

20TH ANNUAL
**ADVANCED PATENT LAW
INSTITUTE**



Koi Pond, Philip Durst

November 5–6, 2015
Four Seasons Hotel ■ Austin, Texas



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20TH ANNUAL
ADVANCED PATENT LAW INSTITUTE
November 5–6, 2015 ■ Four Seasons Hotel ■ Austin, Texas

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THURSDAY MORNING, NOV. 5, 2015

Presiding Officer:

Robert L. King, Silicon Labs, Austin, TX

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .75 hr

Recent Developments in Claims Construction

Claim construction remains pivotal for patent preparation/prosecution, trials, appeals, and AIA post-grant review proceedings. Review *Teva v. Sandoz*, *Williamson v. Citrix Online* and consider new trends that they and their descendants have generated as they're being applied.

Kenneth R. Adamo, Kirkland & Ellis LLP, Chicago, IL

9:15 a.m. .75 hr

Definiteness and Induced Infringement

Analyze the historical development and current state of the law of definiteness and induced infringement; and look at current issues and trends as seen from the trenches of the district courts after *Nautilus*, *Akamai* and *Commil*, and how they might impact your practice.

Kevin Kudlac, Greenberg Traurig, LLP, Austin, TX
Rene A. Trevino, Greenberg Traurig, LLP, Houston, TX

10:00 a.m. Break

10:15 a.m. 1.00 hr

Patentable Subject Matter for Software and Business Methods

A review of Federal Circuit decisions, as well as the District Courts' responses to those decisions, and thoughts on strategies gleaned from those cases; plus commentary on the claims and specifications of selected court decisions and thoughts on drafting new applications and responding to office actions.

Max Ciccarelli, Thompson & Knight LLP, Dallas, TX
David P. Swenson, Farney Daniels PC, Minneapolis, MN
Keith Lutsch, Blank Rome LLP, Houston, TX

11:15 a.m. .50 hr

Current Issues in Life Sciences

An update on key legal issues impacting the life sciences industry.

Ana C. Ward, Award Ventures, LLC, Austin, TX

11:45 a.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

William L. LaFuze, McKool Smith, Houston, TX

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LUNCHEON PRESENTATION

12:05 p.m. .50 hr

USPTO Today

Russell Slifer, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director, U.S. Patent and Trademark Office, Alexandria, VA

12:35 p.m. Break

12:50 p.m. .75 hr

Efficient Patent Prosecution to Increase Effective Term Length

An analysis of how the choice of filing location, filing order, and priority claims can affect the total patent term and patent prosecution length, and how the options for improving efficiency including the use of interviewing in the U.S. (under the First Action Interview Pilot Program and the After Final Consideration Program) can increase the effective term length in the U.S. and abroad.

Michael W. Piper, Conley Rose, PC, Plano, TX
Andrew Metrailler, Conley Rose, PC, Plano, TX

1:35 p.m. .75 hr

Optimizing Synergy Between In-House and Outside Counsel

In-house counsel play a vital role in matching the needs and expectations of their client with the support provided by outside counsel. Hear strategies on optimizing synergy in patent litigation by closing the working relationship gap between these different legal roles.

Moderator:

Hilda C. Galvan, Jones Day, Dallas, TX

Panelists:

Marta Y. Beckwith, Aruba Networks, Inc., Sunnyvale, CA
Robert L. King, Silicon Labs, Austin, TX
Timothy K. Wilson, SAS Institute Inc., Cary, NC

2:20 p.m. .75 hr

Licensing and Joint Defense Agreements

Joint defense agreements and patent licenses/settlement agreements arise in almost all complex patent cases. Examine the key issues litigators need to consider when drafting, negotiating and advising clients about these critical contracts.

Edward A. Cavazos, Pillsbury Winthrop Shaw Pittman LLP, Austin, TX
Keith E. Witek, Advanced Micro Devices, Inc., Austin, TX

3:05 p.m. Break

3:15 p.m. .75 hr

Damages

A discussion of the current damages landscape, including royalty stacking, FRAND terms, as well as the impact of recent decisions providing guidance on acceptable patent damages methodology.

David J. Healey, Fish & Richardson P.C., Houston, TX

4:00 p.m. 1.00 hr | .50 hr ethics

Judicial Panel

Distinguished judges from the District Court discuss their experiences hearing and trying patent cases.

Moderator:

Hon. David J. Folsom, Jackson Walker L.L.P.,
Texarkana, TX

Panelists:

Hon. Paul Singh Grewal, U.S. District Court, Northern District of California, San Jose, CA
Hon. John D. Love, U.S. District Court, Eastern District of Texas, Tyler, TX
Hon. Robert L. Pitman, U.S. District Court, Western District of Texas, San Antonio and Austin, TX
Hon. Robert W. Schroeder III, U.S. District Court, Eastern District of Texas, Texarkana, TX

5:00 p.m. Adjourn

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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 14.25 hours, of which 2.50 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

Presiding Officer:

**Michael P. Adams, Jackson Walker L.L.P.,
Austin, TX**

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .75 hr ethics**Ethics before the USPTO**

An examination of the less obvious ways that inefficient or incompetent prosecution can harm clients, and a look at recent conflicts of interest cases in patent and trademark practice.

David Hricik, Mercer University School of Law and
Taylor English Duma LLP, Macon and Atlanta, GA

9:15 a.m. .75 hr**Changes to the Federal Rules of Civil Procedure**

Amendments to the Federal Rules of Civil Procedure aim to expedite proceedings, promote greater judicial involvement in case management, address proportionality in discovery, and alter the sanctions analysis. Explore these changes and gain tips for navigating them.

Hon. Xavier Rodriguez, U.S. District Court, Western
District of Texas, San Antonio, TX
Hon. Lee H. Rosenthal, U.S. District Court, Southern
District of Texas, Houston, TX

10:00 a.m. Break**TACTICAL CONSIDERATIONS
AT THE PTAB****10:15 a.m. .50 hr****PTAB Update**

An update on AIA trial practice and rules at the PTAB.

Hon. Scott Boalick, U.S. Patent and Trademark Office,
Patent Trial and Appeal Board, Alexandria, VA

10:45 a.m. .50 hr**PTAB Procedural Developments**

An analysis of the procedural aspects of PTAB practice, directed to recent developments and their impact on overall case strategy—including stay of District Court litigation, redundancy rulings and how to avoid them, and new rules and proposed legislation.

Moderator:

David L. McCombs, Haynes and Boone, LLP, Dallas, TX

Panelists:

Daniel S. Block, Sterne, Kessler, Goldstein & Fox
P.L.L.C., Washington, DC

Theodore M. Foster, Haynes and Boone, LLP,
Richardson, TX

Kyle E. Friesen, Mayer Brown LLP, Houston, TX

11:15 a.m. 1.00 hr**PTAB Trial Strategy**

A discussion of PTAB trials and experience from real cases on what works most effectively, mistakes to avoid, and the interplay with District Court litigation—including real party in interest and privity considerations, the present and future of amendment practice, litigation coordination and how to deal with conflicting decisions, and corrected filings and tactics.

Moderator:

David L. McCombs, Haynes and Boone, LLP, Dallas, TX

Panelists:

Sharon A. Israel, Mayer Brown LLP,
Houston, TX

Christopher J. Lewis, FLIR Systems, Inc., Wilsonville, OR
Robert Greene Sterne, Sterne, Kessler, Goldstein &
Fox P.L.L.C., Washington, DC

12:15 p.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON**Presiding Officer:**

**James D. Woods, BDO USA, LLP,
Houston, TX**

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LUNCHEON PRESENTATION**12:35 p.m. .75 hr****Supreme Court Update**

The Supreme Court continues to intervene regularly in patent matters. Review the recent decisions and patterns in both the Court's and individual Justices' approaches.

John M. Golden, The University of Texas School of
Law, Austin, TX

1:20 p.m. Break**1:35 p.m. .75 hr****Federal Circuit Year in Review**

An overview of the year in patent decisions.

Mark A. Lemley, Stanford Law School and Durie
Tangri LLP, Stanford and San Francisco, CA

2:20 p.m. .50 hr**U.S. Patent Reform: Where Are We Now?**

The activity in Congress involving patent reform is constantly evolving. Hear more on Congress' current positions, as well as State legislation directed to bad faith patent assertions.

Hon. Teresa Stanek Rea, Crowell & Moring, LLP,
Washington, DC

2:50 p.m. .50 hr ethics**Attorney Beware! Client's Inequitable Conduct Can Lead to Attorney Liability**

A review of inequitable conduct cases since *Therasense*, a look at the recent trend of attorney sanctions for representing clients that commit inequitable conduct, plus tips and considerations for avoiding attorney liability.

Darryl J. Adams, Baker Botts, Austin, TX
Tecuan Flores, Baker Botts, Austin, TX

3:20 p.m. .75 hr ethics**Ethics in Negotiation:****The True Cost of Representation**

When a client discloses a terrible truth or reveals an unspeakable purpose, what obligations do the Texas Rules of Disciplinary Conduct place on an attorney? What happens when it's time for an attorney to move on? Explore the unexpected answers given by the Rules using both recent and historical real world cases.

Michael J. Golden, Boulette Golden & Marin L.L.P.,
Austin, TX

4:05 p.m. Adjourn**2nd Annual****Patent Damages Roundtable**

November 4, 2015 | Four Seasons Austin

The Patent Damages Roundtable is a half-day, small-group forum for practitioners, damages experts, in-house counsel, and judges to discuss key issues and processes relating to patent-infringement damages in a roundtable format.

- Determining Reasonable Royalties Beyond *Georgia Pacific*
- Are Damages Today Reflecting Economic Realities?
- Peeves, Process and Presentation of Damages
- Practice tips and insight from U.S. District Court Judges

Individual Registration: \$195 (Limited seating)

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AUSTIN

November 5-6, 2015

CONFERENCE LOCATION



Four Seasons Hotel

98 San Jacinto Boulevard
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 512.685.8100

Special Room Rate: \$255

good through October 5, 2015
 reference "UT Law Patent Law"
 (subject to availability)

Parking:

\$12 daily self-parking; \$16 valet
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 (subject to change)

KEY DATES

October 28, 2015

last day for early registration
 add \$50 for registrations
 received after this time

October 30, 2015

last day for cancellation (full refund)

November 2, 2015

last day for cancellation (partial refund)
 \$50 processing fee applied

November 5, 2015, 8:20 a.m.

Institute begins

ABOUT THE COVER

Koi Pond, 32" x 40", soup spoons, origami paper, acrylic and Japanese books is by Philip Durst. For more information, visit www.davisgalleryaustin.com/artist.durst.html.

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