



Product X

Original Claim	Within the scope	---	---	Within the scope	Within the scope	Claim1
	Invalid	(Invalid)	---	Invalid	(Valid)	
Corrected Claim	Within the scope	Within the scope	Within the scope	Within the scope	Within the scope	Claim2
	Valid	(Valid)	Valid	Valid	(Valid)	
Conclusion	Infringed	Infringed	Infringed	Infringed	Infringed/ Infringed	Conclusion

Product Y

Original Claim	Within the scope	---	---	Within the scope	Within the scope	Claim1
	Invalid	(Invalid)	---	Invalid	(Valid)	
Corrected Claim	(Out of the scope)	Out of the scope	Out of the scope	Out of the scope	Out of the scope	Claim2
	---	---	Valid	Valid	(Valid)	
Conclusion	Not infringed	Not infringed	Not infringed	Not infringed	Infringed/ Not infringed	Conclusion

Panel Discussion

Topic1 Decision making on invalidity in the infringement procedure

Topic2 Correction of claim as a counter defense



Product X

Original Claim	Within the scope
	Invalid
Corrected Claim	Within the scope
	Valid
Conclusion	Infringed

Topic1 Decision making on invalidity in the infringement procedure

Product Y

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	Invalid
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	—
Conclusion	Not infringed

Impact of the “Kilby” case



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Topic1 Decision making on invalidity in the infringement procedure

**Burden on patentee under the dual tracks:
Too much?**

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Conclusion	Not infringed



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Topic1 Decision making on invalidity in the infringement procedure

No use of proceedings for revocation before the UKIPO in the U.K. mock trial: Why not?



Product X

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	(Valid)
Claim2	Within the scope
	(Valid)
Conclusion	Infringed/ Infringed

**Topic1 Decision making on invalidity
in the infringement procedure**

**No stay of the
proceedings in the U.S.
mock trial: Why not?**

Product Y

Claim1	Within the scope
	(Valid)
Claim2	Out of the scope
	(Valid)
Conclusion	Infringed/ Not infringed



Product X

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	(Valid)
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	(Valid)
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Topic1 Decision making on invalidity
in the infringement procedure

**Even after patent was
invalidated in IPR,
Can the patent validity
be challenged in the
Infringement lawsuit?**

Product Y

Claim1	Within the scope
	(Valid)
Claim2	Out of the scope
	(Valid)
Conclusion	Infringed/ Not infringed



Product X

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	(Invalid)
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Topic1 Decision making on invalidity in the infringement procedure

Review process by infringement court on patent validity, as part of Bifurcation system.

Product Y

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	(Invalid)
Corrected Claim	Out of the scope

Conclusion	Not infringed



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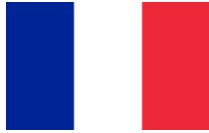
Topic1 Decision making on invalidity in the infringement procedure

What if Patent Court found the patent invalid, after the judgement of infringement court?

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Product X

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Topic1 Decision making on invalidity
in the infringement procedure

Validity was decided
prior to the infringement
decision in the French
mock trial:
Why this order?

Product Y

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	Valid
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Panel Discussion

Topic1 Decision making on invalidity in the infringement procedure

Topic2 Correction of claim as a counter defense



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Conclusion	Infringed/ Infringed

Topic2 Correction of claim
as a counter defense

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Possible counter measures
against patent invalidity
defense in the U.S.
infringement litigation.



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Corrected Claim	Within the scope
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Topic2 Correction of claim as a counter defense

Timing of counter defense of claim correction in the French infringement lawsuit.

Product Y

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Corrected Claim	Out of the scope
	Valid
Conclusion	Not infringed



Product X

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	(Invalid)
Corrected Claim	Within the scope
	(Valid)
Conclusion	Infringed

Topic2 Correction of claim as a counter defense

Timing of counter defense of claim correction in the German infringement lawsuit.

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	(Invalid)
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Conclusion	Not infringed



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Topic2 Correction of claim
as a counter defense

**Patent amendments
as a counter defense
in the U.K. infringement
lawsuit.**

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Corrected Claim	Within the scope
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Conclusion	Infringed

Product Y

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Topic2 Correction of claim as a counter defense

**Practices for the
re-defense of claim
correction
in the Japanese
infringement lawsuit.**

Panel Discussion

Use of Expert Knowledge



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