

21st Annual Advanced Patent Law Institute
November 3-4, 2016 • Four Seasons Hotel • Austin, TX
November 3-4, 2016 • Live Webcast

Thursday Morning, Nov. 3, 2016

Presiding Officer:

Mark E. Scott, Conley Rose, PC - Austin, TX

7:30 am In Austin Only	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.75 hr	Recent Developments in Claims Construction Claim construction remains pivotal for patent preparation/prosecution, trials, appeals, and AIA post grant review proceedings. Focus on latest post- <i>Teva</i> Federal Circuit cases and the PTAB's claim construction "rules, practices and so-forth," including Dell/SAS and APA restrictions. Kenneth R. Adamo, Kirkland & Ellis LLP - Chicago, IL
9:15 am 0.50 hr	Indirect Infringement and Divided Infringement Examine the evolving impact of <i>Commil</i> and <i>Akamai</i> in the context of indirect and divided infringement. Kevin Kudlac, Greenberg Traurig, LLP - Austin, TX
9:45 am 0.50 hr	Octane Requires More Fitness Discuss what makes a case "exceptional" under 35 U.S.C. § 285 after the Supreme Court decision in <i>Octane Fitness</i> , including an analysis of developing trends and common pitfalls. Gregory L. Hillyer, Brinks Gilson & Lione - Washington, DC
10:15 am	Break
10:30 am 0.50 hr	Defining the Contours of Alice Recent decisions on Section 101 patent-eligible subject matter have begun to connect the dots, giving additional shape to the <i>Alice</i> analysis. Review these decisions and consider the lessons to be learned. Steven R. Borgman, Vinson & Elkins LLP - Houston, TX Janice Le Ta, Vinson & Elkins LLP - Austin, TX

11:00 am 1.00 hr	<p>Section 101 and Alice: Prosecution Tips and New USPTO Guidelines</p> <p>Engage in a practical discussion of the USPTO guidelines and their examples to help navigate a sound path from disclosure development, through application drafting, to launch into difficult and changeable seas. Hear experiences from regular interviews in the office to the USPTO's most recent guidance for prosecution of those applications already at sea.</p> <p>Michael W. Piper, Conley Rose, PC - Plano, TX</p>
12:00 pm In Austin Only	<p>Pick Up Lunch (in Austin)</p> <p>Included in registration.</p>

Thursday Afternoon, Nov. 3, 2016

Presiding Officer:

Michael P. Adams, Jackson Walker LLP - Austin, TX

LUNCHEON PRESENTATION

	<p>Thank You to Our Exclusive Sponsor</p> <p>Conley Rose, PC</p>
12:20 pm 0.50 hr	<p>Interview with the USPTO Texas Regional Director</p> <p>Hope C. Shimabuku, Regional Director, U.S. Patent and Trademark Office, Texas Regional Office - Dallas, TX Moderator: David L. McCombs, Haynes and Boone, LLP - Dallas, TX</p>
12:50 pm	<p>Break</p>
1:05 pm 0.50 hr	<p>Standard-Essential Patents (SEPs): From Germany to Luxemburg and Back—Recent Legal Developments in Europe</p> <p>Learn the most recent developments in dealing with standard-essential patents under European patent and antitrust laws. Address the CJEU's landmark decision in <i>Huawei v. ZTE</i> (2015) and the subsequent implementation, in particular, by the German patent courts, and examine injunctions and the requirements for a successful FRAND defense.</p> <p>Dr. Markus Gampp, DLA Piper UK LLP - Munich, Germany</p>
1:35 pm 1.00 hr 0.25 hr ethics	<p>PTAB Proceedings: New Rules and Key Practice Tips</p> <p>Discuss the best practices and current trends at the PTAB, including a review of new PTAB rules, evidence issues, and practice tips.</p> <p>Moderator: Andrew S. Ehmke, Haynes and Boone, LLP - Dallas, TX Panelists: Michael T. Rosato, Wilson Sonsini Goodrich & Rosati - Seattle, WA Mark Thomas Garrett, Norton Rose Fulbright - Austin, TX Gregory P. Huh, Haynes and Boone, LLP - Richardson, TX</p>

2:35 pm 0.75 hr	<p>Tips and Strategies for Practicing Before the PTAB</p> <p>The panel of former PTAB judges share their experiences on what works most effectively in practice before the PTAB.</p> <p>Moderator: Hon. Amber L. Hagy, U.S. Patent and Trademark Office, Patent Trial and Appeal Board - Dallas, TX</p> <p>Panelists: Scott E. Kamholz, Foley Hoag LLP - Washington, DC James D. Smith, Ecolab - Wadsworth, IL</p>
3:20 pm	Break
3:30 pm 0.75 hr	<p>Concurrent Proceedings: Tension between PTAB and the District Courts</p> <p>Explore what is really happening in the practice—including what litigators need to be concerned about within the District Courts and what patent owners should know when taking their cases before the PTAB. Learn how the different courts are approaching stays (and the implications of stays), how judges are being forced to deal with cases, the different evidentiary standards, and more.</p> <p>Moderator: Robert Greene Sterne, Sterne, Kessler, Goldstein & Fox P.L.L.C. - Washington, DC</p> <p>Panelists: David J. Healey, Fish & Richardson P.C. - Houston, TX Brian W. Oaks, Baker Botts L.L.P. - Austin, TX</p>
4:15 pm 1.00 hr 0.50 hr ethics	<p>Judicial Panel</p> <p>Hear distinguished judges from the District Court discuss their experiences hearing and trying patent cases.</p> <p>Moderator: Alan D. Albright, Bracewell - Austin, TX</p> <p>Panelists: Hon. David Folsom, Jackson Walker LLP - Texarkana, TX Hon. Faith S. Hochberg, Judge Hochberg ADR - New York City, NY Hon. Roy Payne, U.S. District Court, Eastern District of Texas - Marshall, TX</p>
5:15 pm	Adjourn
In Austin Only	<p>Networking Reception (in Austin from 5:15 p.m. - 6:15 p.m.)</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p> <p>Thank You to Our Exclusive Sponsor Vinson & Elkins LLP</p>

Friday Morning, Nov. 4, 2016

Presiding Officer:

William D. Wiese, DuBois, Bryant & Campbell, L.L.P. - Austin, TX

7:30 am In Austin Only	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
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8:30 am 0.75 hr	<p>Supreme Court Update</p> <p>Consider aspects of the Supreme Court’s continuing involvement in patent law, with specific reference to cases decided in October Term 2015 and pending in October Term 2016. Also, trace the themes or dynamics that extend beyond individual cases.</p> <p>John M. Golden, The University of Texas School of Law - Austin, TX</p>
9:15 am 0.50 hr	<p>AIA Section 102 Now Being Seen in Litigated Cases</p> <p>Investigate the new conditions for novelty under the AIA, 35 U.S.C. §102, now seen in litigated cases from patent applications first filed after March 16, 2013, including how those cases play out and what patent litigators should be looking for.</p> <p>Ramzi R. Khazen, McKool Smith - Austin, TX Steven J. Pollinger, McKool Smith - Austin, TX</p>
9:45 am 0.50 hr	<p>Means-plus-Function Claims after <i>Williamson v. Citrix</i></p> <p>Discuss the impact of the Federal Circuit’s decision in <i>Williamson v. Citrix</i> on claim construction, claim scope, and claim validity.</p> <p>Aden M. Allen, Wilson Sonsini Goodrich & Rosati, P.C. - Austin, TX José C. Villarreal, Wilson Sonsini Goodrich & Rosati, P.C. - Austin, TX</p>
10:15 am	<p>Break</p>
10:30 am 0.50 hr	<p>Overseas Sales in Light of <i>Lexmark</i>, <i>Halo</i>, and <i>Life Tech</i></p> <p>The development of a global marketplace has disrupted settled notions of how activities abroad impact enforcement of U.S. patent rights. Address recent developments in the law of patent exhaustion and foreign sales of products patented in the U.S.</p> <p>Ajeet P. Pai, Baker Botts L.L.P. - Austin, TX</p>
11:00 am 0.50 hr	<p>Opinion Practice after <i>Halo</i> and <i>Stryker</i>—More Valuable Now?</p> <p>Explore the value and usefulness of opinions of counsel in the wake of the Supreme Court’s recent <i>Halo</i> and <i>Stryker</i> decisions. Highlights include retracing the recent history of opinions of counsel in patent litigation, identifying various costs and benefits of opinions of counsel, and offering suggestions for when it can be beneficial to obtain an opinions of counsel.</p> <p>Jeffrey D. Mills, King & Spalding - Austin, TX</p>
11:30 am 0.50 hr	<p>Rethinking IP Strategies</p> <p>Track the impact of the Defend Trade Secrets Act and the America Invents Act, on the protection of technology.</p> <p>Hilda C. Galvan, Jones Day - Dallas, TX</p>
12:00 pm In Austin Only	<p>Pick Up Lunch (in Austin)</p> <p>Included in registration</p>

Friday Afternoon, Nov. 4, 2016

Presiding Officer:

Richard L. Wynne Jr., Thompson & Knight LLP - Dallas, TX

LUNCHEON PRESENTATION

	Thank You to Our Exclusive Sponsor Baker Botts L.L.P.
12:20 pm 0.75 hr	The Surprising Resilience of the Patent System Despite seemingly massive changes in patent law in the last 40 years, first towards stronger and then towards weaker protection, the basic trends in use of the patent system have remained largely unchanged. Find out why. Mark A. Lemley, Stanford Law School and Durie Tangri LLP - Stanford and San Francisco, CA
1:05 pm	Break
1:20 pm 0.75 hr	Licensing Agreements Drafting and negotiating patent licenses has always been tricky, but the rapid pace of technological disruption, the increasingly complex web of industry relationships, and developing bodies of law have come together to make it more challenging than ever. Review how licensing strategies should evolve to take into account these and related factors, with an emphasis on real-world drafting and negotiating examples. Edward A. Cavazos, Pillsbury Winthrop Shaw Pittman LLP - Austin, TX Keith E. Witek, Tesla Motors - Austin, TX
2:05 pm 1.00 hr 0.25 hr ethics	In House Counsel Panel Panelists discuss the issues that matter most from the perspective of in-house counsel. Engage in a wide ranging discussion of patent prosecution, litigation and licensing issues, and the prospect for patent reform as viewed by those working within the biotech, retail, and petroleum industries. Moderator: Mark E. Patrick, Texas Instruments Incorporated - Dallas, TX Panelists: Marcella Watkins, Shell Oil Company - Houston, TX Diane K. Lettelleir, J.C. Penney Corporation, Inc. - Plano, TX Ana C. Ward, Rosetta Genomics - Austin, TX
3:05 pm 1.00 hr ethics	Privilege in Patent Cases: What's New? Analyze the privilege and work-product issues that arise in patent practice, including the risks still associated with relying upon protection over communications involving patent agents, and explore the risks of various commercial arrangements, such as licensing and joint ventures. David Hricik, Mercer University School of Law and Taylor English Duma LLP - Macon and Atlanta, GA
4:05 pm	Adjourn