

Privilege in Patent Cases: What's New?

DAVID HRICIK
PROFESSOR, MERCER LAW SCHOOL
OF COUNSEL, TAYLOR ENGLISH DUMA, LLP

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

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Privilege in Patent Cases: What's New?

Also available as part of the eCourse

[Ethics: Privilege in Patent Cases: What's New?](#)

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

"Privilege in Patent Cases: What's New?"