the ip record

Annual U.S. IP Developments

including

Top 300 Patent Owners
U.S. Patent, Trademark, Copyright and Litigation Graphs and Tables
Federal Circuit Summaries
IPO Amicus Brief Highlights

Intellectual Property Owners Association

2008

The IP Record Contains:

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SEPTEMBER 21-23, 2008
IPO Annual Meeting
San Diego, CA - Hotel Del Coronado

OCTOBER 3, 2008
Corporate IP Management Roundtable
Chicago, IL - Westin O'Hare

SEPTEMBER 13-15, 2009
IPO Annual Meeting
Chicago, IL - The Chicago Hilton

SEPTEMBER 12-14, 2010
IPO Annual Meeting
Atlanta, GA - Hyatt Regency Atlanta

SEPTEMBER 11-13, 2011
IPO Annual Meeting
Los Angeles, CA - J.W. Marriott Los Angeles at L.A. Live

DECEMBER 1, 2008
PTO Day
Washington, DC - Ronald Reagan Building and International Trade Center

DECEMBER 2, 2008
Patent Interferences Rules and Practices
Washington, DC - Ronald Reagan Building and International Trade Center

APRIL 19-21, 2009
International Judges Conference
Washington, DC - Mandarin Oriental

For event updates and registration information, please visit the IPO meetings and events calendar at **www.ipo.org**.

Dear IPO Members and Colleagues:

It is my pleasure to introduce the IP Record, a new publication offering members a convenient compilation of annual IP statistics, including the popular Top 300 Patent Owners for 2007. I believe you will find this a useful reference tool, along with the online information resources for members, including the IPO Daily News™, IPO's Federal Circuit Summaries™, and the other member-only sections at www.ipo.org.

Over the next few years we will likely see many changes in IP rights. My goal is for IPO to lead these changes. As the only IP organization representing owners in all industries and areas of technology, as well as attorneys in private practice, IPO is in a unique position to advocate positive changes in the system.

If you are a member of IPO, but are not currently taking advantage of your membership by participating in IPO programs, visit the website or call the IPO office and find out how you can make a difference. If you are not a member, I urge you to consider joining. Visit www.ipo.org/joinipo or call the staff at (202) 466-2396 today for more information.

Cordially,

Steven W. Miller
IPO President
Procter & Gamble Co.

PS – Mark your calendar now for the 2008 Annual Meeting, September 21-23, at the beautiful Hotel Del Coronado in San Diego, California!

IPO Membership Benefits

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IPO Members:

- **Promote** more certain, effective IP rights and lower IP costs worldwide.
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- **Receive** free e-mail subscriptions to the *IPO Daily News™*.
- **Access** members-only features at www.ipo.org.
- **Attend** CLE conferences for education opportunities.
- **Join** one of 28 Standing IP committees.
- **Participate** in IP public awareness campaigns.

"Belonging to IPO is an important part of being a member of the IP community"
Gerald DePardo, The Travelers Company, Inc. New IPO Corporate Member 2007

Intellectual Property Owners Association (IPO) is a trade association for owners and others interested in patents, trademarks, copyrights, and trade secrets. IPO is the only association in the U.S. that serves all intellectual property owners in all industries and all fields of technology.

Established in 1972, IPO advocates effective and affordable IP ownership rights and provides a wide array of services to members.

The association is operated by chief intellectual property counsel of major companies. The governing body is the 50-member Board of Directors, which is elected by the membership and sets IPO policy. IPO has an experienced staff of eleven full-time employees in Washington, DC.

For information on how to join, go to www.ipo.org/joinipo.

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Top 300 Organizations Granted U.S. Patents in 2007

NOTE: IPO DOES NOT INTEND TO ENCOURAGE MORE PATENTING IN U.S.

This annual report listing the organizations that received the most U.S. utility patents is being published by IPO for the 25th consecutive year. It is based on data obtained from the U.S. Patent & Trademark Office. Patents granted to parent and subsidiary companies are combined in some instances. See the end notes for background on how the report was prepared.

IPO does not intend for this report to encourage or discourage patenting. Some critics believe companies are applying for too many patents. In 2007 the U.S. Patent & Trademark Office announced that it would no longer publish its own report on organizations receiving the most patents, because it wanted to discourage "any perception that we believe more is better." IPO has opted to continue publishing this IPO report, however, because the number of patents granted is one of the few objective measures of the patent system as a whole and the patenting activities of individual industries and companies. IPO and others are studying ways to develop more reliable measures of patent quality.

May 21, 2008

2007 Patent Owners
Numerical Listing

Rank	Organization	Patent
1	International Business Machines Corp.	3,125
2	Samsung Electronics Co., Ltd.	2,723
3	Canon K.K.	2,047
4	Matsushita Electric Industrial Co., Ltd.	1,972
5	Intel Corp.	1,864
6	Toshiba Corp.	1,734
7	Microsoft Corp.	1,662
8	Micron Technology, Inc.	1,484
9	Hewlett-Packard Co.	1,470
10	Sony Corp.	1,454
11	Siemens AG	1,432
12	Hitachi, Ltd	1,381
13	General Electric Co.	1,369
14	Fujitsu Ltd.	1,293
15	Seiko Epson Corp.	1,205
16	Infineon Technologies AG	847
17	Denso Corp.	753
18	Texas Instruments, Inc.	749
19	Ricoh Co., Ltd.	727
20	AT&T	726
21	LG Electronics Inc.	682
22	Nokia Corp.	679
23	Honda Motor Co., Ltd.	677
24	Fujifilm Corp.	660
25	Sun Microsystems, Inc.	658
26	Koninklijke Philips Electronics N.V.	654
27	Sharp Corp.	646
28	Motorola, Inc.	631
29	Honeywell International Inc.	605
30	DuPont	601
31	NEC Corp.	600
32	Cisco Technology, Inc.	580
33	Robert Bosch GmbH	568
34	Johnson & Johnson	550
35	General Motors Corp.	539
36	Broadcom Corp.	533
37	Silverbrook Research Pty., Ltd.	533
38	Eastman Kodak Co.	514
39	Xerox Corp.	514
40	Renesas Technology Corp.	505
41	STMicroelectronics, Inc.	486
42	3M Innovative Properties Co.	473
43	Taiwan Semiconductor Manufacturing Co., Ltd.	467
44	Mitsubishi Denki K.K.	459
45	Sanyo Electric Co., Ltd.	454
46	Lucent Technologies Inc.	432
47	Boeing Co.	428
48	LG Philips LCD Co., Ltd.	418
49	Semiconductor Energy Laboratory Co., Ltd.	413
50	Hynix Semiconductor Inc.	405
51	Boston Scientific Corp.	403
52	Konica Corp.	386
53	United Technologies Corp.	367
54	Delphi Technologies, Inc.	356
55	Ford Global Technologies, LLC	352
56	Toyota Jidosha K.K.	351
57	TDK Corp.	338
58	University of California, Regents of	333
59	Brother Kogyo K.K.	325
60	Freescale Semiconductor, Inc.	322
61	Hitachi Global Storage Technologies Netherlands B.V.	322
62	Hon Hai Precision Ind. Co., Ltd.	321
63	BASF Group	315
64	Samsung SDI Co., Ltd.	315
65	Fuji Xerox Co., Ltd.	313
66	Applied Materials, Inc.	310
67	Nissan Motor Co., Ltd.	305
68	Advanced Micro Devices, Inc.	304
69	Fuji Photo Film Co., Ltd	294
70	Avago Technologies (Singapore) Pte. Ltd.	291
71	Halliburton Energy Services, Inc.	284
72	Qualcomm, Inc.	284
73	Agilent Technologies, Inc.	282
74	Genentech, Inc.	281
75	OKI Electric Industry Co., Ltd.	279
76	Procter & Gamble Co.	278
77	Nortel Networks Ltd.	272
78	Altera Corp.	268
79	United States of America, Navy	268
80	ASML Holding N.V.	266
81	NEC Electronics Corp.	261
82	Illinois Tool Works Inc.	259
83	Olympus Corp.	256
84	Telefonaktiebolaget LM Ericsson	253
85	Medtronic Inc.	250
86	LSI Logic Corp.	247
87	Lockheed Martin Corp.	244

2007 Patent Owners Numerical Listing

Rank	Organization	Patent
88	ExxonMobil Corp.	239
89	Seagate Technology, LLC	237
90	Xilinx, Inc.	233
91	Industrial Technology Research Institute, Taiwan	229
92	Pfizer Inc.	228
93	National Semiconductor Corp.	227
94	Tokyo Electron Ltd.	225
95	Pioneer Corp.	223
96	Thomson Licensing S.A.	221
97	Schlumberger Technology Corp.	217
98	Electronics and Telecommunications Research Institute	206
99	GlaxoSmithKline	205
100	Chrysler LLC	203
101	Agere Systems Inc.	193
102	Caterpillar Inc.	193
103	Sprint Communications Co., L.P.	193
104	Dongbu Electronics Co., Ltd.	189
105	Corning Inc.	187
106	Black & Decker Inc.	184
107	VIA Technologies, Inc.	183
108	AU Optronics Corp.	181
109	NXP B.V.	181
110	Yamaha Corp.	174
111	EMC Corp.	173
112	Kimberly-Clark Worldwide, Inc.	173
113	Baker Hughes Inc.	172
114	Alps Electric Co., Ltd.	168
115	Oracle International Corp.	168
116	Sharp Laboratories Of America, Inc.	168
117	Lexmark International, Inc.	167
118	EADS	166
119	Tyco Electronics Corp.	166
120	Bristol-Myers Squibb Co.	164
121	Deere & Co.	164
122	L'Oreal S.A.	163
123	Marvell International Ltd.	160
124	Alcatel	154
125	Sanofi-Aventis	153
126	SAP AG	150
127	Research In Motion Ltd.	149
128	Samsung Electro-Mechanics Co., Ltd.	149
129	Sumitomo Electric Industries Co., Ltd.	149
130	Merck & Co., Inc.	146
131	Yazaki Corp.	146
132	NTT Docomo, Inc.	145
133	United States Of America, Army	144
134	Rohm Co. Ltd.	143
135	Analog Devices, Inc.	142
136	Finisar Corp.	142
137	Massachusetts Institute Of Technology	141
138	Ben Q Corp.	138
139	Monsanto Co.	138
140	Shell Oil Co.	138
141	Interdigital Technology Corp.	137
142	SanDisk Corp.	135
143	Nikon Corp.	134
144	Northrop Grumman Corp.	134
145	Dell Products, L.P.	133
146	Macronix International Co., Ltd.	129
147	Rohm and Haas Co.	129
148	Lear Corp.	127
149	Carl Zeiss SMT AG	126
150	Mediatek Inc.	126
151	Raytheon Co.	126
152	United Microelectronics Corp.	125
153	Funai Electric Co., Ltd.	123
154	Eaton Corp.	121
155	Wyeth	119
156	Apple, Inc.	118
157	California Institute Of Technology	116
158	NGK Insulators Ltd.	116
159	Pacesetter, Inc.	116
160	Cypress Semiconductor Corp.	115
161	Minolta Camera Co., Ltd.	113
162	Spansion LLC	113
163	Hyundai Motor Co.	109
164	Sumitomo Chemical Co., Ltd.	109
165	Nvidia Corp.	108
166	CNH America LLC	106
167	Murata Manufacturing Co., Ltd.	106
168	Toyoda Gosei K.K.	106
169	Hong Fu Jin Precision Industry (Shenzhen) Co., Ltd.	105
170	Omron Corp.	105
171	Merck Patent Gesellschaft Mit Beschrankter Haftung	104
172	NCR Corp.	103
173	Sumitomo Wiring Systems, Ltd.	103
174	AstraZeneca AB	100
175	Nitto Denko Corp.	100
176	Hoffmann-La Roche Inc.	99
177	U.S. Department of Health & Human Services	99
178	KLA-Tencor Technologies Corp.	98

2007 Patent Owners Numerical Listing

Rank	Organization	Patent
179	Pentax Corp.	98
180	Verizon	98
181	Shin Etsu Chemical Co., Ltd.	97
182	Weatherford/Lamb, Inc.	97
183	Amgen, Inc.	96
184	Rolls-Royce PLC	96
185	International Game Technology (IGT)	95
186	Council of Scientific and Industrial Research	94
187	Advantest Corp.	93
188	Zahnradfabrik Friedrichshafen AG	93
189	Acushnet Co.	92
190	Delta Electronics Inc.	92
191	Lenovo PTE Ltd.	92
192	Ciba Specialty Chemicals Corp.	91
193	Commissariat a l'Energie Atomique	91
194	Fanuc Ltd.	91
195	NSK Ltd.	91
196	Rockwell Automation Technologies, Inc.	91
197	Wisconsin Alumni Research Foundation	91
198	Yamaha Motor Co., Ltd.	91
199	Dai Nippon Printing Co., Ltd.	90
200	Institut Francais du Petrole	90
201	Silicon Laboratories Inc.	90
202	University of Texas	90
203	ADC Telecommunications, Inc.	89
204	LAM Research Corp.	89
205	Air Liquide Corp.	87
206	Japan Science and Technology Agency	87
207	Koito Manufacturing Co., Ltd.	87
208	Aisin Seiki K.K.	86
209	Rambus, Inc.	86
210	Unisys Corp.	86
211	Inventec Corp.	85
212	Stanford University	85
213	Elpida Memory, Inc.	84
214	Hitachi High-Technologies Corp.	83
215	ITT Manufacturing Enterprises, Inc.	83
216	AOL LLC	82
217	Atmel Corp.	82
218	Fujinon Corp.	82
219	Henkel Corp.	82
220	Juniper Networks, Inc.	82
221	Victor Company of Japan, Ltd.	82
222	Visteon Global Technologies, Inc.	80
223	Ajinomoto Co. Inc.	79
224	Ebara Corp.	79
225	Seiko Instruments Inc.	79
226	Goodyear Tire & Rubber Co.	77
227	International Rectifier Corp.	77
228	Network Appliance, Inc.	77
229	Dow Chemical Co.	76
230	Fu Zhun Precision Industrial Co., Ltd.	76
231	Realtek Semiconductor Corp.	76
232	BAE Systems Information And Electronic Systems Integration, Inc.	75
233	Minebea Co., Ltd.	75
234	HRL Laboratories, LLC	74
235	Kao Corp.	74
236	Unilever	74
237	Degussa AG	73
238	Shimano Inc.	73
239	Synopsys Inc.	73
240	Applera Corp.	72
241	Mitsubishi Heavy Industries, Ltd.	72
242	Advanced Semiconductor Engineering, Inc.	71
243	Pitney Bowes, Inc.	71
244	Casio Computer Co., Ltd.	70
245	Kyocera Corp.	70
246	United States of America, National Aeronautics and Space Administration	70
247	Eli Lilly and Co.	69
248	Hitachi Displays, Ltd.	69
249	Michelin Recherche et Technique S.A.	69
250	Advanced Cardiovascular Systems, Inc.	68
251	Avaya Technology Corp.	68
252	Schering Corp.	68
253	Takata Corp.	68
254	Alstom Technology Ltd.	67
255	Sumitomo Rubber Industries, Ltd.	67
256	Novellus Systems, Inc.	66
257	Uni-Charm Corp.	66
258	Air Products and Chemicals, Inc.	65
259	Sandia Corp.	65
260	Thales	65
261	Nippon Telegraph & Telephone Corp.	64
262	Palo Alto Research Center Inc.	63
263	Cirrus Logic, Inc.	62
264	JDS Uniphase Corp.	62
265	ARM Ltd.	60
266	Digimarc Corp.	60
267	Japan Aviation Electronics Industry Ltd.	60
268	Bosch Siemens Hausgerate GmbH	59
269	Cadence Design Systems, Inc.	59
270	Sci-Med Life Systems, Inc.	59

2007 Patent Owners Numerical Listing

Rank	Organization	Patent
271	Bridgestone Sports Co., Ltd.	58
272	Headway Technologies, Inc.	58
273	Callaway Golf Co.	57
274	Ciena Corp.	57
275	Komatsu Ltd.	57
276	Shinko Electric Industries Co., Ltd.	57
277	University of Florida Research Foundation, Inc.	57
278	Adobe Systems, Inc.	56
279	BEA Systems, Inc.	56
280	British Telecommunication, PLC	56
281	Daikin Industries Ltd.	56
282	SRI Sports Ltd.	56
283	Western Digital Technologies, Inc.	56
284	Whirlpool Corp.	56
285	Allergan, Inc.	55
286	Columbia University	55
287	Eastman Chemical Co.	55
288	FCI Americas Technology, Inc.	55
289	Abbott Laboratories	54
290	Cornell Research Foundation Inc.	54
291	K.K. Toyota Jidoshokki	54
292	Koyo Seiko Co., Ltd.	54
293	Stine Seed Farm, Inc.	54
294	DirecTV Group, Inc.	53
295	Hoya Corp.	53
296	Kaneka Corp.	53
297	National Institute of Advanced Industrial Science and Technology	53
298	Okidata Corp.	53
299	Rockwell Collins, Inc.	53
300	Shimadzu Corp.	53
301	Veritas Operating Corp.	53

2007 Patent Owners
Alphabetical Listing

Rank	Organization	Patent
42	3M Innovative Properties Co.	473
289	Abbott Laboratories	54
189	Acushnet Co.	92
203	ADC Telecommunications, Inc.	89
278	Adobe Systems, Inc.	56
250	Advanced Cardiovascular Systems, Inc.	68
68	Advanced Micro Devices, Inc.	304
242	Advanced Semiconductor Engineering, Inc.	71
187	Advantest Corp.	93
101	Agere Systems Inc.	193
73	Agilent Technologies, Inc.	282
205	Air Liquide Corp.	87
258	Air Products and Chemicals, Inc.	65
208	Aisin Seiki K.K.	86
233	Ajinomoto Co. Inc.	79
124	Alcatel	154
285	Allergan, Inc.	55
114	Alps Electric Co., Ltd.	168
254	Alstom Technology Ltd.	67
78	Altera Corp.	268
183	Amgen, Inc.	96
135	Analog Devices, Inc.	142
216	AOL LLC	82
156	Apple, Inc.	118
240	Applera Corp.	72
66	Applied Materials, Inc.	310
265	ARM Ltd.	60
80	ASML Holding N.V.	266
174	AstraZeneca AB	100
20	AT&T	726
217	Atmel Corp.	82
108	AU Optronics Corp.	181
70	Avago Technologies (Singapore) Pte. Ltd.	291
251	Avaya Technology Corp.	68
232	BAE Systems Information And Electronic Systems Integration, Inc.	75
113	Baker Hughes Inc.	172
63	BASF Group	315
279	BEA Systems, Inc.	56
138	Ben Q Corp.	138
106	Black & Decker Inc.	184
47	Boeing Co.	428
268	Bosch Siemens Hausgerate GmbH	59
51	Boston Scientific Corp.	403
271	Bridgestone Sports Co., Ltd.	58
120	Bristol-Myers Squibb Co.	164
280	British Telecommunication, PLC	56
36	Broadcom Corp.	533
59	Brother Kogyo K.K.	325
269	Cadence Design Systems, Inc.	59
157	California Institute Of Technology	116
273	Callaway Golf Co.	57
3	Canon K.K.	2,047
149	Carl Zeiss SMT AG	126
244	Casio Computer Co., Ltd.	70
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100	Chrysler LLC	203
192	Ciba Specialty Chemicals Corp.	91
274	Ciena Corp.	57
263	Cirrus Logic, Inc.	62
32	Cisco Technology, Inc.	580
166	CNH America LLC	106
286	Columbia University	55
193	Commissariat a l'Energie Atomique	91
290	Cornell Research Foundation Inc.	54
105	Corning Inc.	187
186	Council of Scientific and Industrial Research	94
160	Cypress Semiconductor Corp.	115
199	Dai Nippon Printing Co., Ltd.	90
281	Daikin Industries Ltd.	56
121	Deere & Co.	164
237	Degussa AG	73
145	Dell Products, L.P.	133
54	Delphi Technologies, Inc.	356
190	Delta Electronics Inc.	92
17	Denso Corp.	753
266	Digimarc Corp.	60
294	DirecTV Group, Inc.	53
104	Dongbu Electronics Co., Ltd.	189
229	Dow Chemical Co.	76
30	DuPont	601
118	EADS	166
287	Eastman Chemical Co.	55
38	Eastman Kodak Co.	514
154	Eaton Corp.	121
224	Ebara Corp.	79
98	Electronics and Telecommunications Research Institute	206

2007 Patent Owners Alphabetical Listing

Rank	Organization	Patent
247	Eli Lilly and Co.	69
213	Elpida Memory, Inc.	84
111	EMC Corp.	173
88	ExxonMobil Corp.	239
194	Fanuc Ltd.	91
288	FCI Americas Technology, Inc.	55
136	Finisar Corp.	142
55	Ford Global Technologies, LLC	352
60	Freescale Semiconductor, Inc.	322
230	Fu Zhun Precision Industrial Co., Ltd.	76
69	Fuji Photo Film Co., Ltd	294
65	Fuji Xerox Co., Ltd.	313
24	Fujifilm Corp.	660
218	Fujinon Corp.	82
14	Fujitsu Ltd.	1,293
153	Funai Electric Co., Ltd.	123
74	Genentech, Inc.	281
13	General Electric Co.	1,369
35	General Motors Corp.	539
99	GlaxoSmithKline	205
226	Goodyear Tire & Rubber Co.	77
71	Halliburton Energy Services, Inc.	284
272	Headway Technologies, Inc.	58
219	Henkel Corp.	82
9	Hewlett-Packard Co.	1,470
248	Hitachi Displays, Ltd.	69
61	Hitachi Global Storage Technologies Netherlands B.V.	322
214	Hitachi High-Technologies Corp.	83
12	Hitachi, Ltd	1,381
126	Hoffmann-La Roche Inc.	99
63	Hon Hai Precision Ind. Co., Ltd.	321
23	Honda Motor Co., Ltd.	677
29	Honeywell International Inc.	605
169	Hong Fu Jin Precision Industry (Shenzhen) Co., Ltd.	105
295	Hoya Corp.	53
234	HRL Laboratories, LLC	74
50	Hynix Semiconductor Inc.	405
163	Hyundai Motor Co.	109
82	Illinois Tool Works Inc.	259
91	Industrial Technology Research Institute, Taiwan	229
16	Infineon Technologies AG	847
200	Institut Francais du Petrole	90
5	Intel Corp.	1,864
141	Interdigital Technology Corp.	137
1	International Business Machines Corp.	3,125
185	International Game Technology (IGT)	95
227	International Rectifier Corp.	77
211	Inventec Corp.	85
215	ITT Manufacturing Enterprises, Inc.	83
267	Japan Aviation Electronics Industry Ltd.	60
206	Japan Science and Technology Agency	87
264	JDS Uniphase Corp.	62
34	Johnson & Johnson	550
220	Juniper Networks, Inc.	82
291	K.K. Toyota Jidoshokki	54
296	Kaneka Corp.	53
235	Kao Corp.	74
112	Kimberly-Clark Worldwide, Inc.	173
178	KLA-Tencor Technologies Corp.	98
207	Koito Manufacturing Co., Ltd.	87
275	Komatsu Ltd.	57
52	Konica Corp.	386
26	Koninklijke Philips Electronics N.V.	654
292	Koyo Seiko Co., Ltd.	54
45	Kyocera Corp.	70
204	LAM Research Corp.	89
148	Lear Corp.	127
191	Lenovo PTE Ltd.	92
117	Lexmark International, Inc.	167
21	LG Electronics Inc.	682
48	LG Philips LCD Co., Ltd.	418
87	Lockheed Martin Corp.	244
122	L'Oreal S.A.	163
86	LSI Logic Corp.	247
46	Lucent Technologies Inc.	432
146	Macronix International Co., Ltd.	129
123	Marvell International Ltd.	160
137	Massachusetts Institute Of Technology	141
4	Matsushita Electric Industrial Co., Ltd.	1,972
150	Mediatek Inc.	126
85	Medtronic Inc.	250
130	Merck & Co., Inc.	146
171	Merck Patent Gesellschaft Mit Beschrankter Haftung	104
249	Michelin Recherche et Technique S.A.	69
8	Micron Technology, Inc.	1,484
7	Microsoft Corp.	1,662
233	Minebea Co., Ltd.	75
161	Minolta Camera Co., Ltd.	113
44	Mitsubishi Denki K.K.	459
241	Mitsubishi Heavy Industries, Ltd.	72
139	Monsanto Co.	138
28	Motorola, Inc.	631

2007 Patent Owners Alphabetical Listing

Rank	Organization	Patent
167	Murata Manufacturing Co., Ltd.	106
297	National Institute of Advanced Industrial Science and Technology	53
93	National Semiconductor Corp.	227
172	NCR Corp.	103
31	NEC Corp.	600
81	NEC Electronics Corp.	261
228	Network Appliance, Inc.	77
158	NGK Insulators Ltd.	116
143	Nikon Corp.	134
261	Nippon Telegraph & Telephone Corp.	64
67	Nissan Motor Co., Ltd.	305
175	Nitto Denko Corp.	100
22	Nokia Corp.	679
77	Nortel Networks Ltd.	272
144	Northrop Grumman Corp.	134
256	Novellus Systems, Inc.	66
195	NSK Ltd.	91
132	NTT Docomo, Inc.	145
165	Nvidia Corp.	108
109	NXP B.V.	181
75	OKI Electric Industry Co., Ltd.	279
298	Okidata Corp.	53
83	Olympus Corp.	256
170	Omron Corp.	105
115	Oracle International Corp.	168
159	Pacesetter, Inc.	116
262	Palo Alto Research Center Inc.	63
179	Pentax Corp.	98
92	Pfizer Inc.	228
95	Pioneer Corp.	223
243	Pitney Bowes, Inc.	71
76	Procter & Gamble Co.	278
72	Qualcomm, Inc.	284
209	Rambus, Inc.	86
151	Raytheon Co.	126
231	Realtek Semiconductor Corp.	76
40	Renesas Technology Corp.	505
127	Research In Motion Ltd.	149
19	Ricoh Co., Ltd.	727
33	Robert Bosch GmbH	568
196	Rockwell Automation Technologies, Inc.	91
299	Rockwell Collins, Inc.	53
147	Rohm and Haas Co.	129
134	Rohm Co. Ltd.	143
184	Rolls-Royce PLC	96
128	Samsung Electro-Mechanics Co., Ltd.	149
2	Samsung Electronics Co., Ltd.	2,723
64	Samsung SDI Co., Ltd.	315
259	Sandia Corp.	65
142	SanDisk Corp.	135
125	Sanofi-Aventis	153
45	Sanyo Electric Co., Ltd.	454
126	SAP AG	150
252	Schering Corp.	68
97	Schlumberger Technology Corp.	217
270	Sci-Med Life Systems, Inc.	59
89	Seagate Technology, LLC	237
15	Seiko Epson Corp.	1,205
225	Seiko Instruments Inc.	79
49	Semiconductor Energy Laboratory Co., Ltd.	413
27	Sharp Corp.	646
116	Sharp Laboratories Of America, Inc.	168
140	Shell Oil Co.	138
300	Shimadzu Corp.	53
238	Shimano Inc.	73
181	Shin Etsu Chemical Co., Ltd.	97
276	Shinko Electric Industries Co., Ltd.	57
11	Siemens AG	1,432
201	Silicon Laboratories Inc.	90
37	Silverbrook Research Pty., Ltd.	533
10	Sony Corp.	1,454
162	Spansion LLC	113
103	Sprint Communications Co., L.P.	193
282	SRI Sports Ltd.	56
212	Stanford University	85
293	Stine Seed Farm, Inc.	54
41	STMicroelectronics, Inc.	486
164	Sumitomo Chemical Co., Ltd.	109
129	Sumitomo Electric Industries Co., Ltd.	149
255	Sumitomo Rubber Industries, Ltd.	67
173	Sumitomo Wiring Systems, Ltd.	103
25	Sun Microsystems, Inc.	658
239	Synopsys Inc.	73
43	Taiwan Semiconductor Manufacturing Co., Ltd.	467
253	Takata Corp.	68
57	TDK Corp.	338
84	Telefonaktiebolaget LM Ericsson	253
18	Texas Instruments, Inc.	749
260	Thales	65
96	Thomson Licensing S.A.	221
94	Tokyo Electron Ltd.	225
6	Toshiba Corp.	1,734
168	Toyoda Gosei K.K.	106

2007 Patent Owners Alphabetical Listing

Rank	Organization	Patent
56	Toyota Jidosha K.K.	351
119	Tyco Electronics Corp.	166
177	U.S. Department of Health & Human Services	99
257	Uni-Charm Corp.	66
236	Unilever	74
210	Unisys Corp.	86
152	United Microelectronics Corp.	125
133	United States Of America, Army	144
246	United States of America, National Aeronautics and Space Administration	70
79	United States of America, Navy	268
53	United Technologies Corp.	367
58	University of California, Regents of	333
277	University of Florida Research Foundation, Inc.	57
202	University of Texas	90
301	Veritas Operating Corp.	53
180	Verizon	98
107	VIA Technologies, Inc.	183
221	Victor Company of Japan, Ltd.	82
222	Visteon Global Technologies, Inc.	80
182	Weatherford/Lamb, Inc.	97
283	Western Digital Technologies, Inc.	56
284	Whirlpool Corp.	56
197	Wisconsin Alumni Research Foundation	91
155	Wyeth	119
39	Xerox Corp.	514
90	Xilinx, Inc.	233
110	Yamaha Corp.	174
198	Yamaha Motor Co., Ltd.	91
131	Yazaki Corp.	146
188	Zahnradfabrik Friedrichshafen AG	93

NOTES:

1. The number of patents granted does not necessarily indicate the value of a company's technology, the effectiveness of its R&D, or whether it will be profitable. The number of patents per company varies widely from industry to industry and from company to company within an industry.

2. This report was compiled by IPO from data provided by the U.S. Patent & Trademark Office. Patents reported are utility patents granted during calendar year 2007 that listed the organization or a subsidiary as the owner on the printed patent document. If an assignment of rights to an organization or its subsidiary was recorded after the patent document was printed, the patent was not counted. Patents in the name of a majority-owned subsidiary are included with patents of the parent organization if the organization asked IPO to include subsidiaries. Patents that were granted to two or more organizations jointly are attributed to the organization listed first on the patent document.

3. The number of patents granted by the USPTO declined to 153,283 in 2007 from 173,771 in 2006.

4. IPO has published this report annually since 1984 as a service to its members. For annual lists go to www.ipo.org/TopPatentOwners.

5. Next year IPO will list patents under the name of the parent organization that are granted to majority-owned subsidiaries if the organization provides the names of its majority-owned subsidiaries to IPO by March 1, 2009.

6. IPO makes reasonable efforts to avoid errors, but cannot assure complete accuracy.

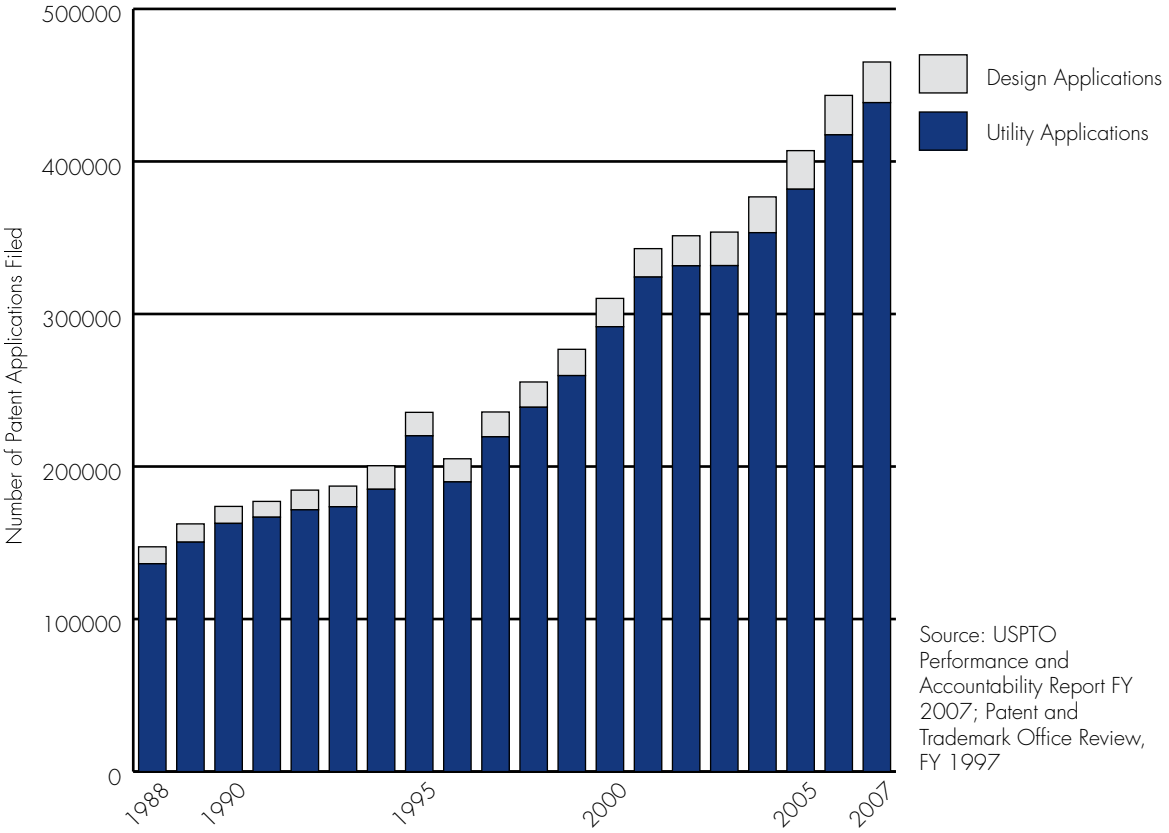
Other Annual IP Statistics:

Patents, Trademarks, and Copyrights:
by Type, State, and Country

U.S. District Courts Suits:
by Type and by Court

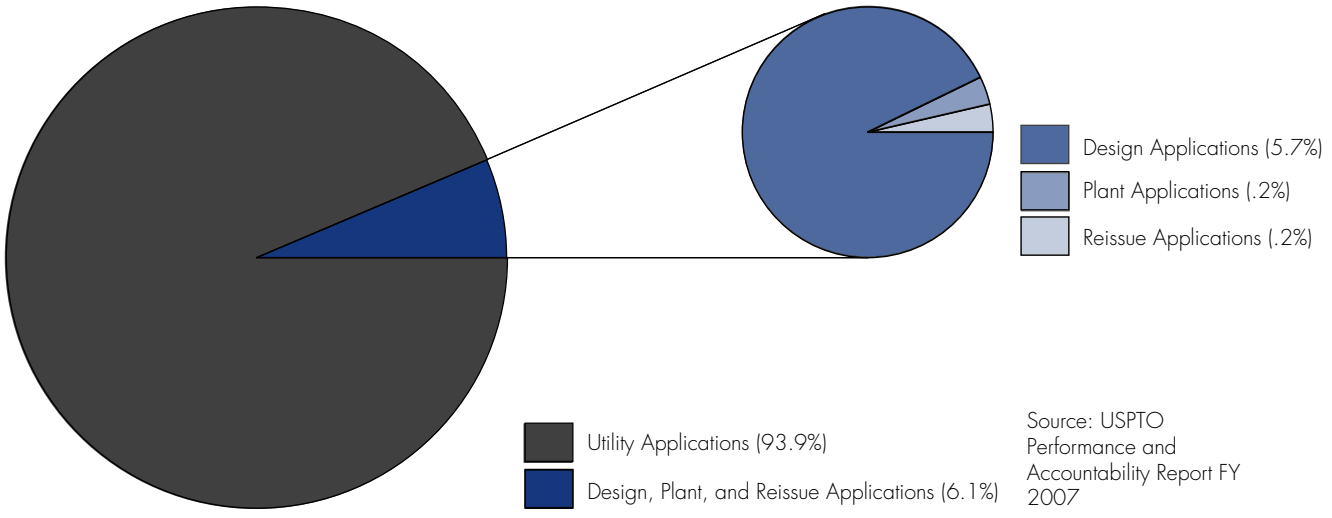
Cases in the U.S. Court of Appeals for the Federal Circuit:
by Category, with Time to Disposition, and Petitions for Certiorai to the Supreme Court

U.S. Patent Applications, Utility and Design (1988 - 2007)



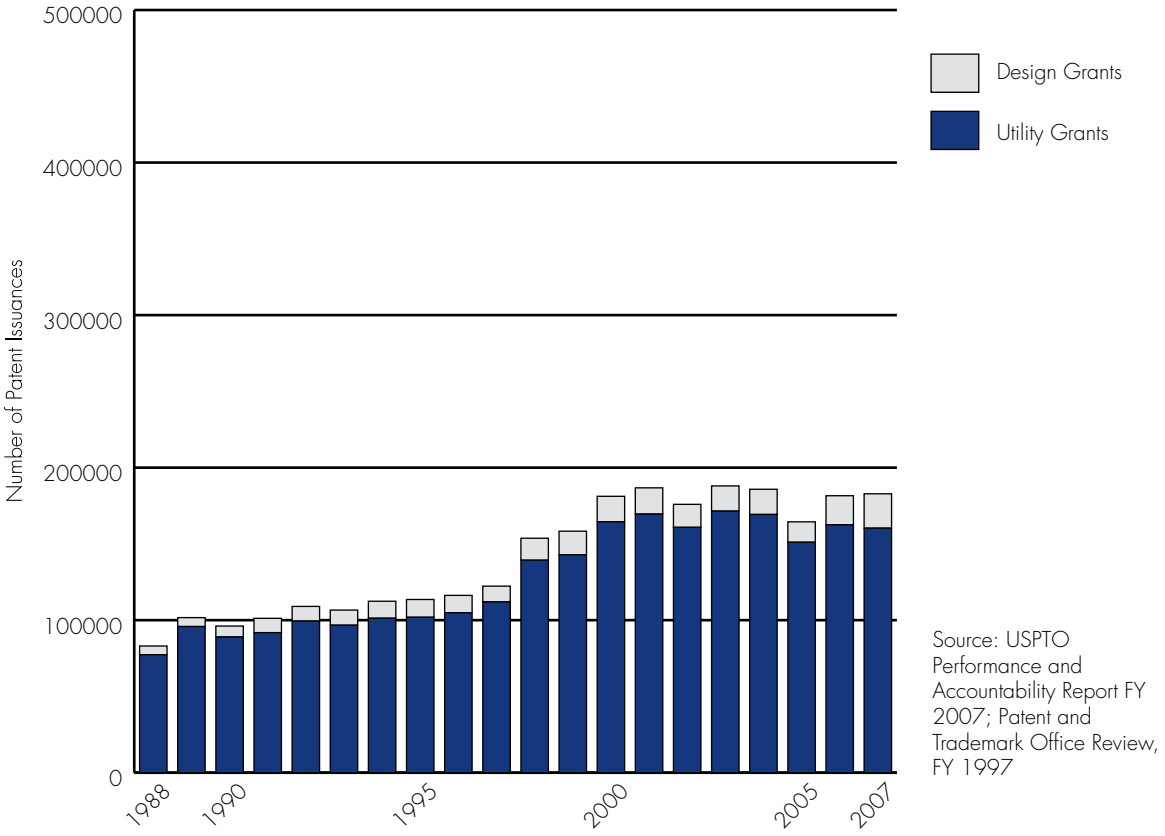
Source: USPTO Performance and Accountability Report FY 2007; Patent and Trademark Office Review, FY 1997

U.S. Patent Applications, by Type (2007)



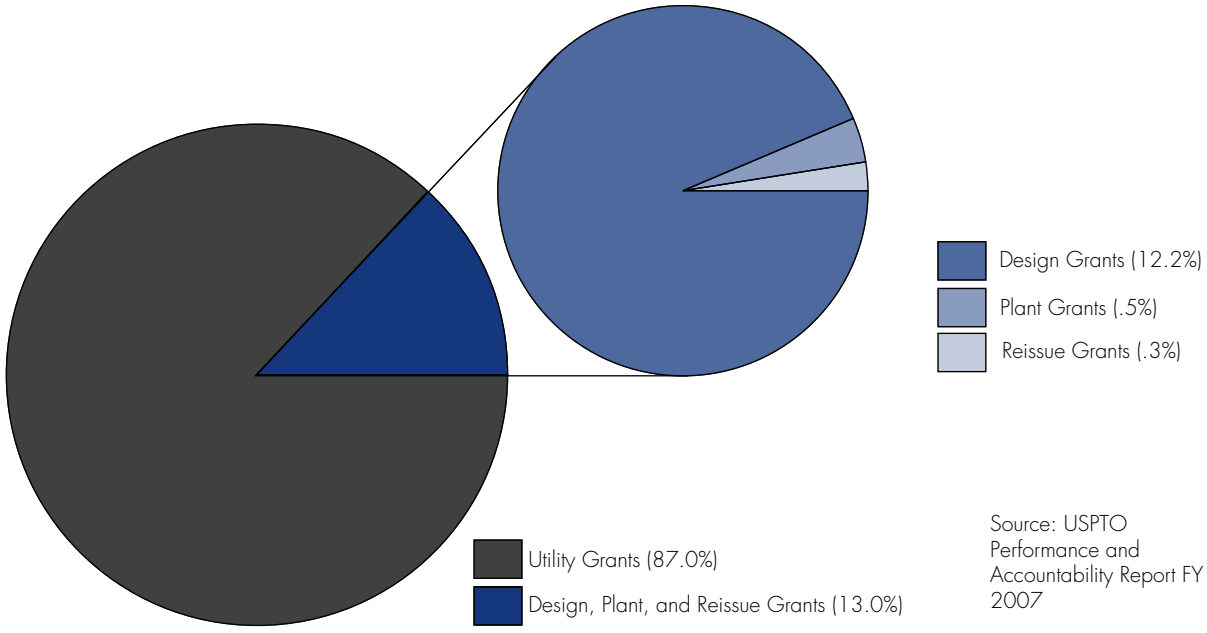
Source: USPTO Performance and Accountability Report FY 2007

U.S. Patent Grants, Utility and Design (1988 - 2007)



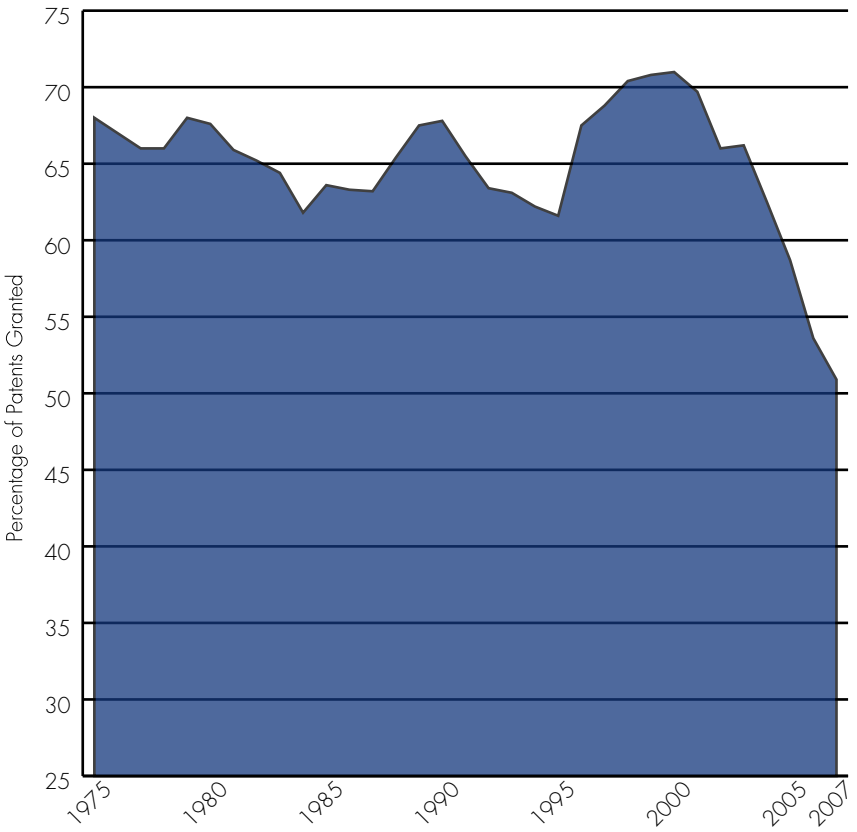
Source: USPTO Performance and Accountability Report FY 2007; Patent and Trademark Office Review, FY 1997

U.S. Patent Grants, by Type (2007)



Source: USPTO Performance and Accountability Report FY 2007

USPTO Patent Applications Allowance Rate* (FY 1975 - 2007)

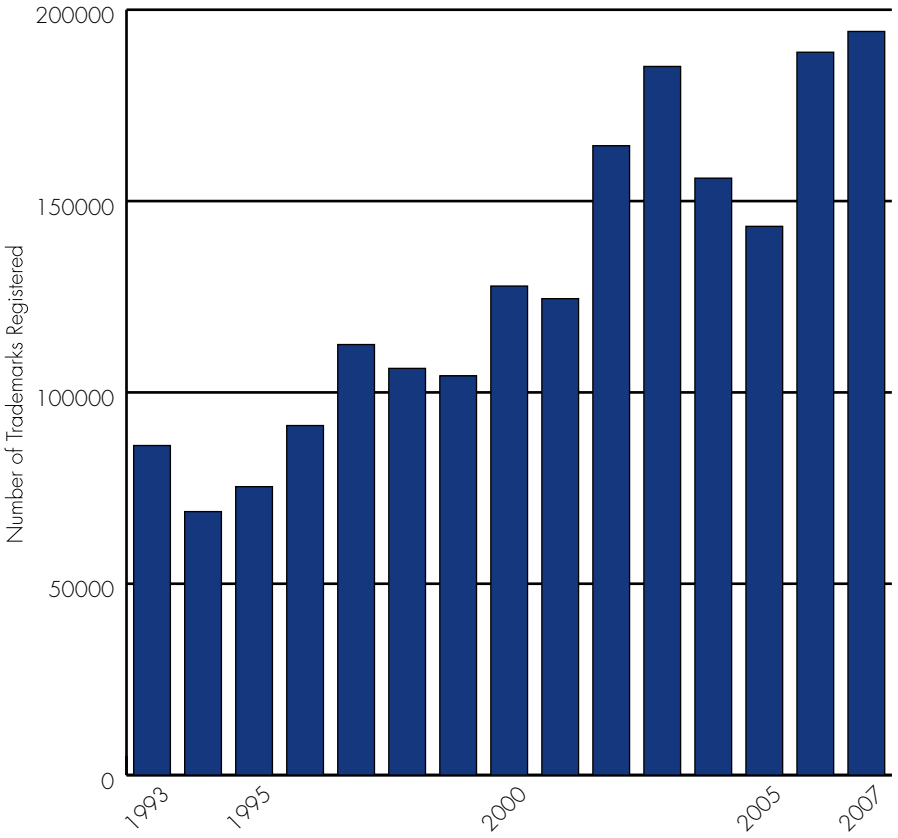


Source: USPTO, May 2008

Note: Includes utility, plant, and reissue patents. Design patents are excluded.

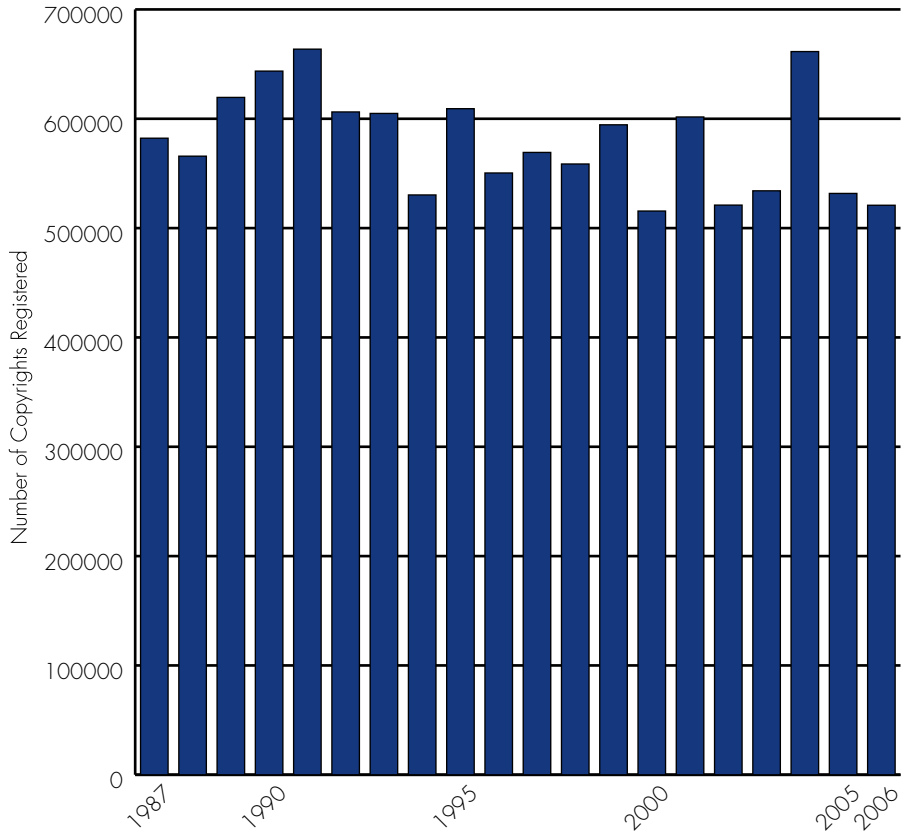
* The allowance rate is the percentage of patent applications on which a patent is granted.

U.S. Trademark Registrations (1993 - 2007)



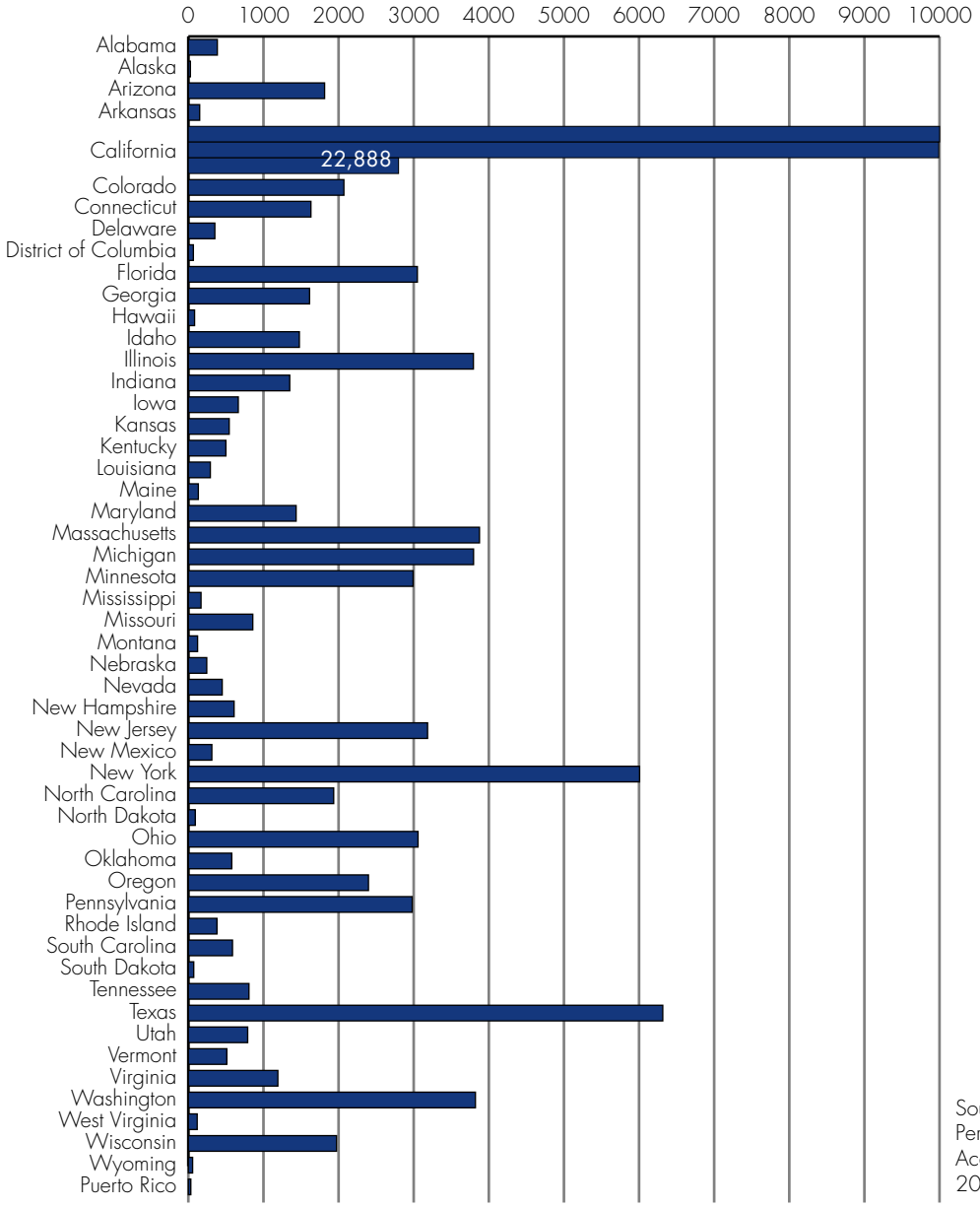
Source: USPTO Performance and Accountability Report FY 2007 and FY 2001

U.S. Copyright Registrations (1986 - 2006)



Source: US Copyright Office, Annual Report FY 2006

U.S. Patents Granted by State of Residence (2007)



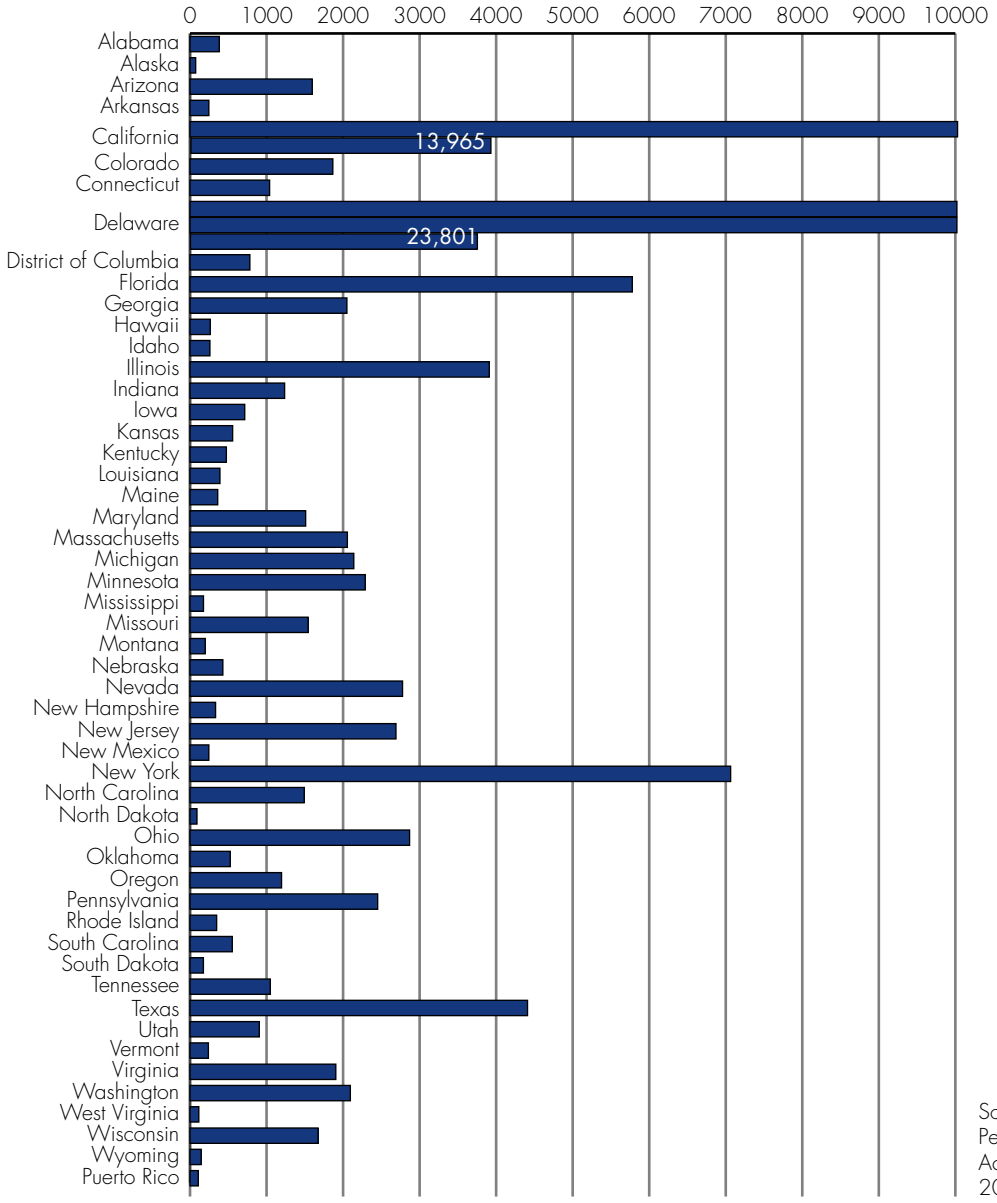
Source: USPTO Performance and Accountability Report FY 2007

Top 25 States Ranked by Patents Granted per Capita

Rank	State	Patents per 100,000 Inhabitants
1	Idaho	98.6
2	Vermont	82.4
3	Oregon	64.0
4	California	62.6
5	Massachusetts	60.1
6	Washington	59.1
7	Minnesota	57.6
8	Connecticut	46.6
9	New Hampshire	46.3
10	Colorado	42.6
11	Delaware	40.8
12	Michigan	37.7
13	New Jersey	36.7
14	Rhode Island	36.0
15	Wisconsin	35.2
16	New York	31.1
17	Utah	29.9
18	Illinois	29.5
19	Arizona	28.6
20	Ohio	26.7
21	Texas	26.4
22	Maryland	25.5
23	Pennsylvania	24.0
24	Iowa	22.3
25	North Carolina	21.4

Calculated using patent counts for FY 2007 and U.S. Census Bureau 2007 Population Estimates

U.S. Trademark Registrations by State of Residence (2007)



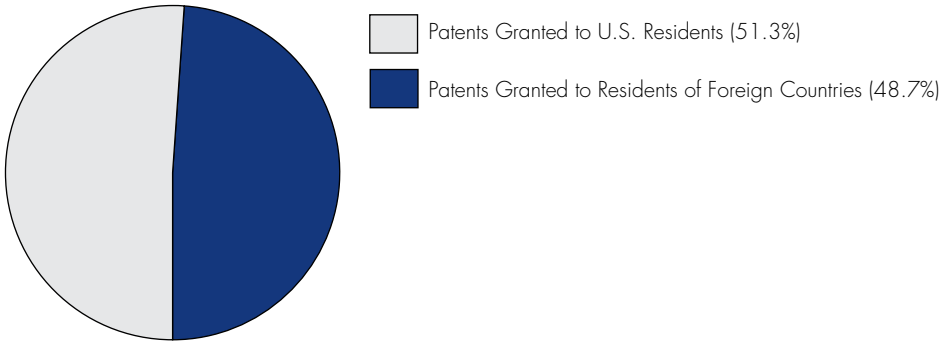
Source: USPTO Performance and Accountability Report FY 2007

Top 25 States Ranked by Trademark Registrations per Capita

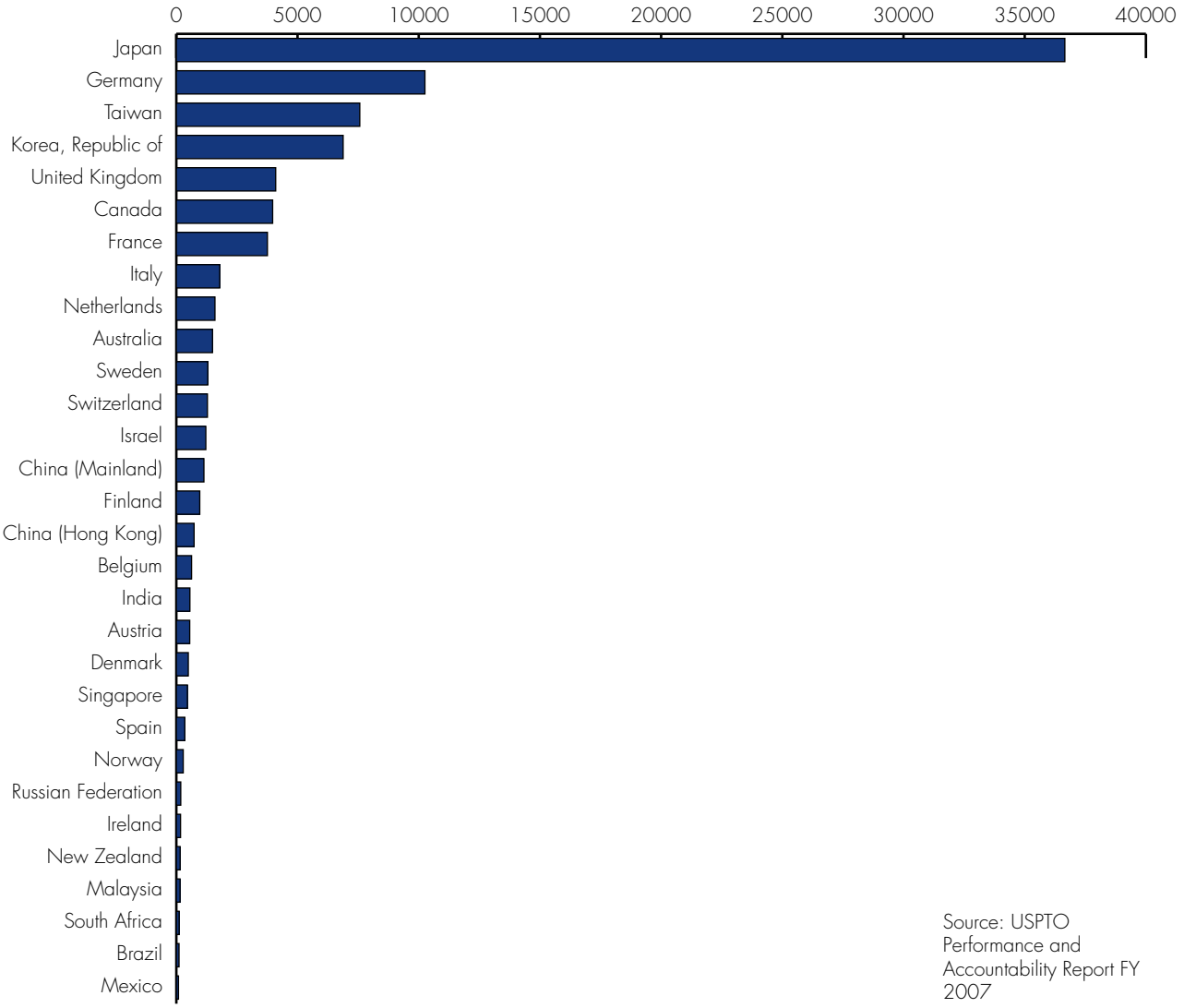
Rank	State	Tradmarks per 10,000 Inhabitants
1	Delaware	275.2
2	District of Columbia	13.3
3	Nevada	10.8
4	Minnesota	4.4
5	Vermont	3.9
6	Colorado	3.8
7	California	3.8
8	New York	3.6
9	Utah	3.4
10	Rhode Island	3.3
11	Washington	3.2
12	Oregon	3.2
13	Massachusetts	3.2
14	Florida	3.2
15	New Jersey	3.1
16	Illinois	3.0
17	Wisconsin	3.0
18	Connecticut	3.0
19	Wyoming	2.8
20	Maine	2.7
21	Maryland	2.7
22	Missouri	2.6
23	New Hampshire	2.5
24	Arizona	2.5
25	Ohio	2.5

Calculated using trademark counts for FY 2007 and U.S. Census Bureau 2007 Population Estimates

U.S. Patents Granted by Country of Residence (2007)

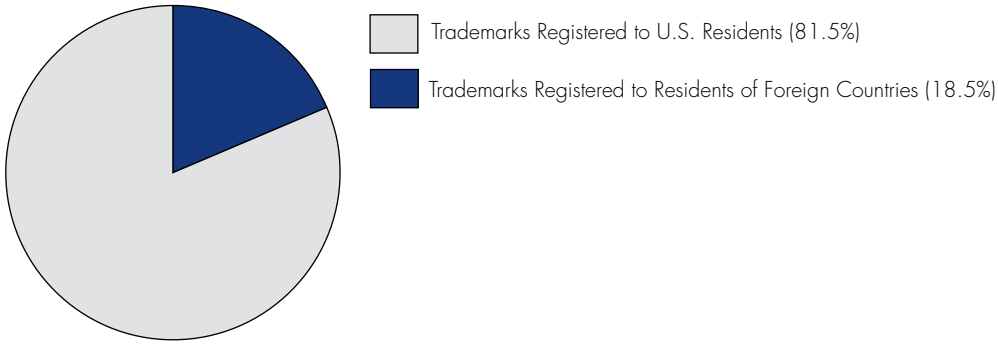


U.S. Patents Granted to Residents of Foreign Countries (2007)

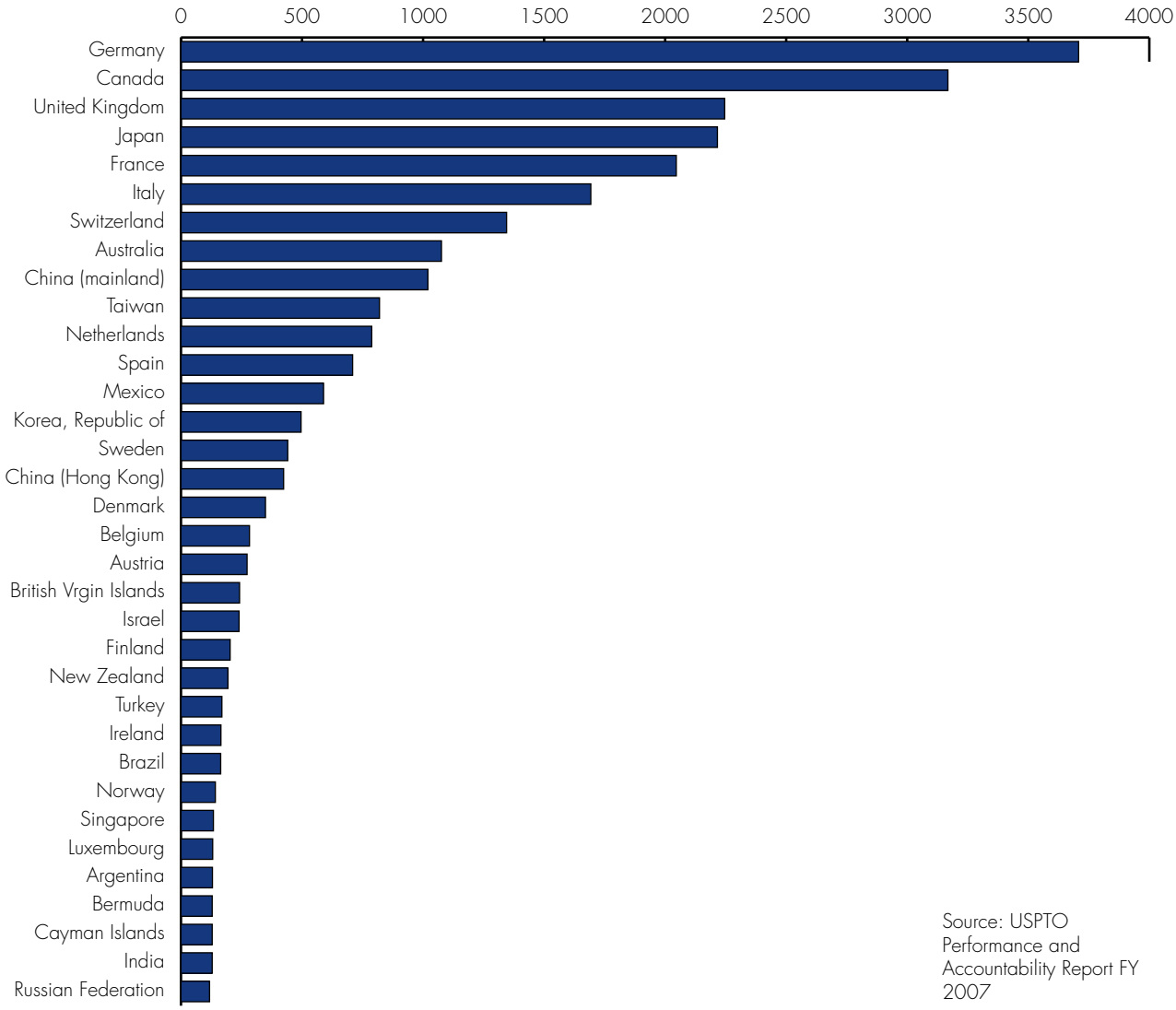


Source: USPTO Performance and Accountability Report FY 2007

U.S. Trademark Registrations by Country of Residence (2007)

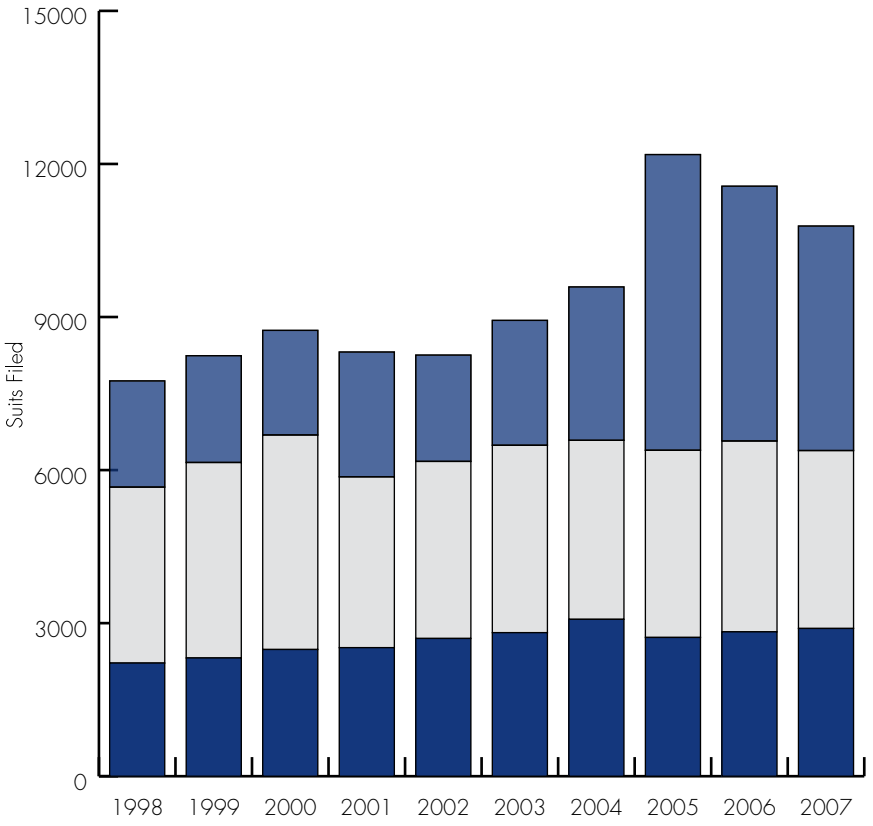


U.S. Trademarks Registrations to Residents of Foreign Countries (2007)



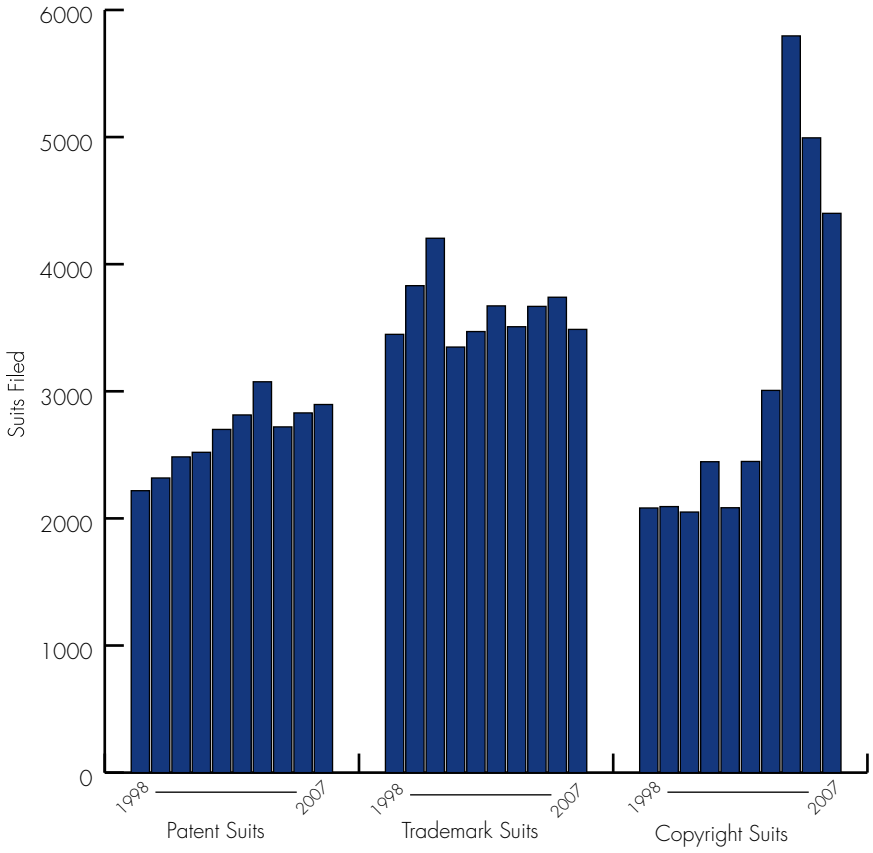
Source: USPTO Performance and Accountability Report FY 2007

Patent, Trademark, and Copyright Suits in U.S. District Courts, by Year (1998 - 2007)



Source: Judicial Business of the United States Courts, 2007 Annual Report of the Director

Patent, Trademark, and Copyright Suits in U.S. District Courts, by Year (1998 - 2007)



Source: Judicial Business of the United States Courts, 2007 Annual Report of the Director

U.S. District Courts with Most Patent Suits Filed in 2007

Rank	District	Suits Filed
1	Texas, Eastern	359
2	California, Central	334
3	New Jersey	186
4	California, Northern	159
5	Delaware	157
6	Illinois, Northern	128
7	New York, Southern	111
8	Florida, Southern	83
9	Georgia, Northern	71
10	Massachusetts	69
11	California, Southern	58
12	Pennsylvania, Eastern	57
13	Florida, Middle	56
14	Minnesota	56
15	Michigan, Eastern	52

U.S. District Courts with Most Trademark Suits Filed in 2007

Rank	District	Suits Filed
1	California, Central	545
2	New York, Southern	304
3	California, Northern	171
4	Florida, Southern	160
5	Illinois, Northern	143
6	New Jersey	138
7	Florida, Middle	131
8	Nevada	117
9	New York, Eastern	96
10	Arizona	85
11	Georgia, Northern	77
12	California, Southern	74
13	Michigan, Eastern	72
14	Virginia, Eastern	72
15	Texas, Northern	71

U.S. District Courts with Most Copyright Suits Filed in 2007

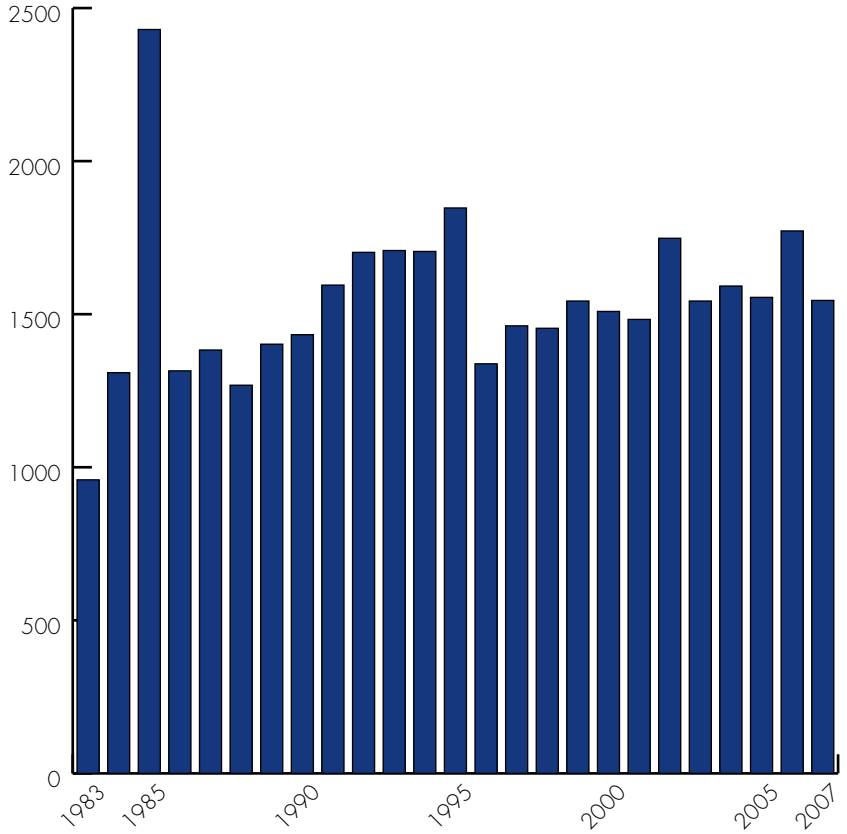
Rank	District	Suits Filed
1	California, Central	687
2	New York, Southern	353
3	Texas, Southern	214
4	California, Northern	203
5	Texas, Western	196
6	Illinois, Northern	157
7	Texas, Northern	121
8	Florida, Middle	119
9	New York, Eastern	119
10	Pennsylvania, Eastern	116
11	Florida, Southern	114
12	Georgia, Northern	96
13	New Jersey	96
14	Massachusetts	91

U.S. District Courts with Most IP Suits Filed in 2007

Rank	District	Suits Filed
1	California, Central	1566
2	New York, Southern	768
3	California, Northern	533
4	Illinois, Northern	428
5	New Jersey	420
6	Texas, Eastern	409
7	Florida, Southern	357
8	Florida, Middle	306
9	Texas, Southern	295
10	Texas, Western	269
11	New York, Eastern	248
12	Georgia, Northern	244
13	Texas, Northern	232
14	Pennsylvania, Eastern	229
15	Massachusetts	220

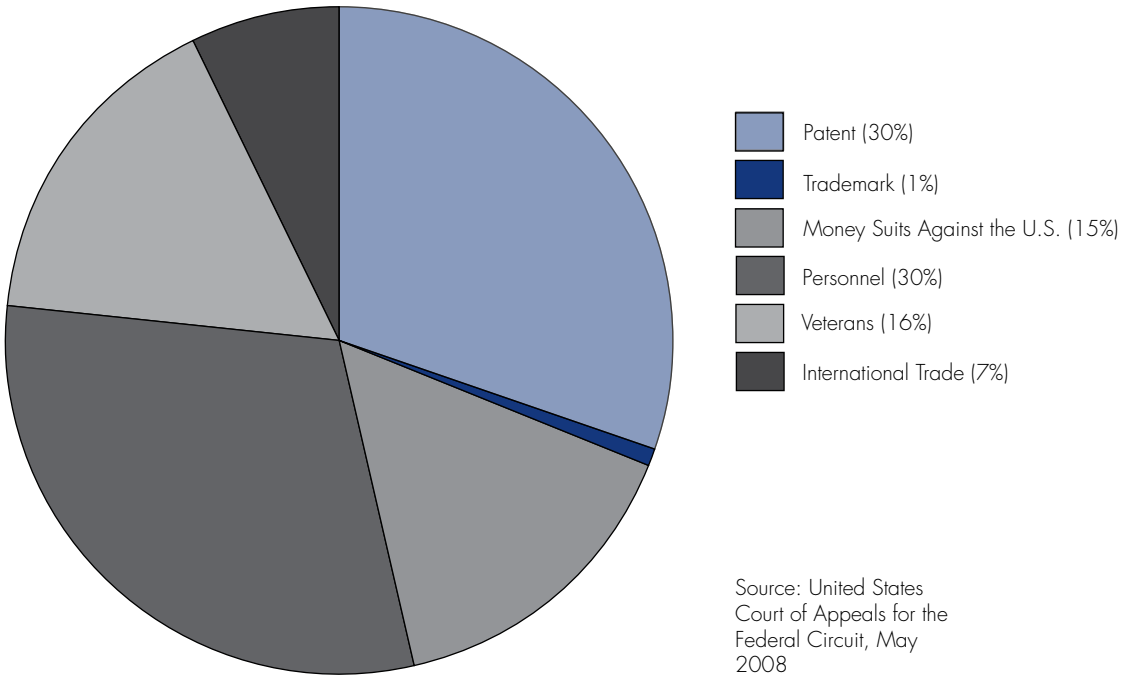
Source: Judicial Business of the United States Courts, 2007 Annual Report of the Director

Federal Circuit Court of Appeals Overall Caseload, by Year (1983 - 2007)



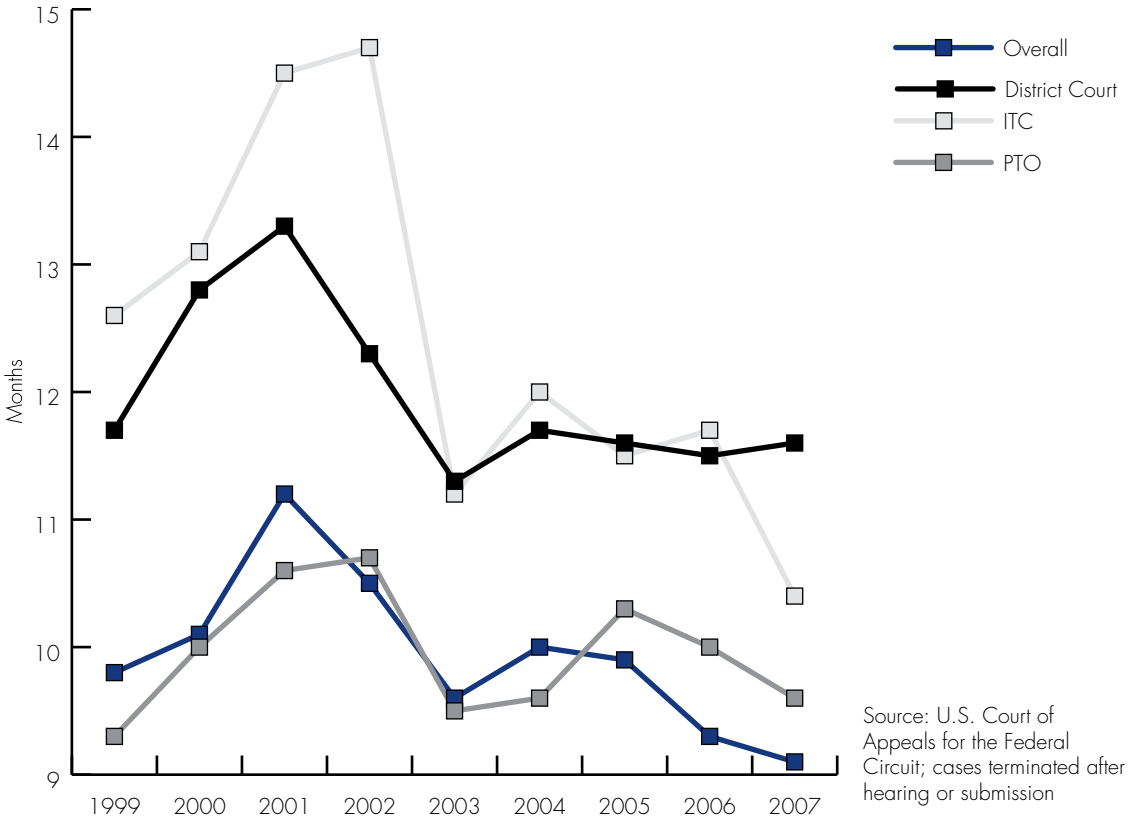
Source: U.S. Court of Appeals for the Federal Circuit

Federal Circuit: Appeals Filed, by Category (April 2007 - March 2008)



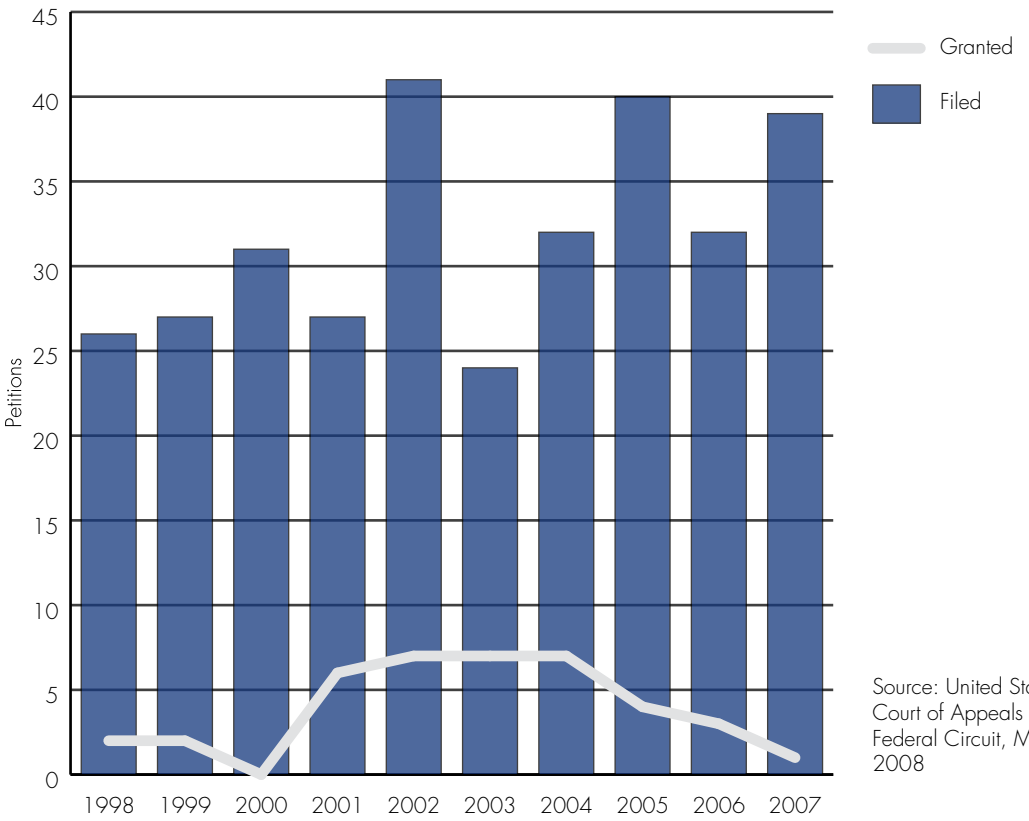
Source: United States Court of Appeals for the Federal Circuit, May 2008

Federal Circuit, Median Time to Disposition of Appeals



Source: U.S. Court of Appeals for the Federal Circuit; cases terminated after hearing or submission

Certiorari Petitions to U.S. Supreme Court from Federal Circuit (FY 1998 - FY 200



Source: United States Court of Appeals for the Federal Circuit, May 2008

IPO's 4-Star Federal Circuit Summaries™ 2007 - 2008*

IPO publishes one-paragraph summaries of every precedential patent and trademark opinion issued by the Court of Appeals for the Federal Circuit. The summaries are distributed via the IPO Daily News™ and archived on the IPO website. Each decision is ranked on importance with, 4 stars being the highest ranking.

Shipments of Products "F.o.b" From Canada Into the U.S. Were Infringing Sales in the U.S. Under Patent and Copyright Law -- *Litecubes, LLC v. Northern Light Products, Inc. 06-1646* -- April 28, 2008

In a 34-page opinion by Judge Gajarsa, the Federal Circuit upheld a finding of patent and copyright infringement, although based on different grounds than the lower court. The suit was for infringement of Litecubes' rights in lighted artificial ice cubes. The Federal Circuit decided Northern Light made "sales" in the U.S. for purposes of infringement under patent code section 271(a) notwithstanding that Northern Light shipped the infringing products to U.S. customers "f.o.b." (free on board) from Canada, which meant that legal title was transferred while the products were still in Canada. The court gave a similarly expansive meaning to "distribute" and "sale" in the Copyright Act. The court also decided the U.S. territorial requirement in patent and copyright law is an element that must be established to prove infringement, but is not a requirement for a court's subject matter jurisdiction over an action. (Personal jurisdiction over the defendant was not contested in this case.)

Federal Circuit Will Reconsider Business Method Patents -- *In re Bilski 2007-1130* -- February 15, 2008

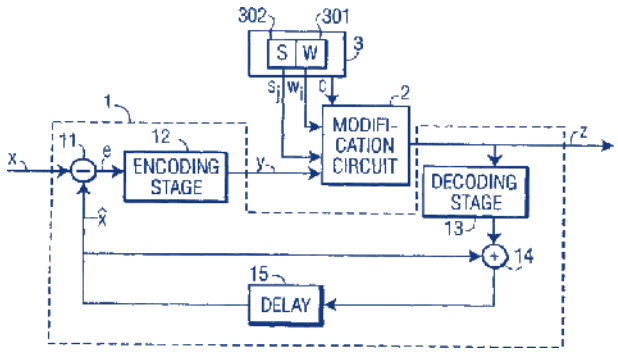
The Federal Circuit by its own action issued an order granting an en banc hearing in this case that has not yet been decided and posed five questions to be addressed by the parties in supplemental briefs. The questions were directed at the scope of patent-eligible subject matter under patent code section 101. Question 5 asks whether it is appropriate to reconsider the State Street Bank case, dealing with business method patents. The Bilski case is an appeal from the USPTO's rejection of patent claims for a method for managing the "consumption risk" of, for example, using more energy because of bad weather. The USPTO Board's opinion was 71 pages in length. (Normally IPO reports only precedential opinions and orders, but this non-precedential order is reported because of its importance.)

* Through May 2008

IPO's 4-Star Federal Circuit Summaries™

Three Judges Dissent From Denial of En Banc Rehearing of Whether an Electrical Signal is a Manufacture -- *In re Nuijten 2006-1371* -- February 11, 2008

The Federal Circuit denied a petition for en banc review of its October 20, 2007 decision. A dissenting opinion was filed by Judge Linn, in which Judges Newman and Rader joined. In the October decision, a 3-judge panel held that an electrical signal was not a "manufacture" and therefore not patentable subject matter. In his dissent from denial of a rehearing en banc, Judge Linn, who also dissented from the October decision, said the USPTO has allowed a claim to a storage medium containing the same signal on the ground that the storage medium is a manufacture, while in the USPTO view signals are unpatentable under the "printed matter" doctrine. He said, "These distinctions make no practical sense . . . . " He urged a "more holistic approach" to whether a claim is directed only to an unpatentable abstraction.



U.S .Patent No. 6,507,299

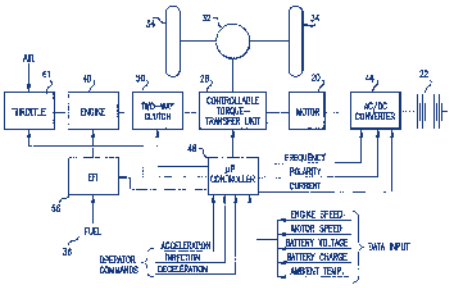
Federal Circuit Denies En Banc Rehearing of Decision That DC's Excessive Drug Pricing Act is Unconstitutional -- *Biotechnology Industry Organization v. District of Columbia 2006-1593* -- October 30, 2007

The Federal Circuit by vote of 11 to 1 denied the District of Columbia's petition for an en banc rehearing of the court's August 1 three-judge decision that found the District's Excessive Drug Pricing Act unconstitutional. The act makes it unlawful to sell a patented drug for "an excessive price." Judge Dyk dissented from the denial of the petition for rehearing. He said a state law is preempted only if it "(1) regulates in an area where federal regulation is exclusive (so-called field preemption) or (2) regulates in a way that conflicts with federal policy (so-called conflict preemption)." He disagreed with the 3-judge panel that the law was unconstitutional for conflict preemption, although he said the law "seeks to establish patent policy and thus is subject to field preemption." A concurring opinion by Judge Gajarsa said Dyk's dissent was "grounded in sophistry."

IPO's 4-Star Federal Circuit Summaries™

District Court Had Discretion to Order "Ongoing Royalty" or "Compulsory License" After Denying Injunction Against Patent Infringement -- *Paice LLC v. Toyota Motor Corp. 2006-1610, -1631* -- October 18, 2007

In an opinion by Judge Prost, the Federal Circuit upheld a finding of equivalents infringement of Paice patents for hybrid electric vehicle transaxles, and upheld denial of an injunction. The accused device was Toyota's transaxle used in Prius II, Highlander and Lexus RX400h vehicles. The district court on its own initiative ordered an "ongoing royalty" of $25 per infringing vehicle and specified payment terms. The Federal Circuit agreed the district court had discretion to order an ongoing royalty and Paice did not have a right to a jury trial, but remanded the case because the "order provides no reasoning to support the selection of $25 . . . ." In a footnote the Federal Circuit majority said the ongoing royalty rate was not a compulsory license because it was not available to other parties. Judge Rader, concurring, said that, ". . . calling a compulsory license an 'ongoing royalty' does not make it any less a compulsory license," and that the district court should have allowed the parties an opportunity to set the rate before setting it itself.



U.S .Patent No. 5,343,970

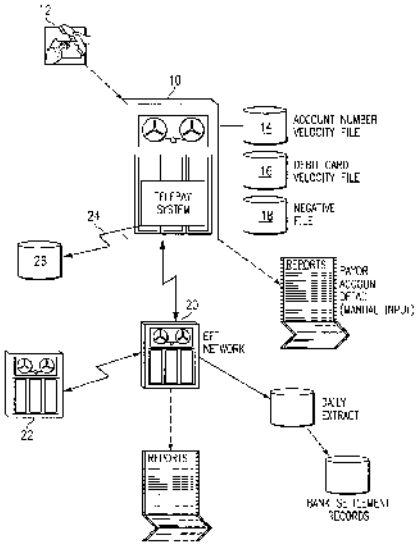
Exclusive Field of Use License Did Not Give Licensee Right to Sue for Infringement Without Joining Patent Owner -- *Int'l Gamco, Inc. v. Multimedia Games, Inc. 2007-1034* -- October 15, 2007

In an opinion by Judge Rader, the Federal Circuit overturned a district court's refusal to dismiss Int'l Gamco's infringement suit for lack of standing to sue without joining the patent owner as a plaintiff. Int'l Gamco had an "exclusive enterprise license," which was an amalgam of an exclusive geographical license and an exclusive field of use license that gave the company exclusive rights in the patented gaming system in the New York lottery market. The Federal Circuit relied on the Supreme Court's 1892 Pope opinion, which said an exclusive license limited to an embodiment in an individual claim of a patent does not give standing to sue. Exclusive geographical licensees have standing to sue, but the Federal Circuit said giving the right to exclusive field of use licensees would create greater risks of multiple suits. Senior Judge Freidman filed a rare "dubitante" opinion -- an opinion by a judge who expresses doubt about a point but is unwilling to say it is wrong.

IPO's 4-Star Federal Circuit Summaries™

Party Did Not Infringe Financial Processing Patents by Performing Only Some Steps of Claimed Methods -- *BMC Resources, Inc. v. Paymentech, L.P. 2006-1503* -- September 20, 2007

In an opinion by Judge Rader, the Federal Circuit upheld a summary judgment that Paymentech did not infringe BMC patents for methods of processing debit transactions without a personal identification number (PIN). Paymentech did not perform all of the steps of the methods itself or in coordination with its customers or financial institutions. The Federal Circuit said infringement requires "a showing that a defendant has practiced each and every element of the claimed invention." BMC did not prove that the defendant controlled or directed the activity of other parties who performed some steps of the methods.



U.S .Patent No. 5,870,456

Business Method Claims That Depend Entirely on the Use of Mental Processes Do Not Contain Patentable Subject Matter -- *In re Comiskey 2006-1286* -- September 20, 2007

In an opinion by Judge Dyk, the Federal Circuit ruled that applicant Comiskey's claims did not cover patentable subject matter under patent code section 101. The invention was a method for mandatory arbitration involving legal documents, such as wills or contracts. Method steps included "enabling a person to enroll," "providing arbitration language," "providing support to the arbitration," etc. The method claims did not require the use of a mechanical device such as a computer. The USPTO rejected the claims as obvious, but the Federal Circuit decided the case under section 101. The court viewed the claims as "business method" claims. It reviewed earlier decisions including the famous 1998 State Street Bank case, and decided section 101 "does not allow patents to be issued on particular business systems – such as a particular type of arbitration – that depend entirely on the use of mental processes." State Street was distinguishable because there a computer was a virtual necessity to complete the task. The Federal Circuit said, "When an unpatentable mental process is combined with a machine, the combination may produce patentable subject matter." The case was remanded for a determination of whether Comiskey claims that added a computer to the process were obvious.

IPO's 4-Star Federal Circuit Summaries™

Federal Circuit Says Electrical Signal Not a "Manufacture" and Therefore Not Patentable Subject Matter -- *In re Nuijten 2006-1371* -- September 20, 2007

In an opinion by Judge Gajarsa, a split Federal Circuit upheld a USPTO decision that Nuijten's patent claim for a "signal" was unpatentable subject matter outside the scope of patent code section 101. The patent application disclosed a technique for reducing distortion induced by the introduction of "watermarks" into electrical or electromagnetic signals. The USPTO allowed claims for processes and devices involving the invention, but rejected claims to the signals themselves. The majority discussed whether signals are within any of the four categories of section 101: "processes," "machines," "manufactures" or "compositions of matter." The most difficult question was with manufactures. "Transitory" signals do not fit within the definition of manufactures, which are "tangible articles or commodities." It is "particularly true" that signals are not tangible articles or commodities if they are electromagnetic signals transmitted through a vacuum. Judge Linn dissented.

Judge Linn Says Signals are Manufactures -- *In re Nuijten 2006-1371* – dissenting opinion -- September 20, 2007

Judge Linn dissented from the Federal Circuit's decision that Nuijten's patent claim for a "signal" was unpatentable subject matter. He said the case was being decided against the backdrop of "ongoing controversy" over the wisdom of software patenting and the decision in the State Street Bank case. The Supreme Court has not limited "manufactures" to "non-transitory, tangible things." The outer limits of statutory subject matter "should not depend on metaphysical distinctions such as those between hardware and software or matter and energy." The majority opinion was at odds with the Supreme Court's 1853 opinion in O'Reilly v. Morse allowing a claim that was directed to a new and useful signal.

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Federal Circuit Replaces Duty of Due Care Standard for Avoiding Enhanced Damages With "Objective Recklessness" Standard -- *In re Seagate Technology, LLC, Misc. Doc. 830* -- August 20, 2007

In an en banc opinion authored by Judge Mayer, the Federal Circuit directed a district court to reconsider its orders granting discovery to the patent owners in an infringement action against Seagate. Seagate had raised an advice of counsel defense to an allegation of willful infringement, and the district court decided Seagate waived its attorney-client privilege for all communications between it and any of its counsel. The Federal Circuit made three major rulings: (1) It overruled its 1983 Underwater Devices opinion, which imposed a "duty of due care" on defendants, and held that proof of willful infringement permitting enhanced damages requires "at least a showing of objective recklessness." It emphasized that there is no affirmative obligation for defendants to obtain an opinion of counsel. (2) It held, as a general proposition, that asserting the advice of counsel defense and disclosing advice of opinion counsel does not constitute waiver of the attorney-client privilege for communications with trial counsel. (3) It held, as a general proposition, relying on opinion counsel's work product does not waive work product immunity with respect to trial counsel. In a footnote, it said it was not addressing the district court's discovery orders pertaining to Seagate's in-house counsel. Judge Gajarsa argued in a concurring opinion that the discretion of district courts to award enhanced damages should not be limited by willfulness.

District of Columbia's Excessive Drug Pricing Act Applying to Patented Drugs Ruled Unconstitutional -- *Biotechnology Industry Organization v. District of Columbia 2006-1593* -- August 1, 2007

In an opinion by Judge Gajarsa, the Federal Circuit upheld a district court decision that federal patent law preempts the authority of a state or the District of Columbia to make it unlawful to sell a patented drug for "an excessive price." The statute at issue was the District's "Prescription Drug Excessive Pricing Act of 2005." The Federal Circuit concluded the District "has chosen to re-balance the statutory framework of rewards and incentives [of patent law] insofar as it relates to inventive new drugs," and that the determination of the proper balance "between innovators' profit and consumer access to medication" is one for Congress to make. The District's law "stands as an obstacle to the federal patent law's balance of objectives . . . . " Threshold questions decided in favor of the plaintiffs were (1) whether the issue was one "arising under" the patent laws, thereby giving the Federal Circuit jurisdiction, and (2) whether the plaintiffs, who were trade associations, had standing to sue on behalf of their members.

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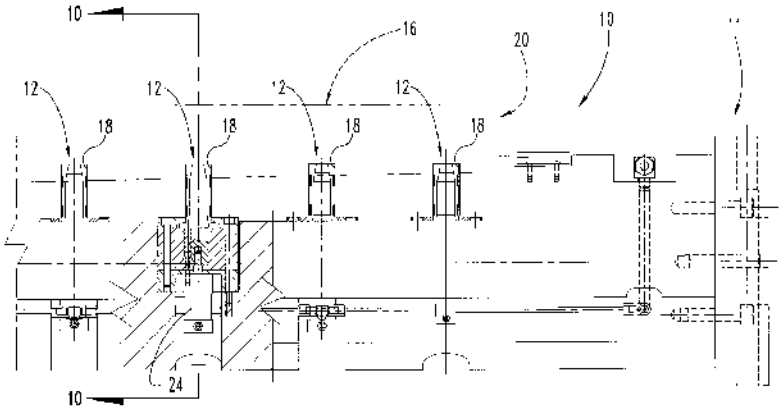
USPTO Board Not Allowed to Base Factual Findings on Its Own Expertise -- *in Inter Partes Cases Brand v. Miller 2006-1419* -- May 14, 2007



U.S .Patent No. 5,865,232

In an opinion by Judge Dyk, the Federal Circuit overturned a decision of the USPTO's Board of Patent Appeals and Interferences that Brand derived the invention from Miller, and therefore was not entitled to a patent. The invention was a method for cutting veneer from logs of wood. Miller had communicated two drawings to Brand that showed some aspects of the invention. The USPTO board relied on its own expertise to decide that one skilled in the art would have recognized the invention from the drawings. The board did not cite any testimony or record evidence. The Federal Circuit reviewed the applicability of the Administrative Procedure Act and ruled that "it is impermissible for the Board to base its factual findings on its expertise, rather than on evidence in the record" in inter partes proceedings.

U.S. Supreme Court Decides Supplying Software Component of Patented Computer Invention for Copying Abroad and Installation on Computer is Not Infringement -- *Microsoft Corp. v. AT&T Corp. 05-1056* -- April 30, 2007

In an opinion by Justice Ginsberg, the U.S. Supreme Court overturned a Federal Circuit decision that under patent code section 271(f) Microsoft infringed an AT&T patent for a computer loaded with speech compression software. Section 271(f) makes it infringement to supply components from the U.S. to be assembled abroad if the assembled components would infringe if located in the U.S. Microsoft sent Windows software with the speech compression feature to a foreign manufacturer on a master disk or by electronic transmission, and the foreign manufacturer copied the software for installation on computers made and sold abroad. The Supreme Court said, "Because Microsoft does not export from the United States the copies actually installed, it does not 'suppl[y] . . . from the United States' 'components' of the relevant computers, and therefore is not liable under section 271(f) as currently written." The court said section 271(f) is an exception to the general rule that patent law does not apply extraterritorially, and the court should not give the statute an expansive interpretation. Three justices concurred and Justice Stevens dissented. Chief Justice Roberts did not participate.

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U.S. Supreme Court Rejects Rigid Application of Federal Circuit's "Teaching, Suggestion or Motivation" Test for Obviousness -- *KSR International Co. v. Teleflex Inc. 04-1350* -- April 30, 2007

In an opinion by Justice Kennedy, the U.S. Supreme Court overturned a decision of the Federal Circuit that had held Teleflex's patented invention was not obvious. The patent was for an adjustable automobile pedal assembly with an electronic sensor. The Supreme Court confirmed the framework set forth in its 1965 Graham opinion for applying the statutory language of patent code section 103, but decided the Federal Circuit's "teaching, suggestion, or motivation" test (TSM test) as rigidly applied in this case was improper. The Supreme Court said: "There is no necessary inconsistency between the idea underlying the TSM test and the Graham analysis. But when a court transforms the general principle into a rigid rule that limits the obviousness inquiry . . . it errs." The Federal Circuit erred by (1) looking only at the problem the patentee was trying to solve, (2) assuming that a person of ordinary skill attempting to solve a problem will be led only to those elements of prior art designed to solve the same problem, (3) concluding that a patent claim cannot be proved obvious by showing the combination of elements was "obvious to try," and (4) applying a rigid rule to prevent hindsight that denied factfinders "recourse to common sense." The Supreme Court noted that in more recent cases not before the Supreme Court the Federal Circuit "has elaborated a broader conception of the TSM test."

Federal Circuit Repudiates "Reasonable Apprehension of Suit" Standard for Patent Declaratory Judgment Actions and Might Allow DJ Actions in Response to Any Invitation to License -- *SanDisk Corp. v. STMicroelectronics, Inc. 05-1300* -- March 26, 2007

In an opinion by Judge Linn, the Federal Circuit overturned the district court's dismissal of SanDisk's declaratory judgment suit for a ruling of patent invalidity and no infringement. Reacting to the Supreme Court's statement in a footnote in the January 2007 MedImmune case that the Federal Circuit's "reasonable apprehension of suit" standard for declaratory judgment actions was in conflict with Supreme Court decisions, the Federal Circuit repudiated the standard. ST presented an infringement analysis to SanDisk and asked for a royalty. The Federal Circuit said it did not need to define the outer boundaries of DJ jurisdiction. It held, "where a patentee asserts rights under a patent based on certain . . . activity of another party, . . . an Article III case or controversy will arise . . . ." In a concurring opinion, Judge Bryson called the Federal Circuit ruling "a sweeping change," and said, "I see no practical stopping point short of allowing declaratory judgment actions in virtually any case in which the recipient of an invitation to take a patent license elects to dispute the need for a license . . . ."

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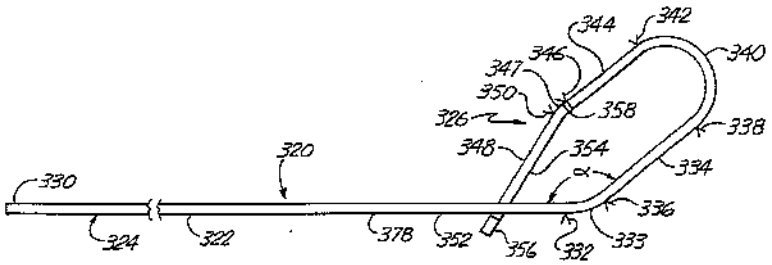
Federal Circuit Says Disclaimer of Claim Scope in Parent Patent Application Must be Rescinded in Continuation Application -- *Hakim v. Canon Avent Group, PLC 05-1398* -- February 23, 2007

In an opinion by Judge Newman, joined by Chief Judge Michel and Judge Rader, the Federal Circuit upheld a decision that limited patent claims issued in a continuation application to the same scope as claims allowed in the parent application. Hakim's patent was for a drinking cup that prevented the spilling of liquid. During prosecution of the parent application, Hakim emphasized that the term "slit" in claims 1 and 2 distinguished over the prior art. His continuation application that replaced "slit" with "opening" was accompanied by "an attorney letter stating that Hakim was broadening claims 1 and 2 . . ." The Federal Circuit thought the attorney letter was not enough. Judge Newman said, "Although a disclaimer made during prosecution can be rescinded, permitting recapture of the disclaimed scope, the prosecution history must be sufficiently clear to inform the examiner that the previous disclaimer, and the prior art . . . may need to be re-visited."

U.S. Courts Cannot Decide Issues of Infringement of Foreign Patents -- *Voda v. Cordis Corp. 05-1238* -- February 1, 2007

In an opinion by Judge Gajarsa, a Federal Circuit majority overturned a decision by a district court that it had jurisdiction to decide infringement of Voda's British, Canadian, French and German patents for a guiding catheter in addition to infringement of the U.S. patent. Voda resides in Oklahoma and Cordis is incorporated in Florida. The majority did not decide whether Voda's foreign patent infringement claims were part of the "same case or controversy" under subsection (a) of the federal supplemental jurisdiction statute, 28 U.S.C. 1367, but decided the district court acted outside its discretion under subsection (c). The majority concluded a lengthy opinion by stating, ". . . several reasons . . . compel the district court to decline supplemental jurisdiction . . . : limitations imposed by treaties that are the 'supreme law of the land' and considerations of comity, judicial economy, convenience, and fairness." Judge Newman dissented.



U.S .Patent No. 5,445,625

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Federal Circuit Invites Briefs on Patent Law Questions Relating to Willful Infringement and Duty of Care -- *In re Seagate Technology, LLC Misc. Docket No. 830* -- January 26, 2007

In an en banc order, the Federal Circuit invited the parties and those wishing to file amicus briefs to answer three questions relating to the advice of counsel defense to willful patent infringement and the duty of care standard for avoiding patent infringement. The questions, with case citations omitted, are:

"1. Should a party's assertion of the advice of counsel defense to willful infringement extend waiver of the attorney-client privilege to communications with that party's trial counsel? "

2. What is the effect of any such waiver on work-product immunity?

"3. Given the impact of the statutory duty of care standard announced in Underwater Devices, Inc. v. Morrison-Knudsen Co. on the issue of waiver of attorney-client privilege, should this court reconsider the decision in Underwater Devices and the duty of care standard itself?"

Supreme Court Allows Licensee to Challenge Patent Validity While Continuing to Pay Royalties -- *Medimmune, Inc. v. Genentech, Inc. 05-608* -- January 9, 2007

In an opinion by Justice Scalia, the Supreme Court overturned a Federal Circuit holding that patent licensee Medimmune cannot challenge the validity of Genentech's patent in a declaratory judgment suit while it is still paying royalties and otherwise complying with the license agreement. The effect of the decision is to permit Medimmune to challenge the patent and avoid damages greater than its royalties if its challenge is unsuccessful. The patent is for a drug used to prevent respiratory tract disease in young children. Relying on its 1943 decision in Altvater case and disagreeing with the Federal Circuit's 2004 Gen-Probe decision, the Supreme Court said the validity dispute between the parties is a case or controversy within the meaning of Article III of the U.S. Constitution. Language in this opinion will require careful analysis; the opinion noted the apparent absence of contract language prohibiting a validity challenge and noted the discretion of district courts to refuse to accept declaratory judgment suits. Justice Thomas dissented.

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In re Seagate Technology, LLC (U.S. Court of Appeals for the Federal Circuit, No. 2006-M830)

IPO's brief stated that assertion of an advice of counsel defense to willful patent infringement SHOULD NOT waive the attorney client-privilege with respect to communications of trial counsel, nor should the work product of trial counsel be made available -- and that the court's 1983 decision in the Underwater Devices case should be reconsidered. The Federal Circuit issued a decision on August 20, 2007.

Quanta Computer, Inc. v. LG Electronics, Inc. (U.S. Supreme Court, No. 06-937)

IPO argued that a patent owner's ability to grant limited licenses is a right inherent in the patent grant and that conditional licensing of IP is a common practice in many industries.

Tafas v. Dudas and SmithKline Beecham Corp. v. Dudas (U.S. District Court for the Eastern District of Virginia, Nos. 1:07cv846 & 1:07cv1008)

IPO filed a brief saying that rule 1.78(f)(2) should be permanently barred from implementation. On April 1, 2008, the U.S. District Court issued a decision in the case.

Egyptian Goddess, Inc. v. Swisa, Inc. (U.S. Court of Appeals for the Federal Circuit, No. 2006-1562

IPO urged the Court to issue an opinion "that clarifies the fundamental difference between design and utility patents and points in a new direction of design patent litigation that avoids excessive verbalization of the scope of design patents."

In re Bilski (U.S. Court of Appeals for the Federal Circuit, No. 2007-1130)

IPO said a process is patent-eligible subject matter "if it is tied to a particular machine or operates to transform matter into a different state or thing."

For more information on IPO Amicus Briefs, see: http://www.ipo.org/amicus

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