

PIPLA NEWS

The official newsletter of the Pittsburgh Intellectual Property Law Association

AWARD LUNCHEON & ANNUAL MEETING

April 16, 2014 (Noon)

RIVERS CLUB

One Oxford Centre, 301 Grant St., Ste. 411
Pittsburgh, PA 15219
Phone: 412-391-5227

Send an email to: PIPLA@webblaw.com by April 13th-deadline for RSVP

Please indicate your name, payment method and meal choice, below:

- #1 Jumbo Lump Crab Cake
(Creole Mustard Cream, BBQ Drizzle, Sweet Corn Salsa and Crispy Fried Onions)
- #2 Grilled Petite Filet Mignon
(Mushroom Duxelles and Marsala Wine Demi-glace)

Send check payable to PIPLA:

c/o The Webb Law Firm
One Gateway Center, Suite 1200
420 Ft. Duquesne Blvd.
Pittsburgh, PA 15222

OR PayPal via website: www.piplaonline.org
(Click "April 16, 2014 Award Luncheon & Annual Meeting")

Nominations for 2014-2015:

Officers:

President: Lester N. Fortney
Vice President: Matthew W. Johnson
Sec./Treas.: Jacob H. Rooksby

Board of Managers:

John W. McIlvaine (*one year remaining*)
Mauri A. Sankus (*one year remaining*)
Chip H. Dougherty (*one year remaining*)
Thomas M. Joseph (*two years*)



IN THIS ISSUE

AWARD LUNCHEON & ANNUAL MEETING	1
New PIPLA Memberships	1
New Glossary Pilot Program	2
Google Street View in Trouble?	2
Recently Filed IP Cases in the Western District of Pennsylvania	3
PIPLA Seeks New Program Committee Chair	3

NEW PIPLA MEMBERSHIPS

PIPLA welcomes the following new members:

- Cara Mia Pinto – Duquesne University Law School (Student Member)
- Justin Ring – Duquesne University Law School (Student Member)
- Cara L. Disheroon - Picadio Sneath Miller & Norton, P.C. (Active Member)

New Glossary Pilot Program

WASHINGTON – The Department of Commerce's United States Patent and Trademark Office (USPTO) today announced the launch of its new Glossary Pilot Program as part of ongoing Obama administration efforts to strengthen the U.S. patent system. The pilot, which will begin on June 2 and run through December 31, 2014, is designed to enhance claim clarity in the specification of software-related patent applications by encouraging and gauging the use of glossaries by patent applicants.

"We recognize that a patent with clearly defined boundaries provides notice to the public to help avoid infringement, as well as avoid costly and needless litigation down the road," said Michelle Lee, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the USPTO.

In June 2013, the administration issued a series of executive actions concerning high-tech patent issues. One of those executive actions charged the USPTO with finding ways to improve claim clarity, including through the use of glossaries in patent applications. On February 20, 2014, the administration announced that the USPTO would be launching a pilot program to encourage the use of glossaries in patent applications to promote patent clarity.

Participation in the Glossary Pilot Program requires an applicant to include a glossary section in the patent application specification to define terms used in the patent claims. Applications accepted into this pilot program will receive expedited processing and be placed on an examiner's special docket prior to the first office action, and will have special status up to issuance of a first office action.

For more information about the Glossary Pilot Program, please visit www.uspto.gov/patents/init_events/glossary_initiative.jsp.

Google Street View in Trouble?

Ying Cao, *Jones Day*

Google Street View is a very useful tool. However, it has been the subject of a number of lawsuits. In a recent case, *Vederi, LLC v. Google Inc.*, No. 2013-1057 (Fed. Cir. Mar. 14, 2014) (hereinafter, *Vederi v. Google*), the United States Court of Appeals for the Federal Circuit (CAFC) reversed and vacated the United States District Court for the Central District of California's decision entering summary judgment in favor of Google, Inc.

Vederi holds four patents (U.S. Patent Nos. 7,239,760; 7,577,316; 7,805,025; and 7,813,59). In a complaint filed October 15, 2010 in the Central District of California, Vederi alleged that Google's Street View product infringes these patents. These asserted patents are relevant to methods for synthesizing images collected by a car with a camera to create a virtual view of the area. The main dispute focused on the meaning and scope of the "substantially elevations," which appeared in all of the asserted claims. The district court construed "substantially elevation" as "vertical flat (as opposed to curved or spherical) depictions of front or side views." Thus, since Google's "Street View" consisted of spherical images and the asserted patents did not explicitly mention curved or spherical images, the district court entered summary judgment in favor of Google.

The CAFC unanimously reversed the district court's decision. The CAFC held that the district court erred in narrowly interpreting "substantially elevation," based on extrinsic evidence, to cover only flat images. After analyzing intrinsic evidence, such as the specification, claim language, and prosecution history, the CAFC held that "substantially elevation" covered both flat and spherical images. Particularly, the CAFC found that the specification of the asserted patents discussed the use of a fish-eye lens, which provides "a curved, as opposed to vertical, projection." Further, the court reasoned that if "substantially elevation" were to cover only flat images, "substantially" would not have any independent operative meaning. As claim construction that gives meaning to all the terms is preferable, the CAFC held that "substantially

elevation” covers both flat and spherical images. Finally, the court ruled that the prosecution history did not support the district court’s claim construction either. *Vederi v. Google*, at 9-13. Consequently, the CAFC vacated the summary judgment and remanded for further proceedings. The CAFC noted that it preferred claim construction based on intrinsic evidence and interpretation that “gives meaning to all the terms of the claim.” *Id.* at 10.

RECENTLY FILED IP CASES IN THE WESTERN DISTRICT OF PENNSYLVANIA

Case	Laboratory Corporation of America Holdings v. Medtoxdx, LLC et al
Case Number:	2:14-cv-00393-CRE
Filed:	Tuesday, March 25, 2014
Presiding Judge:	Magistrate Judge Cynthia Reed Eddy
Cause	15:1114 Trademark Infringement

Case	Cengage Learning, Inc. et al v. Michael R. Chizmar et al
Case Number:	2:14-cv-00368-NBF
Filed:	Thursday, March 20, 2014
Presiding Judge:	Judge Nora Barry Fischer
Cause	15:1114 Trademark Infringement

Case	Grant Street Group, Inc. v. Ipreo Holdings LLC
Case Number:	2:14-cv-00321-MRH
Filed:	Wednesday, March 12, 2014
Presiding Judge:	Judge Mark R. Hornak
Cause	35:271 Patent Infringement

PIPLA SEEKS NEW PROGRAM COMMITTEE CHAIR

PIPLA is looking for a new Program Committee Chair to recruit speakers for our six monthly meetings from October to April. Our current chair, Mauri Sankus, has served for the last four years and is looking to serve in a different capacity next year. If you are interested in serving on the committee or as the chair of the committee, please contact Tom Joseph at (412) 391-5555 x376 or via email at tom.joseph@grantstreet.com.

FROM THE NEWSLETTER COMMITTEE

We hope you’ve enjoyed this issue of the 2013/2014 PIPLA News, an informative and hopefully entertaining look at the goings on in IP law. We invite our entire readership to contribute to this endeavor with articles, announcements, and job postings of your own. If you have something you would like included in PIPLA News or have questions about how you can contribute, please contact Ying Cao at 412-394-9575 or at ycao@jonesday.com.

EDITORIAL BOARD

Ying Cao, Chair (412-394-9575)
Josh Nightingale