Patent Law After *KSR v. Teleflex*:
Are Your Patents Still Valid?

Date: Wednesday, May 30, 2007
Duration: 90 Minutes

Event code: CET7PLA
Source Code: TCE7IPLA1

Sponsored By: The American Bar Association Section of Litigation, Section of Intellectual Property Law and the ABA Center for Continuing Legal Education

Program Tuition

- $85 Section of Litigation and Section of Intellectual Property Law Members
- $125 ABA members
- $150 All other registrants
- $60 Additional registrants using the same phone line

If you are not a section member, join the Section of Litigation or the Section of Intellectual Property Law and save money on this program, as well as a full range of products and services.

Not an ABA Member?
Join the ABA to receive discounted tuition on this program and future ABA-CLE programs.

All participants must register for the program

View our cancellation policy.

Purchase the Recording

Order through the ABA Web Store or call 800.285.2221, and select option

Program Description

On April 30, the Supreme Court issued a unanimous decision in *KSR International Co. v. Teleflex, Inc.* that criticized and modified the obviousness standard that has been used in patent cases for decades. Many observers believe the *KSR* decision may dramatically change patent law and make it more difficult to obtain new patents, and protect existing patents. The Court's opinion has especially significant implications for technology and software companies, as well as for business method patents.

The Supreme Court was faced with a question of practical importance to patent lawyers and litigators, inventors, and industry: What is the proper standard to determine whether a patent is “non-obvious?” Petitioner, supported by the amicus United States, argued that the Federal Circuit’s “teaching-suggestions-motivation” test abandons precedent. Respondent, supported by several professional organizations (including the American Bar Association, the American Intellectual Property Law Association, and the Federal Circuit Bar Association), urged affirmance of the Federal Circuit’s standard. It
held that a claimed invention cannot be held "obvious," and thus unpatentable under 35 U.S.C. Sect. 103(a), in the absence of some proven, "teaching, suggestion or motivation that would have led a person of ordinary skill in the art to combine the relevant prior art teachings in the manner claimed."

On May 30, James W. Dabney and Thomas C. Goldstein, who argued the case in the Supreme Court, join professor Margo Bagley, Joseph P. Esposito, Joseph M. Potenza, and Professor Katherine J. Strandburg to discuss the practical implications of this decision.

**Program Faculty**

**Joseph P. Esposito, Program Chair and Moderator,** *Akin Gump Strauss Hauer & Feld, LLP*, Washington, DC

**Professor Margo A. Bagley,** *University of Virginia School of Law*, Charlottesville, VA

**James W. Dabney,** *Fried, Frank, Harris, Shriver & Jacobson LLP*, New York, NY

**Thomas C. Goldstein,** *Akin Gump Strauss Hauer & Feld, LLP*, Washington, DC

**Joseph M. Potenza,** *Banner & Witcoff, Ltd.*, Washington, DC

**Professor Katherine J. Strandburg,** *DePaul University College of Law*, Chicago, IL

**CLE Credit***

1.5 hours of CLE credit in 60-minute states/1.8 hours of CLE credit in 50-minute states have been requested in states accrediting ABA teleconferences and live audio webcasts.*

**NY-licensed attorneys:** This non-transitional CLE program has been approved for experienced NY-licensed attorneys in accordance with the requirements of the New York State CLE Board for **1.5** total NY CLE credits.

*States currently not accrediting ABA Teleconferences: DE, IN, PA, KS, OH

Click here to view a map of MCLE States

This page was printed from: http://www.abanet.org/cle/programs/t07pla1.html

© 2007. American Bar Association. All Rights Reserved. ABA Privacy Statement