



# SHIMOKAJI & ASSOCIATES, P.C.

# NEWSLETTER

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Intellectual Property Lawyers  
[www.shimokaji.com](http://www.shimokaji.com)

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We specialize in the litigation, registration, and monetization of patent, trademark, and copyright matters. The clients we serve range from start-ups to Fortune 500 companies, government entities, and universities. Though located in the US, our expertise and representation has an emphasis in Asia.

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## *President Obama Rejects ITC Exclusion Order Against Samsung*

On August 3, 2013, President Obama disapproved an ITC exclusion order against Samsung and in favor of Apple based on "policy grounds." Apple asserted that the patents were standard essential.

More information can be obtained at [info@shimokaji.com](mailto:info@shimokaji.com)



## *Federal Circuit Says "Molecular Weight" is Indefinite*

In *Teva Pharmaceuticals v. Sandoz*, several patents covering a drug were asserted. The active ingredient was a copolymer having a mixture of individual polymers that each had different molecular weights.

The Federal Circuit noted that the claim term "molecular weight" could be calculated at least three different ways: peak average molecular weight, number average molecular weight, and weight average molecular weight. This meant that "molecular weight" could have at least three different values. Therefore, according to the Federal Circuit, the claims were indefinite and invalid.

However, some claims not only referred to "molecular weight" but also described how to calculate the same. Thus, those claims were definite.

**PRACTICE HINT:** When describing measurements in either the specification or claims, the units of measurement should be described and they should be well-recognized in the art.

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