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Teleconference and Live Audio Webcast

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

Event code: CET7PLA
Source Code: TCE7IPLA1

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

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

1:00 PM-2:30 PM Eastern	12:00 PM-1:30 PM Central	11:00 AM-12:30 PM Mountain	10:00 AM- 11:30 AM Pacific

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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

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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.

#2. Refer to product code CET07PLAC. Available two weeks after the program.

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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

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