

**PRESENTED AT**

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March 9-10, 2017  
Alexandria, Virginia

**THE CURRENT PATENT LANDSCAPE  
IN THE U.S. AND ABROAD**

**Robert Greene Sterne  
Hon. Paul R. Michel  
Peter N. Detkin  
Paul Evans  
Christopher C. Gallagher  
Damon C. Matteo  
Paul A. Stone**

12<sup>TH</sup> ANNUAL ADVANCED PATENT LAW INSTITUTE  
PRESENTED BY  
THE UNIVERSITY OF TEXAS SCHOOL OF LAW  
ANTONIN SCALIA LAW SCHOOL, GEORGE MASON UNIVERSITY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE

THE CURRENT PATENT LANDSCAPE  
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United States Patent and Trademark Office  
Alexandria, Virginia

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March 9, 2017 8:30 a.m. - 9:45 a.m.  
First panel of conference

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P R O C E E D I N G S

JUDGE RUSCHKE: So let me introduce the first panel, if I could. I'll move into it very, very quickly. It's entitled, "The Current Patent Landscape in the U.S. and Abroad." We have two moderators. They seriously do not need an introduction. But we have at the far left, Rob Sterne, who is the founding Director of Sterne, Kessler, Goldstein & Fox, here in D.C. Immediately to my left, the other moderator we have is former Chief Judge Paul Michel. That's all I'm going to say, Judge Michel. Everybody knows you. You've been a friend of mine and a mentor for 20 years, so it's great to always be here with you on these panels.

We also have -- let's see, we have Peter Detkin, founder of Intellectual Ventures. Obviously, doesn't really need a lot of introduction there either. We also have -- let's see, we have Damon Matteo, who is the CEO of Fulcrum Strategy. And we have Paul Stone, who is the partner of 5AM Ventures. And at the end -- I'm sorry, I can't see -- Paul Evans is the Vice President of Intellectual Property at Vivint. And I'm afraid, I think we had one panelist fall out at the last minute. Is that right, Rob? So, we apologize for that, but we have a great panel. And I'm just going to turn it right over to Rob and Judge Michel. Thanks.

MR. STERNE: Thank you, Chief Judge Ruschke. Julie Mar-Spinola, one of the founders of ChIPs and the Chief

Intellectual Property Officer of Finjan in Silicon Valley, is not here today. Why? She is in Munich working on a hearing involving a patent enforcement action in Europe, which is in many ways characteristic of the broad important topics that we want to talk about today in a very lively panel discussion. Chief Judge Paul Michel and I will vie to be the patent version of Charlie Rose. I will be turning it over to Judge Michel in a minute, but I start with a few comments our panel wants to begin with.

The new global patent environment has changed dramatically in the last 10 years as many of us realize. Patents have gone from being the darling indicator of invention and innovation, to being characterized as a tax on the goods and services, as a well-orchestrated and well-funded patent troll narrative emanating from many companies and parts of the industry, as well as the second term Obama White House, has become the accepted and common wisdom. Why has this happened and is it correct?

The EPO and the European Union have risen in importance as a place to protect and enforce global patent rights -- a dramatic change. The Chinese patent system has mimicked the growth and importance of the Chinese economy, with filings of Chinese applications at SIPO exceeding filings at the USPTO and Chinese-originated applications being the fastest growing country group at the USPTO and the EPO.

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