Featured speakers

Michael J. Gallagher;
Gallagher & Dawsey Co., LPA; Columbus

Michael J. Gallagher focuses his practice on patent prosecution, trademark prosecution, patent litigation, trademark litigation and copyright litigation. In addition to his legal studies, Gallagher studied immunogenetics at the Mammalian Genetics Center of the University of Michigan and graduated from Wayne State University Medical School. Gallagher is one of the few medical doctor patent attorneys. While at the University of Michigan, he received a Michigan Cancer Foundation Research Fellowship for his work in the enhancement of cancer immunity. Prior to practicing law, Gallagher practiced anesthesiology and critical care medicine. Gallagher is an honors graduate of The Ohio State University College of Law where he received numerous scholarships and awards for high academic achievement. Gallagher has significant experience in international patent prosecution and international trademark prosecution, including extensive knowledge on Patent Cooperation Treaty (PCT) procedures and the Madrid Protocol. In fact, Gallagher also holds an advanced degree in international intellectual property protection granted by the University of South Africa. Gallagher's unique background makes him particularly astute in the fields of biotechnology patents and medical device patents.

Robert G. Schuler;
Kegler Brown Hill & Ritter; Columbus

Schuler focuses his practice in the areas of complex litigation, insurance coverage matters and intellectual property protection. He has been with the firm since 1987, and has been chair of the firm's intellectual property area since 2001.

Schuler has successfully represented many clients in complex litigation matters. His experience includes patent, copyright and trademark infringement actions; litigating partnership dissolutions; Walker Process antitrust claims; trade secret misappropriations; and rights to post transaction earn-outs. He has had the opportunity to represent clients in litigation on many different types of technology, ranging from software applications used to refurbish turbines, to the equipment used to service nuclear power plants, to the composition of a golf grip. Schuler's representative clients include everyone from Fortune 500 companies to local manufacturers.

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Patent Litigation

December 10, Columbus
(Live and via Webcast)

Patent Litigation

Date and Location:

December 10, Columbus
(Live and via Webcast)

Hours:

3.0 total CLE hours

Ohio State Bar Association
CLE

Patent Litigation

Program description

What is Different About Patent Litigation?
- Special rules on jurisdiction and venue
- Limitations, laches and similar defenses
- Declaratory judgment actions
- Injunctive relief
- Issues of validity and enforceability
- Special problems in technical litigation
- Special issues in design patent infringement

What is Patent Infringement?
- The structure of a patent and patent claims
- Literal infringement and the "all elements rule"
- Infringement by "equivalents"
- Parties
  - Indirect infringement
  - Contributory infringement
- Claim interpretation and the "Markman" hearing
- Validity and enforceability
  - Common bases for invalidity
    - Novelty, "obvious," "written description"
    - The special status of "inequitable conduct"

Defenses
- Special defenses unique to patent infringement

Pre-Suit Consideration
- Patent presumptions and burden of proof
- Pre-suit positioning on jurisdiction
- Rule 11 and outside opinions
- Expert witness considerations

Discovery
- Issues of privilege
  - Patent opinions
- Protective orders
- Document handling and volume
- Depositions and interrogatories
- Uses and limitations of expert witness testimony

Trial practice

Remedies
- Injunctive and other equitable relief
- Damages
- Willful infringement
- Attorney fees

Coming Soon to Ohio—the "Patent Rocket Docket?"

Schedule

12:30	Registration
1:00	Program Begins
2:30	Break
2:45	Program Continues
4:15	Program Concludes

OHIO STATE BAR ASSOCIATION
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Date and location

December 10, 2009.....Columbus: Ohio State Bar Association,
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Registration

09-250

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☐ New address

Tuition and location

December 10, Columbus

	Member	Nonmember
Pre-registration:	☐ $185	☐ $231
Walk-in registration:	☐ $210	☐ $256
Gov't attorneys:	☐ $157	☐ $197
New lawyers:	☐ $90	☐ $116

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