



# Schwartzs Patent Law and Practice, Eighth Edition

*Robert J. Goldman*

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## **Schwartzs Patent Law and Practice, Eighth Edition** Robert J. Goldman

The source that judges use to review patent issues Patent Law and Practice was first published by the Federal Judicial Center in 1988 as a one-volume introduction to patent law for federal judges. Since that time, judges and their law clerks have come to rely on this reference for up-to-date information on patent law as it has evolved in response to the courts, Congress, and changes in practice at the Patent and Trademark Office (PTO). Patent Law and Practice has been cited by courts more than 100 times since its initial publication, most notably in the Supreme Court decision, *Markman v. Westview Instruments*. The all-new Eighth Edition summarizes and analyzes the most recent developments in the law, including the sweeping changes resulting from the Supreme Court and Federal Circuit decisions that have: redefined the concepts of patent-eligible subject matter, paving the way for new validity challenges to patents covering software, business methods, as well as those for diagnostic methods and other biotechnology inventions (the *Mayo/Myriad/Alice* trilogy and the Federal Circuit and District Court decisions that have implemented the new Supreme Court analysis); redefined the standards for resolving challenges to claim indefiniteness and appeals of District Court claim construction decisions (*Nautilus v. Biosig Instruments* and *Teva v. Sandoz*); redefined the concept of the exceptional case for which a successful litigant may recover its attorney fees (the *Octane Fitness* and *Highmark* decisions); and further changed the law of remedies, including the required proofs to obtain injunctive relief and to claim damages, both generally and in the context of standards essential patents (the cellphone war cases, including *Apple v. Samsung*, *Apple v. Motorola*, *Microsoft v. Motorola* and *Ericsson v. D-Link Systems*). The Eighth Edition also analyzes the interplay between District Court litigation, which is the focus of this book, and the new procedures for post-grant challenges implemented by the PTO since enactment of the Leahy-Smith America Invents Act in 2011. The Eighth Edition covers these decisions, as well as the Federal Circuit's continued evolution of the law relating to claim construction, invalidity for anticipation and obviousness, indirect and divided infringement, and equitable defenses, including patent misuse and laches. Practitioners will use the latest edition of Schwartz's Patent Law and Practice to: Cite the leading cases and the most thoughtful analyses applying those leading authorities; Direct the judge to a specific page in the guide for a key case or explanation; and Understand, and specifically address, procedural issues facing the court. Herbert F. Schwartz, who originated this book, passed away in 2014. To honor his contributions to earlier editions and to the field of patent law generally, the book has been renamed Schwartz's Patent Law and Practice.

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