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# Protective Intellectual Property Services, LLC

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**MAXIMIZING THE VALUE OF YOUR INTELLECTUAL PROPERTY (IP) THROUGH  
 STRATEGIC IP MANAGEMENT AND COMMERCIALIZATION<sup>SM</sup>**

**TRANSLATING TECHNOLOGY INTO THE LANGUAGE OF BUSINESS<sup>SM</sup>**

November 2007

Clients and Friends,

There have been a number of articles in recent issues of this newsletter about the USPTO's regulations restricting the number of claims and continuations for a patent application. If implemented these rules will make it more expensive to file complicated patent applications and will put much of the burden on the applicant. These regulations were to have taken effect on November 1. A large number of groups have complained to the patent office about the negative affect that these rules will have. GlaxoSmithKline, a UK based pharmaceutical company (GSK), filed a suit against the patent office to prohibit implementation of these rules. The United States District Court for the Eastern District of Virginia issued an injunction in favor of GSK which will prevent implementation of these rules, at least for now.

The USPTO has issued guidelines to their examiners for rejecting patent applications for obviousness. This guidance is in response to the Supreme Court's KSR v. Teleflex decision and says that the examiners are no longer required to use the previously required teaching, suggestion, motivation (TSM) test. This may make it easier for the examiners to reject applications based on the obviousness rejection.

Numerous groups have come out against the Patent Reform Act of 2007 which passed the House of Representatives in September. Original thoughts were that the legislation would very quickly be considered by the Senate. This has not happened and because of the large amount of negative responses, including President Bush's threat to veto the legislation if certain provisions were in the bill that reached his desk, the bill is not expected to be considered by the Senate until next year. If you haven't made your views known to your U.S. senators, read up on the issues as they were reported in the September and October issues of this newsletter and tell your senators how you feel.

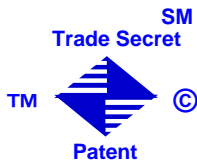
PIPS helps companies protect their current and future products and services by identifying their IP; providing strategic IP services, non-legal IP protection assistance; providing part-time IP management services; and in-licensing of technologies the company needs but doesn't have and out-licensing of technologies the company has but doesn't need. PIPS also translates technology into the language of strategic partners, financial sources, legal advisors and other non-technical business people that need to understand the company.

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Disclaimer: PIPS is not responsible for the content of the articles in this newsletter, nor for the results of any decisions based on them.

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We appreciate your feedback at [suggestions@protectiveIPservices.com](mailto:suggestions@protectiveIPservices.com).

## USPTO

### USPTO Will Begin Study of Patent Examiners' Production Goals

ag-IP-news Agency - Amman, Jordan

WASHINGTON, DC - The Commerce Department's United States Patent and Trademark Office (USPTO) announced in a press release that, as part of its quality ...

### Dilbert is alive and well and managing the Patent office

San Jose Mercury News - CA, USA

capacity to support additional staff and not on the existing backlog or the expected patent application workload." intellectual property claims ... the meat ...

### US Patent Office Hopes 5-Year Plan Will Fix Application Backlog

InformationWeek - Manhasset, NY, USA

By KC Jones The US Patent and Trademark Office is not hiring fast enough to reduce its backlog of applications, according to a report released this week. ...

### Amazon's 1-Click patent picked apart by US Patent Office

By top DIGG news

The US Patent Office has dealt a blow to Amazon over its controversial "1-Click" shopping cart patent. The patent, which Amazon filed for in 1997, was used in Amazon's case against Barnes & Noble in 1999, wherein Amazon accused the ...

## CLAIMS AND CONTINUATIONS REGULATION

### Notices regarding claims and continuations rules [www.uspto.gov](http://www.uspto.gov)

On October 31, 2007, the United States District Court for the Eastern District Court of Virginia issued a Preliminary Injunction enjoining the USPTO from implementing the changes in the Claims and Continuations Final Rule.

### GlaxoSmithKline Sues Over New Patent Rules

Wall Street Journal - USA

By NATHAN KOPPEL GlaxoSmithKline PLC is squaring off against the US Patent and Trademark Office. In a lawsuit filed Wednesday, the UK-based pharmaceutical ...

### Glaxo's suit against USPTO

GlaxoSmithKline October 10, 2007

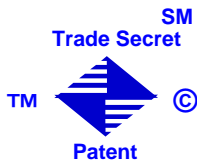
Glaxo's Complaint as filed with the USPTO is available here.

### USPTO's KSR Guidelines as published in the Federal Register [www.USPTO.gov](http://www.USPTO.gov)

The USPTO is certain that these rules will make the patent process more effective and efficient and we appreciate your cooperation. To ensure a smooth transition on November 1st, USPTO is clarifying certain provisions of the rules and making some procedural adjustments.

### Patent attorneys in US decry changes to rules

Daily Record (subscription) - Baltimore, MD, USA



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A move aimed at creating a more efficient process at the United States Patent and Trademark Office is generating deep criticism from attorneys and their ...

## OBVIOUSNESS – KSR VS. TELEFLEX

[The United States Patent and Trademark Office \(USPTO\) is publishing examination guidelines for determining obviousness under 35 U.S.C. 103 in view of the Supreme Court decision in \*KSR International Co. v. Teleflex Inc.\*](#)

[www.USPTO.gov](http://www.USPTO.gov)

These guidelines will assist USPTO personnel to make a proper determination of obviousness under 35 U.S.C. 103 and to provide an appropriate supporting rationale.

[US Patent Office Issues Rejection Guidelines Based On Court Ruling](#)

InformationWeek - Manhasset, NY, USA

By KC Jones The US Patent and Trademark Office issued new examination guidelines to ensure compliance with a recent US Supreme Court decision. ...

## USPTO Rejects Amazon's One-Click Patent

Slashdot - USA

igdmIgd writes "A while ago I filed a reexamination request for the Amazon.com one-click patent and recently checked out the USPTO online file wrapper -it ...

[The battle over counterfeit goods](#)

EDN.com - Newton, MA, USA

A leading intellectual property official at the US Patent and Trademark Office talks candidly about just how bad the problem is, who's responsible, ...

[Patent Examiners Ready For Change After GAO Report](#)

InformationWeek - Manhasset, NY, USA

By KC Jones As more and more IT companies file patent applications, a group representing patent examiners is praising a recent government report on the US ...

[Patent Fight](#)

Washington Post - United States

NOTHING Congress deals with is more eye-glazing than patent law, a hypertechnical thicket of such concepts as "prior art" and "non-infringing alternatives. ...

[Valuing intellectual property](#)

Science Business - London, England, UK

"Higher quality applications result in a more effective examination," Jon Dudas, Under Secretary of Commerce for Intellectual Property and director of the ...

## COURTS

[Court Puts Further Limits on Software Patents](#)

Slashdot - USA

In April, the Supreme Court handed down a patent decision making it easier for trial-court judges to call an invention "obvious" and therefore ineligible ...

[Lawyers, Qualcomm May Be Sanctioned](#)

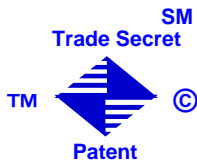
The Associated Press -

US Magistrate Judge Barbara Major is considering sanctions against 19 attorneys who represented Qualcomm in a patent lawsuit the company filed against rival ...

[Judge May Overturn Qualcomm Ruling](#)

The Associated Press -

In August, the US Court of Appeals for the Federal Circuit — the national patent appeals court — raised the standard for proving willful infringement, ...



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## Judge May Grant Qualcomm New Trial In Patent Dispute

NBC Sandiego.com - San Diego,CA,USA

A federal judge said he is considering whether to overturn a \$39.3 million award to chipmaker Broadcom and grant a new trial in one of the company's patent ...

## DOMESTIC

### Copyright consolidation begins anew

Hollywood Reporter - United States

Aides to the Judiciary Committee said their boss, other lawmakers and the intellectual-property community were concerned about the splintered effort. ...

### Intellectual Property Piracy Costing America Jobs, Billions in ...

Associated Content - Denver,CO,USA

Copying software illegally is no different than the illegal reproduction of any other form of intellectual property. Yet, it happens all the time, ...

### Dauman's bill of copyrights

Hollywood Reporter - United States

"Ironic, given Google's own reliance on its software intellectual property. Go figure. In any event, ours promises to be a landmark case that will help ...

### Industry, Government Leaders Highlight Costs Of IP Theft

CNNMoney.com - USA

"Those who are stealing our intellectual property aren't going to lie down," said Donohue, saying that the government has to fight theft. ...

### IBM Aims to Patent Profiting Off Patents

The Associated Press -

BOSTON (AP) — IBM Corp. says it has dreamed up a new method for profiting from its vast storehouse of patents. And by the way, the company wants to patent ...

## Intel: Patent Reform Still Needed

PC World - USA

It's time for Congress to fix problems with the patent system, Intel's general counsel says. The US technology industry has faced dozens of lawsuits by ...

## Techies oppose US patent reform bill

Register - London,England,UK

Last month, after a heavy lobby from the likes of Apple, Google, Intel, and Microsoft, the US Patent Reform Act was passed by the House of Representatives ...

## Patent Reform Debate Heats Up

PC World - USA

Companies on both sides of a patent overhaul debate in the US Congress are stepping up the pressure on lawmakers, as some observers expect a vote soon in ...

## Battle lines drawn on US patents

Australian IT - Australia

CISCO Systems, Hewlett-Packard and SAP are lobbying the US Senate to pass the most sweeping changes to US patent law in more than half a century, ...

## Innovators take patent bill battle to Senate:

Tech news from CNET News.com - <http://www.news.com/>

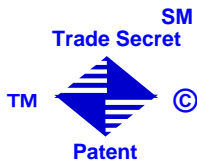
Tech lawyers and lobbyists agree that patent system needs an overhaul, but they disagree on how to preserve US innovation.

## INTERNATIONAL

### Wipo General Assembly Ends In Disarray, Amidst Divisions Over ...

International Centre for Trade and Sustainable Development - UK

The World Intellectual Property Organization's annual General Assembly ended in disarray on 4 October, with



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member governments unable to agree on a new ...

## Patent Translations

Institute of Translation & Interpreti... - <http://www.iti.org.uk/>  
ITI Office 11th October 2007 The French Senate late on 9th October 2007 ratified a European patent agreement that simplifies (said the European Patent Office) the translation requirements for all patent applicants in the EU. ...

## Canada, EU Acting On Public Health Exceptions To WTO IP Law

By David Cronin for Intellectual Property Watch Canada has become the first country to notify the World Trade Organisation that it has allowed a drugs firm to use an international scheme for manufacturing generic versions of patented ...

## Startup launches intellectual property site

EETimes.com - USA

VANCOUVER, BC — A tiny startup will launch tomorrow (Oct. 16) a Web site it wants to build into a central repository for intellectual property and an online ...

## Microsoft and Google muscle into mapping

VNUNet.com - UK

Microsoft and Google are set to battle it out in the race to buy map intellectual property, analysts predicted today. ISuppli said that the combined ...

## Citizens Against Gov't Waste Publishes Issue Paper on IP Rights

By Two-Seventy-One Patent Blog

Citizens Against Government Waste (CAGW) recently released a paper, titled "Property Rights in the 21st Century," which examines the importance of protecting personal and intellectual property rights in the US and around the world: As ...

## China to launch national strategy on IPR soon

China Knowledge Online - Singapore

Oct. 19 2007 (China Knowledge) –Tian Lipu, commissioner of the State Intellectual Property Office (SIPO), said on Thursday that China will officially begin ...

## Change to trademark law requires firms to be more vigilant

The Herald - Glasgow,Scotland,UK

At the beginning of this month, major changes to UK trademark law kicked in, radically rewriting the criteria that the UK Intellectual Property Office now ...

## European Commission asks for new IP protection layer

Register - London,England,UK

COM → More by this author The European Commission wants to create a new layer of intellectual property protections because it says existing structures such ...

## OTHER

While the following article refers to Ethiopia, the message is true throughout the world.

## Protection of intellectual property rights could attract investors`

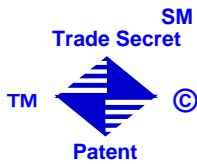
IPP Media - Guardian - Dar es Salaam,United Republic of Tanzania

By Guardian Reporter On Wednesday, October 10, 2007 Chief Justice Augustino Ramadhani opened a conference on intellectual property rights and ...

## Intellectual Property as Property

By Henry E. Smith

Intellectual property is property. This may seem trivial to some and tendentious to others. Why? In my recent Article I argue that the conflict between two polar views arises in part from overlooking the nature of property rights. ...



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## [Protecting Your Intellectual Property with Patent Alternatives](#)

IndustryWeek - USA

This critical question faces managers of innovation and intellectual property throughout the global economy, which is increasingly embroiled in a hotly ...

## [Introduction to Digital Rights Management.](#)

By maren(maren)

You will find significantly more detail on intellectual property rights (IPR) on the web site <http://www.wipo.int/>. The site provides a comprehensive information resource about the work of the World Intellectual Property Organization ...

## [DuPont Lawyers Make Asbestos, Patents Money-Makers \(Update1\)](#)

Bloomberg - USA

Sager said ``most" of DuPont's intellectual property cases are geared toward recovering money rather than defending its own patents. ...

## [Intellectual Property Is It A Ticking Time Bomb In Your Files](#)

You could be getting set up right now for a legal time bomb. It might be sitting in your files or incorporated in to your designs right now. Acceptance of data/drawings from outside companies that are labeled as Proprietary must be ...

## [A Life in Invention](#)

BusinessWeek - USA

United States patent No. 7227779—  
"Method of Selective Edge Softening and Rendering for the Suppression of Halo"—  
wasn't just another line on Robert Loce's CV  
...

## [Protecting Your Precious \(Intellectual\) Property](#)

Redmond Channel Partner - Irvine,CA,USA

Gerald Branim and iNet Strategy's

experiences with intellectual property (IP) strategies could be likened to a long, frustrating game of Battleship. ...

## [101 Intellectual Property](#)

Worcester Business Journal - Worcester,MA,USA

By Jean D. Sifleet Intellectual property (IP) is the core of competitive advantage. Protecting IP requires both taking advantage of legal protections and ...

## [Ocean Tomo Auctions Releases Results of Fall 2007 Live ...](#)

Business Wire (press release) - San Francisco,CA,USA

Ocean Tomo Auctions has received global recognition as the leader in the live auctioning of intellectual property assets for some of the world's largest and ...

## [In Search Of Lost Assets: Using Computer Forensics In Intellectual ...](#)

The Metropolitan Coporate Counsel - Mountainside,NJ,USA

Theft of intellectual property results in American corporations losing more than \$250 billion annually. 1 The perpetrators of such crimes range from hackers ...

## ["Space 2.0" Gets Organized as Intellectual Property Law Firm Signs ...](#)

Business Wire (press release) - San Francisco,CA,USA

These new companies will require the legal support and intellectual property protection of specialists like Townsend." The San Francisco-based law firm will ...