

SYMPOSIUM

on

What's Ahead on Highway 101

The George Washington University Law School

November 3rd, 2006

Sponsored by

Oracle Corporation *and* The George Washington University Law School

The George Washington University Law School (GW) and Oracle Corporation are pleased to sponsor a one-day symposium on the revival of statutory subject matter rejections in computer-related art, with special attention to the new PTO Guidelines and recent Supreme Court developments, at GW on November 3rd, 2006. This will be the sixth symposium that GW has co-sponsored with Oracle on patent issues of particular concern to industry, academics, and policy makers. Attendees and speakers have included government officials (including federal judges, legislative staff, and PTO officials), leading academics, and practicing attorneys. The presentations have been directed to an audience already well informed on the subject, and thus able to consider the issues at an advanced level of analysis.

The goal of each of the past symposia has been to inspire new thoughts and stimulate discussion on the selected topic in patent law. To help achieve this goal, writing grants have been awarded to selected academics. The only restrictions on content are the scope of the topic (it must be directed to the symposium's designated topic) and quality of the work (it must be of publishable quality). The academic writing grants, depth of analysis, and freedom afforded the authors have been distinguished these symposia from other conferences.

Each of the past symposia has focused on an emerging issue in patent law that generates interest among the judiciary, practicing bar, legislators, and governmental agencies. The first symposium, held in March 1998 and later published in part in 17 *John Marshall Journal of Computer and Information Law* (1998), focused on the patentability of article-of-manufacture (also known as "Beauregard" or "floppy disk") claims to software inventions. The second symposium, held in March 1999 and later published in part in 10 *Fordham Intellectual Property, Media and Entertainment Law Journal* (1999), followed the *State Street Bank* decision by the Court of Appeals for the Federal Circuit, and focused on the patentability of business methods. The third symposium, held in October 2000 and later published in part

in 7 *Michigan Telecommunications and Technology Law Review* (2000-2001), continued the topic of business method patents but focused on the important issue of the proper scope to be accorded such patents. The fourth symposium, held in April 2002, focused on patent issues raised by standard setting, with a focus on standards relating to information technology. Papers presented at this symposium were published separately in 17 *Berkeley Technology Law Journal* 1043 (Summer 2002), 90 *California Law Review* 1889 (December 2002), and 43 *Idea* 331 (2003). The fifth symposium, held in March 2004, focused on the doctrine of willful patent infringement and policy issues that surrounded this controversial judge-made doctrine. Papers presented at this symposium were published separately in 14 *Federal Circuit Bar Journal* 227 (2004).

The Symposium

The sixth symposium in this series will focus on the revival of statutory subject matter rejections in computer-related art, with special attention to the new PTO Guidelines and recent Supreme Court developments. After a trilogy of decisions of first impression, the Court abandoned the field to the Federal Circuit, which developed a somewhat distinctive jurisprudence of its own, only to abandon efforts to chart out a boundary between statutory subject matter and non-statutory subject matter in computer-related art in the late 1990s. The PTO vacillated and then remained quiescent until it revived the “technological arts” rejection in *Ex Parte Bowman* in 2001, only to reject the “technological arts” doctrine in 2005 in *In re Lundgren* and the PTO’s new Guidelines for statutory subject matter. As yet, the Federal Circuit has not spoken on the PTO’s current views.

Request for Papers; Grants

To stimulate critical academic thinking in this area, Oracle will provide a writing grant plus a travel expense stipend to one or more selected law school faculty members for writing a publishable paper and attending and presenting the paper at the symposium. Papers can address substantive legal principles and/or economic principles regarding statutory subject matter rejections in computer-related art; proposals for resolution of issues and for solving problems; and/or related policy considerations. GW and Oracle intend to seek post-symposium publication of the papers as a group.

Conditions for Grant Proposals

1. **Grants:** Oracle will provide a **\$7,000 grant** plus a \$500 travel expense stipend (as necessary) to selected proposal writers, in advance, conditioned on (i) completion and submission of a timely law review quality publication that addresses substantive legal principles and/or economic principles, focusing on the revival of statutory subject matter rejections in computer-related art with special attention to the new PTO Guidelines and recent Supreme Court developments,; and (ii) attendance and presentation of the paper at a Symposium co-sponsored by The George Washington University Law School and Oracle (“Sponsors”). The Symposium will be held on November 3rd, 2006, at The George Washington University Law School in Washington, D.C. Oracle reserves the sole discretion to determine the number of grants awarded. All proposals must be received by Oracle before July 15th, 2006. Grantees will be notified by August 1st, 2006. Essays must be received by Oracle before October 1st, 2006 substantially in final form.
2. **Eligibility:** Any faculty member of an accredited university may submit a proposal.
3. **Proposal Format Requirements:** All proposals must be no more than three (3) typed, one-sided 8.5 x 11 inch pages. All soft copy must be in MS Word for Windows, Adobe PDF, HTML formatted, or ASCII text.
4. **Proposal DEADLINE:** Proposals must be received by Oracle **before July 15th 2006**.
5. **Copyright and Publication:** Submission of a proposal constitutes grant of a nonexclusive, irrevocable, and fully paid-up license under all applicable law worldwide to use and publish the all or any part of the submitted essay for any purpose and in any medium anywhere in the world, now existing or later developed, and to use the grantee’s name and photograph without royalty or additional consideration. The license further provides Oracle with the right of first publication of the submitted essay alone or with one or more of the other selected essays in a law review or similar academic journal. The license does not prohibit grantees from seeking subsequent publication of their submitted essays elsewhere, but each such publication must acknowledge the Oracle Grant and may not otherwise refer to Oracle or use the Oracle name for any other purpose.
6. **Proposals must be sent by e-mail attachment to:** madelman@law.gwu.edu

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