Vinson & Elkins Established 1917

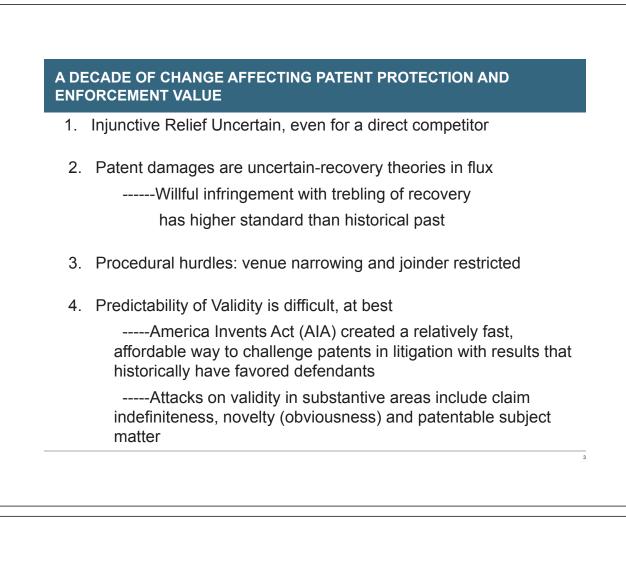


INNOVATIVE APPROACHES TO IP PROTECTION FOLLOWING RECENT DEVELOPMENTS

Steve Borgman Vinson & Elkins L.L.P. Rob King Silicon Labs

AGENDA

- A Decade of Change Affecting Patent Protection and Enforcement Value
- Recent Changes Affecting Trade Secret Protection and Enforcement
- Trademark Protection strategy and Changes Affecting Enforcement
- Recent Developments in Copyright Law Affecting
 Protection and Enforcement

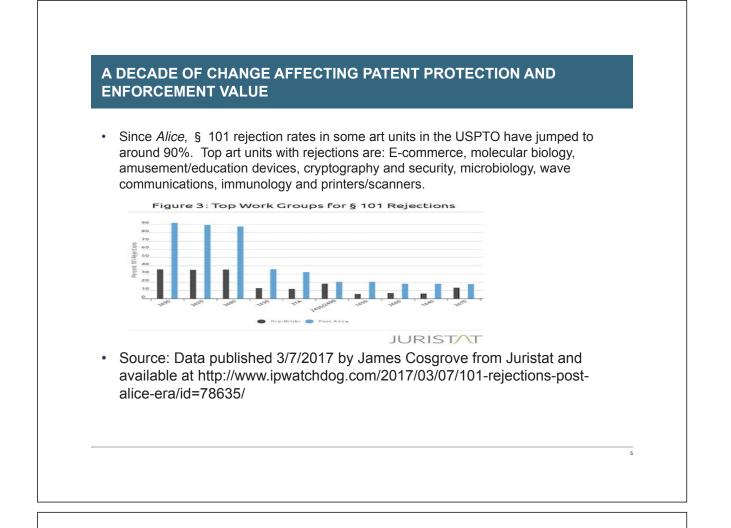


A DECADE OF CHANGE AFFECTING PATENT PROTECTION AND ENFORCEMENT VALUE

- Alice Corp. v. CLS Bank (134 S.Ct. 2347 (2014)) (No patent protection if patent claims are directed to an abstract idea, law of nature, or natural phenomena, and there is no other transforming 'inventive concept'. Claims must be directed to "significantly more" than an abstract idea.)
 - Since Alice, here are the overall 2014-2016 35 U.S.C. § 101 numbers compiled as of 12/22/2016 by Robert Sachs available at http://www.bilskiblog.com

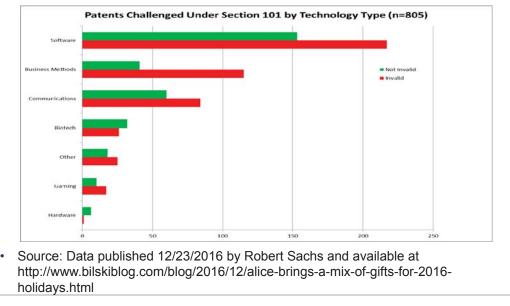
		Total Invalid	
	Total	Under §101	% Invalid
Fed. Ct. Decisions	405	274	67.7%
Federal Circuit	73	65	89.0%
District Courts	332	209	63.0%
Patents	798	481	60.3%
Claims	20383	13207	64.8%
Motions on Pleadings	224	141	62.9%
PTAB CBM Institutions	143	121	84.6%
PTAB CBM Final	101	98	97.0%
ITC	12	5	41.7%

4



A DECADE OF CHANGE AFFECTING PATENT PROTECTION AND ENFORCEMENT VALUE

· Section 101 Patent challenges by Technology



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: Innovative Approaches to IP Protection following Recent Developments

Also available as part of the eCourse 2017 Technology Law eConference

First appeared as part of the conference materials for the 30th Annual Technology Law Conference session "Innovative Approaches to Protecting IP in the Technology Sector"