on real-life examples taken from court decisions, especially those from the U.S. Court of Appeals for the Federal Circuit, in which patents are interpreted, enforced, or licensed—too often to the detriment of the patent owner. Lessons gleaned from these decisions are broken out by principle and area of technology, providing detailed advice for drafting strong patents, avoiding problems, and maximizing leverage.

### Supplement Information

The **2011 Cumulative Supplement to Drafting Patents for Litigation and Licensing** provides updated guidance on drafting patents and offers analysis of the latest cases, including:

- *Bilski v. Kappos and its progeny*, that clarified the patentability of business method inventions
- *Board of Trustees of Leland Stanford Junior University v. Roche Molecular Systems*, in which the U.S. Supreme Court emphasized the need for properly drafted invention agreements
- *Cancer Research Technology Ltd. v. Barr Laboratories*, which required a showing of prejudice to establish prosecution latches
- *Ariad Pharmaceutical v. Eli Lilly*, in which the *en banc* Federal Circuit firmly established that the written description and the enablement requirements are distinct and separate
- *In re Deutsche Bank*, which clarified the scope of patent prosecution bars for those involved in litigation

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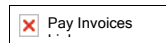
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