UT LAW CLE Continuing Legal Education

17th Annual Advanced Patent Law Institute
March 15-17, 2022 • Live Webcast

Tuesday Afternoon, Mar. 15, 2022

Presiding Officer:
Adam Mossoff, Antonin Scalia Law School, George Mason University - Arlington, VA

	All Times Listed are in CENTRAL Time.
11:50 am	**Welcoming Remarks**
12:00 pm 0.50 hr	**Opening Keynote: Update from the USPTO** Hear a status update on the effects of the pandemic on the USPTO, and the status of telework now and in the future; the effects the pandemic had on patent filing over the last two years. It will include our IT status and updates; Diversity, Equity, and Inclusion updates; and what is happening at PTAB post-Arthrex. David L. Berdan, Performing the Functions and Duties of the Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States, U.S. Patent and Trademark Office - Alexandria, VA
12:30 pm	**10-Minute Break**
12:40 pm 0.75 hr	**Section 101 Review and Recent "Disruptive" Decisions from the Federal Circuit** The USPTO provides an update on the status of the Patent Examination Guidelines (PEG) and Training Materials on patent subject matter eligibility. Plus, hear discussion on the recent Federal Circuit and Supreme Court decisions on patent subject matter eligibility that may have a major disruptive influence on the USPTO PEG. Stephen G. Kunin, Maier & Maier PLLC - Alexandria, VA Matthew Sked, U.S. Patent and Trademark Office - Alexandria, VA
1:25 pm	**10-Minute Break**
1:35 pm 1.00 hr	**Written Description: The Interplay Between Specifications and Claims** While the PTO allows broad genus claims, continuations, and amendments, the Federal Circuit keeps striking down these patents under Section 112(a). Hear more about Federal Circuit case law and suggestions on practical approaches for avoiding these problems. Dmitry Karshtedt, George Washington University Law School - Washington, DC Dale S. Lazar, Antonin Scalia Law School George Mason University - Arlington, VA
2:35 pm	**10-Minute Break**
2:45 pm 0.75 hr	**Obviousness and Double Patenting** The courts create new puzzles to solve just when you think you understand the highly subjective analysis

	surrounding what is obvious. This presentation explores recent U.S. cases in this ever-evolving and complicated section of the law with a refresher on some old case law. Daniel J. Pereira, Oblon, McClelland, Maier & Neustadt, L.L.P. - Alexandria, VA
3:30 pm	**10-Minute Break**
3:40 pm 0.75 hr	**Evolving Landscape in PRC's Patent Law and Enforcement** The discussion highlights new patent law amendments in China (effective in June 2021), directions by the supreme people's court to begin shifting the burden of proof in certain patent enforcement in the jurisdiction lacking discovery, and the impact of patent linkage (similar to the Hatch-Waxman Act). Moderator: Robert Greene Sterne, Sterne, Kessler, Goldstein & Fox P.L.L.C. - Washington, DC Panelists: Hon. Paul R. Michel, United States Court of Appeals for the Federal Circuit - Washington, DC Dr. James Zhu, JunHe LLP - Shanghai, China
4:25 pm	**Adjourn**

Wednesday Afternoon, Mar. 16, 2022

Presiding Officer:
Karin Ferriter, U.S. Patent and Trademark Office - Alexandria, VA

12:00 pm 0.75 hr	**Diversity and Inventorship** An overview of the current state of inventorship requirements and the potential impacts of recent case law on the number of women inventors, the gender gap in science, technology, engineering, and mathematics (STEM) fields, and ways in which the inventor gender gap may be addressed. Mercedes K. Meyer, Faegre Drinker Biddle & Reath LLP - Washington, DC Valencia Martin Wallace, Deputy Commissioner for Patents, U.S. Patent and Trademark Office - Alexandria, VA Katherine M. Tassmer, Cantor Colburn LLP - Hartford, CT
12:45 pm	**10-Minute Break**
12:55 pm 0.75 hr	**Design Patents: All is Not Quiet on the Federal Circuit Front** This presentation focuses on recent design patent court decisions. Hear more about the most important Federal Circuit design patent decision in years, *SurgiSil*, as well as, *Campbell Soup v. Gamon.* Including secondary considerations of non-obviousness, and an emerging infringement theory using empirical evidence to prove that an ordinary observer can give greater weight to a subset of figures in a design patent that illustrate a predominating visual element of the design in determining infringement. Perry Saidman, Saidman DesignLaw Group, LLC - Silver Spring, MD
1:40 pm	**10-Minute Break**
1:50 pm 0.50 hr	**Current Topics in Patent Licensing** Patent licensing topics including a focus on agreement implications (i) in view of Assignor Estoppel after Minerva Surgical, Inc. v. Hologic, Inc. and (ii) PTAB-related forum selection clauses.

	Jeffrey A. Wolfson, Haynes Boone, LLP - Washington, DC
2:20 pm	**10-Minute Break**
2:30 pm 0.75 hr	**Issues Facing Biotech and Pharma Stakeholders** Explore current issues arising in prosecution and enforcement of biotech and pharma patents, including trends in USPTO rejections, PTAB proceedings, and court decisions. Courtenay C. Brinckerhoff, Foley & Lardner LLP - Washington, DC Jacob Moore, Moderna Therapeutics - Raleigh, NC
3:15 pm	**10-Minute Break**
3:25 pm 1.00 hr ethics	**Ethics Potpourri** This presentation has something of practical interest to everyone. What ethical issues should in-house counsel, patent practitioners, litigators, and corporate counsel be thinking about in light of recent cases and opinions? David Hricik, Mercer University School of Law - Macon, GA
4:25 pm	**Adjourn**

Thursday Afternoon, Mar. 17, 2022

Presiding Officer:
William LaMarca, U.S. Patent and Trademark Office, Office of the Solicitor - Alexandria, VA

12:00 pm 0.50 hr	**PTAB Update** Hear an update from the Chief Judge on recent trends and developments in PTAB appeal and trial proceedings. Hon. Scott R. Boalick, U.S. Patent and Trademark Office, Patent Trial and Appeal Board - Alexandria, VA
12:30 pm	**10-Minute Break**
12:40 pm 0.75 hr	**Practice and Issues Before the PTAB** This panel explores the evolution of PTAB practice over the past decade from APJ and practitioner viewpoints. Focusing on discretionary practices, recent and expected policy changes, and the potential impact of the new administration. Additionally, it discusses best practices, common pitfalls, and recent trends. Moderator: Teresa Stanek Rea, Crowell & Moring, LLP - Washington, DC Panelists: Hon. Kalyan Deshpande, U.S. Patent and Trademark Office, Patent Trial and Appeal Board - Alexandria, VA Scott A. McKeown, Ropes & Gray LLP - Washington, DC Hon. Michael Tierney, U.S. Patent and Trademark Office - Alexandria, VA
1:25 pm	**10-Minute Break**
	PTAB Hot Topics and Recent Developments

1:35 pm 0.75 hr	A discussion of recent legal and policy developments at the PTAB, including the shape of discretionary-denial rules such as Fintiv, General Plastic, and 325(d); the use of applicant admitted prior art; and estoppels the result from PTAB decisions. John F. Duffy, University of Virginia School of Law - Charlottesville, VA Joe Matal, Haynes Boone, LLP - Washington, DC
2:20 pm	**10-Minute Break**
2:30 pm 0.50 hr	**Tips for Oral Arguments Before the PTAB** Oral arguments before the PTAB can truly impact the outcome of a case. In this session, explore practice tips for those appearing at hearings before the PTAB, as well as, attributes and advantages of the LEAP program. Erin M. Dunston, Panitch Schwarze Belisario & Nadel LLP - Philadelphia, PA Hon. Janet Gongola, U.S. Patent and Trademark Office - Alexandria, VA
3:00 pm	**10-Minute Break**
3:10 pm 1.00 hr	**Federal Circuit Judicial Panel** Hear from a panel of judges from the Court of Appeals for the Federal Circuit as they discuss their experiences hearing and trying patent cases. Moderator: David J. Kappos, Cravath, Swaine & Moore LLP - New York, NY Panelists: Hon. Raymond T. Chen, U.S. Court of Appeals for the Federal Circuit - Washington, DC Hon. Richard Linn, U.S. Court of Appeals for the Federal Circuit - Washington, DC Hon. Kara F. Stoll, U.S. Court of Appeals for the Federal Circuit - Washington, DC
4:10 pm	**Adjourn**