UT LAW CLE Continuing Legal Education

19th Annual Advanced Patent Law Institute
November 6-7, 2014 • Four Seasons Hotel • Austin, TX
November 6-7, 2014 • Live Webcast

Thursday Morning, Nov. 6, 2014

Presiding Officer:
Michael P. Adams, Jackson Walker L.L.P. - Austin, TX

7:30 am In Austin Only	**Registration Opens** Includes continental breakfast.
8:20 am	**Welcoming Remarks**
8:30 am 1.00 hr	**Recent Developments in Claims Construction** It is a hot year for claim construction issues, at the Federal Circuit, the U.S. District Courts—and thanks to the rise of IPR/CBMR post-grant proceedings—at the PTAB as well. Hanging over all is the Supreme Court's review of the appeal standard on claim construction in *Teva Pharmaceuticals v. Sandoz.* "To defer or not to defer, that is the question" and, if so, to what will deference be owed? See where we are now and where we'll likely be at year-end. Fasten your seat belts, it's going to be a bumpy ride! Kenneth R. Adamo, Kirkland & Ellis LLP - Chicago, IL
9:30 am 0.50 hr	**Broadest Reasonable Interpretation** The broadest reasonable interpretation (BRI), once only of interest to patent prosecutors, has now invaded the world of patent litigators in proceedings before the PTAB. Find out just how broadly examiners and PTAB judges may be construing your claims. Mark E. Scott, Conley Rose, PC - Austin, TX
10:00 am	**Break**
10:15 am 0.50 hr	**The Evolving Law on Domestic Industry in the ITC** The contours of the domestic industry requirement for Section 337 investigations continues to develop. Explore recent decisions regarding the economic and technical aspects of this requirement in order to understand what is necessary to establish or challenge the existence of a domestic industry before the ITC. Lynn I. Levine, Morrison & Foerster LLP - Washington, DC
10:45 am 0.50 hr	**ITC Tactics: Trips and Traps in the Rules and Procedures** A review of recent decisions and insights into how best to approach—and not run afoul of—the Commission Rules and ALJ ground rules. Benjamin Levi, McKool Smith - Washington, DC

11:15 am 0.50 hr	**Recent Divided Infringement Developments** The issue of divided infringement continues to arise in many patent infringement cases and recent rulings by the Supreme Court and the Federal Circuit are important both for what issues they resolve and what issues they leave open. Ronald J. Pabis, Greenberg Traurig, LLP - Washington, DC
11:45 am	**Pick Up Lunch** Included in registration.

Thursday Afternoon, Nov. 6, 2014

Presiding Officer:
David W. O'Brien, Haynes and Boone, LLP - Austin, TX

LUNCHEON PRESENTATION

In Austin Only	**Thank You to Our Luncheon Sponsor** Greenberg Traurig, LLP
12:05 pm 0.75 hr	**Perspectives on the Supreme Court** The Supreme Court continues to take interest in patent law. What is this Court, and what are its members up to? John M. Golden, The University of Texas School of Law - Austin, TX
12:50 pm	**Break**
1:05 pm 0.50 hr	**Post-Grant Proceedings: Outcomes and Trends** It has been two years since the first post-grant proceeding was filed. Find out where we are and the likely direction for these proceedings. Teresa Stanek Rea, Crowell & Moring, LLP - Washington, DC
1:35 pm 0.50 hr	**Litigation Strategies: PTAB vs. District Court** A look at the interface between the USPTO and the courts, including stays, claim construction rules, impact of one proceeding on the other, discovery, and timing and race to finality. Robert Greene Sterne, Sterne, Kessler, Goldstein & Fox P.L.L.C. - Washington, DC Donald R. Banowit, Sterne, Kessler, Goldstein & Fox P.L.L.C. - Washington, DC
2:05 pm 0.75 hr	**Post-Grant Patent Trials "Lessons Learned" Part I: Petition & Pre-Trial** Getting your post-grant patent trial instituted, or defending against institution, requires navigating an intricate web of statutory requirements as well as PTAB rules and practices. Review the nut and bolts of drafting a grantable petition, as well as considerations for patent owners in challenging a petition in the pre-trial stage. Redundancy, applicable statutory bars, real party in interest/privity issues, joinder, use of expert declarations and other key factors and strategies relevant to the petition stage for IPR or CBM review are discussed. Moderator:

	Peter J. Ayers, Lee & Hayes PLLC - Austin, TX Panelists: David W. O'Brien, Haynes and Boone, LLP - Austin, TX Michael Rosato, Wilson Sonsini Goodrich & Rosati - Seattle, WA
2:50 pm	**Break**
3:00 pm 0.75 hr	**Post-Grant Patent Trials "Lessons Learned" Part II: Post Institution & Hearing** A PTAB trial begins with the institution decision and follows with unique motion practice, discovery, briefing, and oral advocacy. Understand PTAB trial mechanics as seen from the perspectives of judges, petitioners, and patent owners, and explore the institution process, developing the evidentiary record, all phases of the trial briefing, and the oral hearing. Plus, hear experiences from real cases on what works most effectively, mistakes to avoid, and how to best position a case for appeal to the Federal Circuit. Moderator: David L. McCombs, Haynes and Boone, LLP - Dallas, TX Panelists: Michael L. Kiklis, Oblon, Spivak, McClelland, Maier & Neustadt, L.L.P. - Alexandria, VA W. Karl Renner, Fish & Richardson P.C. - Washington, DC Hon. Stacey G. White, U.S. Patent and Trademark Office, Patent Trial and Appeal Board - Dallas, TX
3:45 pm 0.75 hr	**What's New in Damages and Remedies** A discussion of the current landscape, including the impact of recent decisions providing guidance on acceptable patent damages methodology. Moderator: Alan D. Albright, Sutherland Asbill & Brennan LLP - Austin, TX Panelists: Hon. J. Rodney Gilstrap, U.S. District Court, Eastern District of Texas - Marshall, TX Shirley Webster, Ocean Tomo, LLC - Houston, TX
4:30 pm 1.00 hr 0.50 hr ethics	**Judicial Panel** Distinguished judges from the Federal Circuit and District Courts discuss their experiences hearing and trying patent cases. Moderator: Hon. David J. Folsom, Jackson Walker L.L.P. - Texarkana, TX Panelists: Hon. J. Rodney Gilstrap, U.S. District Court, Eastern District of Texas - Marshall, TX Hon. Randall R. Rader, Former Chief Judge, U.S. Court of Appeals for the Federal Circuit - Washington, DC Hon. James L. Robart, U.S. District Court, Western District of Washington - Seattle, WA
5:30 pm	**Adjourn**

Friday Morning, Nov. 7, 2014

Presiding Officer:
Brent K. Bersin, Grant Thornton LLP - Houston, TX

7:30 am In Austin Only	**Conference Room Opens** Includes continental breakfast.
8:30 am 0.75 hr	**Patentable Subject Matter: Software and Business Methods**

	The Supreme Court decision in *Alice v. CLS Bank* has significant implications for both litigators and prosecutors in all areas of technology. Section 101, it seems, is here to stay. Learn more on what that means in practice. Mark A. Lemley, Stanford Law School and Durie Tangri LLP - Stanford and San Francisco, CA
9:15 am 0.75 hr	**Patent Drafting in the Era of *Nautilus*** A discussion of crafting claims and supporting disclosure to meet the more complex standards of definiteness under *Nautilus*, the "all elements" rule for a single direct infringer under *Limelight* and the critical post-grant challenges to claiming mistakes under the America Invents Act. Harold C. Wegner, Foley & Lardner - Washington, DC
10:00 am	**Break**
10:15 am 0.92 hr	**Troll Litigation Update** The President, Congress and several industry sectors have demanded reforms against abusive patent litigation. Much of the criticism is focused on so-called trolls or non-practicing entities. Review the status of initiatives taken to remedy perceived abuses in patent litigation, including proposed legislation, USPTO and Federal rule changes, as well as expected and possible changes through court decisions. Darryl J. Adams, Baker Botts - Austin, TX William L. LaFuze, Vinson & Elkins LLP - Houston, TX Byron E. Springer Jr., Intellectual Ventures - Bellevue, WA
11:10 am 0.83 hr	**Key Issues for In-House Counsel** Inside patent counsel continues to face challenges around portfolio expenses, invention prioritization, outside counsel management, litigation defense, monetization and other issues. Explore these challenges across many industries and discuss best practices and problems that have been faced. Moderator: Keith E. Witek, Advanced Micro Devices, Inc. - Austin, TX Panelists: James J. MacDonald, Juno Therapeutics, Inc. - Seattle, WA Eric B. Min, eBay Inc. - Austin, TX Mark E. Patrick, Texas Instruments Incorporated - Dallas, TX
12:00 pm	**Pick Up Lunch** Included in registration.

Friday Afternoon, Nov. 7, 2014

Presiding Officer:
William D. Wiese, DuBois, Bryant & Campbell, L.L.P. - Austin, TX

LUNCHEON PRESENTATION

In Austin Only	**Thank You to Our Luncheon Sponsor** Kenyon & Kenyon LLP
12:05 pm 0.75 hr	**Evidence Based Patent Law: Trends and Statistics, and What They Mean for Your Practice and Your Patent Portfolio** Patent law has seen dramatic changes over the past decade, both in terms of the legal doctrines and

	procedures as well as the market players. The result is that old practitioner rules of thumb either no longer apply or are out-dated. Get the newest data from the USPTO, courts, and other sources to highlight new rules of thumb and pitfalls both in patent practice. Dennis Crouch, University of Missouri School of Law - Columbia, MO
12:50 pm	**Break**
1:05 pm 0.75 hr ethics	**Ethics, Money and Fee Agreements** Learn the ethical issues that can arise from alternative fee arrangements, such as flat and capped fees, both in litigation and prosecution. There are thorny issues such as choice of law that come with multi-state federal litigation and divisions of fees among lawyers in different firms. Analyze efforts by lawyers to limit their exposure to risk by providing "outs" in contingent fee cases. This session has moved to 2:50 PM Friday David Hricik, Mercer University School of Law and Taylor English Duma LLP - Macon and Atlanta, GA
1:50 pm 0.50 hr	**Life Sciences Update: One Year After *Mayo* and *Prometheus*** A look at the impact of the *Myriad* and *Prometheus* decisions, plus an analysis of recent Federal Circuit Court decisions and USPTO practice with regard to life sciences patent eligibility. Ana Christina Ward, Asuragen, Inc. - Austin, TX
2:20 pm 0.50 hr 0.25 hr ethics	**Is Your Case Exceptional?** A discussion of fee shifting under Section 285 after *Octane Fitness* and *Highmark* and how they revised the analysis for awarding attorneys' fees. Adrienne E. Dominguez, Thompson & Knight LLP - Dallas, TX
2:50 pm 0.75 hr ethics	**Using Social Media Ethically** An exploration of some of the aggressive uses of social media by companies, employees, and attorneys, including the legal and ethical boundaries being recognized by some and ignored by others. Particular attention is given to the Disciplinary Rules of Professional Conduct, the Stored Communications Act, the Computer Fraud and Abuse Act, and the National Labor Relations Act and the limits each impose on the use of social media as a weapon in litigation. The admissibility of social media evidence at trial is also addressed. This session has moved to 1:05 PM Friday Jason Boulette, Boulette & Golden L.L.P. - Austin, TX
3:35 pm	**Adjourn**