

PATENT INFRINGEMENT Doctrines of Equivalents & Purposive Construction in the US, UK and Germany

21 May 2004, H5-3204

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APPLICATION TO REGISTER

Title First Name
(Dr, Mr, Mrs, etc)

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YOU MAY REGISTER BY:-

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If you have NOT received confirmation seven days after registering, please call +44(0) 1483 570099 and ask for Registration Department.

REGISTRATION INFORMATION

Date 21 May 2004

Times Start: 09.30 Finish: 17.00

Registration & Coffee 09.00

Venue

The Rembrandt Hotel, 11 Thurloe Place, London SW7.

Directions

Opposite V&A Museum.

Nearest Underground station: South Kensington.

Map available on Website under Hotels and Venues.

Accommodation

A limited number of bedrooms have been reserved at The Rembrandt Hotel, 11 Thurloe Place, London SW7, at a special rate of £110.64 (standard single/double) inc. continental breakfast, £119.15 (superior single/double) inc. continental breakfast. All excl. VAT - subject to availability.

Hotel Tel: +44(0)20 7589 8100.

Hotel Fax: +44(0)20 7225 3363.

All bookings should be made directly with the hotel quoting Management Forum and your credit card number.

Fee

£490 + 17.5% VAT. The fee includes course documentation as well as mid-session refreshments and lunch. Invoice and joining instructions will be forwarded to you.

Conference No. H5-3204

Discounted Rate

Available on application for personnel from non-profit making organisations and registered charities.

Cancellation Policy:

Over 14 days prior to the Seminar: Cancellation fee of £75. 7/14 days prior to the Seminar: 50% of the fee.

Fewer than 7 days or if no notification received:

Registrant liable to pay FULL seminar fee.

NB: Cancellations must be received in writing to Lesley Vincent.

In the event of circumstances beyond its control, Management Forum reserves the right to alter the programme, the speakers, the date or the venue.

The information you provide will be held on our database and will not be used for third party mailings.
If you wish your name to be deleted from our database please contact Vicki Elliott at Management Forum. Email: vicki@management-forum.co.uk

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Repeat of this successful course

PATENT INFRINGEMENT:

Doctrines of Equivalents & Purposive Construction in the US, UK and Germany

Issues to be addressed at this meeting will include:

- Principles of claim construction in the context of the specification and the art
- Effect of variants on the way the invention works
- Use of expert evidence
- Claim interpretation in the US by the Examiner, Judge & Jury
- Prosecution history estoppel in the US after *Festo*
- Compliance with EPC Art. 69 and Protocol
- Recommendations for obtaining and enforcing broad patent rights

With:

Bradley Hulbert McDonnell Boehnen Hulbert & Berghoff, Chicago

Ulrich Blumenröder Grünecker, Kinkeldey, Stockmair & Schwanhäusser, München

Christopher Wadlow Simmons & Simmons, London

21 May 2004
The Rembrandt Hotel, London



OBJECTIVE

This seminar will provide a comprehensive overview of patent claim interpretation principles in the US and Europe, with extensive consideration of the non-literal infringement. In particular, speakers from the US, UK and Germany will compare and contrast varying approaches for determining when a patent claim that does not literally describe an accused system is nonetheless infringed. Recommendations will be provided for the preparation and prosecution of patent applications, as well as the litigation of issued patents. The seminar will include ongoing opportunities for participants to ask questions and discuss individual concerns.

WHO SHOULD ATTEND

Patent professional and other executives whose responsibilities include the need to understand the scope of patent coverage.

ATTENDANCE LIMITED TO 30

This limitation, a unique feature of all MANAGEMENT FORUM SEMINARS will give participants the opportunity for a thorough discussion of the complex issues to be covered by the programme.

DOCUMENTATION

Delegates will receive a course material folder containing comprehensive documentation provided by the speakers, which will be a valuable source of reference for the future.

**Law Society Accreditation –
5½ hours**

**A Certificate of Attendance for
Professional Development will be
given to each participant who
completes the course.**

SPEAKERS

Bradley Hulbert is a partner in McDonnell Boehnen Hulbert & Berghoff, a 60-lawyer patent law firm in Chicago. He has overseen the development of dozens of extensive patent portfolios and served as lead counsel in a wide range of successful patent lawsuits. In addition, he has written numerous articles and lectured extensively regarding US intellectual property law. Mr. Hulbert is also an adjunct professor of law and Director, Academic and Professional Program Development, at the Chicago-Kent Law School.

Ulrich Blumenröder is a partner in Grünecker, Kinkeldey, Stockmair & Schwanhäusser, which is one of the few German firms being experienced in both prosecution and enforcement of patents. Mr. Blumenröder is active in all kinds of IP matters and especially patent litigation. He has written articles and is author of *German Regulations on Industrial Products* (1997).

Christopher Wadlow joined the London law firm of Simmons & Simmons in 1979. He has extensive experience in contentious and non-contentious IP matters, and his main practice is now in substantial patent litigation. Recent cases include *Lenzig's European Patent [1997]* in which he acted for the Courtaulds group, and *Union Carbide v BP Chemicals [1999]* in which he acted for the successful plaintiffs. He is the author of *The Law of Passing-Off* (2nd ed. 1995) and *Enforcement of Intellectual Property in European and International Law* (1998), both published by Sweet & Maxwell.

FORTHCOMING EVENTS

For a full list of forthcoming conferences and seminars please visit our website at: www.management-forum.co.uk. You may make a registration and request a brochure on-line.

PROGRAMME

I PATENT CLAIM CONSTRUCTION GENERALLY

- A In the US**
- Division of issues for the jury & judge
 - *Pennwalt* rule of claim construction
 - Intrinsic v. extrinsic evidence
 - Interpretation of 'means for' claims
- B In the UK**
- Purposive construction, as defined in *Catnic* and *Improver*
 - Interpreting the claim in the context of the specification and the art
 - The literal or primary meaning of the claim or integer
- C In Germany**
- Claim construction principles, claims supported by patent specification
 - 'Purposive construction' utilized under German law
 - No prosecution history estoppel
 - Scope of ranges of claims

II DOCTRINES OF EQUIVALENTS & PURPOSIVE CONSTRUCTION

- A In the US**
- *Warner-Jenkinson* inquiry of 'insubstantial differences'
 - Sub-tests for determining equivalents
 - Prosecution history estoppel after *Festo*
 - Reverse Doctrine of Equivalents
- B In the UK**
- Identification of the variant
 - Effect of the variant on the way the invention works
 - Obviousness of the variant
 - Exclusion of variants from scope of claim
 - Material considered
 - Expert evidence
 - Compliance with EPC Art. 69 and Protocol
- C In Germany**
- The 'Formstein' estoppel
 - Infringement by patented equivalent
 - Worse variants
 - Expert evidence

III COMPARATIVE EXAMPLES OF CLAIM INTERPRETATION

IV RECOMMENDATIONS FOR OBTAINING AND ENFORCING BROAD PATENT RIGHTS

- A In the US**
- Planning for the Jury, Judge and CAFC during prosecution
 - Prefiling Investigation
 - Motion and discovery practice
 - Claim interpretation procedures
- B In the UK**
- UK Patent Office or EPO?
 - High Court or County Court?
 - The choice of expert
 - The importance of being right first time
- C In Germany**
- Assessment of Available Evidence
 - Selection of appropriate Procedure
 - Selection of Court
 - Motion practice