

more *Insight.*

Unvarnished Truth

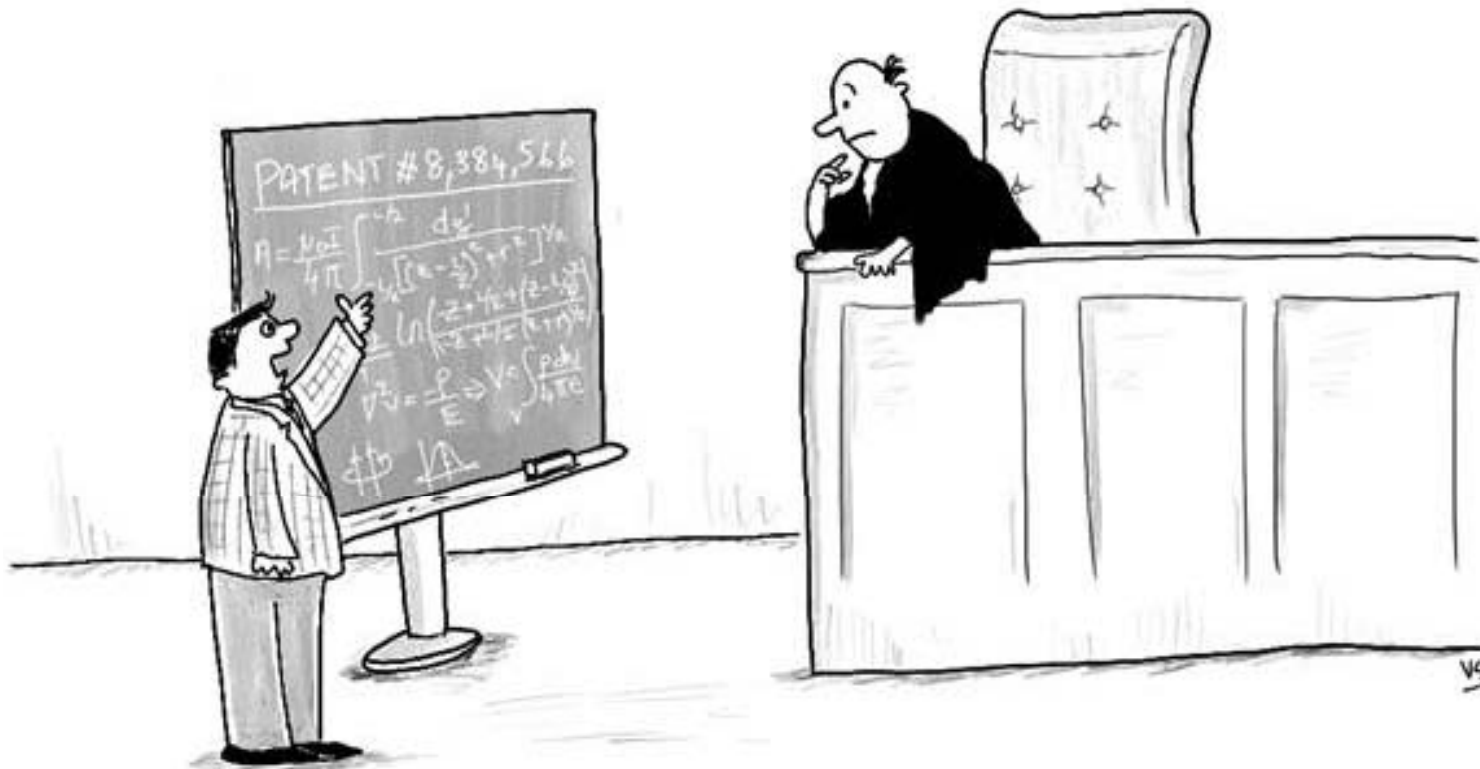
A Patent Attorney's Take on the America Invents Act,
Recent Speech Litigations and Speech Patents

NUANCE COMMUNICATIONS, INC. v. VLINGO CORP. U.S. DISTRICT COURT, DISTRICT OF MASSACHUSETTS

- ▶ Nuance's U.S Patent No 6,766,295
- ▶ Adaptation of a Speech Recognition System across Multiple Remote Sessions with a Speaker
- ▶ Nuance acquired vLingo not long after the conclusion of the trial.
 - ▶ If you can't beat 'em, acquire 'em!

Siri Under Fire

- ▶ July 27, 2012 – National Cheng Kung University
 - ▶ 7,707,032 – “Method and System for Matching Speech Data”
 - ▶ 7,266,496 – “Speech Recognition System”
- ▶ June 26, 2012 – Zhizhen Network Technology
 - ▶ ZL200410053749.9 – “A Type of Instant Messaging Chat Bot System”

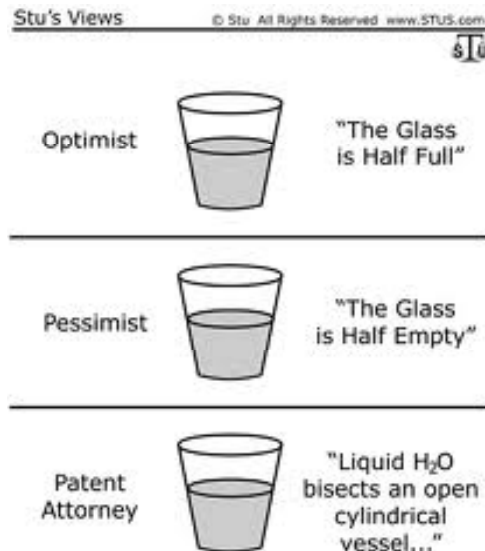


"So you see your honor, it's obvious."

© Legally Drawn & Vasanth Sarathy, 2009

What Is Congress Going To Do About It?

- ▶ Sorry, it's an election year and we already passed the America Invents Act. Besides, it took at least six years to pass that – don't look to us for a short-term solution!



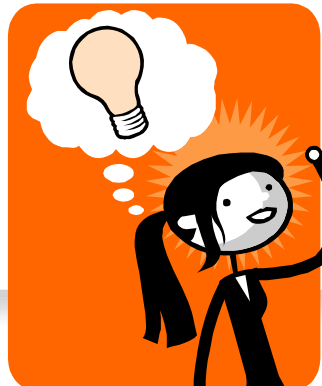
Highlights of AIA

- ▶ First-to-File System
- ▶ Prioritized Examination
- ▶ Assignee Can Sign
- ▶ Broader “prior use” defense safe harbor, for use in cases in which a business is using a process or “machine in a process” as a trade secret so it may not qualify to invalidate the patent at issue
- ▶ Ding-Dong Re-exam is Dead



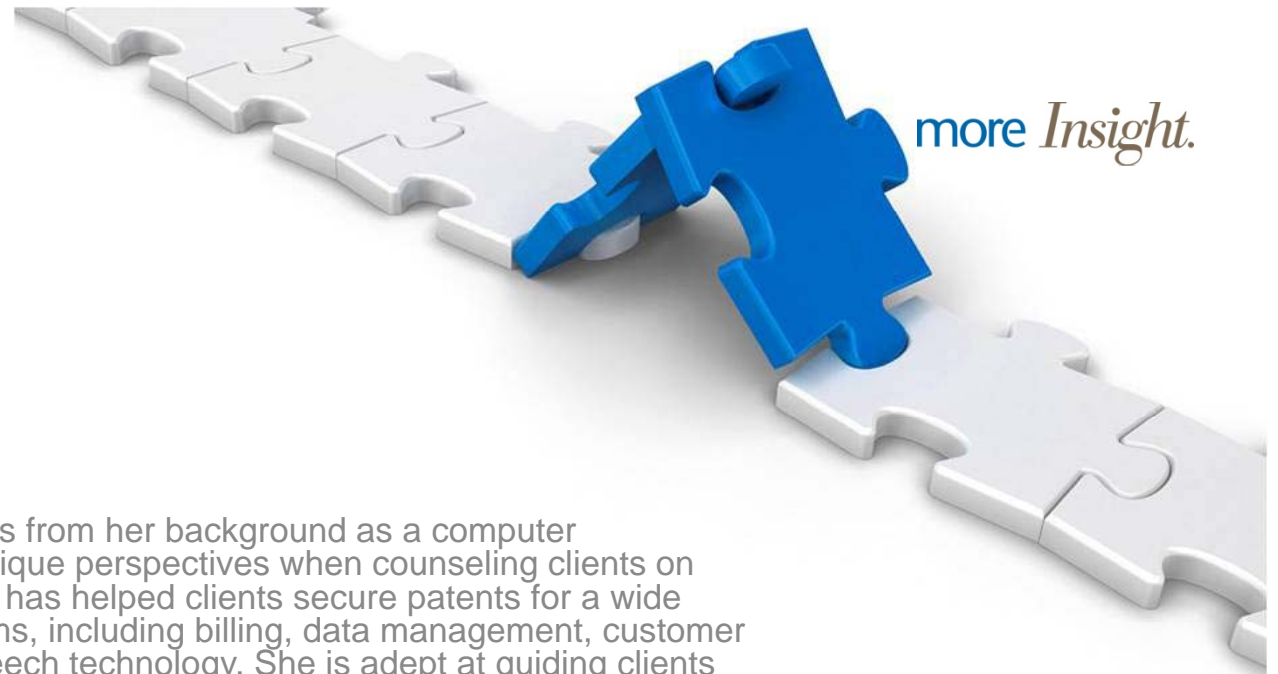
Third Party Pre-Issuance Submissions of Published Documents

- ▶ Need to be aware of your competitor's pending patent applications – but wouldn't this be a good idea anyway?
- ▶ What about fear of willful infringement? Some places have an ostrich mentality pre-dating a case called Seagate (2007) that changed the standard.
 - ▶ Expressly overturned a previously 24-year old precedent
 - ▶ No more affirmative duty of due care therefore no affirmative obligation to obtain opinion of counsel
 - ▶ Must show objective recklessness. If this is met, then patentee must show that the objectively high risk was know or should have been known by defendant.



And the Patents Keep A'Coming!

- ▶ 43 patents issued on August 7th, 2012 in Class 704 Speech.
 - ▶ 1 belongs to AT&T Intellectual Property I, L.P.
 - ▶ 5 belong to Google.
 - ▶ 1 belongs to Microsoft Corporation
 - ▶ 5 belong to Nuance Communications, Inc.
 - ▶ 1 belongs to QUALCOMM Incorporated
 - ▶ 30 are assigned to other organizations



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Questions?

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Ria's passion for technology stems from her background as a computer programmer, which affords her unique perspectives when counseling clients on patent and licensing matters. She has helped clients secure patents for a wide range of technology-based systems, including billing, data management, customer relationship management and speech technology. She is adept at guiding clients throughout the entirety of the patent process, from reviewing disclosures and determining patentability to drafting and filing applications and interfacing with the patent office during the review process. She also has extensive experience in handling drafting and reviewing computer licensing agreements with an additional focus in open source licensing.

Ria is particularly honored to serve as the pronouncer for the WCPO Regional Spelling Bee for Cincinnati, Northern Kentucky, and Southeast Indiana. She also joined the Production Staff for the 2012 Scripps National Spelling Bee. Ria also enjoys playing chess and passes on her love of the game to children through the Hua Xia Chinese School where her family studies Mandarin Chinese. She also has been involved with Volunteer Lawyers for the Poor, overseeing several pro bono adoptions, and recently welcomed a son from China to her own family through adoption. She was the recipient of the Francis J. Conte Special Service Award in 2010.

