14TH ANNUAL
ADVANCED PATENT LAW INSTITUTE

March 21–22, 2019
United States Patent and Trademark Office ■ Alexandria, Virginia

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THURSDAY MORNING, MAR. 21, 2019

Presiding Officer: Presiding Officer TBD

7:30 a.m. Registration Opens
Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .50 hr
Update from the USPTO
Hear about the current priorities, programs, and initiatives underway at the Office.
Andrei Iancu, Under Secretary of Commerce for Intellectual Property and Director, U.S. Patent and Trademark Office, Alexandria, VA

9:00 a.m. 1.00 hr
The Global Patent Landscape
Discuss post-issuance patent validity reviews and enforcement realities, including post-verdict royalty determinations and availability of post-verdict injunctions, in the U.S., and then compared with those in Europe and in China. Explore motions to invalidate in court under Section 101, and use of stays of infringement suits during parallel proceedings in the PTO, with a comparison of those in Europe and in China. Explore motions for injunctions, in the U.S., and then compared with determinations and availability of post-verdict enforcement realities, including post-verdict royalty

Moderator:
Robert Greene Sterne, Sterne, Kessler, Goldstein & Fox P.L.L.C., Washington, DC

Panelists:
Damon C. Matteo, Fulcrum Strategy, Foster City, CA
Hon. Paul R. Michel, Chief Judge, Retired, United States Court of Appeals for the Federal Circuit, Alexandria, VA
Wayne P. Sabon, Juul Labs, San Francisco, CA
Robert P. Taylor, RPT Legal Strategies PC, San Francisco, CA

10:00 a.m. Break

10:15 a.m. .75 hr
Navigating Patent Subject Eligibility Challenges in High Technology Cases
Understand the requirements for meeting the criteria for patent subject matter eligibility by applying the contours of recent Federal Circuit cases to claimed inventions in the software arts.
Stephen G. Kunin, Maier & Maier PLLC, Alexandria, VA
Matthew Sked, U.S. Patent and Trademark Office, Alexandria, VA

10:30 a.m. .50 hr

11:00 a.m. .50 hr
Drafting and Prosecution Under Current Section 101 Guidance: Technology
Brush up on current USPTO guidance on Section 101 and what to do and not do when drafting and prosecuting applications based on current guidance.
Tom Chen, Haynes and Boone, LLP, Costa Mesa, CA

11:30 a.m. .50 hr
Section 101 Updates: Lifesciences
Title 35, § 101 of the United States code governs patent subject matter eligibility, which, over the last several years, has significantly (and negatively) impacted technologies in fields as diverse as artificial intelligence, mechanical devices, and the life sciences. Explore recent subject matter eligibility decisions in the life sciences arena from the U.S. Court of Appeals for the Federal Circuit and U.S. District Courts, along with new USPTO guidelines and memoranda addressing patent subject matter eligibility.
June Cohan, U.S. Patent and Trademark Office, Alexandria, VA
Leslie Fischer, Novartis Pharmaceuticals Corporation, East Hanover, NJ

12:00 p.m. .50 hr
Section 101 and Drafting Implications: Lifesciences
Discuss recent developments relating to patent subject matter eligibility, with a focus on new guidelines expected to be published by the USPTO by the end of 2018, and developments in the Courts and on the Hill.
Robert L. Stoll, Drinker Biddle & Reath LLP, Washington, DC

12:30 p.m. Pick Up Lunch
Included in registration.

THURSDAY AFTERNOON

Presiding Officer: Chris Newman, Antonin Scalia Law School, George Mason University, Arlington, VA

12:50 p.m. .50 hr
PTAB Update
Hear an update on PTAB appeals and trial proceedings.

1:20 p.m. Break

1:35 p.m. 1.25 hrs
The Evolution of PTAB Practice Strategies in Light of Recent Developments
Changes are occurring at a rapid rate at the PTAB. Hot topics that have the attention of both Judges and stakeholders include emerging trends—identifying what is both different and the same—in petition and preliminary response strategies, printed publication issues, claim construction, and discovery.

Moderator:
Teresa Stanek Rea, Crowell & Moring, LLP, Washington, DC

Panelists:
Vanessa Bailey, Intel Corporation, Washington, DC
David L. McCombs, Haynes and Boone, LLP, Dallas, TX

PARTIAL GOVERNMENT SHUTDOWN STATUS
As of the printing of this brochure, the institute is scheduled to proceed as planned at the U.S. Patent and Trademark Office. Should this situation change, registrants will be contacted and revised venue information will be available on our website.
FRIDAY MORNING, MAR. 22, 2019

2:50 p.m. .75 hr
Ex Parte Appeals Practice
Examine the ex parte appeal process, and hear insights and suggestions to maximize your chances for success on appeal, including when to pursue an appeal, what to include in your briefs, and how to prepare for an oral hearing.

Cameron K. Weiffenbach, Miles & Stockbridge, P.C., Tysons Corner, VA
Bernie Knight, BK Consulting, Washington, DC
Dahlia George, U.S. Patent and Trademark Office, Alexandria, VA
Michael A. Messina, Miles & Stockbridge P.C., Tysons Corner, VA

3:35 p.m. Break

3:45 p.m. .75 hr
Design Patent Practitioners: What Guidance Can You Glean from the Board?
A review of IPR and PGR decisions involving design patent challenges reveal surprising results that suggest important lessons for examiners and applicants when it comes to prosecuting design patent applications at the USPTO.

Perry Saidman, Saidman DesignLaw Group, LLC, Silver Spring, MD

4:30 p.m. 1.00 hr ethics
Patent Law Ethics and Recent Developments
Discuss what a patent practitioner can expect if they get a letter from the OED, as well as developments in patent law ethics and practice before the PTO. Topics include an explanation of the PTO’s attorney disciplinary process including appeals from ALJ decisions; OED statistics; do’s and don’ts for responding to an OED inquiry; recent revisions to ethical rules and regulations; the OED’s new diversion program including remediation to avoid discipline; and proposed new rules regarding practitioner fees.

Moderator:
Michael A. Messina, Miles & Stockbridge P.C., Tysons Corner, VA

Panelists:
Daliah George, U.S. Patent and Trademark Office, Alexandria, VA
Bernie Knight, BK Consulting, Washington, DC
Cameron K. Weiftenbach, Miles & Stockbridge, P.C., Tysons Corner, VA

5:30 p.m. Adjourn

FRIDAY AFTERNOON

10:45 a.m. .75 hr
Developments on SEP/FRAND Issues in the U.S. and Abroad
With the growth of the internet of things and 5G, SEP licensing is becoming relevant outside traditional sectors. Review the recent developments concerning standards-essential patent issues in the U.S. and abroad, including activity at DOJ and FTC.

David K. Djavaherian, PacTech Law, P.C., San Clemente, CA
John Kalakowski, Nokia Technologies, Washington, DC
Lore Unt, U.S. Patent and Trademark Office, Office of the Solicitor, Alexandria, VA

11:30 a.m. .50 hr
Patent Insurance: “Protect Yourself At All Times”
Intellectual property insurance enables companies to defend products, assert patents, and manage the financial risk associated with both. Using this boxing maxim, discover whether your company is the well-conditioned athlete standing with his hand in the air or the unprepared pugilist on the canvas wondering what hit him.

Gregory L. Hillyer, Hillyer Legal, PLLC, Washington, DC

12:00 p.m. Pick Up Lunch
Included in registration.

LUNCHEON PRESENTATION

12:30 p.m. 1.00 hr Judicial Panel
Distinguished judges discuss their experiences hearing and trying patent cases, including ruling on stays in the context of IPRs, post-verdict injunctions and damages determinations, and motions to dismiss based on alleged ineligible subject matter.

Moderator:
Hon. Paul R. Michel, Chief Judge, Retired, United States Court of Appeals for the Federal Circuit, Alexandria, VA

Panelists:
Hon. Alan D Albright, U.S. District Court, Western District of Texas, Waco, TX
Hon. T. S. Ellis III, U.S. District Court, Eastern District of Virginia, Alexandria, VA
Hon. James Otero, U.S. District Court, Central District of California, Los Angeles, CA
Hon. Sue L Robinson (Ret.), Farnan LLP, Wilmington, DE

1:30 p.m. Break
A Year in Review: Recent Decisions from the Federal Circuit and the Supreme Court

Review some of the key cases in the courts in the past year concerning patent eligibility, patents as public rights and the PTAB, prior art after the AIA, and other issues.

Adam Moss, Antonin Scalia Law School, George Mason University, Arlington, VA

2:30 p.m. 1.00 hr ethics

Practicing IP Law Ethically in the Cloud: From the Mundane to the Ethics of AI

Learn how to practice competently and ethically, including maintaining client confidentiality, avoiding conflicts of interest, and safely using social media. In addition, examine the questions that lawyers should ask before using computer-augmented legal services, such as automated contract review, legal research, and patent application drafting services.

David Hricik, Mercer University School of Law, Macon, GA

3:30 p.m. Adjourn
**REGISTRATION BENEFITS**

**Before the Institute:** Access course materials—downloadable PDFs of papers and slides—and speaker and attendee roster in “Your Briefcase” approximately 48 hours before the event.

**After the Institute:** Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in “Your Briefcase.”

**eConference:** Complimentary access to the eConference—with papers, slides, and video—for CLE credit (TX and CA) you may have missed at the live Institute. Available in “Your Briefcase” 4-6 weeks after the event.

**TX MCLE Credit Reporting:** UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track your Texas MCLE credit claimed and reported through UT Law CLE in “Your Account.”

**Your Account:** Activate “Your Account” online at www.utcle.org. Your UT Law CLE Account is created for you as a first-time conference registrant (mail and fax registrations) with the email address(es) provided.

**POST-CONFERENCE PRODUCTS**

**eConference**—For Texas MCLE Credit

Complete eConference package includes all conference materials for download from “Your Briefcase” at www.utcle.org. Available 4-6 weeks after the live conference date.

- Individual eConference .......................................................... $675

**Complete Conference Binder**—For Research and Self-Study

- Comprehensive Binder with papers and slides from the live event.
- Access anytime, anywhere. Extensive resources—including audio, video, papers, and slides—from leading experts in dozens of practice areas, generated by UT Law CLE live conferences.

- eBinder Download (PDF) ......................................................... $225
- Printed Materials Binder (shipping included) .......................... $275
- Texas customers—add 8.25% sales tax or include an exemption certificate ........................................ $ __________
  Sales tax will be invoiced separately on taxable orders for which payment does not include tax.

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- eLibrary 12-Month Subscription .............................................. $295
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  Sales tax will be invoiced separately on taxable orders for which payment does not include tax.

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- VISA  □ MasterCard □ American Express □ P.O.
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Authorized Signature ____________________________

Invoices, confirmations, and receipts are emailed to these addresses:

**Questions? 512.475.6700**

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**REGISTRATION INCLUDES ELECTRONIC COURSE MATERIALS, 2 CONTINENTAL BREAKFASTS, 2 LUNCHES, AND eCONFERENCE (AVAILABLE 4-6 WEEKS AFTER THE LIVE CONFERENCE)**

Special group registration rates available. Call 512.475.6700.

**Select Registration Type**

- Individual registration by Wednesday, March 13 __________________________ $725
- Individual registration after Wednesday, March 13 ______________________ $775

**USPTO Employee**

- Employee registration ........................................................... $250

**Printed course binder available for an additional fee through March 8**

Institute registration includes Electronic Course Binder Download (PDF) in “Your Briefcase” at www.utcle.org.

- Printed Course Binder .......................................................... $37.89
  Price includes 8.25% Sales Tax
- Printed Course Binder for tax exempt registrants ....................... $35
  (e.g., government employees and nonprofits)

**FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST $150! CALL 512.475.6700 TO REGISTER.**

**PREREQUISITE:** A minimum of two years’ practice as an attorney.

**REGISTRATION INQUIRES OR DISABILITY ACCOMMODATIONS**

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 business days prior to the Institute.

**CAN’T MAKE THE INSTITUTE? PRE-ORDER THE ACCREDITED eCONFERENCE TODAY**

While nothing can replace the experience and networking opportunities of the live event, you can still catch up on all the latest developments in Patent Law trends with the eConference.

The online eConference includes papers, slides and video — and CLE credit (TX and CA) — from this year’s live Institute. Available in “Your Briefcase” through the user’s account at www.utcle.org 4-6 weeks after the live event.
ALEXANDRIA, VIRGINIA
March 21–22, 2019

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 8, 2019
Last day to order a printed binder

March 13, 2019
Last day for early registration
Add $50 for registrations received after this time

March 15, 2019
Last day for full refund cancellation

March 18, 2019
Last day for partial refund cancellation
$50 processing fee applied

March 21, 2019, 8:20 a.m.
Institute begins

ADVANCED PATENT LAW INSTITUTE ACCREDITATION

CALIFORNIA—14.00 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 hrs ethics
This Course has been pending review by the Commission on Continuing Legal Education of the Supreme Court of Delaware for 14.30 total CLE hours, including 2.00 hours of enhanced ethics credit.

FLORIDA—17.00 hrs | 2.50 hrs ethics
This course is pending review by the Florida Bar Legal Specialization and Education Department for 17.00 total CLE hours, including 2.50 hours of ethics credit.

ILLINOIS—14.00 hrs | 2.00 hrs ethics (Expected)
This course is pending review by the Minimum Continuing Legal Education Board of the Supreme Court of Illinois for 14.25 total CLE hours, including 2.00 hours of professional responsibility credit.

NEW JERSEY
The University of Texas School of Law is a State Bar of Texas approved MCLE provider (Sponsor #13).
New Jersey attorneys who are satisfying the CLE requirement of another mandatory CLE state or who take courses approved in another mandatory CLE state will receive 1:1 credit for courses approved in that jurisdiction through reciprocity based on a 50-minute credit hour and in accordance with the rules and regulations of the Supreme Court of New Jersey Board on Continuing Legal Education.

NEW YORK
A New York attorney who completes an eligible approved jurisdiction course or program may claim New York CLE credit based on a 50-minute credit hour for the course or program in accordance with the requirements of the Program Rules and New York’s Regulations and Guidelines. Texas is a Group “B” New York Approved Jurisdiction designated by the CLE Board, effective November 1, 2014.

OHIO—14.00 hrs | 2.00 hrs ethics (Expected)
This course is pending review by the Supreme Court of Ohio Commission on Continuing Legal Education for 14.25 total CLE hours, including 2.00 hours of ethics credit.

OKLAHOMA—17.00 hrs | 2.50 hrs ethics
This Course has been approved by the Oklahoma Bar Association for 17.00 total CLE hours, including 2.50 hours of enhanced ethics credit. The University of Texas School of Law is an Oklahoma Bar Association presumptively approved provider (#169).

PENNSYLVANIA—14.00 hrs | 2.00 hrs ethics
This course has been approved by the Supreme Court of Pennsylvania Continuing Legal Education Board for 14.00 total CLE hours, including 2.00 hours of ethics credit.

TEXAS—14.00 hrs | 2.00 hrs ethics
This course has been approved by the State Bar of Texas Committee on MCLE in the amount of 14.25 hours, including 2.00 hours of legal ethics/professional responsibility credit.

VIRGINIA—12.00 hrs | 2.00 hrs ethics (Expected)
This course is pending review by the Virginia Mandatory Continuing Legal Education Board for 12.25 total CLE hours, including 2.00 hours of ethics credit.

OTHER STATES
If you wish to satisfy MCLE requirements in another state (other than those listed above) by taking a program offered by the University of Texas School of Law, please check with the state bar or other licensing authority in that state. Many jurisdictions accept conferences offered by The University of Texas School of Law, which are approved by the State Bar of Texas for MCLE credit. A Certificate of Attendance will be provided at the conference.