

# 2015 Patent Damages Roundtable

## November 4, 2015 • Four Seasons Hotel • Austin, TX

**Wednesday Afternoon, Nov. 4, 2015**

**Presiding Officer:**

**John M. Golden,** The University of Texas School of Law - Austin, TX

12:45 pm	<b>Registration Opens</b>  Includes light refreshments.
1:20 pm	<b>Welcoming Remarks</b>
<b>Damages Analysis and Methodologies</b>	
1:30 pm 1.00 hr	<b>Damages Analysis and Methodologies, Part I: Determining Reasonable Royalties Beyond <i>Georgia Pacific</i></b> <ul style="list-style-type: none"> <li>• When should the <i>Georgia Pacific</i> factors should be modified (such as for FRAND)?</li> <li>• When should the <i>Georgia Pacific</i> factors be supplemented—as with the use the Analytical Approach, or giving specific consideration of the Cost Approach using non-infringing alternatives rather than as part of the GP factors)?</li> <li>• What fact patterns make the <i>Georgia Pacific</i> factors unhelpful; and what would be helpful in determining a royalty in those circumstances?</li> <li>• What other methods are being utilized?</li> <li>• Includes 15 minutes for audience Q&amp;A.</li> </ul> <p>Moderator: Darryl J. Adams, Baker Botts - Austin, TX</p> <p>Panelists: W. Christopher Bakewell, Duff and Phelps - Houston, TX Keith B. Davis, Jones Day - Dallas, TX Shirley Webster, Ocean Tomo, LLC - Houston, TX</p>
2:30 pm 1.00 hr	<b>Damages Analysis and Methodologies, Part II: Are Damages Today Reflecting Economic Realities?</b> <ul style="list-style-type: none"> <li>• Is it time to revisit lost profits methodologies and approaches?</li> <li>• Where is current case law on the clear exclusion of extraterritorial sales?</li> <li>• Do damages in today's environment reflect the economic reality of intellectual property infringement?</li> <li>• Includes 15 minutes for audience Q&amp;A</li> </ul> <p>Moderator: David J. Healey, Fish &amp; Richardson P.C. - Houston, TX</p> <p>Panelists: James J. Nawrocki, IPFC Corp. - Houston, TX Ambreen Salters, StoneTurn Group, LLP - Houston, TX David P. Swenson, Farney Daniels PC - Minneapolis, MN</p>
3:30 pm	<b>Break</b>

## Practice Strategies and Improving the Process

3:45 pm  
1.00 hr

### **Peeves, Process and Presentation of Damages**

- Peeves: What are common problems or "pet-peeves" of dealing with damages--from the perspective of attorneys and damages experts?
- Process: How can experts, attorneys and others do a better job regarding damages—in project management, discovery, communication; process, presentation etc.?
- Presentation: How can damages be most effectively presented to the court?
- Includes 15 minutes for audience Q&A.

Moderator:

Carol Ludington, Ludington Ltd. - Willernie, MN

Panelists:

Stephen L. Becker, Applied Economics Consulting Group, Inc. - Austin, TX

Marta Y. Beckwith, Aruba Networks, Inc. - Sunnyvale, CA

Stephen Eugene Edwards, Blank Rome LLP - Houston, TX

Robert L. King, Silicon Laboratories - Austin, TX

4:45 pm  
1.00 hr

### **Judicial Panel**

- Tips for practicing before the courts; tips for experts to improve their process
- Insight on jury reactions to expert testimony
- Instructions to jury around *Georgia Pacific* - how to ask the right questions

Moderator:

Alan D. Albright, Bracewell & Giuliani LLP - Austin, TX

Panelists:

Hon. Paul Singh Grewal, U.S. District Court, Northern District of California - San Jose, CA

Hon. John D. Love, U.S. District Court, Eastern District of Texas - Tyler, TX

Hon. Robert L. Pitman, U.S. District Court, Western District of Texas - San Antonio, TX

5:45 pm

### **Adjourn**

### **Networking Reception**

Join us for drinks and hors d'oeuvres with Roundtable participants and observers.

### **THANK YOU TO OUR RECEPTION SPONSOR**

Duff and Phelps