

Modern Patent Litigation

Cases, Comments, and Notes

Third Edition

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Preface to the Third Edition

The first two editions of this book, published in 1999 and 2006, respectively, were written for a two-credit law school advanced course in patent law. They presumed a knowledge of the topics normally taught in the basic patent law course, such as novelty and nonobviousness. Those subjects were intentionally omitted from this work, which focuses on issues frequently encountered in patent litigation and can be considered “advanced patent law.”

This new edition adds many recent cases, and it also adds new topics, including comments on the impact of the America Invents Act of 2011. It is expanded by about 50% in order to accommodate a three-credit version of the course, which is now how it is taught at the University of Houston Law Center. An italicized note has been inserted at the beginning of each case, explaining something about why the case is here. Students have found this style to be helpful in their study of the cases. I have, of course, added the many of the more traditional kind of notes following the cases.

A note on the editing of cases: To streamline the utility of this book, I have omitted portions of the cases appearing here, often without any attempt at using ellipses to indicate the omissions. Parallel citations have been removed. Citations to authorities without explanation given by the court have for the most part been deleted for ease of reading by students.

I am especially indebted to Mr. Zhe Wang, member of the Texas bar, for his editorial assistance, and to students in my classes for their many helpful suggestions.

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