

Top Ten Things To Do While Waiting For The *Bilski* Decision

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Although I originally planned to wait until the Supreme Court released its decision in *Bilski v. Kappos* to prepare a substantive article for this issue of the IP Litigation Insider, I thought better of that idea for several reasons. First, it has been more than 200 days since the oral argument in *Bilski v. Kappos*, and, in the words of Jay-Z, "I've got no patience and I hate waitin'." Additionally, even though our marketing statistics show that many readers were interested in the *MedImmune* and source code articles from the last two issues, I felt myself growing wistful for the days when I wrote about lighter fare such as my favorite restaurants in the Eastern District of Texas.

Seeking to validate my decision, I conducted an informal (read: self serving) survey of loyal IP Litigation Insider readers at various receptions during last week's INTA Annual Meeting. Not surprisingly, those polled unanimously agreed that I should (at least attempt to) write a humorous article. Accordingly, for those of you who, like me, have experienced difficulty with number 1 below, here is a list of the top ten things to do while you anxiously await the Supreme Court's ruling.

10. Prepare alternate versions of your *Bilski* analysis so that you can distribute your firm's e-alert concerning that decision immediately following its release.
9. File a motion with a Texas court to move your hearing so that it coincides with one of the upcoming Lady Gaga concerts.¹
8. Take a moment to appreciate the comic relief supplied by the *Bilski* oral argument:
<http://images.jw.com/com/publications/1365.pdf>
7. Watch your stock portfolio gyrate wildly in response to the latest headlines from Europe.
6. Prepare talking points in the event that IPLaw 360 asks you to comment on the *Bilski* decision.
5. Patent a method for capping an oil well.
4. Head to your favorite wine store and stock up on rosé for the summer.²
3. Train for the 6th Annual World Tamale Eating Championship in Lewisville, Texas.³
http://www.youtube.com/watch?v=re_2KUEjXU
2. Beat Kitty Kelley in writing "The Unauthorized Biography of Bernard Bilski."
1. Try to relax and enjoy the summer without obsessing about patent law.

¹ If you score tickets to the concert in Dallas on July 23, I'll see you there.

² While I'm quite certain that I will be mocked mercilessly for this recommendation at the next Commanderie de Bordeaux event, I'm in good company: <http://www.forbes.com/2009/08/06/rose-summer-wines-lifestyle-wine-weekend.html>

³ As of the date of this article, I have not yet determined whether or not to try to re-live the glory that I experienced at the inaugural World Tamale Eating Championships in 2005 when I consumed 24 tamales in ten minutes to place third.