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Advanced Practice under the America Invents Act



April 11-12, 2013
Hyatt Regency Hotel • Dallas, Texas

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AIPLA

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Highlights

- the unintended consequences of the AIA and its implementation
- the effect of the AIA on licensing and litigation tactics and strategies
- successfully contesting proceedings at the PTAB
- important issues still facing the patent system and further reforms
- the rulemaking, legislative and other activities of the PTO
- faculty includes senior corporate IP counsel and USPTO speakers

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CONFERENCE CO-CHAIRS

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*Group Vice President, IP
and Licensing,
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AMERICA INVENTS ACT CONFERENCE

Schedule

Thursday, April 11

8:00 CONTINENTAL BREAKFAST

9:00 AIA: WHAT DID WE ACHIEVE, WHAT ARE THE UNINTENDED CONSEQUENCES, AND WHAT STILL NEEDS TO BE DONE?

- Will patent quality improve?
- What are the unintended consequences?
- Will the AIA lead to greater international harmonization?
- How important is harmonization, and what remains to be done?
- Need for additional reform/changes?
- Technical amendments to AIA
- Outlook for current congressional term

PANEL MODERATOR

Professor David O. Taylor, *SMU Dedman School of Law, Dallas, Texas*

PANELISTS

Philip S. Johnson, *Chief Patent Counsel, Johnson & Johnson,
New Brunswick, New Jersey*

Bart Showalter, *Baker Botts L.L.P., Dallas, Texas*

Robert Stoll, *Drinker Biddle & Reath LLP, Washington, D.C.*

10:30 BREAK

10:45 NEW AND CHANGING PATENT PROSECUTION STRATEGIES AFTER THE AIA

- How are corporations changing their patenting and prosecution strategies?
- What are private practitioners telling their clients?
- Issues with existing rules
- Traps for the unwary
- Transition to first to file
- Third party participation at the PTO

PANEL MODERATOR

Richard Phillips, *Chief Intellectual Property Counsel, ExxonMobil Chemical
Company, Houston, Texas*

PANELISTS

Rob King, *Corporate IP Counsel, Silicon Laboratories, Austin, Texas*

Michael Piper, *Conley Rose, P.C., Plano, Texas*

Jennifer Wuamett, *Vice President & Chief Intellectual Property Counsel,
Freescale Semiconductor, Inc., Austin, Texas*

12:15 BREAK

Thursday, April 11 (cont.)

12:30 HOSTED LUNCHEON

Featuring Keynote Speaker

PHILIP S. JOHNSON

Chief Patent Counsel

Johnson & Johnson

New Brunswick, New Jersey

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2:00 BREAK

2:15 EFFECT OF AIA ON LICENSING AND LITIGATION STRATEGIES AND TACTICS

- Intersection of IPR/PGR and licensing/litigation strategies
- Handling estoppel arising with IPR/PGR
- Stays
- MDLs and mechanisms for managing discovery and claim construction in cases on same patent
- Effect on valuation of patents
- Unresolved litigation issues

PANEL MODERATOR

Lisa Jorgenson, Group Vice President, IP and Licensing, STMicroelectronics, Inc., Coppell, Texas

PANELISTS

Patrick J. Coyne, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Washington, D.C.

Hilda C. Galvan, Jones Day, Dallas, Texas

Myra McCormack, Johnson & Johnson, New Brunswick, New Jersey

3:45 BREAK

4:00 STATS AND INSIGHTS FROM THE INITIAL IPR AND CBM PETITIONS AND DECISIONS

A look at initial results from the early review proceedings, including statistics, trends and highlights. Plus, examples of the what's working and not working in terms of petitions, declarations, protective orders, preliminary patent owner statements, motions, and cross-examination.

Brad Pedersen, Patterson Thuent Pedersen, Minneapolis, Minnesota

4:30

NUANCES AND STRATEGIES FOR SUCCESSFULLY PROSECUTING AND DEFENDING IPRs, PGRs, CBMRs BEFORE THE BOARD

- Best practices
- Discovery
- Motions practice
- Strategies
- Traps for the unwary
- Unresolved issues

PANEL MODERATOR

Joe Mahoney, Mayer Brown LLP, Chicago, Illinois

PANELISTS

Mehran Arjomand, Morrison Forster, Los Angeles, California

Todd Baker, Oblon, Spivak, McClelland, Maier & Neustadt, L.L.P., Alexandria, Virginia

Bernard Knight, General Counsel, U.S. Patent and Trademark Office, Alexandria, Virginia

5:30 ADJOURN

5:30 NETWORKING RECEPTION

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Setting precedent.

Slater & Matsil, L.L.P.
BRIDGING LAW AND TECHNOLOGY

8:00 **OPTIONAL BREAKFAST ETHICS PRESENTATION****PROFESSIONALISM AND THE AIA: HOW TO KEEP YOU AND YOUR CLIENTS OUT OF TROUBLE**

The change from first-to-invent to first-to-file makes critical differences to the procedures you and your clients need to follow to obtain patent protection. This presentation will focus on the professional standards required to be successful working under the new act, and what you need to know and do to give your clients the highest quality service.

Colin Cahoon, Carstens & Cahoon, LLP, Dallas, Texas

9:00 **CRITICAL ISSUES STILL FACING PATENT LAW**

- Patent timeliness and quality
- Jurisdiction and forum shopping
- Damages
- Joint infringement and inducement
- Subject matter eligibility
- Claim construction

PANEL MODERATOR

Professor Carl Moy, *Professor of Law, William Mitchell College of Law, St. Paul, Minnesota*

PANELISTS

Vince Garlock, *Deputy Executive Director, American Intellectual Property Law Association, Alexandria, Virginia*

David McCombs, *Haynes & Boone, LLP, Dallas, Texas*

Wayne Sobon, *InventErgy, California*

Dean John Whealan, *Dean, Intellectual Property Law Studies, George Washington University Law School, Washington, D.C.*

10:45 **BREAK****11:00** **THE ROLE OF THE PTO IN SHAPING PATENT LAW AND POLICY, AND UPDATES ON IMPORTANT PTO INITIATIVES**

- The role of the PTO in crafting legislation and formulating policy
- Its role in the AIA
- New legislative and policy initiatives
- Software partnership roundtables
- Real-party-in-interest workshops
- Request for comments on RCE practice
- Usage of AIA offerings and current statistics
- Satellite offices; the goals, vision, progress and operation of the Silicon Valley office and what this might mean for Dallas

Bernard Knight, *General Counsel, U.S. Patent and Trademark Office, Alexandria, Virginia*

12:30 **ADJOURN**

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GENERAL INFORMATION

CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by March 29, 2013. Email cburkel@cailaw.org. After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

HOUSING: The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at the Hyatt Regency Hotel, 300 Reunion Blvd, Dallas, TX 75207. Registrants should call 1.888.421.1442 and advise them they are attending the Advanced Practice Conference to receive a reduced room rate of \$189 + tax. Reservations may also be made online by visiting <http://www.cailaw.org/ilt/america-invents-act-details-2013.html>. The last day to obtain this special rate is March 30, 2013.

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MCLE CREDIT: This program is approved by the State Bar of Texas for 10.25 hours, including 1 hour of ethics. Course ID Number: 901262996. Sign-in sheets and/or certificates of attendance will be available for ALL states.

REGISTRATION

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April 11-12, 2013

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Registration includes the Conference, course materials on USB and online, two continental breakfasts, the hosted luncheon and reception.

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