

# Privilege in Patent Cases: What's New?

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## Topics

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- 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

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

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## Sword

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

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## Shield

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- 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.

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## Choice of Law

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THE SPLIT CAN BE OUTCOME DETERMINATIVE

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