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IP LEGAL NEWS AND UPDATES

[ClearValue v. Pearl River: Ranges within ranges – when are they patentably distinct?](#)

Clifton E. McCann

The February 17, 2012, decision in *ClearValue Inc. v. Pearl River Polymers Inc.*, ___ F.3d ___ (Fed. Cir. 2012), is the latest effort of the U.S. Court of Appeals for the Federal Circuit to show how to determine when a narrow range claimed in a patent is anticipated and thereby rendered invalid because of a broader range disclosed in the prior art. The case is equally applicable to patents claiming other kinds of composition and processing ranges for chemical or biological inventions.

[Events of January Draw Attention to Piracy and Counterfeiting](#)

Jeffrey D. Knowles and Christopher S. Crook

Venable attorneys Jeffrey D. Knowles and Christopher S. Crook explore public perceptions of counterfeiting and piracy as well as some measures patent holders can use to protect their intellectual property in the March edition of *Response* magazine.

Click [here](#) to read their column, on page 47 of the publication.

[The Public Domain – Is it going to *The Birds*?](#)

Meaghan Hemmings Kent

On January 18, 2012, the Supreme Court confirmed 6-2 that certain works that had entered the public domain could have their copyright restored. *Golan v. Holder*, Case No. 10-545. The works affected are estimated to number in the millions and could include films by Alfred Hitchcock, such as *The Birds*; books by Virginia Woolf, such as *Mrs. Dalloway*; symphonies by Prokofiev, such as *Peter and the Wolf*; and paintings by Picasso, such as *Guernica*.

[Falana v. Kent State Univ.: Determining the Inventorship of Chemical Compounds](#)

Lars H. Genieser, Ph.D.

The U.S. Court of Appeals for the Federal Circuit recently considered what activities rise to a contribution to conception that qualify one to be a joint inventor of a chemical compound in its opinion *Falana v. Kent State Univ.*, No. 2011-1198 (Fed. Cir. Jan. 23, 2012).

[Federal Circuit Clarifies the Scope of Intervening Rights](#)

Michael A. Gollin, Fabian M. Koenigbauer, and Meaghan Hemmings Kent

A recent Federal Circuit *en banc* decision clarified the scope of intervening rights as they pertain to patents that have been reexamined. *Marine Polymer Technologies, Inc. v. Hemcon, Inc.*, 2010-1548 (Fed. Cir. March 15, 2012). The Federal Circuit held that under 35 U.S.C. § 307, after a patent emerges from *ex parte* reexamination, rights are available “only with respect to ‘amended’ or ‘new’ claims in the reexamined patent,” *slip op.* at 20, *i.e.* when the text of the claim changes during reexamination or when new claims are added.

ANNOUNCEMENTS AND REMINDERS

[Leonard Gordon, former Northeast Regional Director for the Federal Trade Commission, Joins Venable’s New York Office](#)

[Leonard L. Gordon](#), former Federal Trade Commission’s Northeast Regional Director, has joined the firm as a partner in advertising and marketing and antitrust practices.

Justin Pierce to present on efficient management of brand protection

April 18, 2012

Justin E. Pierce will present "Efficient Management of Brand Protection Resources" at the Alliance for Gray Market and Counterfeit Abatement (AGMA) Conference on April 18, 2012.

Roger Colaizzi authors chapter on Key Concerns for IP Clients and Attorneys

Roger A. Colaizzi authored a chapter as part of Aspatore's "Thought Leadership" series entitled, *Intellectual Property Law 2012 Top Lawyers on Trends and Key Strategies for the Upcoming Year*. His chapter is entitled "Patent Reform, Anti-Counterfeiting Measures, and Protecting IP on the Internet: Key Concerns for IP Clients and Attorneys in 2012."

Jeffri Kaminski authors a chapter on the impact of Joint Infringement and Joinder Issues On Today's Patent Litigation Cases"

Jeffri A. Kaminski authored a chapter as part of the Aspatore "Inside the Minds" series, entitled, *Recent Trends in Patent Infringement Lawsuits Leading Lawyers on Analyzing Recent Cases, Adapting to Changing Standards, and Building an effective Strategy*, 2012 Edition. The chapter is entitled "The Impact of Joint Infringement and Joinder Issues On Today's Patent Litigation Cases."

Jeff Knowles and Roger Colaizzi presented on increased FTC scrutiny

March 11, 2012

Venable partners Roger Colaizzi and Jeffrey Knowles presented a session entitled, "Can You Substantiate That?: Alerting Marketers About Increased FTC Scrutiny" at the International Home & Housewares Show 2012.

Henry Daley participates on JHU panel

March 12, 2012

Venable partner Henry J. Daley, Ph.D. participated on a panel hosted by Johns Hopkins Technology Transfer and the Bloomberg School of Public Health's Office of Research Administration. The panel discussed the challenges of technology commercialization for developing nations.

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