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## 1. Federal Court of Appeal Confirms Issued Patents cannot be Invalidated by Underpayment of an Administrative Fee

**FCA SAYS IT WOULD BE ABSURD IN THE OVERALL CONTEXT OF THE 1989 ACT TO CONSTRUE SECTION 59 AS ENABLING AN ALLEGED INFRINGER**

*The validity of a patent can be challenged on administrative grounds in a manner just as effective as challenging the patentability of the invention. In this case, Apotex Inc. ("Apotex") argued that the failure to pay the proper final fee for the issuance of Canadian Patent No. 1,339,132 ("the '132 Patent"), owned by Pfizer Canada Inc. ("Pfizer"), invalidated the patent. The Federal Court of Appeal ("FCA") upheld the Federal Court's ruling against Apotex.*

*FCA construed the text of the Patent Act, as it existed on September 30, 1989 ("the 1989 Act"), in light of the scheme and object of the legislation and the true purpose of the relevant provisions.*

[Read more](#)

## 2. Open Letter Exaggerates the Benefits of Recent Patent Reforms

**HTIA'S LETTER ARGUES THAT PROOF OF THEIR VIEW THAT THE FEDERAL GOVERNMENT HAS PROPERLY PURSUED PATENT SYSTEM REFORMS.**

*The High Tech Inventors Alliance (HTIA) published an open letter which attempted to address recent criticisms regarding the current landscape of U.S. patent law, especially how recent patent reforms made both by Congress and the U.S. Supreme Court have weakened innovation in our own country.*

*The HTIA's open letter spouts a variety of statistics which are designed to show readers how research & development investment and venture capital funding have both increased in recent years. However, a closer look at the HTIA's data shows gives plenty of reason to question whether these patent reforms have done more.*

[Read more](#)

## 3. VAT applied in Saudi Arabia

**VAT WILL ALSO BE  
SUBJECT TO OFFICIAL  
FEES OF PUBLICATION  
FOR ALL TRADEMARKS  
ACTIONS I.E.  
PUBLICATION OF  
TRADEMARKS FOR  
OPPOSITION PURPOSE**

*Pursuant to the implementation of the Value Added Tax (VAT) of 5% in the Kingdom of Saudi Arabia in relation of goods and services, please note that all new IP cases to be undertaken and pending cases to be completed on or after 1 January 2018 will be subject to a 5% VAT on professional charges only.*

*Exception to this regulation, VAT will also be subject to official fees of publication for all trademarks actions i.e. publication of trademarks for opposition purpose and post registration actions such renewal, recordals actions since publication work is carried out by the company Thiqah for business-related services (Thiqah) which is an independent entity from Trademark Office.*

[Read more](#)

## 4. New structure of key protein holds clues for better drug design

**RESEARCHERS AIMED TO  
BETTER UNDERSTAND  
THE RELATIONSHIP  
BETWEEN A2AAR  
FUNCTION AND  
DYNAMIC CHANGES IN  
ITS STRUCTURE TO HELP  
INFORM DRUG DESIGN.**

*Scientists at The Scripps Research Institute (TSRI) have peered deep into the heart of a key protein used in drug design and discovered dynamic structural features that may lead to new ways to target diseases. The protein, called the A2A adenosine receptor (A2aAR), is a member of the G-protein-coupled receptor (GPCR) family, which are the targets of roughly 40 percent of all approved pharmaceuticals.*

*The new, more detailed image of A2aAR's signalling mechanism reveals key parts of its inner workings, including an amino acid that acts like a "toggle switch" to control signalling across the cell membrane. "This basic knowledge is potentially helpful for improving drug design," says Nobel laureate Kurt. [Read more](#)*

## 5. FDA Targets Multiple Review Cycles With New Draft Guidance, MAPP

**GOAL OF THE MAPP IS TO GUIDE FDA STAFF TO HELP ENSURE WE WORK MORE EFFICIENTLY WITH THE GOAL OF IMPROVING REVIEW TIMES**

*Fresh out of a record year for generic drug approvals, the US Food and Drug Administration (FDA) on Wednesday kicked off the New Year by releasing new draft guidance and a new manual of policies and procedures (MAPP) with an eye toward decreasing the number of review cycles abbreviated new drug applications (ANDAs) undergo before approval.*

*Multiple review cycles has been an outstanding challenge for the agency in years past, with less than 10% of ANDAs winning approval in the first review cycle. [Read more](#)*

## 6. The Cost of Registering a Trademark in Southeast Asia

**IT WOULD COST AN APPLICANT APPROXIMATELY \$6,584 TO FILE TRADEMARK APPLICATIONS IN INDONESIA, MALAYSIA, SINGAPORE, AND THAILAND, AND, SUBSEQUENTLY, GET THEM REGISTERED.**

*From celebrating its Golden Jubilee on August 8, 2017, to Indonesia becoming the 100th member of the Madrid System for trademarks, the last few months have witnessed the Association of Southeast Asian Nations ("ASEAN") being in the news for all the right reasons. In this article, we turn the spotlight to the costs of brand protection (i.e. the costs of registering a trademark) in Southeast Asia.*

### **ASEAN Member Countries**

*ASEAN is a regional bloc that was founded in 1967 by five countries: Indonesia, Malaysia, the Philippines, Singapore, and Thailand. The organization's membership has expanded to ten, with the subsequent induction of Brunei, Cambodia, Laos, Myanmar, and Vietnam. [Read more](#)*

## 7. Trademark license rights do not survive rejection by bankruptcy court

**PARTIES AGREED MISSION CAN INSIST THAT THE REJECTION NOT APPLY TO NONEXCLUSIVE PATENT LICENSES CONTAINED IN THE REJECTED AGREEMENT.**

*Trademark licenses are categorically unprotected from court-approved rejection during bankruptcy, unless and until Congress should decide otherwise, the United States Court of Appeals for the First Circuit, in a 2-1 decision has ruled, in a matter of first impression for the First Circuit. While the licensee still had its non-exclusive patent license rights, it lost both trademark rights and rights to exclusively distribute the debtor's trademarked goods (Mission Product Holdings, Inc. v. Tempnology LLC), January 12, 2018, Kayatta, W.). After filing a Chapter 11 bankruptcy proceeding on September 1, 2015, Tempnology, LLC ("Debtor"), a maker of specialized products. [Read more](#)*

## 8. EPO and CIPO extend PPH agreement

**EPO HAS SIGNED A NUMBER OF AGREEMENTS IN THE LAST FEW YEARS, MOST RECENTLY WITH THE BRAZILIAN PATENT AND TRADE-MARK OFFICE AND THE RUSSIAN FEDERAL SERVICE FOR IP.**

*A patent prosecution highway (PPH) agreement between the European Patent Office (EPO) and the Canadian Intellectual Property Office (CIPO) has been extended after a successful pilot.*

*The extension will come into effect on 6 January 2018 and last for three more years.*

*According to the CIPO, by the end of September 2017, the EPO had received a total of 102 requests under the pilot, 64 based on patent cooperation treaty (PCT) work products and 38 on national work products. Comparatively, the CIPO received 406 requests: 325 based on PCT work products and 81 based on regional work products. [Read more](#)*

## 9. Electronics and Computer Patents in Vietnam

**PATENTS IN THE ELECTRONICS INDUSTRY SHOULD BE GRANTED MORE QUICKLY THAN PATENTS IN OTHER FIELDS, TO PROVIDE APPROPRIATE BENEFITS TO INVENTORS.**

*Vietnam today is considered a strong potential market for the electronics and computer industry, with a large population of nearly 100 million and a high rate of goods consumption. In addition, the Vietnamese population is very young, with nearly one-third being between the ages of 15 to 29, a group that tends to be the most avid consumers of electronic products, such as mobile phones and computers.*

*With about 24% of Vietnam's GDP coming from the electronics industry, the sector is also a strong market for investment. The country's electronics export target in 2017 was USD 35-40 billion (about 30% of the country's total exports). [Read more](#)*

## 10. Brazil implements patent backlog reduction pilot

**THE BPTO CONDUCTED PUBLIC HEARINGS ON PROPOSALS FOR THE PROGRAMME IN AUGUST 2017.**

**THE SCHEME WOULD ELIMINATE PATENTABILITY ANALYSIS AND ALLOW APPLICATIONS TO PROCEED TO GRANT IN MOST CASES.**

*The Brazilian Patent and Trademark Office (BPTO) has implemented a pilot programme that could tackle the backlog of patent applications at the office.*

*Currently, waiting times in Brazil can average more than 10 years in all technical fields. In mobile technology, patent wait times can average more than 14 years. According to Brazilian intellectual property law firm Di Blasi Parente & Associados, the programme will be a pre-examination, "taking into account irregularities related to prior art, indicated by other IP offices, and allowing applicants in Brazil to address those ahead of full examination". Each technical division at the BPTO will issue 40 pre-examination opinions, after which the applicant will have 60 days to reply. [Read more](#)*

## 11. PTAB Concurrence Provides Guidance on Burden of Proof for Claim Amendments

**THE MAJORITY DECISION NOTED THE FEDERAL CIRCUIT'S AQUA PRODUCTS RULING AND REVIEWED THE PATENTABILITY OF THE SUBSTITUTE CLAIMS, FINDING THAT ONE OF THE THREE CLAIMS MET THE PATENTABILITY REQUIREMENTS. THE PER CURIAM DECISION DID NOT ADDRESS THE BURDEN OF PROOF APPLIED TO THE PATENTABILITY REVIEW, HOWEVER.**

*In a final written decision, the Patent Trial and Appeal Board (PTAB) allowed a patent owner to amend one of the challenged claims. In a concurring opinion, Administrative Patent Judge (APJ) Fitzpatrick explained that the petitioner should have the burden of proof that amended claims are unpatentable. Taiwan Semiconductor Mfg. Co. Ltd. v. Godo Kaisha IP Bridge 1, Case No. IPR2016-01249 (PTAB, Dec. 20, 2017) (per curiam) (Fitzpatrick, APJ, concurring). In 2016, Taiwan Semiconductor filed a petition to institute an inter partes review (IPR) of certain claims of a Godo Kaisha semiconductor patent. After the PTAB instituted the IPR, Godo Kaisha filed a motion to amend the claims by substituting three proposed claims for three of the challenged claims.*

*Typically, the PTAB denies a motion to amend if it proposes (1) an unreasonable number of substitute claims, (2) claims that are broader than the challenged claims to be replaced, (3) claims that introduce new matter, or (4) claims that are not responsive to a ground of invalidity in the IPR. In addition, the PTAB will review the substitute claims to determine if they are obvious or anticipated by the prior art. [Read more](#)*