

# **Ronald M. Whyte Intellectual Property Seminar**

*A Conference for Federal Judges Sponsored by  
the Berkeley Center for Law & Technology, the Berkeley Judicial Institute, Columbia Law  
School's Program on Science, Technology & Intellectual Property Law,  
and the Federal Judicial Center*

## **DRAFT PROGRAM**

**Tuesday, October 15, 2024**

- 8:15 am**      **Breakfast**
- 8:40 am**      **Welcome and Opening Remarks**  
BJI Executive Director Jeremy Fogel (former Director, FJC; District Judge (N.D. Cal.)  
Hamid Khan, FJC
- 8:50 am**      **Introduction to the Program**  
Professor Peter Menell
- Requirements for Patentability**  
Professor Peter Menell
- 10:30 am**     **Break**
- 10:45 am**     **Infringement and Defenses**  
Professor Peter Menell
- 12:00 pm**     **Lunch**
- 1:00 pm**      **Early Case Management: Philosophy, Context, Logic, and Departures**  
Moderator: BJI Executive Director and Judge (ret.) Jeremy Fogel  
Panelists: Judge Leonard Stark, Fed. Circuit  
                  Judge Beth Freeman, N.D. Cal.  
                  Chief ALJ Clark Cheney, Int'l Trade Commission  
                  Chief Judge Scott Boalick, Admin. Patent Judge, PTAB
- Patent Local Rules, Standing/Scheduling Orders, Checklists
  - Stays, Parallel Litigation, and Estoppel (PTAB, ITC, joinder/MDL)
  - Limitations on the Number of Claims/Prior Art References
  - Discovery
  - Pleading Standards - willfulness

- 2:25 pm**      **Patent Claim Construction - Substantive Overview**  
Presenter:    Professor Peter Menell  
                 Matthew Powers
- 2:45 pm**      **Break**
- 3:00 pm**      **Afternoon Calendar: Claim Construction Hearing**
- 3:45 pm**      **Claim Construction Hearing Discussion**  
Moderator: Matthew Powers  
Panelists:    Judge Leonard Stark, Fed. Circuit  
                 Judge Beth Freeman, N.D. Cal.  
                 Chief ALJ Clark Cheney, Int'l Trade Commission  
                 Chief Judge Scott Boalick, Admin. Patent Judge, PTAB
- 4:30 pm**      **Adjourn**
- 6:00 pm**      **Dinner and Reception**

**Wednesday, October 16, 2024**

- 8:30 am**      **Breakfast**
- 9:00 am**      **Patent Remedies and Expert Witnesses**  
  
Moderator: Matthew Powers  
Panelists:    Judge Leonard Stark, Fed. Circuit  
                 Judge Beth Freeman, N.D. Cal.  
                 Chief ALJ Clark Cheney, Int'l Trade Commission
- 10:15 am**      **Break**
- 10:30 am**      **Mixed Questions of Fact and Law: Claim Construction, Patentable Subject Matter, and Non-Obviousness**  
  
Moderator: Sonal Mehta  
Panelists:    Judge Leonard Stark, Fed. Circuit  
                 Judge Beth Freeman, N.D. Cal.  
                 Chief ALJ Clark Cheney, Int'l Trade Commission  
                 Chief Judge Scott Boalick, Admin. Patent Judge, PTAB

- 12:00 pm**      **Lunch Discussion with Circuit Judge Leonard Stark, Judge Beth Freeman, Chief ALJ Clark Cheney, and Chief APJ Scott Boalick**  
Moderator: BJI Executive Director and Judge (ret.) Jeremy Fogel
- 1:00 pm**      **Copyright Basics**  
Professor Shyam Balganesch  
Professor Peter Menell
- 2:30 pm**      **Break**
- 2:45 pm**      **Fair Use Analysis**  
Professor Shyam Balganesch  
Professor Peter Menell
- 3:30 pm**      **Infringement/Fair Use Simulations**  
Moderator: Professor Peter Menell  
Panel: Professor Shyam Balganesch  
Peter Anderson
- 4:30 pm**      **Adjourn**

**Thursday, October 17, 2024**

- 8:30 am**      **Breakfast**
- 9:00 am**      **Copyright Case Management: Music Copyright Infringement**  
Moderator: Professor Peter Menell  
Panel: Peter Anderson  
Mark Avsec  
Professor Shyam Balganesch
- 10:30 am**      **Break**
- 10:45 am**      **Trademark Basics**  
Professor Peter Menell  
Megan Bannigan  
David Bernstein
- 12:00 pm**      **Lunch**
- 1:00 pm**      **Afternoon Calendar: Preliminary Injunction Hearing**

**Trademark Case Management**

Megan Bannigan

David Bernstein

**3:15 pm Break**

**3:30 pm Trade Secrets Primer**

Professor Peter Menell

David Almeling

Victoria Cundiff

James Pooley

**4:30 pm Adjourn**

**5:45 pm Optional Hike/Run in the East Bay Hills**

**7:15 pm Pizza/Salad/Beer – New York vs. Chicago vs. Berkeley Pizza**

(home of Professor Peter Menell; shuttle bus from hike; others are welcome to join directly from hotel)

**Friday, October 18, 2024**

**8:30 am Breakfast**

**9:00 am Trade Secret – Early Case Management**

Introduction: James Pooley

**Sunrise v. Sol (Preliminary Injunction)**

Introduction: Professor Peter Menell

Advocates: David Almeling (Sunrise)

Victoria Cundiff (Sol)

**Whistleblower Immunity**

Professor Peter Menell

**Summary Judgment Case Management**

James Pooley

**Sunrise v. Sol (Summary Judgment)**

Advocates: Victoria Cundiff (Sol)

David Almeling (Sunrise)

**10:45 am Break**

**11:00 am Trade Secrets Case Management: Remedies**  
James Pooley

**Sunrise v. Sol (Permanent Injunction)**  
Advocates: David Almeling (Sunrise)  
Victoria Cundiff (Sol)

**Discussion**

Moderator: James Pooley

Panel: David Almeling  
Victoria Cundiff

**11:30 am Trade Secrets Case Management: Criminal**  
Moderator: James Pooley  
Panel: David Almeling  
Victoria Cundiff

**11:50 am Graduation**

**12:00 pm Adjourn**