

RFG.Info[®] evolving[®] news from Rader, Fishman & Grauer PLLC

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Martha Stewart's Bed Bug Woes

JAB Distributors LLC filed suit against Martha Stewart Living Omnimedia Inc. alleging patent infringement over a bedbug-fighting bedding line, the Martha Stewart Collection Allergy Wise Mattress Protector.

JAB's patent, entitled "Mattress Encasement for Preventing Bed Bug Escapement Via a Zipper Opening," issued in June 2009, and covers a "bug-impervious fabric" with a zipper opening for removal of the mattress and a foam pad at the end

[Patenting Life Sciences](#)

by RFG Partner, James F. Kamp

New California Law Seeks to Ban Online Impersonation

California is considering a bill that would outlaw online impersonation. Authored by State Senator Joe Simitian, the bill seeks to update the current identity laws on the books, going back as far as 1872, when no one had anticipated the Internet, e-mail, Facebook, Twitter or other media now available to communicate information.

Under the bill, it would be a crime to "harm, intimidate, threaten or defraud" using the Internet or other electronic devices or means. Those convicted of online impersonation would face fines of \$1,000 and up to a year in jail. Those who have their accounts hacked would also have a specific right to file a civil claim. The bill is waiting the signature of California Governor Arnold Schwarzenegger. See story [here](#).

USPTO Data Visualization Center and the Patents Dashboard

The USPTO recently launched the USPTO Data Visualization center which provides important data related to USPTO patent operations. According to USPTO David Kappos, "[t]he

of the zipper so the bedbugs can't escape from that opening.

According to the patent, sealing the bedbugs inside the mattress will starve them. See [story](#).

2010 KSR Guidelines Update

The USPTO has released an update to the obviousness guidelines that Examiners consider when making obviousness rejections under §103.

The guidelines are based on Federal Circuit opinions that have interpreted the holdings of *KSR v. Teleflex* since it was decided by the Supreme Court in 2007.

Members of the public may provide comments. See [notice](#).

African Health Requires Intelligent Protection

Strong intellectual property rights are critical to strengthening Africa's health care system. Alec Van Gelder, Project Director at the International Policy Network, presses for the development of growing field of public-private partnerships, where

patents dashboard provides more refined pendency information than was previously available, as well as other critical performance indicators such as the number of applications in the backlog, production, actions per disposal and our staffing levels. This information will help the entire IP community to better understand our processes, and enable applicants to make more informed decisions about their applications..." See Data Visualization center [here](#).

IHOP Sues IHOP for Trademark Infringement

The International House of Pancakes has filed suit against, Kansas City-based, International House of Prayer after repeatedly asking the Kansas City group to stop using the International House of Pancake's well-known acronym. The restaurant is suing the prayer group, which provides 24-hour prayer service, for trademark infringement and dilution. See [story](#).

Following BlackBerry's International Troubles (updates from BlackBerry Gets Blackballed By The UAE, 2010 RFG info Summer Edition 2)

On October 11, 2010, the United Arab Emirates (UAE) is threatening to suspend BlackBerry services and the "suspension will remain unchanged until [Research In Motion (RIM) and the UAE] reach a solution that is fully compliant with legislation on telecommunications," stated a UAE Telecommunications Regulatory Authority.

To prevent the ban, RIM is continuing it's government and carrier discussions in the UAE under the belief that RIM is making progress, as indicated by Jim Balsillie, co-CEO of RIM (the BlackBerry device maker). Mr. Balsillie is "optimistic that a positive and constructive outcome can be achieved that addresses the regulatory requirements of government and the security and privacy needs of corporations and consumers."

The estimated 500,000 BlackBerry users in the oil-rich UAE could lose their service entirely because, as the UAE purports, the current infrastructure and encoding

voluntary low-cost patent license programs for "generics" have increased twelve-fold the received treatments for patients over the last decade.

Van Gelder also advocates that by not stripping pharmaceutical companies of research of development incentives, such as patents, and encouraging intellectual property right protection will ensure reasonable costs to Africans needing medication.

See [press release](#).

permits individuals to commit censorship violations. Couple the service outage threat with the Mr. Balsillie admitted facts of "RIM simply has no ability to read the encrypted information, ... no master key or backdoor key to allow access, and the location of RIM's infrastructure has no impact on the security architecture," and BlackBerry users will not find solace in Mr. Balsillie's optimism.

RIM's turmoil is an example of a company whose infrastructure prevents data presentation to requesting governments, and parallel situations regarding infrastructure may rise in cloud computing scenarios, as cloud computing may permit unauthorized encryption and unknown data location. Thus, a contracting party must negotiate the scope of security, access, and ownership of their data when subscribing or providing cloud computing services. If these issues are not adequately discussed, that party may find a governmental forced service outage.

See [BlackBerry Talks Progress](#); see also [UAE ready to ban](#); and see [RIM facing similar issues in India](#).

RFG Firm News

Rader, Fishman and Grauer recently hosted an ABA Roundtable titled: *What I Did On My Summer Vacation: A Review of Bilski, Predictions on Thera Sense, and What About Marking After Solo?* The roundtable was moderated by RFG Partner, Linda Mettes. For the topic outline, click [here](#).

Partners, Charlie Bieneman and Leigh Taggart, participated in the ICLE Third Annual Information Technology Law Seminar. Charlie Bieneman served as Moderator and Leigh Taggart spoke on: "Protecting Trade Secrets: Lessons Learned from the Litigation Front Lines" at the September 30th seminar. See the overview from the seminar [here](#).

Rader, Fishman and Grauer is pleased to congratulate our colleagues. RFG Partners, R. Terrance Rader, Mike Fishman, Glenn Forbis, Michael Stewart and Charlie Bieneman have all been named to the list of 2010 *Michigan Super Lawyers*. In addition, Partner, Kristin Murphy was named to the list of *Michigan Super Lawyers Rising Stars*.

Terry Rader was featured in the "Briefs" section of *Michigan Super Lawyers*

magazine. Click [here](#) to read the article.

Partner, Mary Margaret O'Donnell is attending the World Intellectual Property Congress of the AIPPI in Paris, France, October 3 - 6, 2010.

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