

## Report on Springposium 2010

by Jeff Kuester

Patent, Trademark and Copyright attorneys once again gathered a few months ago on May 7-8, 2010, for the 6th Annual SpringPosium® IP CLE Conference at Barnsley Gardens Resort in Adairsville, Georgia. Cobb County Bar Association Board of Trustees member Jeff Kuester of Taylor English Duma presented the Patent Law Update, continuing his record of making a presentation at every Conference since it began in 2005.

The patent update included a short discussion about the *Bilski v. Kappos* case at the U.S. Supreme Court, which dealt with determining the limits of patentable subject matter for computer software and business methods. Jeff had special interest in the case because he represented the inventors (Bernie Bilski and Rand Warsaw) and attended the oral arguments with the inventors in Washington, DC. While the Court ultimately held that there was no categorical exclusion from patentability for business methods, the claims at issue were considered non-statutory because they were characterized as merely claiming an "abstract idea" limited to a particular field of use. Consequently, while business methods are still patentable, greater care must be taken to properly characterize them. Additional information on the case and subsequent commentaries can be found at [www.AwakenIP.com](http://www.AwakenIP.com), an intellectual property blog and consulting company that Jeff heads up in his spare time.

The patent update also focused on the heightened risks of design patent invalidity, tightening requirements for proving patent damages, continued clarification of declaratory judgment jurisdiction, expansion of infringement by inducement through deliberate indifference, a false marking explosion, and expanding written description requirements. Other topics included a trademark update, effective use of experts in intellectual property cases, Internet/domain name update, and intellectual property licensing developments.



The SpringPosium® IP CLE Conference is jointly presented every year by the Atlanta Bar Association's Intellectual Property Law Section and the Georgia State University College of Law. Other sponsors of the event included Founding Sponsor: Gardner Groff, Platinum and Dinner Sponsor: Finnegan, Reception Sponsor: Alston & Bird, Breakfast Sponsor: Nelson Mullins, Gold Sponsors: Ballard Spahr; Habif Arogeti & Wynne;

PriceWaterhouseCoopers; and Novak Druce + Quigg, Silver Sponsors: PatPro, Huseby, Marksmen, and Sutherland, and Hospitality Suite Sponsor: Morris, Manning & Martin. While the Conference allowed attendees to obtain 8 CLE hours, including 1 Ethics hour and 1 Trial Practice hour, the 1400-acre Barnsley Gardens Resort also provided attendees opportunities for golf, wingshooting, fly-fishing, canoeing, horseback riding, tennis and hiking. Some attendees brought their spouses and enjoyed an additional night at the Resort. Additional scheduled speakers at the event included Hon. William S. Duffey, Jr., U.S. District Court for the Northern District of Georgia; William B. Dyer, III, Finnegan; Roxanne Cenatempo, Imerys; Marcus Delgado, Cox Communications; Michael V. Kruljac, Georgia-Pacific; John North, Sutherland; Howard A. Zandman,

Habif, Arogeti & Wynne; Chelton D. Tanger, PricewaterhouseCoopers; Lissi Mojica, Novak Druce + Quigg; Douglas M. Isenberg, GigaLaw; Theodore H. Davis, of Kilpatrick Stockton; Brett Bartel, ReleasedInventions.com; Jeanene Jobst, Turner Broadcasting; Jason Rosenberg, Alston + Bird; A. Shane Nichols, King & Spalding; James D. Aronowitz, The Collegiate Licensing Co.; Michael Bishop, AT&T Intellectual Property Corp.; Elizabeth Allen, SunTrust Banks, Inc.; Richardson Lynn, Atlanta's John Marshall Law School; Prof. Timothy Holbrook, Emory University School of Law; Michael J. Powell, Baker Donelson; and Michael J. Kline, The Coca-Cola Co.

Additional information regarding the Conference is available at [www.SpringPosium.com](http://www.SpringPosium.com).