

Combating Patent Trolls

- Reexamination at USPTO - Using Patents and Printed Publications
 - Ex parte - limited participation
 - Inter partes - estoppel
- Patent Interference
 - Less expensive than litigation, but out-of-pocket expense for patent troll
 - Experienced PTO Judges
 - May prevent subsequent patents from issuing

Attorney-Client Privilege

- Definition - the right of a client to keep confidential communications between the client and his or her attorney.
- Some countries recognize privilege for IP professionals, others do not.
- Discovery in the US -
 - Are conversations between the person in the foreign country and the client privileged? If not, the court will often require disclosure.

Attorney Client Privilege

- Have had instances where conversations in the UK were privileged within the country, but were not considered privileged by courts in Canada and Australia.
- Various NGOs are starting a joint effort for the development and adoption of an international protocol with respect to privilege.
- Even countries like Japan where privileged conversations need not be disclosed locally should participate to protect the interests of their citizens and companies in proceedings abroad.