

26th Annual Advanced Patent Law Institute
November 4-5, 2021 • AT&T Conference Center • Austin, TX
November 4-5, 2021 • Live Webcast

Thursday Morning, Nov. 4, 2021

Presiding Officer:

Christa Brown-Sanford, Baker Botts - Dallas, TX

7:30 am In Austin Only	Registration Opens Includes continental breakfast.
8:15 am	Welcoming Remarks
8:25 am 0.75 hr	Recent Developments in Claim Construction The baseline of patent application preparation/prosecution, district court trials, Federal Circuit appeals, and AIA post-grant review proceedings, is claim construction. Review the important 2020-2021 claim construction cases and issues at the Federal Circuit and trial court levels, as well as at the PTAB. Examine the PTAB's procedural and substantive claim construction "rules, practices, and etc." And discuss adherence to the APA by the PTAB under various circumstances, plus discussion of discretionary PTAB IPR institution and interface with claim construction in parallel district court proceedings. Kenneth R. Adamo, Law Office of KRAdamo - Chicago, IL
9:15 am 0.75 hr	Drafting Patent Applications to Withstand Post-Grant Proceedings With the increasing use of post-grant proceedings, mainly <i>inter partes</i> review (IPR), to challenge the validity of patent claims, various patent strategies can be implemented to increase the chances of survival and deter petitioners from even filing a proceeding. Andrea L. Arndt, Dickinson Wright PLLC - Austin, TX
10:00 am	15-Minute Break
10:15 am 0.75 hr	Interplay of District Court Litigation and the PTAB An interactive discussion of the strategies considered by defendant/petitioner and plaintiff/patent owner when litigation and PTAB proceedings are proceeding in parallel. Juanita Deloach, Barnes & Thornburg LLP - Dallas, TX Hilda C. Galvan, Jones Day - Dallas, TX

11:00 am 0.75 hr	<p>PTAB Judicial Panel</p> <p>A distinguished panel of Administrative Patent Judges provides practical tips for parties and advocates in trial matters before the PTAB. Hear current issues arising in <i>inter partes</i> or post-grant reviews (IPR, PGR), together with helpful suggestions for effective written and oral advocacy before the PTAB.</p> <p>Moderator: David W. O'Brien, Haynes and Boone, LLP - Austin, TX</p> <p>Panelists: Hon. Christopher Crumbley, U.S. Patent and Trademark Office, Patent Trial and Appeal Board - Austin, TX Hon. Amber L. Hagy, U.S. Patent and Trademark Office, Patent Trial and Appeal Board - Austin, TX Hon. John F. Horvath, U.S. Patent and Trademark Office, Patent Trial and Appeal Board - Austin, TX</p>
11:45 am 0.50 hr	<p>Creative Ways to Resolve Disputes Between PTAB and District Courts</p> <p>From rocket docket and the ITC to IPRs and MDLs, patent litigants face increasingly complex scenarios that are related yet independent. Explore creative ways to enable and encourage litigants (and their lawyers) to resolve disputes that involve both infringement litigation and post-grant proceedings without spending a fortune.</p> <p>Kevin Kudlac, Radulescu LLP - Austin, TX Thomas C. Mavrakakis, WalkMe - Palo Alto, CA</p>
12:15 pm In Austin Only	<p>Pick Up Lunch (in Austin)</p> <p>Included in registration.</p>

Thursday Afternoon, Nov. 4, 2021

Presiding Officer:

Michael P. Adams, Dykema - Austin, TX

LUNCHEON PRESENTATION

In Austin Only	<p>THANK YOU TO OUR SPONSOR</p> <p></p>
12:45 pm 0.50 hr	<p>GATT TRIPS COVID-19 IP Waiver Proposal</p> <p>Discuss the implications this waiver proposal presents for intellectual property protections of COVID-19 vaccines and the role of the World Trade Organization in those negotiations.</p> <p>Margaret J. Sampson, Baker Botts - Austin, TX</p>
1:15 pm	<p>15-Minute Break</p>

1:30 pm 1.00 hr	<p>Year in Review: Federal Circuit and SCOTUS Update</p> <p>A whirlwind summary of the most important developments in Supreme Court and Federal Circuit case law over the last year.</p> <p>Mark A. Lemley, Stanford Law School and Durie Tangri LLP - Stanford and San Francisco, CA</p>
2:30 pm 0.75 hr	<p>Damages Update</p> <p>In addition to licensing evidence and non-infringing alternatives, advanced analytics such as patent strength analysis, income estimation, and cost regressions are tools being used in patent infringement damages analyses. A statistician, a damages expert, and an attorney weigh in on the benefits and drawbacks of these analytical methods when determining the incremental value of a patented feature.</p> <p>Moderator: Tamara Copeland, Kroll - Houston, TX</p> <p>Panelists: B. Erin Crockett, Chapman University - Orange, CA Bailey Morgan Watkins, Kirkland & Ellis LLP - Austin, TX</p>
3:15 pm	<p>15-Minute Break</p>
3:30 pm 0.50 hr ethics	<p>The Ethical Traps of Joint Representations in IP Cases</p> <p>This presentation covers the ethical issues involved in representing multiple parties in the same patent or trademark case, such as privilege, confidentiality, conflicts, disputes, and negotiating settlements.</p> <p>Justin Cohen, Holland & Knight LLP - Dallas, TX</p>
4:00 pm 1.00 hr 0.50 hr ethics	<p>Judicial Panel</p> <p>Hear distinguished judges from the District Courts discuss their experiences hearing and trying patent cases.</p> <p>Moderator: Kat Li, Kirkland & Ellis LLP - Austin, TX</p> <p>Panelists: Hon. Alan D Albright, U.S. District Court, Western District of Texas - Waco, TX Hon. Colm F. Connolly, U.S. District Court, District of Delaware - Wilmington, DE Hon. Sean D. Jordan, U.S. District Court, Eastern District of Texas - Plano, TX Hon. Robert W. Schroeder III, U.S. District Court, Eastern District of Texas - Texarkana, TX</p>
5:00 pm	<p>Adjourn</p>
In Austin Only	<p>Networking Reception (in Austin from 5:00 p.m. - 6:00 p.m.)</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p> <p>THANK YOU TO OUR SPONSOR</p> <p>FISH. FISH & RICHARDSON</p>

Friday Morning, Nov. 5, 2021

Presiding Officer:

Keith E. Witek, Google, Inc. - Mountain View, CA

7:30 am In Austin Only	Conference Room Opens Includes continental breakfast.
8:30 am 1.00 hr	Breakfast Panel Hosted by Women in IP: The Practice of Law in the New Normal There is no doubt that the pandemic has generated permanent changes in the practice of law. This discussion dives into some of these changes and how they have impacted how attorneys work to provide services to their clients. Moderator: Ann LaFeir, USAA - San Antonio, TX Panelists: Vanessa P. Bailey, Amazon - Washington, DC Connie Powell, Baylor University School of Law - Waco, TX W. Allen Powell, Fletcher Yoder, P.C. - Houston, TX
9:30 am 0.75 hr	Which Way Now with the U.S. Patent Office Policies? The former Director of the USPTO Andrei Iancu implemented many new rules and procedures at the USPTO governing matters such as eligible subject matter, discretionary limits on access to PTAB review, and what types of art or amendments can be considered in USPTO proceedings. But very few of these rules were adopted as regulations, much less enacted into law. What direction will the new Administration take with these policies—and where should it go with them? Moderator: Joe Matal, Haynes and Boone, LLP - Washington, DC Panelists: David W. Jones, High Tech Inventors Alliance - Washington, DC Teresa Stanek Rea, Crowell & Moring, LLP - Washington, DC Robert Greene Sterne, Sterne, Kessler, Goldstein & Fox P.L.L.C. - Washington, DC
10:15 am	15-Minute Break
10:30 am 1.00 hr	Section 101 Update and Practice Tips Courts continue to grapple with the application of Section 101. This panel examines recent court decisions and developments at the U.S. Patent Office on subject matter eligibility as applied to software, hardware, and life sciences technology. Hear practice tips for litigators and prosecutors and provide insights on what the future may hold. Steve Borgman, Kilpatrick Townsend & Stockton LLP - Houston, TX Michael W. Piper, Conley Rose, PC - Plano, TX Gina N. Shishima, Norton Rose Fulbright - Austin, TX Janice Le Ta, Perkins Coie LLP - Austin, TX

11:30 am 0.50 hr	<p>Eligible Subject Matter in Two Realms: Practical Tips for U.S. and EPO Filings</p> <p>Decision G 0001/19 of the European Patent Office's Enlarged Board of Appeal cast new light on the EPO's decision framework for resolving the patentability of computer-related inventions. This presentation explores the EPO's approach to eligible subject matter in high-tech cases, contrasts it with the U.S. examining guidance, questions whether U.S. decisions like <i>Yu v. Apple Inc.</i> signal that the U.S. has reached harmony with the EPO, and reviews drafting considerations for applications destined for multilateral filing.</p> <p>Caelia Bryn-Jacobsen, Kilburn & Strode LLP - London, United Kingdom Christopher J. Palermo, Baker Botts - Austin, TX</p>
12:00 pm In Austin Only	<p>Pick Up Lunch (in Austin)</p> <p>Included in registration.</p>

Friday Afternoon, Nov. 5, 2021

Presiding Officer:

José C. Villarreal, Perkins Coie LLP - Austin, TX

LUNCHEON PRESENTATION

12:30 pm 0.75 hr ethics	<p>Ethics in Negotiation</p> <p>Examine the laws and ethics rules that govern the conduct of attorneys during negotiations. Utilizing hypothetical and interactive scenarios, the speakers illustrate how these laws and rules apply to negotiations.</p> <p>Jayme Partridge, Fish & Richardson P.C. - Houston, TX</p>
1:15 pm	<p>15-Minute Break</p>
1:30 pm 0.50 hr	<p>Licensing</p> <p>An overview of key patent licensing concepts and practical pointers on drafting, negotiating and advising clients about patent license agreements.</p> <p>Edward A. Cavazos, Pillsbury Winthrop Shaw Pittman LLP - Austin, TX</p>
2:00 pm 0.50 hr	<p>Licensing Issues for Standard Essential Patents: Where Are We and What is Next?</p> <p>Wireless communication standards, and other standardized technologies, are no longer unique to cellular handsets, but rather are proliferating throughout the economy. How do SEP licensing practices support, or inhibit, economic growth and innovation, and what can we do better to promote a level playing field for healthy competition?</p> <p>David K. Djavaherian, PacTech Law, P.C. - San Clemente, CA</p>

2:30 pm
0.75 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

3:15 pm

Adjourn