

DIRECTOR'S NOTES

Last year as Program Chair, I planned the series of 2011-2012 presentations, in which I thought it would be fun for the Inn to do Shakespeare for a year. I enjoyed it so much that I signed up to lead a program this year, hoping to do just one more in a theatrical style. Some of our most enthusiastic performers from last year joined me, and we waited to see what the new Program Chair had in mind. To my dismay, Lauren came up with a fact pattern that was *impossible* to spin into Shakespeare:

Reexamination, Post Grant Review, Inter Partes Review and Supplemental Examination

ABC Manufacturing holds patents directed to its proprietary gum dispenser. It has recently developed an improvement on this process and was granted a patent this month (June 2014) on the improved gum dispenser. The patent application for this patent was filed April 1, 2013.

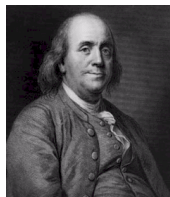
Candy Company is a main competitor of ABC Manufacturing and wants to challenge the validity of this improved gum dispenser as it believes it is not valid due to prior art. Because Candy Company also has a gum dispenser patent application that appears to be close to issuance, it wants its new gum dispenser to hit the market before ABC Manufacturing's. Candy Company's attorneys meet to discuss the options available to it for challenging ABC Manufacturing's improved gum dispenser patent.

ABC Manufacturing knows that Candy Co. and other competitors will most likely file a declaratory judgment action challenging the validity of this patent or file a reexamination. After looking through the file history, ABC Manufacturing finds an additional piece of prior art that the prosecuting attorney deemed not relevant enough to submit as prior art. There is debate internally on whether such piece of prior art is relevant or not.

The attorneys at ABC Manufacturing and Candy Co. separately meet to discuss their reexamination options with respect to the patent and discuss new rule changes in effect.

There was only one theatrical option that came to mind for Lauren's fact pattern: it had to be *Charlie and the Chocolate Factory*. This is harder than fake Shakespeare! So I want to thank the talented lawyers, law students, and really good sports in the Wonka group, who aren't easily embarrassed, and who are eager to put on an educational and entertaining show for the Inn.

—Stewart Wiener



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January 16, 2013



**BENJAMIN FRANKLIN
AMERICAN INN OF COURT**



ACT I

At the chocolate factory of Willy Wonka (CandyCo)

Q&A FOR ACT I

ACT II

At the offices of ABC Manufacturing Co.

Q&A FOR ACT II

ACT III

Before the Patent Trial and Appeal Board (PTAB)



THE COMPANY IN ORDER OF APPEARANCE

Charlie Bucket, outside patent counsel Mario Milano
 Augustus Gloop, CandyCo general counsel Brett Rosen
 Dr. Violet Beauregard, CandyCo R&D Serenity Wang
 Willy Wonka, CEO of CandyCo Patrick O'Hara
 Oompa Loompa #1, chief Stanton Weinstein
 Oompa Loompa #2 Fred Vogt
 Oompa Loompa #3 Deping Chai
 Arthur Slugworth, CEO of ABC Mfg. Michael Fein
 Mike Teavee, ABC inventor Stewart Wiener
 Prodnose Fickelgruber, ABC outside counsel . . Richard Gilly
 Veruca Salt, ABC in-house patent counsel Amber Stiles

PRODUCTION CREW

Director Stewart Wiener
 Executive Producer Michael Fein
 Executive Producer Richard Gilly
 Executive Producer Stanton Weinstein
 Producer (research) Gregory Yen

FICTIONAL PATENT

The role of U.S. Patent No. 9,123,456 (filed Apr. 1, 2013, issued June 16, 2014), also known as the issued **ABC Patent**, will be played this evening by **U.S. Publ. No. 2012/0175381**.