

AIPLA

American Intellectual Property Law Association

Comparison of Federal Court, ITC, and USPTO Proceedings in IP Disputes

TOM ENGELLENER

Pepper Hamilton, LLP

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Comparing Court , ITC and USPTO Proceedings

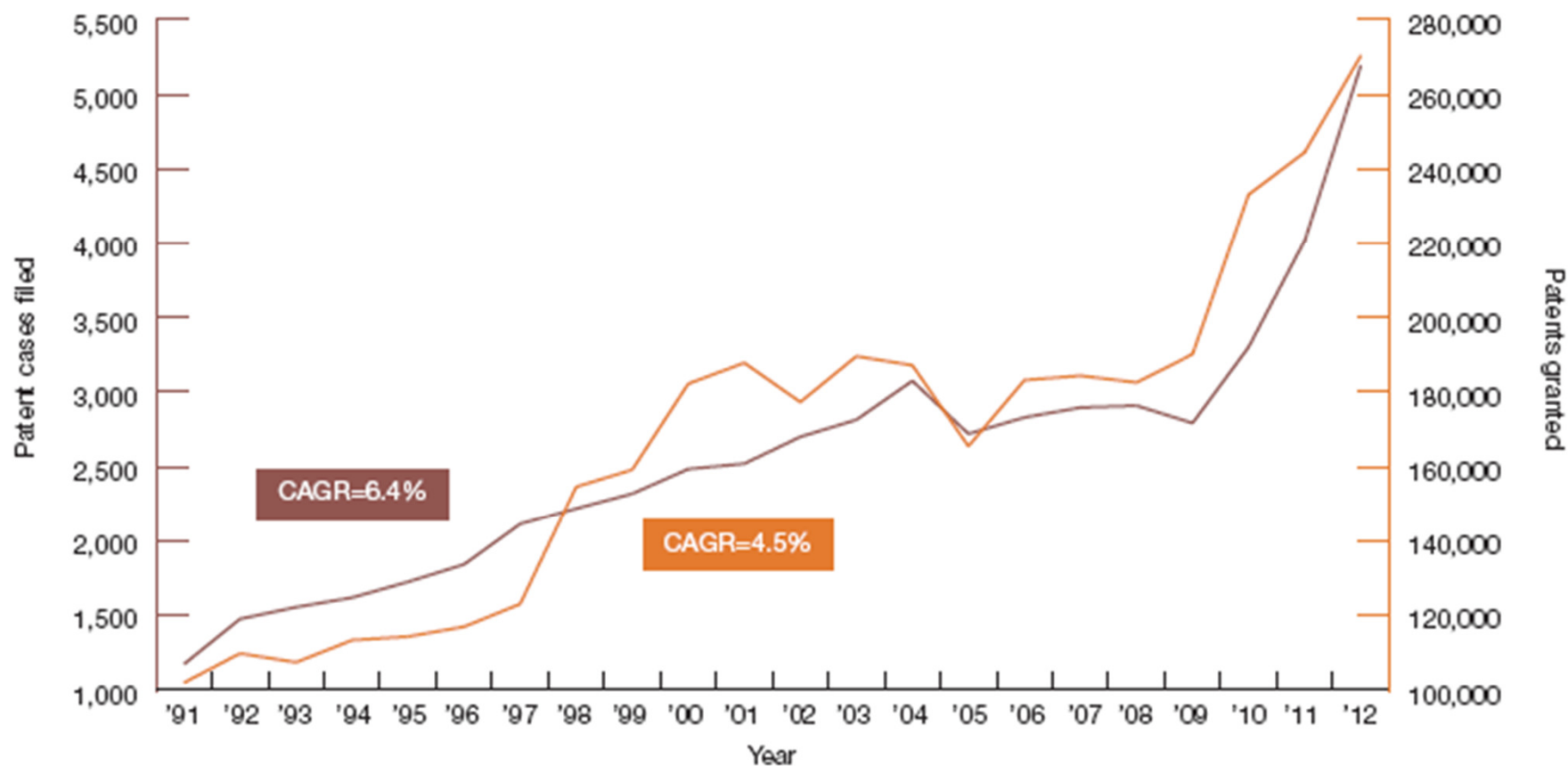
- Federal District Court proceedings
- International Trade Commission (ITC) proceedings
- New mechanisms for challenging patents under the AIA
- Key features of Inter Partes Review (IPR) proceedings
- Some Statistics for the first year of IPR availability
- Stays of Federal Court and ITC Cases
- Comparisons and Conclusions

Patent Infringement And Invalidity Trials In the Federal Courts

Patent Litigation in the Federal Courts

- 35 U.S.C. 271 provides:
 - whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent.
- 35 U.S.C. 281:
 - A patentee shall have remedy by civil action for infringement of his patent.
- 35 U.S. C. 282:
 - (a) A patent shall be presumed valid. . .
 - (b) The following shall be defenses :
 - (1) noninfringement,
 - (2) invalidity of the patent or any claim in suit

Rise of Patent Suits in the Federal Courts



Source: PWC 2013 Patent Litigation Survey

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