Lisa Jorgenson has been AIPLA’s Executive Director for almost two years. She started in the role in November 2014, having previously been Group Vice President of Intellectual Property and Licensing at STMicroelectronics. Jorgenson quickly realized that the work of the Association has increased since her time on the Board from 2005-2008. “A lot more activity goes on at headquarters that I ever imagined,” she says. “As one person put it, it is like drinking from a fire hose on a constant basis.”

AIPLA’s diversity of membership and diversity of issues has grown tremendously. AIPLA has taken a bigger role in international issues, such as patent harmonization, global dossier, the Industry Trihalteral and the Industry IPS. This year alone, the Association has submitted comment letters to seven different countries or patent offices. It has also grown its regional IP Practice Committees, which now includes Latin America. AIPLA’s IP Practice Committee delegations traveled to six different overseas regions this year.

With so much going on domestically and globally, AIPLA is challenged with prioritizing the issues on which to focus its resources. “It is an ongoing balancing act to find the right mix between being reactive to what comes up and being proactive to find a way to get ahead of what we believe will be the critical issues, whether here in the US or abroad. We have to choose the ones we believe we are ahead of the game. We have not had all the solutions about a year and a half,” says Jorgenson. “We’ve had a task force working in the patent subject matter eligibility area for more than a century. Samsung appealed the Federal Circuit’s ruling that it should pay $399 million in profits from its Galaxy phones to Apple. The judgment of infringement is no longer in question. Instead each party, as well as the Office of the Solicitor General, proposed their respective approaches to two questions about design patents remedies: what test or standard should be used to identify the “article of manufacture” in question, and how should the value of that article be determined.

Sarah Burstein a professor of law at the University of Oklahoma who teaches copyright and courses on design patents and who attended the oral arguments, says that Apple “changed its tune” between the time that the writ of certiorari was granted and briefing was completed. Instead of defending the position that the Federal Circuit had correctly defined the article of manufacture as Apple had done before, the iPhone-maker agreed with Samsung and the government that an article of manufacture is not necessarily the entire product.

Design patents put to the test

The recent oral arguments in Samsung v Apple marked the first design patent case at the Supreme Court in more than a century. Samsung appealed the Federal Circuit’s ruling that it should pay $399 million in profits from its Galaxy phones to Apple. The judgment of infringement is no longer in question. Instead each party, as well as the Office of the Solicitor General, proposed their respective approaches to two questions about design patents remedies: what test or standard should be used to identify the “article of manufacture” in question, and how should the value of that article be determined.

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Samsung and Apple stepped arguing over whether or not the statute definitively means that the whole product is the “article of manufacture.” “The fight became how do we effectuate that?” says Burstein.

Samsung’s lawyer, Kathleen Sullivan of Quinn Emanuel Urquhart & Sullivan, argued for a two-step test: “First, determine what is the article of manufacture. Then, second step, determine the quantum of damages, quantum of profits from that article.” Brian Fletcher, assistant to the Solicitor General, suggested a four-step test to determine the article of manufacture and its value. He suggested consumer research and expert witnesses be used to help to determine the value of the article of manufacture as opposed to the whole product, citing methods used in other areas of law such as cases dealing with utility patents. He also, like Sullivan, suggested evaluation of factors such as component production costs versus percentages of revenue; “a bottom up calculation,” he said.

The Justices – particularly Justice Kennedy – cautioned that a test would need to be practically applicable, in terms of cost, time, and accuracy. “It was difficult to discern whether the Supreme Court had made up its mind about what they thought the test should be or if it was giving real consideration to the proposals made,” says Richard Stockton, a patent attorney at Banner & Witcoff. What is clear to him, however, is that “Samsung controlled the narrative. Samsung had the Department of Justice’s wind in its sails, and it used that to its full advantage.”
Division over disparaging marks

The trademark world has been closely following Lee v Tam, the dispute over the constitutionality of the USPTO’s provision barring the registration of disparaging marks. The case was granted cert by the Supreme Court in September. Betty Anne Morgan, of counsel at Paz Horowitz, and Bill Barber, a partner at Pirkey Barber, will discuss the case in a session today.

The Tam case concerns the name of the band: The Slants, Simon ‘Tam’, the bassist and a founding member of the Asian-American band, attempted to register a trademark for “The Slants.” The USPTO’s Trademark Trial and Appeal Board (TTAB) affirmed the office’s denial of the mark. Its rejection was based on Section 2(a) of the Trademark Act, which bars the registration of “disparaging” marks. The Supreme Court is being asked whether the provision is “contrary to the First Amendment.”

The Federal Circuit en banc ruled last December that the bar against registering disparaging marks violated the First Amendment, and the USPTO appealed to the Supreme Court.

Barber, who will argue that the provision is constitutional is concerned that “without this provision, the register is going to open up to the most vile, racist trademarks imaginable,” and will become “cluttered with these marks that the US government is going to have to send to WIPO or foreign governments.”

Morgan of Paz Horowitz doesn’t believe that doing away with Section 2(a) will “have that much effect.” She says that there aren’t many applications for scandalous or disparaging marks and that, for most brand owners, the possibility of “market backlash” is discouragement enough. Rather, registrants of such marks will be “people like the band The Slants, artists and people with products that are more fringe,” such as the apparel brand “FUCT,” which has also appealed the USPTO’s denial of its trademark registration.

The closely-watched Tam case also has implications for the even more buzzed-about Redskins case, which is pending at the Fourth Circuit. The Redskins petitioned the Supreme Court for cert under an extraordinary provision that would allow its case to bypass the lower courts and be heard with the Tam case, but was denied. Furthermore Barber worries, if the provision is struck down, it could clear the way for the registration not only of racially disparaging marks, but of parodies of famous marks. On the other hand, Morgan argues that allowing the provision to remain in place would overrule the Court’s own precedent in the Citizens United case.

“One sign of how divisive this is – and there are good arguments on both sides – is that if you look at that, none of the major IP organizations filed amicus briefs,” says Barber of the Tam case, adding that INTA was the exception, filing a brief on one, relatively minor, issue of the case. The examination of the case promises a heated debate between Morgan and Barber.

Catching up with TTAB cases

The Trademark Trial and Appeal Board (TTAB) has seen a slew of unusual cases this year. John Welch, an attorney with Wolf Greenfield in Boston who writes about the TTAB on his appropriately named site The TTABlog, will this afternoon discuss a number of interesting and precedential cases, from motion to marijuana and fire power to fraud.

In the In re Hodgdon Powder Company decision, as Welch comments on his blog, “I can’t remember the last time that a single-color mark passed muster at the TTAB.” As if that weren’t enough, the color wasn’t even a true color and the product is another subject of legal contention. Welch will explain how a trademark for a single color could be issued on the grounds of being an anomaly.

As marijuana becomes legal or decriminalized in an increasing number of states, the issue is drifting into the TTAB too. But applicants for marijuana-related marks face sticky issues when trying to register nationally-recognized marks for marijuana because the product is still illegal in most states. That leaves the booming marijuana industry to either attempt to circumvent Trademark Act provisions, or “would leave them to get state registrations, but in states where they can’t get a Federal registration,” says Welch.

Some surprising registrations have survived the TTAB this year too, such as a color mark for “white” for “prefomed gunpowder charges for muzzleloading firearms” in the In re Hodgdon Powder Company decision. As Welch comments on his blog, “I can’t remember the last time that a single-color mark passed muster at the TTAB.” As if that weren’t strange enough, the color wasn’t even a true color and the product is another subject of legal contention. Welch will explain how a trademark for a single color could be issued on the grounds of being an anomaly.
Your Brexit briefing

There is no need for IP owners and advisers to panic following the UK vote to leave the EU. But now is a good time to consider how rights could be affected in the medium term.

Four months after the UK voted to leave the European Union on June 23, the impact on IP rights in Europe is gradually becoming clearer. But, as speakers at two sessions on Friday will explain, there remain many issues up for discussion.

The most important point to note, says Chartered Institute of Patent Attorneys (CIPA) President Tony Rollins, who is moderating an afternoon panel “Update and Practical Tips: European IP Practice Post Brexit,” is that for the time being it is business as usual. The formal process for the UK to leave the EU will not begin until Spring 2017, when the new UK Prime Minister Theresa May says she will trigger the Article 50 notification. This sets the clock ticking on a two-year process that will likely see the UK separated from EU law and regulations by April 2019.

IP practitioners, and their professional bodies, in the UK are already looking at how existing and future IP rights will be affected. “We are discussing the different possibilities. There are a lot of discussions going on with government, but many of these questions are ultimately political,” says Rollins. “However, we hope there will be some progress by the end of this year.” Last month, CIPA published a 12-page guide to the impact of Brexit on all IP rights.

Some of the most pressing questions concern EU trademarks and designs and what measures can be put in place to ensure protection is maintained in the UK. The Institute of Trade Mark Attorneys (ITMA) published a paper examining seven scenarios and Tania Clark will discuss these in detail in tomorrow’s panel. ITMA is pushing for an outcome that minimises cost and disruption while maximising legal certainty.

The situation regarding European patents is much simpler, as these are not affected by Brexit. However, there are questions about Brexit’s impact on the proposed Unitary Patent and Unified Patent Court (see box) as well as EU regulations on supplementary protection certificates, regulatory data protection and orphan drugs (among other areas), which will be discussed today by Michael Williams of Cleveland IP.

May has stated that the UK government will introduce a Great Repeal Act, which will in the short term implement EU directives and regulations directly into UK law. These will then be revised or replaced over subsequent years. “Now is a good opportunity to hold discussions with government on how the UK can implement and even improve on EU regulations. Once the Great Repeal Bill is in force, then we can hopefully implement them quite quickly,” says Rollins.

“If we, as attorneys, have all the rights we currently have post-Brexit, that would be the ideal outcome, but clearly there are many issues ranging from transitional measures to rights of representation that need to be resolved,” says Rollins.

The “Update and Practical Tips: European IP Practice Post Brexit” session will take place on Friday 3.30-5.30pm as part of the International and Foreign Law/IP Practice in Europe Committee Education Session in the Maryland Ballroom, Lobby Level.

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ChoFn Intellectual Property
When enough is enough in patent prosecution

This morning’s patent prosecution track will address information disclosure in the patent acquisition and patent prosecution processes by way of good old fashioned debate between a patent prosecutor and litigator.

Patent prosecutors are bound by a “duty of candor,” or “duty of disclosure,” which requires them to report known prior art. But the scope of doing so is limited by practicality, says Drinker Biddle & Reath’s Mercedes Meyer, who will present the prosecutor’s perspective in the portion of this morning’s patent prosecution track titled “Enough is Enough.” Litigators argue that prosecutors should “be doing more,” says Meyer. Insufficient searches and disclosures leave patent holders vulnerable to invalidity claims on those grounds, and, therefore, to expensive litigation.

Meyer says that instances of failure to fulfill duty of candor rarely come before the USPTO’s Office of Enrollment and Discipline (OED). But, according to Meyer, many prosecutors live in fear of the OED.

Will Covey, Director of the OED, who will also be speaking today, agrees that his Office has had to reprimand very few practitioners for failure to do their duty of disclosure and defrauding the USPTO on those grounds, as compared to broader claims of fraudulent conduct. He adds: “I don’t want them to think we’re watching every move they make.”

But patent prosecutors may have reason for worry, according to litigators like Kirkland & Ellis’s Ken Adamo. He says there have already been several cases involving inequitable conduct before the district courts and Federal Circuit in the past two years. “So this is not just something that had happened in the dark old ages,” says Adamo, “this is still going on today.”

In 2011, the Federal Circuit handed down an en banc decision in Therasense v. BD, ruling that if the prosecutor had done its duty of disclosure, the patent would not have been granted and the case wouldn’t have landed before the court. But the decision also mandates that shirking the duty of candor must be the sole basis for a determination of willful infringement in order for treble damages to be awarded. To the minds of patent litigators, this is too hard to prove, and too strict a standard. But, says Meyer, “there is an incentive to prove it” for litigators.

Prior to the Therasense decision, Adamo says, “I saw a lot of cases where people would wing accusing someone of failing to do their duty of disclosure.” The Therasense decision helped to curtail these unfounded accusations, but, many have thought that they would never see inequitable conduct or duty of disclosure defenses that will be successful again because the test is too hard to satisfy now. But that has proved untrue. According to Adamo, patent prosecutors should be even more fulsome than the Patent Office requires.

“If you want a strong patent, you don’t want a bad story going around out there about how you got the patent by not really disclosing the information that you should have disclosed so the patent examiner didn’t really get a fair shake at evaluating whether you had an invention or not,” says Adamo. According to Meyer, the cost of global filing quickly climbs into the multi-hundred-thousand dollar range. That’s more than many patent applicants can or want to pay, especially when it isn’t even clear yet whether or not the invention will make it to market, or when the filings are for a patent for a small component of a product. The aftermath of the AIA has also made some prosecutors (including Meyer) nervous that a patent is still liable to be invalidated, even after the most exhaustive (and expensive) prior art searches and disclosures. “So, how do you keep the cost down and provide the duty of candor?” asks Meyer. “I don’t wake up in the morning trying to pull a fraud on the Patent Office.”

Although Covey says that “the IP bar is relatively well behaved, and they’re conscientious about their obligations before the Office, I think it’s always helpful, before a bar like this, to give some examples of cases we’ve had where the attorney showed up on our radar and then we took some action against them.” To that effect, Covey will announce a proposed revision to rule 56 (which dictates the standard of disclosure for patent attorneys) during the session and explain how it differs from the current rule, its basis, and what changes it will affect.

The first part of the Patent Prosecution track takes place between 9am-10:15 today in Thurgood Marshall, Mezzanine Level

Making a better patent

It’s been a tough few years for the patent system. The press has latched onto claims that patents have been issued that shouldn’t have been, allegations have been leveled that patent examiners shirk their responsibilities, and the technology industry has been exasperated by the aftermath of the Alice decision. “Making a Better Patent,” clearly means doing so at the USPTO’s Office of Enrollment and Discipline (OED). But, according to Meyer, many prosecutors live in fear of the OED.

The first stop on the way to a better patent is the USPTO itself. It has not been deaf to criticism and, in response, has introduced a number of initiatives to improve its performance. “My speculation is that the public press has been slamming patents recently, saying patents have poor quality, and I think this is the administrative response to those pronouncements in the press,” says Paul Kitch of Nixon Peabody.

Kitch will moderate a session today that will include a presentation by Valencia Martin-Wallace, Deputy Commissioner for Patent Quality of the USPTO, updating practitioners on what they need to know about these quality improvement initiatives. These efforts include the Post-Prosecution Pilot (P3) program, which uses a number of metrics to analyze the expediency of patent examinations from application submission to first office action. The P3 program is intended to “allow for more streamlined prosecution, and hopefully shorter timelines,” says Kitch. “If patent examiners do a high quality job at the beginning, it will make everything easier for prosecutors down the road,” he says.

Accusations of overly-broad patent claims have haunted patent practitioners, and, in some cases, resulted in expensive district court and Federal Circuit litigation where they’ve been reprimanded for this practice. But, as Kitch puts it, “attorneys have a duty to their clients to seek the broadest possible claims,” in order to provide the broadest protection possible.

Bryan Wheelock, a partner at Harness Dickey & Pierce, will discuss the reasons that, in spite of some public perception, drafting broad claims is still essential for patent applicants, so long as it’s done responsibly. Kitch says drafting narrow claims may protect an inventor from having his patent rejected, but ultimately, narrow claims “make it easier for people to take the inventor’s ideas and inventions, make slight changes and deprive the inventor and the company of the benefit of their own inventions.”

But making better patents isn’t just about best administrative and drafting practices. Ultimately, “you only get a better patent if you get a patent, period,” says Kitch. The panel’s final speaker, James Hallenbeck, of Schwagman Lundberg & Woessner, will examine threats to the patent system as a whole, and how they might be addressed. “This is a sharply divided issue,” says Kitch. Many arguments have been made that technologies for biopharmaceutical and software should not be patentable, “and, therefore, the better patent is one that doesn’t exist at all,” he says.

But doing away with patents for these technologies could do irreparable harm, not only to important areas of innovation but to the US economy as a whole, Wheelock will argue. Ten years ago, Microsoft was among the six largest companies in the country, but was joined in the top ranks by energy and financial companies. Now, five of those top six companies are software-based or related. So, “hurting the US patent system to deprive software, and the largest industries in the US, where we have a competitive edge, only hurts US companies,” says Kitch.

The second part of the Patent Prosecution track takes place between 10:45am-12pm today in Thurgood Marshall, Mezzanine Level.

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How pharmaceutical patents are treated in India

Sharad Vadehra and Kshitij Saxena of Kan and Krishme discuss how India’s patent office interprets pharmaceutical patents, recent court decisions and how applicants can improve their chances in prosecution.

In what ways is Indian law on pharmaceutical patents different from other countries?

The test for patentability of an invention is as much the same as in other countries. The Indian Patents Act provides that to be patentable an invention apart from satisfying the criteria of novelty, inventiveness and industrial applicability should not fall under the categories as mentioned in Section 3 and Section 4. Section 3 of the Indian Patents Act provides the inventions which are not patentable in India and therefore can be considered as an additional bar for grant of a patent. Section 4 further provides that inventions relating to Atomic Energy are not patentable. In other words, the invention must be patent eligible i.e. must not fall within the scope of Section 3 or 4 before being considered for patentability. Here it is to be noted that the exceptions to patentability under Section 3 and 4 may be categorized into an absolute exception and limited exception. While Section 4 provides for an absolute bar to patentability, Section 3 provides that subject to fulfillment of certain condition(s) as mentioned therein, the invention is patentable.

What specific provisions apply to the patentability of pharmaceuticals in India?

Section 8(1)(i) of the Indian Patents Act defines “invention” as a new product or process involving an inventive step and capable of industrial application. The inventive step is defined in Section 2(1)(j), whereas Section 2(1)(d) defines the term “new invention”. Further, Section 3(d) of the Act aims to prevent “evergreening” of patents by providing that only those pharmaceutical derivatives that demonstrate significantly enhanced efficacy are patentable. Section 3(c) allows inventions where the applicant is able to prove by way of data that the components of a combination are working together and are not working independently of each other and show some synergistic effect. Further, Section 3(i) of the Act excludes from patentability methods of treatment of the humans or animals by therapy or surgery, or methods of diagnosis performed on the human or animal body. This exclusion applies only to methods of treatment and diagnosis and not to the device/apparatus/instrument used in such methods.

How are these interpreted by the patent office and examiners?

There are various concepts embedded in the above mentioned Section of the Indian Patents Act which the Patent Office interprets based upon the Court decisions, guidelines and manuals of the patent practice. It is to be noted here that for assessing novelty and inventive step in India, there are limited case laws emanating from the Indian Courts. However, novelty and inventive step are being interpreted in the same manner as interpreted worldwide. During practice, if the cited documents are same then the arguments as presented in other countries are usually accepted by the Controllers/Examiners as far as novelty and inventive step are concerned. Section 3(d) is the most controversial section when it comes to patents on Pharmaceutical inventions. Section 3(d) stipulates that an incremental invention, based upon an already known substance, having established medicinal activity shall be deemed to be treated as a same substance, if the invention in question fails to demonstrate significantly improved efficacy with respect to that known substance.

As regards the interpretation of Section 3(e) is concerned, the Patent Office usually identifies whether there are any functional interactions between the components of a composition/formulation and whether a combined technical effect higher than the sum of the technical effects of the individual features of the each component is achieved. It is to be noted that the synergistic effect should not be interchangeably used as far as efficacy is concerned and the applicant needs to be careful also about submission of the synergistic data.

As far as the interpretation of Section 3(i) is concerned, the Patent Office outrightly rejects any claim directed towards a method of treatment irrespective of any in vivo or in vitro treatment. This exclusion applies only to methods of treatment and diagnosis and not to the device/apparatus/instrument used in such methods.

What are the latest relevant decisions from the courts on these issues?

The Novartis judgement on the issue of efficacy is the most prominent decision in the context of pharmaceuticals. The decision has been widely discussed and the impacts thereof are seen in the routine proceedings of the Patent Office. The Novartis judgement has interpreted efficacy as “therapeutic efficacy” for pharmaceutical inventions. However, it fails to define the same in terms of other chemical inventions. In the Novartis judgement, the Supreme Court of India (SC) has not considered an increase of 30% in Bio-availability as efficacy. The SC observed in paragraph [189] “whether or not an increase in bioavailability leads to an enhancement of therapeutic efficacy in any given case must be specifically claimed and established by research data”. This led to a further debate as to how the efficacy should be defined. Should it relate to only bio-availability or there are other criteria too to define efficacy? For example heat stability or humidity resistance of a drug could be well within the qualifying criteria to overcome the objections relating to Section 3(d). Further, reduction in side effects, toxicity, New Drug Delivery System, quantity of dosage forms, frequency, and manufacturing efficiency could be other parameters to define efficacy.

Another important judgement is Roche v Cipla where Indian company Cipla interpreted the grant patent to Roche did not have any inventive step and also lacked novelty because same

Sharad Vadehra

Sharad Vadehra is the Managing Partner at Kan and Krishme. He joined the profession in the year 1989, and is among the few attorneys in the country with both technical and legal qualifications.

Sharad specializes in Intellectual Property Laws, Media, Entertainment, Sweepstake and Promotions, Marketing, Commercial disputes and Litigation and has more than 26 years’ experience in these fields and in handling such matters for both domestic and international companies (including Fortune 500 companies) and research institutions. Sharad has prosecuted, defended, opposed or enforced directly or in supervisory capacity over 20,000 patent matters in India and abroad. He has been a speaker in over five hundred institutions and corporate bodies in India and overseas, and is the author of the book Indian Patent Law and Practice published by Chosakai in Japanese language.

Sharad has often been consulted by the Government of India when any new guidelines or rules are being framed with respect to the Indian Patent Act and Rules. Sharad, along with other colleagues founded the FICPI India group in the year 2009 and has been very closely associated therewith. He is presently the president of the FICPI India. He has recently been appointed the coordinator for CET 9 in FICPI for all Asian Countries including but not limited to India, Japan, S. Korea and China. He has recently been elected as Vice President of APAA India and he will be playing an active role in organizing the APAA Congress to be held in New Delhi in the year 2018. He is one of the founding members of GALA and is the Past President of its Asia Pacific branch. He holds the membership of FICPI; APAA; AIPLA; AIPPI; INTA; LES; CII and Delhi High Court Bar Association.

Kshitij Saxena

Kshitij Saxena is a Registered Patent Agent and an Advocate. He is working as a Managing Associate and Heads the Chemical Department of the firm.

Kshitij has over 12 years of experience in the practice and is actively involved in work which includes advising clients on various IPR issues, conducting FTO searches, prior art search, IP due diligence and handling of the work covering the entire gamut of the life cycle of the Patent, Design and Trade Mark Applications. He also handles and advises on contentious and non-contentious issues on IPR. As a Head of the Chemical Department, he is responsible for supervision and guidance on legal and technical aspects of all patent matters handled by the firm in Chemical field.
The Novartis judgement on the issue of efficacy is the most prominent decision in the context of pharmaceuticals. The decision has been widely discussed and the impacts thereof are seen in the routine proceedings of the Patent Office.

The Supreme Court recently accepted the petition of CIPLA against the order of the Delhi High Court wherein CIPLA is being held for infringing the patent of Roche. CIPLA filed this petition seeking the appointment of scientific expert and simultaneously challenging the order passed by the Delhi High Court. CIPLA contended in the Supreme Court that Delhi High Court is erred in holding that its product Erlocip was infringing the Roche’s patent as the product CIPLA had filed this petition seeking the appointment of a new form of a known substance which CIPLA had failed to do so.

Are there any pending cases that are likely to affect the law?

The Supreme Court recently accepted the petition of CIPLA against the order of the Delhi High Court wherein CIPLA is being held for infringing the patent of Roche. CIPLA filed this petition seeking the appointment of scientific expert and simultaneously challenging the order passed by the Delhi High Court. CIPLA contended in the Supreme Court that Delhi High Court is erred in holding that its product Erlocip was infringing the Roche’s patent as the product CIPLA had failed to do so.

What can applicants in this area to do maximize their chances during patent prosecution?

An applicant should be aware of the fact that Indian Controllers take the written opinion quite seriously in an international application. The Supreme Court in its proceeding may see in the routine proceedings of the Patent Office.

features of the invention had already been disclosed in prior art. CIPLA failed to prove its allegations in absence of any substantive evidence. CIPLA also challenged the validity of the granted patent under Section 3(d). The Court, however, has stated that CIPLA had to prove that the granted patent of Roche was a new form of a known substance which CIPLA had failed to do so.

As far as claims related to method of treatment are concerned, the applicant should draft the claims in a manner so that the essence of the claims appears to be that of a product claim rather than a method or treating a fresh Form-3 every time there is change in drafting the claims during the international phase of an invention relates to a process, it has to be seen whether the process employs at least one new reactant or results in a new product. The Act also requires that an applicant to submit details relating to processing of the corresponding foreign applications under Section 8(2). It is suggested to voluntarily file documents/information if on a later date before the grant of Indian Patent, there is a claim rejection or narrowing down of claims (vis-a-vis claims pending in Indian Patent Office) in major countries such as US, Europe, Japan, Korea etc. The documents which need to be filed to comply with the requirement of Section 8(2) includes Search Report or Examination report; response to office actions submitted by the applicant along with the claims amended/allowed/rejected together with English translation thereof, if applicable. If translation of entire documents is not available, English summary of office action(s), search report(s), etc. shall suffice.

The applicant must note here that the non-submissions of the details as regards the corresponding foreign applications as mentioned above is a ground available to a party in a pre-grant or post-grant opposition as well as in any revocation proceeding over a granted patent.
TODAY’S SCHEDULE: THURSDAY, OCTOBER 27 2016

8-9am Opening Plenary Session: Welcome Remarks Featuring: The Honorable Daniel H Marti, IP Enforcement Coordinator, Office of the President; Committee of the Year Announcement

9:30am-10:30am Spouse/Guest Tour: Women of Washington Tour followed by Anna Weatherley’s Studio

Committee meetings
6:30-8am Law Practice Management Breakfast Meeting
6:30-8am Corporate Practice Breakfast Meeting
7-8am Content and Branding Leadership Group
7-8am Global IP Leadership Group
7-8am Professional Programs

Concurrent Morning Tracks
9am-12pm Track #1 Patent Prosecution
9am-12pm Track #2 Patent Litigation
9am-12pm Track #3 Trademark/Copyright

Luncheon Events
12-12:30pm Luncheon Featuring: The Honorable David Ruschke, Chief Judge, Patent Trial and Appeal Board
2-3:30pm Board of Directors’ Meeting

Concurrent Afternoon Tracks
2-3:30pm Track #1 Corporate
2-3:30pm Track #2 Litigation
2-3:30pm Track #3 Trademark

Committee Educational Sessions
3:30-5:30pm Antitrust Law/Biotechnology/ Mergers & Acquisitions (120 Minutes of CLE Requested)
3:30-5:30pm Patent Law/Trade Relations with the USPTO (90 Minutes of CLE Requested)
3:30-5:30pm Trademark Internet/Trademark Law/ Trademark Litigation/Trademark Relations with USPTO/Trademark Treaties and International Law (Madrid Protocol Subcommittee) (90 Minutes of CLE Requested)

Committee Meetings
3:30-4:30pm AIPLA Fellows
3:30-4:30pm American Intellectual Property Law Education Foundation (AIPLEF)
3:30-4:30pm Emerging Technologies
3:30-4:30pm IP Law Associations
3:30-4:30pm IP Practice in the Far East
3:30-4:30pm Patentable Subject Matter Task Force
3:30-4:30pm Quarterly Journal Editorial Board
3:30-5:30pm Antitrust Law/IP Practice in China
3:30-5:30pm Electronic and Computer Law/ USPTO Inter Parties Patent Proceedings
4:30-5:30pm Harmonization Task Force
4:30-5:30pm IP Practice in Israel
4:30-5:30pm Legislation
4:30-5:30pm Standards and Open Source
5-5:30pm Patent Law

Thursday Evening Events
5:30-6:30pm New Members/First-Time Attendees Reception
6-7:30pm LGBT Diversity Reception
7-9pm Opening Night Reception: DC Cinema

In an uncertain legal environment, we are one law firm that is not content simply to accept the status quo. We work constantly to influence the evolving body of Mexico’s intellectual property laws, with the goal of ultimately bringing them in line with international standards. While we continue to make great strides in this regard, clients from all over the world rely on us to prosecute, manage, and defend their IP portfolios under the laws that exist today. In other words, we work effectively within the system, even as we seek to change it.

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