

## The Most-Read IP Law360 Guest Articles Of 2021

*Law360 (December 23, 2021, 5:02 PM EST)* -- While the nascent nonfungible token marketplace's intellectual property landscape was the hottest topic this year, Law360 guest experts also dug into the U.S. Supreme Court's *Arthrex* decision, how the West Texas "rocket docket" affects inter partes review, and a wide variety of statistical analyses concerning patent litigation and prosecution.

*Jan. 6*

### **10 Patent Prosecution, Litigation Practice Trends From 2020**



2020 spurred ingenuity in inventions fighting COVID-19 and patent practice, including increases in litigation and inter partes review petitions, attention to artificial intelligence patents, and the U.S. Supreme Court's refusal to address patent eligibility, say attorneys at WilmerHale.

*March 19*

### **Unpacking Amazon's Patent Infringement Evaluation Process**



While Amazon's utility patent neutral evaluation process, which helps clear infringing products from the marketplace, still lacks many of the safeguards afforded by the rules of evidence and procedure, recent changes better deal with seller-fabricated prior sales evidence, say Tammy Terry and Lisa Margonis at Osha Bergman.

*April 20*

### **Copyright Concerns For NFT Buyers, Sellers In Music Industry**



As nonfungible tokens allow recording artists more control and transparency and allow fans to invest in their favorite musicians, there are several important copyright transfer and license drafting considerations for practitioners advising buyers and sellers in this new marketplace, says Carly Kessler at Robins Kaplan LLP.

*April 28*

### **Hedonic Regression Shows Promise For Modeling IP Damages**



VLSI's recent \$2.18 billion patent infringement damages award against Intel in a Texas federal court relied on hedonic regression analysis for modeling patent value, which looks compelling because it allows plaintiffs' experts to value infringed patents' critical benefits, say Richard Kamprath and Abigail Clark at McKool Smith Hennigan PC.

*July 27*

### **Why Bypass Continuation Is Best For Nat'l Phase Patent Entry**



In view of statistics revealing multiple advantages to bypass continuation filings for U.S. national phase examination of Patent Cooperation Treaty applications — including higher issuance rates, lower restriction rates and delayed fee payment — applicants should consider altering their filing strategies, says Karam Saab at Kilpatrick Townsend & Stockton LLP.

*Jan. 11*

### **Fed. Circ. Patent Decisions In 2020: An Empirical Review**



Statistical analysis of last year's Federal Circuit patent cases reveals several differences from 2019, including a shift in the docket more toward appeals from district court cases, more affirmances, more nonprecedential opinions and fewer summary dispositions, says Dan Bagatell at Perkins Coie LLP.

*June 22*

### **5 Practical Takeaways From High Court Arthrex Ruling**



William Milliken at Sterne Kessler Goldstein & Fox PLLC offers considerations on the narrow scope of the U.S. Supreme Court's holding on Monday in *U.S. v. Arthrex*, that Patent Trial and Appeal Board judges are unconstitutionally appointed, and contemplates the questions it leaves open for litigants and practitioners.

*Aug. 17*

### **How Intellectual Property Rights Can Complicate NFT Market**



There are several important but underappreciated technical aspects of nonfungible tokens that inform their relationship with intellectual property rights and ultimately the valuation of NFTs conveying ownership of assets, say Collin Starkweather at Starkweather Economics LLC, Izzy Nelken at Super Computer Consulting and Sam Miller at Rimon PC.

*Feb. 16*

### **How West Texas Patent Trial Speed Affects PTAB Denials**



Analyzing 39 recent inter partes review institution decisions by the Patent Trial and Appeal Board, alongside transfer motion decisions in parallel litigation in the Western District of Texas, reveals several notable trends, say attorneys at Sterne Kessler.

*March 30*

### **Decoding The Fine Print On Nonfungible Token Licenses**



As the nonfungible token industry grows, creators and rights holders need to understand the NFT marketplaces' terms of use and consider how NFTs will be handled under existing and new agreements, say attorneys at Skadden Arps Slate Meagher & Flom LLP.

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