Thursday Morning, December 11, 2014

Presiding Officer: Robert Barr, Berkeley Center for Law & Technology

7:30 a.m. Registration opens + Continental Breakfast
Breakfast sponsored by:

9:15 a.m. Joint / Divided Infringement

Limelight Networks, Inc. v. Akamai Technologies, Inc. has revived the divided infringement defense for induced infringement, and brought the issue of direct infringement into the spotlight. This presentation will evaluate the history of divided infringement at the Federal Circuit, the Supreme Court's Akamai decision, and more recent developments.

Matthias Kamber, Keker & Van Nest LLP

9:45 a.m. Indirect Infringement: It's a State of Mind

Recent case law has strengthened the intent requirements for proving indirect infringement. In this session, we will discuss that case law as well as litigation and reexamination strategies opened up by those developments.

Clement S. Roberts, Durie Tangri LLP

10:15 a.m. 15 minute break

10:30 a.m. Is District Court Litigation Essentially Over? Everyone is at the PTAB

This panel will explore the impact of the InterPartes review and covered business methods at the Patent Trial and Appeal Board. Why is it the venue of choice these days? What are the advantages/disadvantages? What trends are emerging?

Moderator: Bijal Vakil, White & Case LLP

Panelists:
Peter Chen, Patent Trial and Appeal Board
Matthew Kreeger, Morrison & Foerster LLP
Renée Lawson, Zynga Inc.
Teresa Rea, Former Acting Director of USPTO, now at Crowell

12:00 p.m. Break to pick up lunch
Lunch sponsored by:

12:15 p.m. Lunch keynote: A Conversation with Chief Judge Prost: Her Experiences on the Court and Where She Thinks the Court is Going

Chief Judge Sharon Prost, US Court of Appeals for the Federal Circuit

1:00 p.m. Prosecution Update

The panel will discuss how new case law and developments at the PTO are affecting patent strategy and patent practice. A roundtable discussion will address provocative and challenging questions arising from recent administrative actions and proceedings in addition to Supreme Court and Federal Circuit case law affecting areas such as written description and sufficiency, patent eligible subject matter, obviousness and case acceleration and pendency.

Moderator: Lee Van Pelt, Van Pelt, Yi & James LLP

Panelists:
Nena Bains, Kilpatrick Townsend & Stockton LLP
Emily Haliday, Weaver Austin Villeneuve & Sampson LLP
Christopher J. Palermo, Hickman Palermo Truong Becker Bingham Wong LLP
Rajiv Patel, Fenwick & West LLP

2:30 p.m. 15 minute break
2:45 P.M.  0.75 HR

EFFECTIVE STRATEGIES AND TRENDS-SPOTTING IN PATENT DAMAGES
A no-holds barred discussion on how to successfully shape and manage damages in patent litigation, including damages fact development, when and how best to use expert depositions, and options for challenging experts.

Karen Boyd, Turner Boyd LLP
James Pampinella, Navigant Consulting, Inc.
Hilary Ware, Netflix, Inc.

3:30 P.M.  0.75 HR

FAIR, REASONABLE, AND NON-DISCRIMINATORY TERMS (FRAND) AND STANDARD ESSENTIAL PATENTS (SEP): EMERGING ISSUES AFTER MICROSOFT, INNOVATION AND APPLE
This panel will focus on the availability of injunctions for SEPs, the determination of whether a patent is in fact “essential,” and whether a patent can be rendered unenforceable due to the breach of a FRAND commitment.

Moderator:
Robert D. Fram, Covington & Burling LLP
Panelists:
Ann Armstrong, Intel Corporation
Matt Lynde, Cornerstone Research
Luke McLeroy, Ericsson

4:15 P.M.  1.00 HR

JUDGES PANEL
Leading District Court judges discuss cutting-edge patent litigation issues including creative ways they are managing patent cases in an evolving patent landscape.

Moderator:
Katherine Lutton, Fish & Richardson P.C.
Panelists:
Hon. Roy Payne, US District Court, Eastern District of Texas
Hon. Ronald M. Whyte, US District Court, Northern District of California
TBD

5:15 P.M.  15 MINUTE BREAK

FRIDAY MORNING, DECEMBER 12, 2014

8:00 A.M.  CONFERENCE ROOM OPENS + CONTINENTAL BREAKFAST

BREKFAST SPONSORED BY:

( RLM )

8:30 A.M.  1.00 HR

DEFINITENESS AND FUNCTIONAL CLAIMING
Claim definiteness has become a focus of policy discussions – are imprecisely drafted claims leading to unwarranted patent litigation? – as well as substantial litigation to better define the statutory mandate of claims “particularly pointing out and distinctly claiming” what has been invented. The panel will approach the issue in view of the Supreme Court’s new standard for definiteness in its 2014 decision in Nautilus v. Biosig Instruments, and will also focus on issues relating to “functional claiming,” both in the Courts and in the US Patent and Trademark Office (USPTO).

Moderator:
Robert J. Goldman, Ropes & Gray LLP
Panelists:
William S. Galiani, Cooley LLP
Sonal Mehta, Weil, Gotshal & Manges LLP
John Vandenberg, Klarquist Sparkman, LLP

9:30 A.M.  0.50 HR

OUR DIVIDED PATENT SYSTEM
Professor Lemley will report the results of the first comprehensive study of patent litigation outcomes in nearly twenty years. It includes some surprising findings on who wins – and who loses – patent lawsuits.

Mark Lemley, Stanford Law School; Durie Tangri LLP

10:00 A.M.  15 MINUTE BREAK

10:15 A.M.  0.25 HR

ASSIGNOR ESTOPPEL: AN ANCIENT SQUARE PEG IN A MODERN ROUND HOLE?
The doctrine of assignor estoppel was developed within a historical, and now quite dated, economic and commercial context. The modern contexts in which it has been applied are very different. Does the doctrine still make sense in the modern economy? This talk will explore that question.

Vernon M. Winters, Sidley Austin LLP

10:30 A.M.  0.50 HR

MULTIDISTRICT LITIGATION, FORUM SELECTION, AND TRANSFER: TIPS AND TRENDS
Where a patent case is filed – and where it ends up – has a substantial impact on the likely outcome and the odds of settlement. This session looks at patentees’ favorite forums, recent developments in the law governing transfer, and trends in the utilization of Multidistrict Litigation (MDL) by patentees and defendants.

Julie M. Holloway, Latham & Watkins LLP

11:00 A.M.  0.75 HR

THE ETHICAL IMPLICATIONS OF DISCOVERY AND PLEADING REFORM EFFORTS
Chris and Doug will address recent cases and reform efforts currently underway aimed at streamlining patent litigation by heightening pleading requirements, adopting a more focused approach to discovery, and staging discovery. Progress on these fronts may ease the ethical concerns that plague counsel regarding preservation, collection and production of electronically stored information.

Christian E. Mammen, Hogan Lovells US LLP
Douglas Nemecek, Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates

11:45 A.M.  0.50 ETHICS

ETHICS ISSUES RAISED BY CLIENT AND THIRD PARTY CLAIMS AGAINST IP LAWYERS
Using a review of client and third party claims against IP lawyers in the past twelve months, this presentation will identify recurring ethics issues and offer suggestions on how to handle them correctly.

John Steele, John Steele Law

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Friday Afternoon, December 12, 2014

Presiding Officer:
Robert Berkeley Center for Law & Technology

12:15 P.M. Break to Pick up Lunch

Lunch Sponsored By:
Inflexion Point
New Directions in IP Strategy

12:30 P.M. 0.75 HR

Lunch Keynote:
European Patent Law: Commentary on Current Trends; Strategies for a Unified Future

With the Unitary Patent system coming ever closer, yet no date or fees known, European patent specialists Gwilym Roberts (prosecution) and Daniel Brook (litigation) speculate and strategize on best steps now and in the short to medium term. Factoring in recent changes across a geographically, legally and culturally diverse region, they present an overview of best practices in Europe for building, bolstering and enforcing your patent portfolio.

Moderator:
David S. Bloch, Winston & Strawn LLP

Panelists:
Marta Beckwith, Aruba Networks, Inc.
Eric R. Lamison, Cisco Systems, Inc.
Mallun Yen, RPX Corporation

2:30 P.M. 15 Minute Break

2:45 P.M. 0.50 HR

Obviousness: What’s New and Nonobvious?

This session will review recent updates in the law of obviousness, both in the US Patent and Trademark Office and in litigation.

Moderator:
Steven C. Carlson, Kasowitz, Benson, Torres & Friedman LLP

Panelists:
Yar R. Chaikovsky, McDermott Will & Emery LLP
Andrew Culbert, Microsoft Corporation
James Elacqua, Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates
Noreen Krall, Apple Inc.

3:15 P.M. 0.50 HR

International Trade Commission 2014: A Year in Flux (Learning from Recent Developments)

This session will delve into the recent hot button issues and challenges in the world of ITC litigation, including (among others) whether the ITC is still a viable forum for patent litigation, the current state of the domestic industry requirement, indirect infringement at the ITC and the requirement for infringement at importation, the effect of the public interest on exclusion orders, and whether the ITC has jurisdiction over the electronic transmission of goods.

Moderator:
Yar R. Chaikovsky, McDermott Will & Emery LLP

3:45 P.M. Closing Remarks

Closing Committee

Robert Barr, CO-CHAIR; Berkeley Center for Law & Technology
Mark Lemley, CO-CHAIR; Stanford Law School
Durie Tangri LLP
Michael Esposito, CO-CHAIR; Blue Moon Software, Inc.

Steven Baik, Reed Smith LLP
Nena Bains, Kilpatrick Townsend & Stockton LLP
Bradley D. Baugh, North Weber & Baugh LLP
Marta Beckwith, Aruba Networks, Inc.
David S. Bloch, Winston & Strawn LLP
Jared Bobrow, Weil, Gotshal & Manges LLP
Karen Boyd, Turner Boyd LLP
Christopher Byrne, Samsung Electronics Co., Ltd.
Steven C. Carlson, Kasowitz, Benson, Torres & Friedman LLP
Douglas Carsten, Wilson Sonsini Goodrich & Rosati
Yar R. Chaikovsky, McDermott Will & Emery LLP
Andrew Culbert, Microsoft Corporation
James Elacqua, Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates
Noreen Krall, Apple Inc.
Eric R. Lamison, Cisco Systems, Inc.
Eric Lancaster, White & Case LLP
Dan Lang, Cisco Systems, Inc.
Ronald S. Laurie, Inflexion Point Strategy, LLC
Louise Lee, Berkeley Center for Law & Technology
Allen Lo, Google, Inc.
Katherine Lutton, Fish & Richardson P.C.
Christian E. Mammen, Hogan Lovells US LLP
David L. McCombs, Haynes and Boone LLP
Sonal Mehta, Weil, Gotshal & Manges LLP
Christopher J. Palermo, Hickman Palermo Truong Becker Bingham Wong LLP
James Pampinella, Navigant Consulting, Inc.
Rajiv Patel, Fenwick & West LLP
Tim Porter, Google, Inc.
Kirupa Pushparaj, Square, Inc.
Joshua Raskin, Greenberg Traurig LLP
Clement S. Roberts, Durie Tangri LLP
David Simon, Salesforce.com, Inc.
Lee Van Pelt, Van Pelt, Yi & James LLP
Vernon M. Winters, Sidley Austin LLP
Mallun Yen, RPX Corporation

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REGISTRATION

REGISTER ONLINE

Whether you are paying by credit card or check, you must register online. Speakers and Moderators are also required to register online to answer key questions and initial the “authorization to publish.”

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REGISTRATION RATES

Earlybird Registration (by November 7) ............................................................... $890
Regular Registration (by December 7) ............................................................... $990
Late Registration (after December 7 on a space available basis) ............. $1200

GROUP REGISTRATION - DISCOUNTS (REGISTER ONLINE)

10% - 5 or more people from the same organization
20% - 10 or more people from the same organization

CANCELLATION POLICY

Full refunds (less $100 cancellation fee) available for paid registrations cancelled in writing to aplisv@law.berkeley.edu by December 1.

No refunds are available after December 1; however, you may substitute a different person by writing to aplisv@law.berkeley.edu by December 5.

LOGISTICS

CONFERENCE LOCATION:

FOUR SEASONS HOTEL SILICON VALLEY
2050 University Avenue
East Palo Alto, CA 94303

Please call the hotel directly at (650) 470-3847 for room reservations by November 10. Request APLISV 2014 when making reservations to receive the special room rate of $289/night.

Parking:
Daily self-parking: complimentary
Overnight self-parking: $12
Valet parking: $22

KEY DATES:

NOVEMBER 7
Last day for early registration

DECEMBER 1
Last day for partial refund

DECEMBER 5
Last day to substitute names of attendees

DECEMBER 7
Last day for regular registration

AFTER DECEMBER 7
Registrations will be accepted at a higher rate on a space available basis. Walk-up registrations may not be available.

DECEMBER 11
Institute begins

QUESTIONS:

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