

Markman Hearings

Background

Nearly ten years after the Supreme Court's landmark decision in *Markman v. Westview Instruments, Inc.*, 116 S.Ct. 1384 (1996), the importance of the "Markman" hearing cannot be overstated. Holding that the interpretation of patent claims is an issue of law for a trial judge to decide, not an issue of fact for the jury, the Court's decision has had a profound effect on the practical considerations for litigating a patent infringement action.

Because the interpretation of a patent claim, or "claim construction", is the central issue in most patent litigation, the outcome of the Markman hearing is often dispositive of the entire case. Frequently preceded or accompanied by a technology tutorial, the Markman hearing offers a strategic opportunity to gain an overwhelming advantage.

Visual Presentations for Markman Hearings and Technology Tutorials

Think Twice has developed a unique visual presentation format for the Markman hearing, which can be expanded to accommodate a technology tutorial. Highly comprehensive yet visually efficient, the Think Twice Markman interactive presentation is designed to:

- Provide an easy, non-linear, menu-driven navigation both for the presenter to utilize during the hearing, and for the judge to view on her own after the hearing
- Organize extensive content in logical order to describe the invention, key elements of the patent, prior art, prosecution history, and claim terms
- Link all terms to a complete reference database of intrinsic and extrinsic evidence
- Eliminate the need for specialized presentation software and courtroom technicians

In a growing number of patent infringement matters, winning a favorable construction of claims means winning your case. Whether combined with a technology tutorial or standing alone, our visual presentation of your claims construction will help you make the most of the strategic opportunity offered by the Markman hearing.

To see examples of recent Markman interactive presentations, call Think Twice at 415.834.2000.

