

## Business and Commercial Litigation Newsletter

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We are pleased to present the Bernstein Shur Business and Commercial Litigation Newsletter. This month we highlight proposed legislation that would create a federal cause of action for theft of trade secrets, as well as recent cases and other developments involving patent litigation. We hope you enjoy the newsletter.

### In the News:

**Two senators introduce a proposed amendment that would provide a federal cause of action to provide redress for theft of trade secrets.** The proposed legislation, which would amend the Currency Exchange Rate Oversight Reform Act, would place protection of trade secrets on par with those for patents, copyrights and trademarks. In general, a trade secret may be understood as a formula, practice design or process that is not publicly known or ascertainable, by which businesses can maintain advantage over their competitors. If enacted, the legislation also would provide for a uniform federal cause of action across the nation, contrasting with the current disparate treatment under the laws of different states. [Read more about the proposed amendment.](#)

**In the wake of a nearly 20 percent annual increase in patent litigation case filings in 2010, nine federal judges presiding in New York will participate in a pilot program specializing in patent cases.** The program, which aims to develop experience and expertise for the bench in these complex matters, will be extended to 13 other judicial districts. Under the program, an original judge presiding over a patent case may decline to hear the matter, resulting in assignment to a judge participating in the pilot program. [Read more about the pilot program.](#)

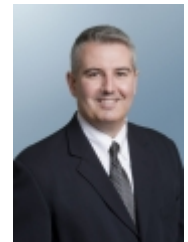
**A federal court determined that Samsung Electronics' Galaxy tablet computers infringe patents held by Apple Inc. but delayed a ruling on Apple Inc.'s request to enjoin sales of Galaxy products in the United States.** The ruling comes in the wake of a recent ban instituted by an Australian court enjoining the sale of Samsung's Galaxy tablet computers in that country. In order to prevail in the United States, Apple will be required to demonstrate not only infringement, but also that its patents are valid. At the hearing on Apple's request for injunctive relief, District Judge Lucie Koh suggested that Apple may face challenges establishing the validity of its patents. [Read more about the case.](#)

**Eastman Kodak Co., the imaging and photographic materials company, has entered into an agreement with IMAX Corp. to grant an exclusive license to its patents addressed to laser projection and other technologies.** Although Kodak's traditional businesses have struggled in recent years, its patent portfolio remains a valuable asset. Between 2008 and 2010, Kodak generated about \$1.9 billion from licensing and infringement lawsuits. Kodak's experience highlights the increasing awareness of the commercial value of a company's intellectual property (IP) assets. [Read more about these developments.](#)



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