

THE BIOSCIENCE EVENT
for Innovators and Intellectual Property Professionals

CincyBio 2013
TUESDAY, APRIL 30
 The Phoenix | 812 Race Street | Cincinnati
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April 30: [CincyBio](#)

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October 8, 2013
SAVE THE DATE!!!

[CincyIP's Annual Judges Dinner](#)

[Chief Judge James F. Holderman](#)

CincyBIO

CincyBIO 2013 Registration is Now Open!

[Early Bird Pricing Ends April 15!!](#)

[Register Now!](#)

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CincyIP Newsletter

WELCOME to the first ever CincyIP newsletter! I am very excited about this new offering to our membership. I also want to personally thank the Outreach Committee for bringing this idea to life and for allowing me to contribute to this first edition.

As we look forward to a fantastic line-up of programming and events in 2013, I wanted to take a moment to recognize what a momentous year 2012 was for CincyIP as an organization. In February we had the privilege of hosting Don Chisum and Janice Mueller for an interesting discussion on patent practice and claim interpretation. Our Annual Judge's Dinner was held in May and we were honored to host three judges from the Southern District of Ohio providing their insight and advice on federal litigation with John Luken as emcee. CincyIP truly reached a milestone in March of 2012, which saw our highest attended luncheon meeting to date with an amazing panel of presenters discussing the America Invents Act including Steve Miller from P&G, Herb Wamsley of IPO, Bernard Knight, Jr. of the US Patent and Trademark Office, and the Honorable Anne Chasser as our moderator. We partnered with Northern Kentucky University for their 6th annual Security Symposium as well as a two-day conference on the PCT in August. Finally, in December, we hosted representatives from Dress for Success for CincyIP's first ever professionalism CLE and clothing drive.

The year 2012 saw CincyBIO become our most successful and sustained premier conference in the history of our organization with another year of record attendance. To that end, I hope that all of you can join us for this year's CincyBIO next month on April 30, 2013. We have a fantastic array of speakers lined up for the day and have applied for CLE credit in Ohio, Kentucky and Indiana. I also want to take a moment to personally thank our sponsors for this year's event: Stipkala LLC and Wood Herron & Evans LLP. We cannot thank you enough for your support.

The year 2013 looks to be even better. If you have not already seen our new website, make sure to check out the new site design and layout. Special thanks to Geoff Oberhaus, our CIO, for his efforts in that regard. Our mentorship program is in full swing and has been reinvigorated by our outreach committee, especially Alex Montgomery. Our programming committee has been hard at work putting together a fantastic array of speakers and programs for the year with something for every practitioner. We also had our first Board meeting of the year in March 2013 and I am looking forward to working together with the Board on continuing to grow CincyIP and its outreach across the region. All in all the future of CincyIP is continually bright and I can't wait to see what comes next.

April Best
CincyIP President

NEWSLETTER COMMITTEE!

There is need for volunteers on the new CincyIP Newsletter Committee.

Got Content? Get Involved!

If interested, please contact:

[Thom Barnes](#) or [April Best](#), CincyIP Newsletter Committee.

SUGGESTIONS

CincyIP wants to hear from you!

Please send all suggestions, comments, and feedback to:

[Thom Barnes](#) or [April Best](#), CincyIP Newsletter Committee.

Quick Links

[CincyIP](#)
[CincyBIO](#)

CincyIP Mentorship

The mentorship program for 2013 is in full swing with a list of participants interested in Intellectual Property from the University of Cincinnati, Salmon P. Chase School of Law, and the University of Dayton.

"I participated in the CincyIP mentorship program through UC through my three years in law school. I was placed with such a wide variety of attorneys: male and female; associates and partners; patent prosecutors, litigators, and soft-IP enforcers. I developed lasting relationships with many of my mentors. I've always stood by the theory that people can't really know if they'd like doing something unless they've tried it or talked to someone who has, and the CincyIP mentorship program truly gave great insight into what it's like to be an IP attorney."Allison Besser

We have matched up all the mentors and mentees so the mentorship program 2013 is officially underway. Thank you to all the mentors who agreed to participate! A few doubled up so if anyone else would be interested in participating, it would definitely be appreciated. Please email [Alex Montgomery](#), CincyIP Outreach Committee, if you wish to be added to the list for this year.

May 2013 Program

"Post-Grant AIA Procedures and the Litigation Impact"

May 14, 2013, 12:00 PM at The Cincinnati Hotel

The America Invents Act has brought substantial changes to the U.S. patent system, including new mechanisms for challenging patents at the U.S. Patent and Trademark Office such as the new Post-Grant Review (PGR) procedure. PGR, however, will only be available to challenge patents that issue under the AIA's new first-to-file regime. Of more immediate concern, the AIA also provides for a new *inter Partes* Review ("IPR") procedure that will be available to challenge any enforceable patent, including those patents issued pre-AIA. Ryan Willis will discuss the basics of each of these new procedures. He will also discuss litigation considerations, including when to use these procedures to augment or substitute litigation strategies and the impact such procedures have on litigation options.

This program has been approved for 1 hour of CLE credit in Ohio.

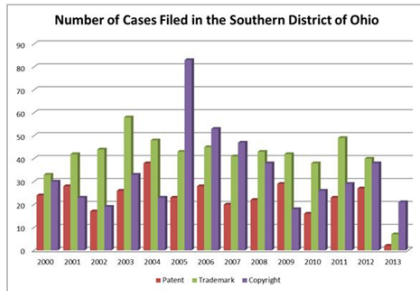
IP In Our Backyard

An Interesting Look Into IP Cases Here in the Southern District
By *John Bennett and Jared Brandyberry*

The year 2012 was not unusual in the Southern District of Ohio with respect to the number of cases filed involving patent, copyright, and/or trademark claims. Below is a summary of statistics related to these cases with some comparisons to other years and districts.

Year	Number of Cases Filed in the Southern District of Ohio		
	Patent	Trademark	Copyright
2000	24	33	30
2001	28	42	23
2002	17	44	19
2003	26	58	33
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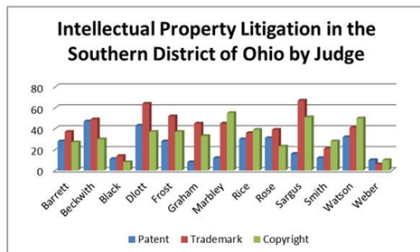
2004	38	48	23
2005	23	43	83
2006	28	45	53
2007	20	41	47
2008	22	43	38
2009	29	42	18
2010	16	38	26
2011	23	49	29
2012	27	40	38
Total	321	566	460



On average, between 2000 and 2011, more trademark cases were filed in the Southern District of Ohio compared to patent and copyright cases, and 2012 was no exception. In 2012, 40 trademark cases were filed, which is just below the 12-year average of 43.83 (median=43). Slightly more copyright cases were filed-38-than than the previous average of 35.17 (median=29.5). Slightly more patent cases were likewise filed in 2012 (27) than on average (mean=24.5, median=23.5).

Compared to the other 93 federal district courts, the Southern District of Ohio ranks 24th for the number of copyright actions filed (mean=35.19, median=9), 25th for the number of trademark actions (mean=37.76, median=13), and 33rd for patent actions (mean=57.72, median=12).

Judge	Number of Cases Filed by Judge from 2000 to 2012			
	Patent	Trademark	Copyright	Total
Barrett	28	37	27	92
Beckwith	47	49	30	126
Black	11	14	8	33
Dlott	43	64	37	144
Frost	28	52	37	117
Graham	8	45	33	86
Marbley	12	45	55	112
Rice	30	36	39	105
Rose	31	39	23	93
Sargus	16	67	51	134
Smith	12	21	28	61
Watson	32	41	50	123
Weber	10	6	10	26



Interestingly, but not surprisingly, while the number of patent cases in the Southern District of Ohio and the Northern District of Ohio remain relatively steady, the number cases filed in the Eastern District of Texas continues to skyrocket.

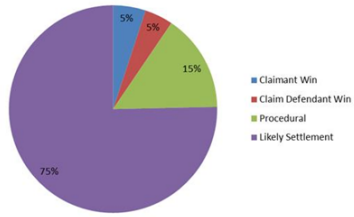
Year	Number of Patent Infringement Cases Filed from 2000 to 2012		
	Southern District of Ohio	Northern District of Ohio	Eastern District of Texas
2000	24	43	24
2001	28	41	35
2002	17	39	31
2003	26	35	52
2004	38	38	104
2005	23	34	150
2006	28	43	261
2007	20	36	359
2008	22	48	289
2009	29	41	235
2010	16	32	284
2011	23	43	415
2012	27	44	1248
Total	321	517	3487

Also interesting is the breakdown of how patent cases were resolved in the Southern District of Ohio since 2000. As shown in the chart below, approximately 75% of cases were likely resolved by settlement, about 15% were decided based on procedural issues (such as transfer or consolidation), and only 10% of cases were resolved on the merits, split equally in half (5% for claimant, 5% for claim defendant).

Patent Infringement Litigation in the Southern District of Ohio Outcomes	
Result	Number

Claimant Win	15
Consent Judgment	13
Summary Judgment	2
Claim Defendant Win	13
Trial	1
Consent Judgment	1
Summary Judgment	11
Procedural	45
Stay	3
Consolidation	11
Interdistrict Transfer	11
Dismissal	20
Likely Settlement	223

Patent Infringement Litigation in the Southern District of Ohio Outcomes



***Data Source - The underlying data utilized in this article was provided by Lex Machina, a company associated with Stanford Intellectual Property Litigation Clearinghouse, and focused on IP litigation data analytics, <https://lexmachina.com>.



John Bennett and Jared Brandyberry work in the IP Litigation Group at Baker Hostetler LLP.