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Improving the Quality and Efficiency of Patent Examination

USPTO management and representatives of the Patent Office Professional Association have teamed up to develop a series of recommendations for increasing the quality and efficiency of the examination process. The recommendations include creating a stakeholder interaction element that would make interviews a routine part of the patent prosecution process in order to improve efficiency and responsiveness, revising performance standards to improve the transparency of how quality is measured, and providing more opportunities for examiners to use their professional discretion to manage their own work flow. See news [here](#).

The Brewing of a Lawsuit

Nestle has filed suit against Sara Lee in France alleging infringement of Nestle's Nespresso coffee system. The Nespresso coffee system uses packaged capsules to brew individual cups of espresso. See story [here](#).

Google and the USPTO Team up to Provide Bulk Patent and Trademark Data

Trade Tension In China

The U.S. International Trade Commission (USITC) hearing on June 15, 2010 addressed the growing concern in Congress about Chinese trade practices regarding copyright and other intellectual property infringement. The USITC investigates trade complaints involving injury to U.S. companies. Shaun Donnelly, Senior Director for International Business Policy at the National Association of Manufacturers, told the Commission, "[u]nfortunately, the stark reality is that China remains 'ground zero' for international product counterfeiting and piracy." Business Software Alliance President and CEO Robert Holleyman provided estimates that nearly 4 out of every 5 copies

to the Public

The USPTO and Google have entered into a two-year agreement to make bulk electronic patent and trademark public data available to the public free of charge. Examples of the available data include patent grants and published applications, trademark applications, TTAB proceedings, patent classification information, patent maintenance fee events, and patent and trademark assignment information. Until now, the USPTO's public data in bulk form has been provided solely as a fee-based service. The data can be accessed [here](#). Also see the [press release](#).

Naked Cowboy v. Naked Cowgirl?

New York City's famous Naked Cowboy wants a bikini-clad woman who calls herself The Naked Cowgirl to stop ripping off his trademark. The Times Square cowboy, aka Robert Burck, is known for strumming his guitar wearing only briefs and a cowboy hat. He has sent a cease-and-desist letter to Sandy Kane, who

(79%) of software installed in China in 2009 were not paid for. The estimated commercial value of this unlicensed software was \$7.6 billion in 2009. See article [here](#). See full testimony from BSA's President and CEO Holleyman [here](#).

Patent Expiration May Open \$90 Billion Generic Drug Market

According to a recent report from HDFC Securities Ltd., patents for at least 91 drugs, with combined annual revenue of \$157 billion in 2008, will expire from 2010 to 2015. Drug makers are racing to develop cheaper alternatives to brand-name medicines to meet demand from governments in developed markets seeking to cut health-care costs and to tap growth in emerging nations.

Dr. Reddy's Laboratories Ltd. may be the biggest beneficiary among Indian generic-drug makers. Dr. Reddy's has 73 applications awaiting approval with the U.S. Food and Drug Administration, said S. Rajan, a Dr. Reddy's spokesman. If approved, the Hyderabad-based company will be able to supply generic versions of medications that generated about \$90 billion in U.S. sales in 2008, said Ranjit Kapadia, an analyst at HDFC in Mumbai. click [here](#) for more.

Japan Patent Official Suspected of Taking Bribes

Police recently arrested a Japan Patent Office official for allegedly accepting bribes from a systems developer of a Nippon Telegraph and Telephone Corp. group company in exchange for providing bidding information on the agency's computer systems development program.

Choichiro Shima, a 45-year-old senior examiner at the patent office, allegedly accepted taxi fares worth several million yen and other bribes between August 2005 and last November in exchange for providing the bidding information, police said. The See [story](#).

Upgraded Consistency Initiative

wears a red, white and blue cowboy hat and matching bikini. Burck wants Kaneto sign a "Naked Cowboy Franchise Agreement." Most of his licensed franchisees are required to pay \$5,000 a year or \$500 a month and go through a screening process. Kane, says she doesn't owe Burck anything. See story [here](#).

Brazil Delays Proposed Anti-U.S. Sanctions

The U.S. and Brazil recently announced an agreement to avoid a World Trade Organization ("WTO") ruling allowing Brazil to impose trade sanctions of more than US\$800 million, including "cross retaliations" against U.S. owned intellectual property. The WTO rarely imposes such sanctions, and no country has ever followed through with the practice. See article [here](#).

In 2008, the USPTO created a process by which an applicant may bring to the attention of the Office situations where the Office has allegedly acted inconsistently in its treatment of the applicant's pending applications and/or recent registrations. The Office recently expanded this program in two ways. First, the Office is allowing a Request for Consistency Review on substantive or procedural issues to include registrations that have issued within the past five years (rather than one year, as in the original pilot). Second, the Office will accept Requests concerning identifications of goods and services, which were excluded from the original pilot. Certain restrictions apply (e.g. Madrid Protocol-based registrations are excluded, and registrations relied upon must have issued within the two years prior to the Request and since the latest edition of the Nice Agreement), and are set forth in the attached announcement of the expanded program. See [notice](#).

New Rules for Maintenance of U.S. Extensions of International Registrations

On June 24, 2010, the USPTO issued an interim rule to implement trademark affidavit legislation pertaining to U.S. extensions of International/ Madrid registrations. The new rule provides a six-month grace period for registrants to cure deficient affidavits of continued use, making the rules for all U.S. extensions pending as of March 17, 2010 comparable to national filings. The Federal Notice regarding the rule is available [here](#).

[The Practical Implications of Bilski v. Kappos](#) by RFG Partner, Charlie Bieneman

RFG Firm News

Rader, Fishman and Grauer is pleased to announce the opening of a new office in Orange County, California. Please contact us at: info@raderfishman.com

RFG Partner, Chris Tobin, will serve as a faculty speaker at the Practicing Law Institute (PLI) seminar on July 14, 2010. The seminar is titled "Understanding Patent Law 2010". See [PLI Understanding Patent Law 2010](#) for details.

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