12th Annual
Advanced Patent Law Institute

March 9–10, 2017
United States Patent and Trademark Office • Alexandria, Virginia

Earn up to 15.00 Hours of Credit Including 2.00 Hours of Ethics Credit
Approved in TX, CA, DE, FL, IL, OH, and PA. Reciprocity in NJ and NY.
Expected in OK and VA.

Special rules apply in VA: 13.00 Hours of MCLE Credit including 2.00 Hours of Ethics (Expected)
### THURSDAY MORNING, MAR. 9, 2017

**Presiding Officer:**
Hon. David P. Rutshke, U.S. Patent and Trademark Office, Patent Trial and
Appeal Board, Alexandria, VA

<table>
<thead>
<tr>
<th>Time</th>
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| 7:30 a.m.  | Registration Opens  
Includes continental breakfast.                                      |
| 8:20 a.m.  | Welcoming Remarks                                                     |
| 8:30 a.m.  | 1.25 hrs  
The Current Patent Landscape in the U.S. and Abroad  
Discuss current issues around patenting, licensing, enforcing, and monetizing patents in the U.S., and look at what the UK, EU, and China are experiencing and the impact on U.S. patent practice. |
| 9:45 a.m.  | Break                                                                |
| 10:00 a.m. | 0.75 hr  
Section 101: Recent Decisions and the Impact on Software and High Technology Claims  
Review significant post-Alice v. CLS Bank cases addressing patent subject matter eligibility of software and high technology claims, with an emphasis on lessons learned. Hear practice tips gleaned from the guidance provided by Federal Circuit opinions in DDR Holdings, Enfish, BASCOM, McRo, and Amdocs.  
Stephen G. Kunin, Oblon, McClelland, Maier & Neustadt, L.L.P., Alexandria, VA |
| 10:45 a.m. | 0.75 hr  
Section 101 and Lifesciences: Current U.S. and International Perspectives  
The United States America Invents Act (AIA) of 2011 did not amend the patent subject matter eligibility standards under 35 U.S.C. § 101. Yet, despite the AIA’s goal to provide greater global patent law harmonization, the current state of subject matter eligibility law in the U.S. is decidedly not aligned with this long-standing effort. Examine the current status of U.S. subject matter eligibility for life sciences, understand how it compares to other major international jurisdictions, and explore how the U.S. Patent and Trademark Office might navigate current U.S. case law without devastating the life sciences industry.  
Leslie Fischer, Novartis Pharmaceuticals Corporation, East Hanover, NJ |
| 11:30 a.m. | 0.50 hr  
Recent Developments in Design Patents  
Hear recent developments in design patent law in the U.S. and abroad, including best practices for filing design applications. Discuss recent trends such as protection of graphical user interface, the Hague System, and the U.S. Supreme Court appeal of the Apple v. Samsung case.  
Tracy-Gene G. Durkin, Sterne, Kessler, Goldstein & Fox P.L.L.C., Washington, DC |
| 12:00 p.m. | Pick Up Lunch  
Included in registration.                                                   |

### THURSDAY AFTERNOON

**Presiding Officer:**
Jeffrey A. Wolfson, Haynes and Boone, LLP, Washington, DC

<table>
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<th>Time</th>
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| 1:05 p.m.  | 0.75 hr  
USPTO Special Programs for Patent Prosecution  
Review special programs for patent prosecution, including Track 1, Patent Prosecution Highway, First Action Interview, AFCP 2.0, P3, and Pre-Appeal Brief programs; followed by Patent Office and practitioner perspectives on the programs and when each one may be most useful.  
Courtenay C. Brincherhoff, Foley & Lardner LLP, Washington, DC  
Irem Yucel, U.S. Patent and Trademark Office, Alexandria, VA |
| 1:50 p.m.  | 0.50 hr ethics  
Changes to the Duties of Disclosure and Implications of Using the Global Dossier  
Learn about an ongoing project regarding use of possible IT solutions as an aid in compliance with the duty of disclosure requirements for filers at the USPTO. The ultimate aim is to reduce the administrative costs of this burden to the innovation community, while ensuring legally effective fulfillment of applicants’ duty to disclose. Updates include an overview of the issues, comments received to date, and next steps.  
| 2:20 p.m.  | 0.50 hr  
PTAB Update  
Hear an update on PTAB appeals and trial proceedings.  
| 2:50 p.m.  | 0.50 hr  
The Federal Circuit on PTAB Patent Trials: An Overview of Recent Decisions  
Examine recent litigation addressing AIA Proceedings at the PTAB: including an overview of recent decisions interpreting the AIA (IPR/ PGR proceedings), the agency’s rules, and PTAB’s application of those rules in specific cases.  
Speaker TBD |
<p>| 3:20 p.m.  | Break                                                                 |</p>
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<td>9:15 a.m.</td>
<td>.75 hr</td>
<td>Claims Construction</td>
<td>Claim construction remains pivotal for patent preparation/prosecution, trials, appeals, and AIA post grant review proceedings. Focus on the latest post-Teva Federal Circuit cases and the PTAB's claim construction &quot;rules, practices and so-forth,&quot; including Dell/SAS and APA restrictions. Kenneth R. Adamo, Kirkland &amp; Ellis LLP, Chicago, IL</td>
</tr>
<tr>
<td>10:00 a.m.</td>
<td>.50 hr ethics</td>
<td>Harmonization and Enforcement of USPTO Ethical Standards in the AIA Era</td>
<td>Explore present day ethical issues affecting attorneys and agents who practice before the USPTO, including ethical standards under the USPTO Rules of Professional Conduct, the mechanics of OED's complaint and investigative process, the ethical impact of the AIA on practitioners and OED, and practical examples and statistics relating to OED enforcement. Speaker TBD</td>
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<td>10:30 a.m.</td>
<td>Break</td>
<td></td>
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<td>10:45 a.m.</td>
<td>.75 hr</td>
<td>Willful Patent Infringement After the Supreme Court's Opinion in Halo v. Pulse and its Progeny</td>
<td>Assess the impact of Halo's new standard for finding willfulness and awarding enhanced damages, the new burden of proof, the new standard for appellate review, opinions of counsel, and related litigation strategy issues. William L. LaFuzé, McKool Smith, Houston, TX</td>
</tr>
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<td>11:30 a.m.</td>
<td>1.00 hr</td>
<td>Judicial Panel</td>
<td>Distinguished judges discuss their experiences hearing and trying patent cases, with a focus on concurrent proceedings, stays, and IPRs, as well as a review on new FRCP regarding eDiscovery. Moderator: Hon. Paul R. Michel, Chief Judge, Retired, United States Court of Appeals for the Federal Circuit, Washington, DC Panelists: Hon. T. S. Ellis III, U.S. District Court, Eastern District of Virginia, Alexandria, VA Hon. Faith S. Hochberg, U.S. District Judge (ret.), Judge Hochberg ADR, New York City, NY Hon. Gregory M. Sleet, U.S. District Court, District of Delaware, Wilmington, DE</td>
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**FRIDAY AFTERNOON**

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<tr>
<td>1:00 p.m.</td>
<td>.50 hr</td>
<td>View from the Federal Circuit</td>
<td>Explore the new Section 102, while focusing on the two areas of uncertainty within the new Section: does prior art need to be &quot;available to the public&quot; (see Helsinn Healthcare v. Teva Pharmaceuticals, on appeal to the Federal Circuit); and whether the one-year grace period under the new section is as robust as the one-year grace period under the previous section (or whether it is too soon to tell)? Robert Bahr, U.S. Patent and Trademark Office, Alexandria, VA Dale S. Lazar, DLA Piper LLP US, Reston, VA</td>
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<td>1:30 p.m.</td>
<td>Break</td>
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<tr>
<td>1:45 p.m.</td>
<td>1.00 hr</td>
<td>The New Section 102</td>
<td>Discuss the major patent decisions made this past year and their possible impact on patent practice, including those from the Supreme Court and the Federal Circuit. Christopher A. Cotropia, Intellectual Property Institute, University of Richmond School of Law, Richmond, VA</td>
</tr>
<tr>
<td>2:45 p.m.</td>
<td>.75 hr</td>
<td>Year in Review: Other Key Cases from the Federal Circuit and Supreme Court</td>
<td>Discuss the major patent decisions made this past year and their possible impact on patent practice, including those from the Supreme Court and the Federal Circuit. Moderate: Hon. John W. Ryan, Gordon Rees Scully Mansukhani, LLP, Washington, DC Panelists: John W. Ryan, Gordon Rees Scully Mansukhani, LLP, Washington, DC Madison C. VanNostrand, Vinson &amp; Elkins LLP, Austin, TX Thomas R. Toth, Sidley Austin LLP, Washington, DC Anne M. D'Amore, Covington &amp; Burling LLP, Washington, DC [Continues with more details...]</td>
</tr>
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The 12th Annual Advanced Patent Law Institute at the U.S. Patent and Trademark Office offers a unique opportunity to join USPTO senior staff, leading practitioners, academics, and members of the federal judiciary for two days of presentations on the latest developments in patent law, including:

- A discussion on the current patent landscape in the U.S. and overseas, with an emphasis on the state of licensing, enforcing and monetizing patents in the U.S., as well as a look at the impact of practices and policies in the UK, EU, and China
- Section 101 and the impact of recent decisions on software and technology claims, as well as current U.S. and international perspectives on patent eligibility in life sciences
- PTAB updates and proceedings: a look at recent decisions from the Federal Circuit, practice tips and tactics based on those decisions, and considerations and strategies in concurrent proceedings before the PTAB and District Courts
- An examination of ITC and Section 337 Jurisdiction and the impact of recent Federal Circuit decisions affecting IPRs
- Developments in design patents
- Willful infringement and the impact of Halo, including discussion on enhanced damages, opinion letters, and attorney’s fees
- Topics in USPTO practice, including a look at the USPTO’s special programs for Patent Prosecution, changes to the duties of disclosure and the implications of using the Global Dossier, plus enforcement of the USPTO’s ethical standards
- Presentations from members of the judiciary including a keynote presentation by a Federal Circuit Judge and the popular Judicial Panel
- Up to 15.00 hours of credit (13.00 hours in Virginia), including 2.00 hours of ethics

REGISTRATION—Includes Electronic Course Materials, Thursday Luncheon Presentation, and Friday Luncheon Presentation

Special group registration rates available. Call 512.475.6700.

Select Registration Type

- Individual registration by March 1 .................................................. $695
- Individual registration after March 1 ................................................ $745
- USPTO Employee  ........................................................... $250
- Employee registration ........................................................... $250

Printed course binder available for an additional fee through March 1

- Printed Course Binder .......................................................... $27.06
  Price includes 8.25% Sales Tax
- Printed Course Binder for tax exempt registrants ...................................... $25
  (e.g., government employees and nonprofits)

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12TH ANNUAL
ADVANCED PATENT LAW INSTITUTE
March 9–10, 2017 • U.S. Patent and Trademark Office • Alexandria, Virginia

ALEXANDRIA, VIRGINIA
March 9–10, 2017

CONFERENCE LOCATION
USPTO – Main Auditorium
Concourse Level of the Madison Building
(Main Building on the USPTO Campus)
600 Dulany Street
Alexandria, VA 22313-1450
Visit www.uspto.gov/main/visiting.htm for directions and information about public transportation

ACCOMMODATIONS
The Westin Alexandria
400 Courthouse Square
Alexandria, VA
866.837.4210 (reservations)

KEY DATES
March 1, 2017
last day for early registration
add $50 for registrations received after this time

March 3, 2017
last day for cancellation (full refund)

March 6, 2017
last day for cancellation (partial refund)
$50 processing fee applied

March 9, 2017, 8:20 a.m.
Institute begins

ADVANCED PATENT LAW INSTITUTE ACCREDITATION

CALIFORNIA—15.00 hrs | 2.00 hrs ethics
The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

DELAWARE—14.00 hrs | 2.00 ethics
The 12th Annual Advanced Patent Law Institute, scheduled for March 9-10, 2017 in Alexandria, has been approved for 14.00 credits, including 2.00 Enhanced Ethics credits, by the Delaware Judiciary Commission on CLE.

ILLINOIS—15.00 hrs | 2.00 ethics
This course has been submitted for CLE approval by the Minimum Continuing Legal Education Board of the Supreme Court of Illinois for 15.00 total general CLE (including Professional Responsibility).

NEW JERSEY—16.80 hrs | 2.40 ethics
As The University of Texas School of Law is a State Bar of Texas approved MCLE provider (Sponsor #13), our courses are presumptively approved for MCLE credit based on a 50-minute credit hour, and in accordance with the Regulations of the Supreme Court of New Jersey Board on Continuing Legal Education.

NEW YORK—18.00 hrs | 2.50 ethics
As The University of Texas School of Law is a State Bar of Texas approved MCLE provider (Sponsor #13), our courses are presumptively approved for MCLE credit based on a 50-minute credit hour, and in accordance with the Program Rules and the Regulations and Guidelines of the New York State Bar Association.

OHIO—13.00 hrs | 2.00 hrs ethics
This course has been submitted to the Supreme Court of Ohio Commission on Continuing Legal Education for 15.00 total CLE hours, with 2.00 of ethics instruction.

OKLAHOMA—18.00 hrs | 2.50 ethics (Expected)
The University of Texas School of Law is an Oklahoma Bar Association presumptively approved provider (#169).

PENNSYLVANIA—14.00 hrs | 2.00 ethics
This program has been submitted to the Pennsylvania Continuing Legal Education Board for 14.00 hours of substantive law, practice and procedure CLE credit and 2.00 hours of ethics, professionalism or substance abuse CLE credit.

TEXAS—15.00 hrs | 2.00 hrs ethics
This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 15.00 hours, of which 2.00 credit hours will apply to legal ethics/professional responsibility credit.

VIRGINIA—13.00 hrs | 2.00 ethics (Expected)
This course has been submitted for MCLE approval to the Virginia State Bar Mandatory Continuing Legal Education Board.

OTHER STATES
Many jurisdictions accept conferences offered by The University of Texas School of Law, and approved by the State Bar of Texas, for CLE credit. Please check with your jurisdiction’s regulatory authority. A Certificate of Attendance and credit reporting documentation will be provided at the conference.