Preface

This book is current through January 2018, with some key updates through May 2018.

This comprehensive work discusses the use and application of evidence in patent litigation. The authors—all experienced patent litigators—drafted this book to serve as a handy reference during the heat of trial. It can be used as well as a patent professional’s practical guide to thinking about evidence, and its many facets, throughout the litigation process, from inception through final decision. The book is conveniently divided into two parts.

The first chapters address evidentiary issues in different contexts and proceedings throughout the litigation process. Here, one will find chapters analyzing topics ranging from pre-suit considerations, through appeal to the United States Court of Appeals for the Federal Circuit. Detailed discussions also focus on evidentiary issues specific to Hatch-Waxman pharmaceutical patent cases, as well as evidentiary issues in patent proceedings outside of district courts, such as before the United States International Trade Commission.

The second part of the book provides the Federal Rules of Evidence in their entirety, formatted for readability and understanding. Different teams of authors analyze each rule of evidence in the context of patent litigation. The authors offer explanatory comment, some practice tips, and a collection of annotated case digests. The case digests demonstrate application of the rules to the facts of the patent case. These digests are designed to be a quick reference for an immediate answer at trial, or for further research after the trial day concludes.

Evidence in Patent Cases would not have been possible without the many wonderful authors that have worked diligently with me to contribute the substantive chapters of this new book in furtherance of streamlined applications of the evidence rules in patent litigation. I thank them again here for their contributions and friendship. It has been a pleasure working with you. Special thanks also is offered to Bloomberg Law’s Books Division Acquisitions Manager Elizabeth S. Turqman, Bloomberg Law’s Senior Book Editor Wendy R. Leibowitz, and the fine editorial staff of the Bloomberg Law’s Books Division. A thank you also is in order for
Deborah (Bea) Swedlow and her colleagues at the American Intellectual Property Law Association for supporting this book. Additionally, it would have been impossible to “herd the cats” without the amazing work of my administrative assistant, Janet M. Barrowclough. My sincere thanks to you.

KENNETH L. DORSNEY
Morris James LLP
Wilmington, Delaware
302-888-6855
kdorsney@morrisjames.com

May 22, 2018