

NEWS

Baker Botts IP Partners Receive Cover Treatment

[Russ Falconer](#) and [Rob Scheinfeld](#) received the cover page treatment in the October issue of *IP Law and Business*. Following a unanimous jury verdict obtained by Baker Botts in a recent trademark case for MasterCard, *IP Law and Business*, a leading intellectual property publication examined in a multi-page cover-story feature the unique relationship the Firm has developed with MasterCard over the past 25 years.

To view the article, please click [here](#).

Baker Botts New York Hosts Continuing Legal Education Seminar November 10**Maximizing IP Portfolio Value And The Impact Of Knorr-Bremse**

Join our New York IP Department on Wednesday, November 10, 2004 for a two-hour seminar providing a comprehensive start-to-finish approach to maximizing profits and minimizing litigation exposure through strategic management of your IP portfolio, as well as an analysis of the recent and important *en banc* decision of the Court of Appeals for the Federal Circuit regarding willful infringement in *Knorr-Bremse v.*

Dana. The presentation will focus on obtaining, managing, and asserting IP assets so as to maximize return on the substantial investment that they represent, as well as on how September's *en banc* decision of the Federal Circuit in *Knorr-Bremse* may affect your strategies with regard to third-party patents. Baker Botts IP Department lawyers will draw on their extensive experience providing strategies for effectively and efficiently acquiring and managing IP rights, and for turning these rights into revenue through targeted licensing and litigation programs. They will also discuss the still-important substantive value of patent opinion letters following the Federal Circuit's significant procedural changes, as set forth in the *Knorr-Bremse* decision, to the law of willful infringement and enhanced damages.

Attendees will earn 2.0 hours of New York State CLE credit, including 0.5 hours of ethics credit. The seminar presentation will be followed by a cocktail reception. The seminar will run from 4:00 p.m. to 6:00 p.m., followed by the cocktail reception, at our Midtown New York offices. Please [click here](#) or contact [Toni Gilbert](#) for more information about this CLE opportunity.

ARTICLES

IN THIS ISSUE

[Baker Botts IP Partners Receive Cover Treatment](#)

[Baker Botts New York Hosts Continuing Legal Education Seminar November 10](#)

[Maximizing IP Portfolio Value And The Impact Of Knorr-Bremse](#)

[Does Recent Acacia Media Markman Order Signal Increased Scrutiny Of "Junk Patents" Under 35 U.S.C. Section 112?](#)

[Is A Scientific Presentation Disclosing A Later-Claimed Invention An Invalidating "Printed Publication" Under 35 U.S.C. Section 102\(b\)?](#)

IP SPOTLIGHT: Patent Prosecution

[Howard Speight](#), a partner in the Houston office of Baker Botts, entered the practice of law as his second career. He spent the first 11 years of his professional life as a practicing electrical engineer, designing and building communications and optical systems for the United States government and private industry.

Howard attended St. Mary's University School of Law in San Antonio, Texas, where he was Editor-in-Chief of the Law Journal. After graduation, he served for one year as briefing attorney and staff attorney for Justice (now Senator) John Cornyn of the Texas Supreme Court.

Howard spent the first few years of his practice trying to decide if he really wanted to be an intellectual property lawyer. He worked on lawsuits in a variety of areas, including antitrust,

Does Recent Acacia Media *Markman* Order Signal Increased Scrutiny Of “Junk Patents” Under 35 U.S.C. Section 112?

by Chad Terrell



[Chad Terrell](#)

In previous [editions](#) of the IP Report, we have discussed the perceived problems that many companies have confronted in dealing with so-called “junk patents,” or patents of dubious provenance and scope that are asserted aggressively by individuals or companies who are seen, fairly or not, as having contributed little to technical innovation, but who seek enormous remuneration for broadly-asserted patents that they have acquired or developed and that, they assert, cover entire fields of common technical subject matter.

[Please click here to read the full article.]

Is A Scientific Presentation Disclosing A Later-Claimed Invention An Invalidating “Printed Publication” Under 35 U.S.C. Section 102(b)?

by Noera Ayaz

[Noera Ayaz](#)

The United States Court of Appeals for the Federal Circuit recently held that an inventor’s oral and visual presentation at a scientific conference taking place more than one year before the inventor filed a patent application on the underlying invention was a “printed publication” under 35 U.S.C. § 102(b), and thus served as a bar to patentability of the claims in the application. In *In re Klopfenstein*, 380 F.3d 1345 (Fed. Cir. 2004), the inventor presented a paper that disclosed the invention, both orally and with slides displayed for a total of three days at two conferences. The Federal Circuit held that it was proper for the claims of the inventor’s subsequent patent application to be invalidated because this “printed publication” took place more than one year before the application was filed.

[Please click here to read the full article.]

toxic tort, and business contracts. But finally his experience on a patent trial made his choice clear. Since then, he has focused on intellectual property.

Howard has worked on all types of intellectual property matters, including copyright, trademark, trade secret, and patent lawsuits. He has worked on patent cases in variety of technologies, including gasoline additives, welding equipment, in-line roller skates, computers, and computer software.

In addition, Howard drafts and prosecutes patent applications. He has prepared and managed the preparation of patent applications in a number of technology areas including oil field equipment, computer hardware, software, communications equipment, and many others.

Howard also works on patent licensing matters. These efforts include helping a client understand its portfolio, finding licensing targets, and helping the client in negotiations with the licensing targets.

Baker Botts At A Glance

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October 8, 2004
Vol. 1 Issue 75

[September 2004 IP Report](#)



September 15, 2004
Vol. 4 Issue 40

[August IP Report](#)

August 18, 2004
Vol. 4 Issue 40

[IP Report - July 2004](#)

June 25, 2004
Vol. 4 Issue 39



[IP Report - June 2004](#) 

June 14, 2004
Vol. 4 Issue 38

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