# The Lure of Functional Claiming: Benefits, Pitfalls, and Recent Court Decisions

Fitch, Even, Tabin & Flannery LLP presents a **complimentary webinar**, "The Lure of Functional Claiming: Benefits, Pitfalls, and Recent Court Decisions." The one-hour webinar will take place on Wednesday, December 17, 2014, at 11:00 am CST.

Patent attorneys have historically used functional claim language in an effort to cover what an invention does rather than what it is. The use of functional language in a claim presents potential advantages over strictly reciting structure, but also presents potential risks during prosecution and litigation. Understanding how the USPTO and courts are currently evaluating functional claim language is essential to writing and prosecuting patent applications that issue with valuable and enforceable claims.

During the webinar, we will cover these topics and more:
• Functional claim language: history, examples, and advantages
• Functional claim-drafting techniques for maximum impact at the USPTO
• Cases including *Nautilus, Inc. v. Biosig Instruments, Inc.* and their impact on the interpretation of functional claim terms during litigation
• Writing and prosecuting applications to survive the storm of litigation and post-grant proceedings

Our speakers will be Fitch Even attorneys Stephen S. Favakeh and Jonathan H. Urbanek. For over 20 years, Steve Favakeh has assisted clients in the strategic procurement and enforcement of patent and trademark rights in the U.S. and abroad, with a special focus on Japanese clients. Jon Urbanek focuses his IP

law practice on patent preparation and prosecution and advises clients working in diverse technologies on issues including freedom-to-operate decisions, product design-arounds, and competitive technology analysis.

CLE: IL, CA, NE; other states may also grant CLE upon attendee request.

There is no fee to attend, but please note registration is required.

**Register for the webinar**.