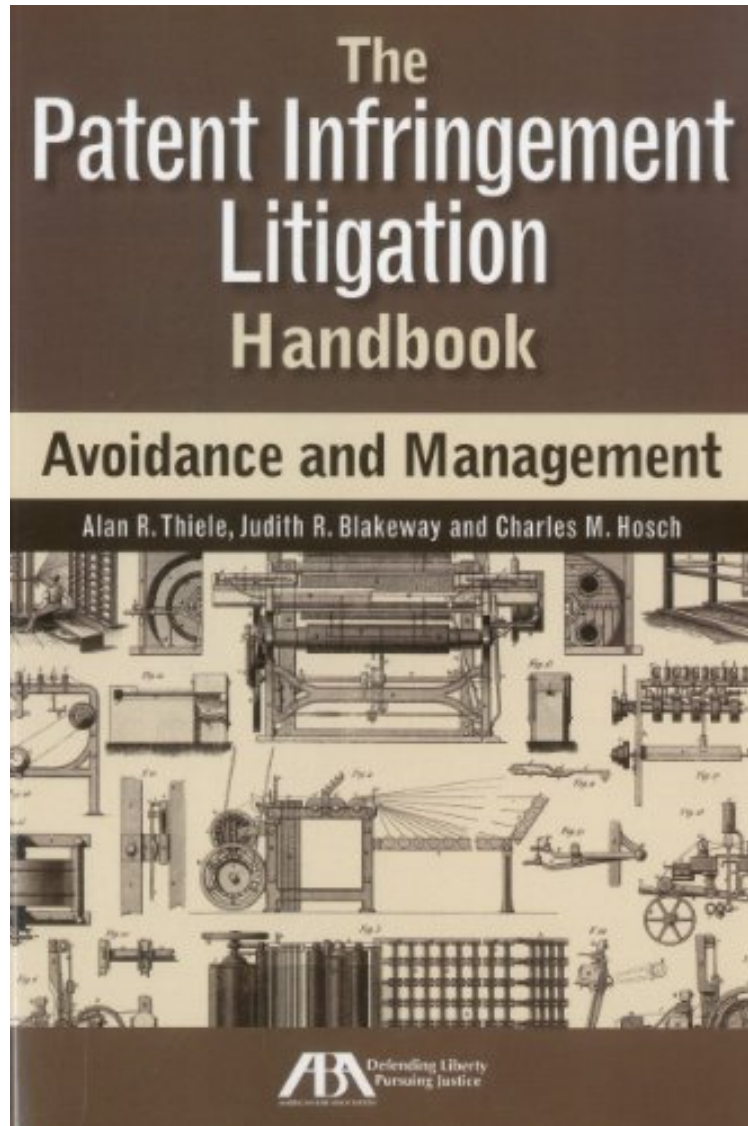


(Mobile book) The Patent Infringement Litigation Handbook: Avoidance and Management

The Patent Infringement Litigation Handbook: Avoidance and Management

Alan R. Thiele, Jusith R. Blakeway, Charles M. Hosch
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for Patent Practitioners By JR The Patent Infringement Handbook (hereinafter Handbook) by the ABA is an update of the Schramm handbook first published in 1974. However, the updated Handbook is the first to include significant discussion on avoiding patent litigation because most small businesses can't afford multi-million dollar patent litigation. In addition, the updated Handbook provides instruction on managing litigation as well as multiple exemplar documents such as sample complaints, protective orders, opening statements, etc. The first part of the Handbook discusses avoidance of patent litigation by advocating proper introduction of new products in the market and creating a "patent estate" to discourage litigation. The second part of the Handbook focuses on management of patent litigation which tends to be extremely expensive in time and money because patent litigation is a highly complex technical and legal matter. However, parties are forced to bear the expense because patent litigation is a "winner-take-all" and "bet your business" situation leaving few alternatives. The primary author of the Handbook, patent attorney Alan Thiele (Reg. No. 30694), is uniquely suited to develop cost effective methods to avoid patent litigation because of Mr. Thiele's business education (MBA) and advanced law degree (LLM in IP) coupled with 30 years of legal experience put him in a position to address this modern dilemma of incessant patent warfare. Ms. Blakeway was responsible for the material on complex civil procedure rules included in the Handbook and Mr. Hosch was responsible for the material on developing patent portfolios. I read and reported on this Handbook as part of a directed study as part of my LLM in IP law. I spoke with the author on several occasions and can attest the author is an expert in his field. The Handbook walks you through the process of defensive and offensive patent portfolio strategies. The Handbook also walks you through all the practical steps you need to accomplish to survive patent litigation. The Handbook is written at a high level for managers who are unfamiliar with patent law or trial advocacy. The Handbook does go into significant detail on critical facts of litigations unique to patent litigation that will make the Handbook useful to lawyers unfamiliar with IP law. The Patent Infringement Handbook is one of several texts on patent litigation, but one that is comprehensive in its coverage of the topics without being overwhelming to the reader. The Handbook is a must for any patent practitioner because a.) all patent application should be prepared in anticipation of litigation to be properly executed, and b.) eventually everyone will be drawn into a patent litigation fight sometime in their career. However, the Handbook is not perfect and had to limit its discussion to maintain its brevity. I believe the Patent Litigation Handbook is meeting a critical need of the patent bar because of the new reality of near constant patent litigation since "patent litigation has become economic warfare on an international scale." (See Fred Warshofsky, *The Patent Wars: The Battle to Own the World's Technology*.) *The Patent Wars: The Battle to Own the World's Technology* The Handbook meets this critical need of educating patent practitioners on litigation because some patent attorneys may not have taken trial advocacy courses or specialized classes in patent litigation. The Handbook is probably one of the best books to prepare the new patent practitioners or students for litigation because the Handbook has struck a balance of simplifying the strategies and tactics of litigation remaining brief yet thorough. Given the growing international tension for scarce resources by growing populations, the need for the Handbook is sure to grow because of the escalation of the economic warfare which has already created a "patent arms race" where future patent litigation will determine the fate of nations.

This practical book provides a well considered plan for invention protection and management that can be used effectively to avoid expensive, time-consuming, and sometimes company-killing patent infringement litigation. However, because not all patent infringement litigation can be avoided, the second part of this important book explains how to manage patent infringement litigation should it become necessary.