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Patent Law Analysis by Dennis Crouch

Oct 02, 2009

PTO Deputy Director: Sharon Barner

The USPTO has announced that Sharon Barner of Foley & Lardner has agreed to become Deputy Director of the USPTO. Barner is the head of Foley's large IP department and has been a supporter of Obama since his youthful days in the Illinois legislature. As was the case with Kappos, Barner will be taking an extreme pay cut, opening herself to public criticism; and moving to DC. She should be applauded for her willingness to become a public servant. Under the law, the USPTO Director has the power to nominate his Deputy, but the actual appointment is done by the Secretary of Commerce (Locke).

The patent office has substantial problems that need to be addressed and that would be addressed regardless of who is in charge at the PTO. The benefit of Kappos & Barner is that have decades of patent law experience and are both committed to building a better patent system for the long-term. They understand how patents are actually used and the motivation behind patentee actions. Hopefully, this means that the eventual changes to the system will be more successful; have fewer unintended consequences; and be less likely to unduly antagonize those already invested in the system.

Barner was on my (rather long) short-list of potential Federal Circuit nominees to replace Judge Schall who is moving to Senior Status next week. Many members of the patent litigation bar are calling for a district court judge to be nominated. Judge Kathleen O'Malley (N.D. Ohio) likely tops the list along with Judge Patti Saris (D.Mass.).

Posted on Oct 02, 2009 at 10:46 PM | [Permalink](#)

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Comments

"Many members of the patent litigation bar are calling for a district court judge to be nominated. Judge Kathleen O'Malley (N.D. Ohio) likely tops the list along with Judge Patti Saris (D.Mass.)."

My vote would be for any of the current or former district court judges from Delaware.

Posted by: anon | [Oct 02, 2009 at 11:18 PM](#)

Wait a minute . . . didn't the last Director of the USPTO land at Foley Lardner? Could Foley Lardner become the Goldman Sachs of the IP world? Only time will tell :)

Posted by: The Man Who Watches | [Oct 03, 2009 at 12:01 AM](#)

"Barner was on my (rather long) short-list of potential Federal Circuit nominees to replace Judge Schall who is moving to Senior Status next week."

Don't knock her out of the running quite yet. There are still quite a few vacancies in the other federal circuits, and Obama is moving at a snail's pace to fill them. Give it a year or two. By then, Obama should be ready to nominate Judge Schall's position.

Posted by: West Coast Guy | [Oct 03, 2009 at 07:56 AM](#)

"As was the case with Kappos, Barner will be taking an extreme pay cut, opening herself to public criticism; and moving to DC. She should be applauded for her willingness to become a public servant."

Why conclude that she is sacrificing herself for the public? People often choose power and prestige over dollars and cents.

Posted by: Ayn Rand | [Oct 03, 2009 at 08:35 AM](#)

"As was the case with Kappos, Barner will be taking an extreme pay cut, opening herself to public criticism; and moving to DC. She should be applauded for her willingness to become a public servant."

Yes - she's a real modern-day Mother Theresa.

Posted by: anon | [Oct 03, 2009 at 08:49 AM](#)

She is not a patent attorney as far as I can tell. As far as I can tell, she has no prosecution experience. She represents only the big guy. I'm worried for the little guys.

Kappos' ideas so far seems to be either leaning towards the big guy or (maybe) neutral. Abandoning a patent for another one to be advanced will only help those with enough money to file patents that they are willing to abandon - and most little guys don't have multiples pending at all. I'm not sure about the count system. I'll have to think about it and see how it is implemented.

I want to think that Obama, Kappos, and Barron are going to help the patent system, but so far I'm not convinced.

Posted by: kd | [Oct 03, 2009 at 10:24 AM](#)

A photograph would have been welcome.

Well, here it is.

<http://www.foley.com/photo/03240.jpg>

Posted by: [Armand Grinstajn](#) | [Oct 03, 2009 at 11:45 AM](#)

It would've been nice to have at least one person at the top level who was registered to practice before the PTO...Barner fails that requirement

Posted by: 5 | [Oct 03, 2009 at 12:32 PM](#)

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Perhaps the shakedown and changes at the USPTO is due to the TRILLION DOLLAR FEDERAL LAWSUIT LEGALLY RELATED TO A WHISTLEBLOWER LAWSUIT OF A NY SUPREME COURT STAFF ATTORNEY that Foley and Lardner is a named defendant in, regarding stolen patents.

Why did Foley & Lardner host David Kappos, Obama's new candidate at the USPTO? The answer lies perhaps in the Trillion Dollar Lawsuit too. Read on.

Check out Inventor Eliot Bernstein Testimony @ The New York Judiciary Committee headed by John L. Sampson @

<http://www.fliqz.com/asp/permalink.aspx?vid=01cfeacdd71147dba54b363fcd6defe>

Check out Iviewit News - IVIEWIT TRILLION \$\$ FED SUIT DEFENDANT PROSKAUER ROSE SUED IN

GLOBAL CLASS ACTION RE STANFORD PONZI @

<http://www.free-press-release.com/news-iviewit-trillion-fed-suit-defendant-proskauer-rose-sued-in-global-class-action-re-stanford-ponzi-1252249099.html>

MADOFF + STANFORD + DREIER + SATYAM + FISERV + ALBERT HU + The 1031 Tax Group LLC - Edward H. Okun = PROSKAUER ROSE + FOLEY & LARDNER

Investors who have been burned in these scams should start to seek redress from the lawyers who were involved with these scams. I personally have been trying to notify regulators and authorities of a ONE TRILLION DOLLAR liability that is putting states like New York and Florida at huge risk, as well as, companies like Intel, Lockheed, SGI and IBM. The states and companies involved in the fraud fail to acknowledge the risk exposing shareholders and citizens to impending liabilities. Investigators, courts and federal agents ignoring the crimes and evidence, including a car-bombing attempt on my life. I know how Harry Markopolos felt trying to expose Madoff in a world without regulation.

Did I hear Proskauer Rose is involved in Madoff (involved many clients too) and acted as Allen Stanford's attorney. Investors who lost money in these scams should start looking at the law firm Proskauer's assets for recovery. First, Proskauer partner Gregg Mashberg claims Madoff is a financial 9/11 for their clients, if they directed you to Madoff sue them. Then, Proskauer partner Thomas Sjoblom former enforcement dude for SEC and Allen Stanford attorney, declares PARTY IS OVER to Stanford employees and advises them to PRAY, this two days before SEC hearings. Then at hearings, he lies with Holt to SEC saying she only prepared with him but fails to mention Miami meeting at airport hanger. Then Sjoblom resigns after SEC begins investigation and sends note to SEC disaffirming all statements made by him and Proskauer, his butt on fire. If you were burned in Stanford sue Proskauer.

Proskauer Rose and Foley & Lardner are also in a TRILLION dollar FEDERAL LAWSUIT legally related to a WHISTLEBLOWER CASE in FEDERAL COURT. Marc S. Dreier, brought in through Raymond A. Joao of Meltzer Lippe after putting 90+ patents of mine in his own name, is also a defendant in the Federal Case.

The Trillion Dollar suit according to Judge Shira Scheindlin is one of PATENT THEFT, MURDER & A CAR BOMBING. For graphics on the car bombing visit www.iviewit.tv.

Federal Court cases

US Court of Appeals for the 2nd Circ Docket 08-4873-cv - Bernstein v Appellate Division First Department Disciplinary Committee. - TRILLION DOLLAR LAWSUIT

(07cv09599) Anderson v The State of New York - WHISTLEBLOWER LAWSUIT

(07cv11196) Bernstein v Appellate Division First Department Disciplinary Committee

(07cv11612) Esposito v The State of New York

(08cv00526) Capogrosso v New York State Commission on Judicial Conduct

(08cv02391) McKeown v The State of New York

(08cv02852) Galison v The State of New York

(08cv03305) Carvel v The State of New York

(08cv4053) Gizella Weissshaus v The State of New York

(08cv4438) Suzanne McCormick v The State of New York

John L. Petrec-Tolino v. The State of New York

Eliot I. Bernstein

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Iviewit Technologies, Inc. – DL

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Posted by: [Eliot Bernstein](#) | [Oct 03, 2009 at 01:00 PM](#)

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