

**24<sup>th</sup> Annual Advanced Patent Law Institute**  
**November 7-8, 2019 • Hotel ZaZa Austin Downtown • Austin, TX**  
**November 7-8, 2019 • Live Webcast**

**Thursday Morning, Nov. 7, 2019**

**Presiding Officer:**

**Heather L. Flanagan PhD**, Fish & Richardson P.C. - Austin, TX

7:30 am In Austin Only	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p> <p><b>Thank You to Our Sponsor</b></p> 
8:20 am	<p><b>Welcoming Remarks</b></p>
8:30 am 0.75 hr	<p><b>Recent Developments in Claims Construction</b></p> <p>The baseline of patent application preparation/prosecution, district court trials, Federal Circuit appeals, and AIA post-grant review proceedings, is claim construction. Review of important 2018/2019 claim construction cases and issues at the Federal Circuit and trial court levels, as well as at the PTAB. And examine the PTAB's procedural and substantive claim construction "rules, practices, and etc.," including the PTAB's adoption of <i>Phillips</i> construction under all circumstances, and rule and practice changes to mandate PTAB consideration of claim constructions from other proceedings.</p> <p>Kenneth R. Adamo, Law Office of KRAdamo - Chicago, IL</p>
9:15 am 0.75 hr	<p><b>Alice at Five: Section 101 Update</b></p> <p>Five years ago, the Supreme Court's <i>Alice</i> decision significantly changed the landscape for patent eligible subject matter. Has the sky fallen? Has the pendulum swung back towards more eligibility for computer software and life sciences patents? And what will Congress do about it all? Hear the latest Section 101 developments, including recent cases, legislative proposals, and their implications and best practices for patent prosecutors and litigators.</p> <p>Steve Borgman, Vinson &amp; Elkins LLP - Houston, TX          Sharon A. Israel, Shook, Hardy &amp; Bacon L.L.P. - Houston, TX          Michael W. Piper, Conley Rose, PC - Plano, TX          Gina N. Shishima, Norton Rose Fulbright - Austin, TX          Janice Le Ta, Baker Botts - Austin, TX</p>
10:00 am	<p><b>Break</b></p>

<p>10:15 am 1.00 hr</p>	<p><b>Section 101 in Two Realms: Where We Are and Where We Might Be Going in Life Sciences and in Software</b></p> <p>Gain practical prosecution suggestions based on the current PTO guidelines and developing case law as they are meeting the real world in bio/pharma and in software/business methods. Plus, explore current efforts to change the law through Congress, as well as issues in enforcement.</p> <p>Steve Borgman, Vinson &amp; Elkins LLP - Houston, TX  Sharon A. Israel, Shook, Hardy &amp; Bacon L.L.P. - Houston, TX  Michael W. Piper, Conley Rose, PC - Plano, TX  Gina N. Shishima, Norton Rose Fulbright - Austin, TX  Janice Le Ta, Baker Botts - Austin, TX</p>
<p>11:15 am 0.50 hr</p>	<p><b>Prosecuting Patents to Survive Post-Grant Proceedings</b></p> <p>Once infamously branded a “death squad” for patents, the PTAB can be a scary place for patentees faced with petitions for post-grant review. Examine PTAB-proofing techniques that patent practitioners should consider at each stage of the application drafting and prosecution process.</p> <p>Kenneth Darby, Fish &amp; Richardson P.C. - Austin, TX  Co-Author:  Aruna Ghatak-Roy, Dickinson Wright PLLC - Austin, TX</p>
<p>11:45 am 0.50 hr</p>	<p><b>Patents, Open Source, and Standards: An Emerging Landscape</b></p> <p>Open source software development and standards development are converging, but come from disparate development traditions or freewheeling copyright licensing and deliberate patent cross licensing. How can the two work together? Examine the landscape that is coming as the two collide—or comingle.</p> <p>Heather J. Meeker, O'Melveny &amp; Myers LLP and OSS Capital - Oakland, CA</p>
<p>12:15 pm In Austin Only</p>	<p><b>Pick Up Lunch (in Austin)</b></p> <p>Included in registration.</p>

**Thursday Afternoon, Nov. 7, 2019**

**Presiding Officer:**

**Michael P. Adams**, Dykema - Austin, TX

**LUNCHEON PRESENTATION**

	<p><b>Thank You to Our Sponsor</b></p> 
<p>12:35 pm 0.75 hr ethics</p>	<p><b>Ethics Jeopardy</b></p> <p>An interactive study of numerous ethics decisions and opinions, illustrated with fact situations, and challenging the audience to make the right ethical choice.</p> <p>Claude E. Ducloux, Attorney at Law - Austin, TX</p>

1:20 pm	<b>Break</b>
1:35 pm 1.00 hr 0.25 hr ethics	<p><b>Machine Learning and AI: Applications, Legal and Ethical Issues, and Practical Guidance for Prosecution</b></p> <p>Companies are investing heavily in Artificial Intelligence and Machine Learning technologies with vast arrays of applications of Neural Networks to perform complex tasks with great speed with the advent of 5G wireless technologies and stronger processing capabilities. This panel explores the components of AI/ML technologies, its applications, and how intellectual rights in these technologies can be protected including patent prosecution and data administration strategies. In addition, ethical concerns are raised as to the extent such technologies test the bounds of privacy and supplant human activities and we also explore these concerns.</p> <p>Moderator: Umesh M. Desai, AT&amp;T Labs - Austin, TX</p> <p>Panelists: Ed Guntin, Guntin &amp; Gust, PLC - Barrington, IL Bruce E. Stuckman, Garlick &amp; Markison - Austin, TX</p>
2:35 pm 0.75 hr	<p><b>Navigating Your Rights at the ITC, CBP, and Beyond</b></p> <p>Hear an overview of the ITC jurisprudence over the last several years, with a discussion of recent cases that have had an impact on the ITC practice, and examine the intersection of the ITC with other government agencies, such as the PTAB, CBP, and the CIT.</p> <p>Syed K. Fareed, Baker Botts - Austin, TX Lisa M. Kattan, Baker Botts - Washington, DC</p>
3:20 pm	<b>Break</b>
3:30 pm 1.00 hr 0.25 hr ethics	<p><b>Damages: Recent Developments Offering Opportunities and Indicating Limitations</b></p> <p>A discussion of recent developments influencing the scope of compensation available for patent infringement, including geographic limitations on damages, SEPs and FRAND, and managing your willfulness witness.</p> <p>Moderator: Shirley Webster, Ocean Tomo, LLC - Houston, TX</p> <p>Panelists: Bert A. Greene, Duane Morris LLP - Austin, TX Sharre Lotfollahi, Kirkland &amp; Ellis LLP - Los Angeles, CA</p>
4:30 pm 1.00 hr 0.50 hr ethics	<p><b>Judicial Panel</b></p> <p>Hear distinguished judges from the District Courts discuss their experiences hearing and trying patent cases.</p> <p>Moderator: Phillip B. Philbin, Haynes and Boone, LLP - Dallas, TX</p> <p>Panelists: Hon. Alan D Albright, U.S. District Court, Western District of Texas - Waco, TX Hon. Susan J. Hightower, U.S. District Court, Western District of Texas - Austin, TX Hon. Maryellen Noreika, U.S. District Court, District of Delaware - Wilmington, DE Hon. Lee Yeakel, U.S. District Court, Western District of Texas - Austin, TX</p>
5:30 pm	<b>Adjourn</b>

In Austin Only

**Networking Reception (in Austin from 5:30 p.m. - 6:30 p.m.)**

Join us for drinks and hors d'oeuvres with program faculty and attendees.

**Thank You to Our Sponsor**

**Vinson & Elkins LLP**

**Friday Morning, Nov. 8, 2019**

**Presiding Officer:**

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

7:30 am  
In Austin Only

**Conference Room Opens**

Includes continental breakfast.

**Friday Morning Breakfast and Presentation Hosted by Women in IP**

8:00 am  
1.00 hr  
0.50 hr ethics

**Breakfast Presentation: In-House Counsel Panel**

Best practices for establishing and maintaining a healthy relationship between in-house and outside counsel, including effective communications, working with business leaders and inventors, establishing working procedures, activities beyond the business relationship, creating unique service offerings, and relevant ethical issues.

Moderator:

Ann LaFeir, USAA - San Antonio, TX

Panelists:

Michele Connors, Cirrus Logic, Inc. - Austin, TX

Lauren B. Hoffer, Dell - Round Rock, TX

Darin M. Klemchuk, Klemchuk LLP - Dallas, TX

William Allen Powell, Fletcher Yoder, P.C. - Houston, TX

9:00 am

**Break**

9:15 am  
1.00 hr

**Year in Review: Federal Circuit and SCOTUS Update**

A whirlwind summary of the most important developments in Supreme Court and Federal Circuit case law over the last year.

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

10:15 am  
0.50 hr

**Hot Topics in Hatch-Waxman, Pharmaceuticals, and Life Sciences Patent Litigation**

An overview of recent decisions in Hatch-Waxman, pharmaceuticals, and life sciences patent cases, plus trends that have developed due to those decisions.

*This presentation was originally scheduled on Friday at 1:35 p.m.*

Aden M. Allen, Wilson Sonsini Goodrich & Rosati, P.C. - Austin, TX

J. Nicole Stafford, Wilson Sonsini Goodrich & Rosati, P.C. - Austin, TX

10:45 am	<b>Break</b>
11:00 am 0.75 hr	<p><b>Managing Economics: Patent Insurance and Litigation Financing</b></p> <p>The financial aspects of intellectual property litigation can impact the health of a business and be case determinative. Explore two important avenues for addressing and overcoming risks that may lead to better economics and better outcomes.</p> <p>Gregory L. Hillyer, Hillyer Legal, PLLC - Washington, DC Jeffrey G. Toler, McDonnell Boehnen Hulbert &amp; Berghoff LLP - Austin, TX</p>
11:45 am 0.75 hr	<p><b>The Evolution of the PTAB in the Last Year</b></p> <p>Between new proposed amendment procedures, updates to the Patent Trial Practice Guide, and numerous precedential decisions, PTAB trial practice has experienced dramatic changes in the past year. Panelists discuss the impact of these changes and how parties on both sides of the proceedings can most effectively deal with such a rapidly evolving area of law.</p> <p>Moderator: Teresa Stanek Rea, Crowell &amp; Moring, LLP - Washington, DC Panelists: Raghav Bajaj, Haynes and Boone, LLP - Austin, TX Hon. Christopher Crumbley, U.S. Patent and Trademark Office, Patent Trial and Appeal Board - Alexandria, VA Lora Green, Wilson Sonsini Goodrich &amp; Rosati, P.C. - Washington, DC</p>
12:30 pm In Austin Only	<p><b>Pick Up Lunch (in Austin)</b></p> <p>Included in registration.</p>

## Friday Afternoon, Nov. 8, 2019

### Presiding Officer:

**William D. Wiese**, DuBois, Bryant & Campbell, L.L.P. - Austin, TX

### LUNCHEON PRESENTATION

#### Thank You to Our Sponsor



12:50 pm 0.50 hr	<p><b>PTAB Update</b></p> <p>Hear an update on PTAB appeals and trial proceedings.</p> <p>Hon. Michael Kim, U.S. Patent and Trademark Office, Patent Trial and Appeal Board - Alexandria, VA</p>
1:20 pm	<b>Break</b>

1:35 pm  
0.50 hr

### **Case Law and Regulatory Antitrust Developments Post-Actavis**

Complaints about drug prices have led to expansion of antitrust problems for Pharma. Legislation has imposed new government reporting requirements for patent licenses in the Pharma industry. Other legislation is pending to impose new antitrust risks and penalties on the Pharma industry. Case law on “reverse settlements” has snowballed since *FTC v. Actavis*, and now reaches even non-cash settlement terms. Standard-setting has now become a part of the Pharma and medical device industry, bringing with it disclosure, FRAND and antitrust issues. Hear more on enacted and pending legislation, case law developments, and future trends in antitrust in the Pharma Industry.

*This presentation was originally scheduled on Friday at 10:15 a.m.*

Danielle Joy "DJ" Healey, Fish & Richardson P.C. - Houston, TX

2:05 pm  
0.75 hr

### **Global Trends in Enforcement**

A discussion of developments, tactics, challenges, and considerations lawyers and clients should consider when initiating or defending foreign enforcement campaigns.

Moderator:

Kevin Kudlac, Connor Kudlac Lee, PLLC - Austin, TX

Panelists:

Michael H. Baniak, EOS of North America, Inc. - Pflugerville, TX

Kat Li, McKool Smith - Austin, TX

Rick Sanchez, Whitaker Chalk Swindle & Schwartz PLLC - Fort Worth, TX

2:50 pm  
0.75 hr ethics

### **Ethics of Social Media**

The world of social media has engulfed us all. Not only has it transformed our society, but it has worked its way into every legal field as well. Discover the ethical issues facing you as attorneys—and that of your clients—in this social media age.

*This presentation was originally scheduled on Thursday at 12:35 p.m.*

Jason Boulette, Boulette Golden & Marin L.L.P. - Austin, TX

3:35 pm

### **Adjourn**