

Privilege in Patent Cases: What's New?

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Topics

- Why this matters.
- Choice of Law.
- Patent Agents and Privilege: No Authority, no Privilege?
- In-house Counsel and Privilege: No Authority, no Privilege?
- Miscellaneous Recurring Problems

Why this Matters

SWORD, SHIELD, AND SOME OTHER CONCERNS
WE'LL GET TO.

3

Sword

- Privilege can hide critical information.
- Knowing how to attack privilege can lead to settlement, defenses, and so on.

4

Shield

- Patent prosecution firms need to know how to address common privilege issues.
- In-house counsel need to be aware of risks created by outside counsel.
- In-house counsel living in a state where not licensed need to know (and outside counsel need to be aware) of risks that they face for failing to follow registration and other requirements.

5

Choice of Law

THE SPLIT CAN BE OUTCOME DETERMINATIVE

6

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First appeared as part of the conference materials for the
21st Annual Advanced Patent Law Institute session

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