

[] ()

, , (IPC) , '05 가
가
가

[<http://www.patentmap.or.kr>]

1.

가 가
가 .
(Intangible assets) 가
가
3
가

2.

1 2 (Court of Appeals for the Federal
Circuit: CAFC), (U. S. Supreme Court) . CAFC
, CAFC 1
CAFC가
CAFC
(Jury Trial)

< 1 > 2004

	Middle District of Louisiana	Western District of Oklahoma	Western District of Wisconsin	District of West Virginia	Eastern District of Virginia
	43.0	13.0	10.5	11.2	9.2
	District of New Jersey	Western District of New York	Northern District of New York	District of Vermont	District of Maine
	33.4	40.0	39.5	36.0	13.0

: Administrative Office of the U.S. Courts, 2004 Annual Report of the Director, Table C-10

가 (trial)

가

(Summary judgement)

가 1996

(Markman hearing)

가

가

3.

2000

가, 2001 가

3.39 (3 5)

10

3.43 (3 5)

, Central District of California

2 11

가 10가

65%가 3

57%

3

가 75%

/

38%

/ 28%,

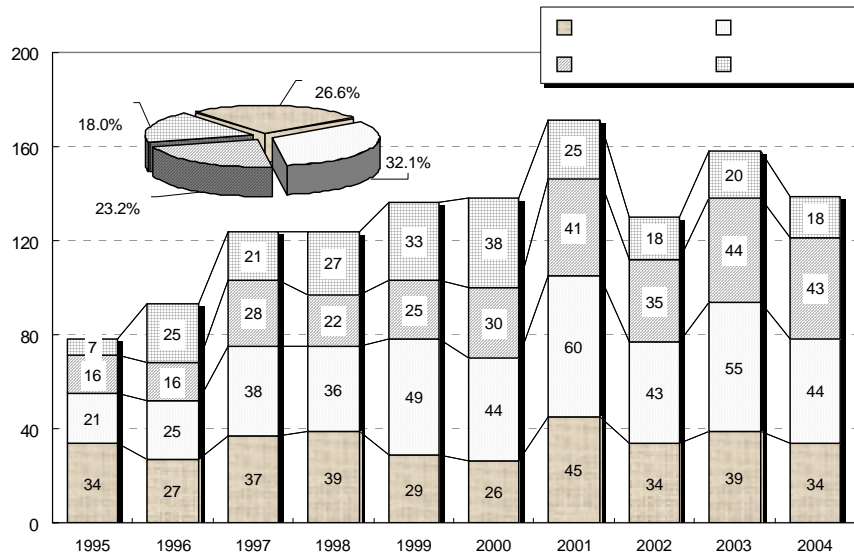
/ 22%

2,061

58.3%

가

39.3%



< 2 >

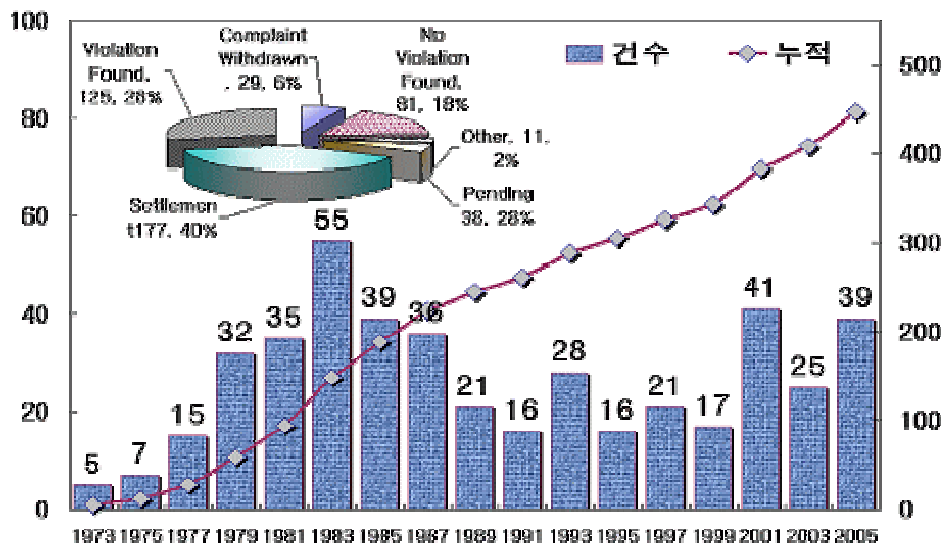
5. ITC

ITC(The U.S. International Trade Commission:)

337 , 1974 ITC
 ITC 가 , 1
 1 6 ,
 가 .
 1 , 18 ,
 . 1973
 2005 6 ITC 448
 1979 1983 55
 , 1990 2000
 . ITC 448 177 (40%)
 Settlement(), 125 (28%) Violation Found(), 81 (18%) No Violation
 Found(), 29 (6%) Complaint Withdrawn(), 38 (28%) Pending()
 , , 1980
 1985 가 , 1986 1990
 가 , 2000 가
 . , 80 , , ,

가
 1983 가 가
 Settlement 45%, Violation Found
 26%, No Violation Found 16%
 / 1984 Lucky Goldstar 가 1
 , 2002 Samsung 16

(Settlement)



< 3 >

6. (實例)

, Package,
 , Foundry Service 가 3 가 가
 가 가 CAFC
 가 가 1
 2 가
 2 가 CAFC



가 . 1 가 가 ,
California 2 가 가 ,
Virginia, Texas, Delaware



가 , 가

Enforce 가
Life Time

(All Element Rule
) , (가

Claim Element
) , **Unenforceability**(

가

) , (

Conflict of Interest

.)

,