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Anatomy of a Patent Case, Second Edition The American College of Trial Lawyers
A concise yet thorough description of every stage of a patent case. Patent litigation has assumed a pivotal role in today's global economy. In response to the increased prominence of patents, the Complex Litigation Committee of the prestigious American College of Trial Lawyers (ACTL) has authored a manual that provides a balanced view of the issues in each phase of a patent case for judges and lawyers. Anatomy of a Patent Case is a concise yet substantial treatise that expertly covers all steps required to bring a patent case to trial, and the key elements that make such litigation unique.Anatomy of a Patent Case specifically addresses the complex technical, procedural, and legal issues inherent in a patent lawsuit that are not usually found in other types of civil litigation. It is limited to the unique characteristics of patent litigation and has been added to the Federal Judicial Center's resource library for district court judges and their law clerks. The handbook provides concise coverage of the fundamentals, effective lessons from the most significant cases, and essential insights from leading experts and judges.The new Second Edition includes three important new chapters, analyzing: The America Invents Act (AIA). The chapter describes the AIA's impact on patent litigation, summarizing the changes to the law and procedures. AIA is the first comprehensive reform of the Patent Act since 1952 and a legislative movement to revise the Act has been in the works for decades. The authors' explanation allows practitioners and judges to quickly become familiar with the major provisions of the new law and to understand its impact on patent litigation. Special considerations of Hatch-Waxman litigation. The handbook addresses the specific issues involved in litigating pharmaceutical patent cases arising under the Hatch-Waxman Act. There are important differences, both procedural and substantive, between the issues that arise in the numerous patent cases between generic drug companies and branded pharmaceutical firms with respect to ANDA filings, and those found in other forms of patent litigation. This new chapter is intended to introduce the non-pharma specialist to some of these wrinkles. Use of special masters, court appointed expert witnesses, and technical advisors to aid the court in patent litigation. This issue has been the subject of increased attention in patent litigation and in other highly technical litigation areas. This chapter delineates some of the pros and cons of the use of such witnesses in the courts.

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