18TH ANNUAL BERKELEY - STANFORD
ADVANCED PATENT LAW INSTITUTE
SILICON VALLEY
DECEMBER 14 & 15, 2017
COMPUTER HISTORY MUSEUM
MOUNTAIN VIEW, CA

UC Berkeley School of Law certifies that this activity has been approved by the State Bar of California for 13.75 hours Continuing Legal Education credit, including 1.0 hour in Legal Ethics and 1.0 hour in Elimination of Bias.

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THURSDAY MORNING, DECEMBER 14, 2017

PRESIDING OFFICER:
G. HOPKINS GUY, III, BAKER BOTTS LLP

8:00 A.M. REGISTRATION OPENS
CONTINENTAL BREAKFAST SPONSORED BY:

INVENTIONSHARE

8:50 A.M. WELCOMING REMARKS

9:00 A.M. 1.00 HR

§101 UPDATE
This panel will discuss how to navigate subject matter patentability in the PTO and the courts, the variance in how Sec. 101 is applied procedurally and substantively, and the status of proposed legislation. It will also discuss the impact of 101 on patent portfolio management.

Moderator:
LEE VAN PELT, Van Pelt, Yi, and James LLP
Panelists:
HEIDI KEEFE, Cooley LLP
DEANNA KWONG, Hewlett Packard Enterprise
PETER MENELL, UC Berkeley Law School, BCLT
CHRISTOPHER J. PALERMO, Hickman Palermo Becker Bingham LLP

11:00 A.M. 15 MINUTE BREAK

11:15 A.M. 1.00 HR

DAMAGES
Infringement, validity, and procedural maneuvering are all fine and good, but the reason businesses care about patent litigation is the money. This panel will draw on the experience of both outside and in-house counsel to explore damages issues, including apportionment, enhanced damages, and the impact of evolving local rules on damages.

Moderator:
GREG PINSONNEAULT, LitiNomics
Panelists:
KAREN BOYD, Turner Boyd
TINA CHAPPELL, Intel
SONAL MEHTA, Durie Tangri
LEAH WATERLAND, Cisco

11:45 A.M. 0.50 HR

VENUE
The Supreme Court’s decision in TC Heartland has fundamentally changed the patent litigation landscape in district courts throughout the country. This panel will focus on strategic considerations that are now raised in selecting and challenging venue.

KATHI VIDAL, Winston & Strawn LLP
JARED BOBROW, Weil, Gotshal & Manges LLP
CHRISTIAN E. MAMMEN, Hogan Lovells
MICHAEL SACKSTEDER, Fenwick & West LLP

12:15 P.M. LUNCH
LUNCH SPONSORED BY:

Hickman Palermo Becker Bingham LLP

12:45 P.M. 0.50 HR

LUNCH KEYNOTE:
INTERVIEW WITH MICHELLE LEE
Bijal Vakil will discuss with Michelle Lee her experience as head of the PTO and her thoughts on the future of the U.S. patent system.

MICHELLE LEE, Former Director, USPTO
BIJAL VAKIL, White & Case LLP

1:15 P.M. 0.75 HR

INTERNATIONAL DEVELOPMENTS AND STRATEGY
This session will consider a range of international issues, including the status of Europe’s Unified Patent Court and its impact on strategy for patent procurement, enforcement, and defense, as well as the significance of Asia and alternative venues.

STEVEN CARLSON, Kasowitz Benson Torres LLP
FREDDY THIEL, Kilburn Strode LLP
LAURA STORTO, Genentech

2:00 P.M. 0.50 HR

FRAND/SEPS
This session will examine issues implicated by FRAND and SEPs, including royalty stacking, IP BOMS, patent pools, and recent judicial decisions on FRAND obligations, defenses, and remedies.

MIKE LEE, Google
LISA NGUYEN, Latham & Watkins LLP

2:30 P.M. 0.50 HR

INDEMNIFICATION
Using an interactive approach, our panelists will walk through the key issues in indemnifications, the key trade-offs in negotiations, and how the issues play out in response to assertions and litigation.

ISABELLA FU, Microsoft
DAVID SIMON, Salesforce

3:00 P.M. 15 MINUTE BREAK

3:15 P.M. 0.75 HR

THE PATENT MARKETS
This panel will discuss the current state of the secondary patent market, who’s buying, who’s selling, and at what price? It will look at what happens to patents after a sale, including the chance of winning on a bought patent. It will examine both stand-alone sales and the relatively invisible marketplace in which patents contribute significant value to a deal, including M&As, technology spinouts, JVs, tech-transfers, and exclusive field-of-use licenses.

RON LAURIE, Inflexion Point Strategy, LLC
KENT RICHARDSON, Richardson Oliver

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4:00 P.M. 0.50 HR

§102/103
This session will provide a comprehensive review of recent decisions on Sections 102 and 103, including an analysis of the “effective filing date” and what counts as prior art under the “new” 102 provision.

BETTY CHEN, Fish & Richardson

4:30 P.M. 1.00HR

JUDGES PANEL
Judges experienced in presiding over patent disputes will offer insights on patent trial and litigation issues in light of the rapidly evolving patent law landscape.

Moderator:
VERN WINTERS, Sidley Austin LLP
Panelists:
HON. JAMES DONATO, USDC, Northern District of California
HON. SUSAN DAVIS WIGENTON, USDC, District of New Jersey
Additional judges to be announced

5:30 P.M. CLOSING REMARKS

FRIDAY MORNING, DECEMBER 15, 2017

PRESIDING OFFICER:
HARRISON J. (BUZZ) FRAHN, SIMPSON THACHER & BARTLETT LLP

8:00 A.M. CONTINENTAL BREAKFAST

CONTINENTAL BREAKFAST SPONSORED BY:
LITINOMICS

8:30 A.M. 1.50 HR

PTAB PRACTICE AND STRATEGY
What do petitioners and patent owners need to know in an era of tapering institution and claim cancellation rates and in view of increasingly aggressive Federal Circuit review?

HARPER BATTS, Baker Botts LLP
DAVID O’BRIEN, Haynes & Boone LLP
TERRY REA, Crowell & Morning LLP
WINSLOW TAUB, Covington & Burling LLP

10:00 A.M. 0.50 HR

DEBATE: IS THE PTAB CONSTITUTIONAL?
Oil States is arguably the most important patent law case of the decade. The question in the case is whether the IPR proceeding created in the America Invents Act is unconstitutional because only juries, or at least Article III courts, can lawfully cancel patents. The implications could go beyond IPRs. This debate-style panel will preview some of arguments likely to be considered by the Supreme Court.

DMITRY KARSHTEDT, George Washington University Law School
BRIAN MATSUI, Morrison & Foerster

10:30 A.M. 15 MINUTE BREAK

10:45 A.M. 0.50 HR

THOSE PRODUCTS FLEW IN FROM ABROAD, ARE YOUR PATENTS EXHAUSTED?
The Supreme Court’s holding in Impression Products v. Lexmark disrupted a multitude of sales and licensing models built on decades of Federal Circuit case law concerning the exhaustion doctrine. This presentation will navigate effective offensive and defensive litigation strategies in light of the new post-Lexmark rules. Structures for licensing and product sales to avoid post-Lexmark exhaustion will also be addressed.

YAR CHAIKOVSKY, Paul Hastings LLP

11:15 A.M. 0.75 HR

BUSINESS PLANNING AROUND CHANGES IN THE LAW
This panel will consider the relationship among Supreme Court patent law decisions, business strategy, and in-house legal planning: how have businesses responded? For example, after Lexmark, does a company change its strategy on sales abroad, or on manufacture abroad? Could TC Heartland cause businesses to rethink where they locate their facilities? Have Alice and the near death of business method (and medical diagnostic?) patents affected corporate and legal planning?

MARTA BECKWITH, PacTech Law
DAN LANG, Cisco

FRIDAY AFTERNOON, DECEMBER 15, 2017

12:00 P.M. LUNCH

LUNCH SPONSORED BY:
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1:00 P.M. 0.50 HR ETHICS

PRIVILEGE IN MULTINATIONAL LITIGATIONS
Most significant IP litigations now involve an international dimension, such as concurrent litigation of counterpart patents in multiple jurisdictions. Yet privilege and work product rules may differ significantly between these jurisdictions, and maintaining privilege will likely require compliance with varying privilege requirements. This session will discuss differences in the rules between the major jurisdictions, as well as strategies to maintain attorney-client, work product, and common interest privileges where litigations have international components.

KEITH SLENKOVICH, WilmerHale

1:30 P.M. 0.50 HR ETHICS

DISCLOSURES IN PROSECUTION AND LITIGATION
This session will first describe the different disclosure obligations in prosecution and post-grant review and compare and contrast them. Then it will analyze how concurrent prosecution, post-grant proceedings, and litigation can create traps for the unwary.

DAVID HRICIK, Mercer University School of Law

2:00 P.M. 0.50 HR

PATENT YEAR IN REVIEW
A summary of the most important developments in Supreme Court and Federal Circuit law this year.

MARK LEMLEY, Stanford Law School

2:30 P.M. 15 MINUTE BREAK
IDENTIFYING TRADE SECRETS IN LITIGATION

Uniquely among IP rights, trade secrets are not defined until they are litigated. Existing procedures can consume enormous resources as the parties fight over an omnibus list of claimed secrets. This session will explore practical case management techniques directed at identifying the secrets that matter.

JIM POOLEY, Orrick

ELIMINATION OF BIAS

Despite the $8 billion spent annually by corporations to eliminate bias and increase diversity and inclusion, the needle hasn’t moved much. Numerous studies have shown that although unconscious bias training is a great tool for creating awareness, it doesn’t have a significant effect in changing behaviors. So, what does work? This session will examine recent behavioral research, ROI findings, and first-hand experiences regarding the tools, strategies, programs, and policies that are seemingly making a positive impact.

Moderator:
MALLUN YEN, ChiPs Network Inc.

Panelists:
PAUL GREWAL, Facebook
CAREN ULRICH STACY, Diversity Lab
SARITA VENKAT, Apple

CLOSING REMARKS

Christopher Palermo, Hickman Palermo
Becker Bingham LLP
James Pampinella, Navigant
Rajiv Patel, Fenwick & West LLP
Greg Pinsonneault, LitiNomics
Ashok Ramani, Keker, Van Nest & Peters LLP
Gabriel Ramsey, Orrick
Sasha Rao, Maynard Cooper & Gale
Teresa Rea, Crowell & Moring LLP
Gwilym Roberts, Kilburn & Strade LLP
Neal Rubin, RPX Corp
David Simon, Salesforce
Maya Skubatch, Wilson Sonsini Goodrich & Rosati
Keith Slenkovich, WilmerHale
Winslow Taub, Covington & Burling LLP
Bijal Vakil, White & Case LLP
Lee Van Pelt, Van Pelt, Yi & James LLP
Katherine Vidal, Winston & Strawn LLP
Vern Winters, Sidney Austin LLP
Mallun Yen, ChiPs Network Inc.
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 scheduling questions and initial the “authorization to publish” your slides and the audio recordings of the event.

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REGISTRATION RATES

<table>
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<tr>
<th>Registration Type</th>
<th>Price</th>
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<tr>
<td>Earlybird Registration (by November 17)</td>
<td>$890</td>
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<tr>
<td>Regular Registration (by December 11 at 10 AM)</td>
<td>$990</td>
</tr>
<tr>
<td>Late Registration* (after December 11 at 10 AM)</td>
<td>$1200</td>
</tr>
</tbody>
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*on a space available basis

GROUP REGISTRATION DISCOUNT (REGISTER ONLINE)

10% off for 5 or more people from the same organization

CANCELLATION POLICY

Refunds (full cost, less $100 cancellation fee) available for paid registrations cancelled in writing to aplisv@law.berkeley.edu by December 1. No refunds after December 1.

You may substitute a different person by writing to aplisv@law.berkeley.edu by December 11.

LOGISTICS

CONFERENCE LOCATION:

COMPUTER HISTORY MUSEUM
1401 N. Shoreline Blvd
Mountain View, CA

Parking:
Parking at the Computer History Museum is free.

HOTEL RECOMMENDATION:

HOTEL AVANTE
860 E. El Camino Real
Mountain View, CA

To make your room reservation, please contact the hotel directly:
Phone: (888) 880-1245
Email: reservations@jdvhotels.com

Availability is limited and the room block expires on Monday, November 13. Please request a room in the “UC BERKELEY” room block to secure the proper rate of $209/night.

Parking:
Parking at Hotel Avante is complimentary.

KEY DATES:

NOVEMBER 17
Last day for early registration

DECEMBER 1
Last day for refunds (full cost, less $100 cancellation fee)

DECEMBER 11
Last day to substitute names of attendees

DECEMBER 11 AT 10 AM
Last chance for regular registration

AFTER DECEMBER 11 AT 10 AM
Registrations will be accepted at a higher rate on a space available basis. Walk-up registrations may not be available.

DECEMBER 14
Institute begins

QUESTIONS:

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