

## PATENT REMEDIES PROGRAM

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<b>TIME</b>	<b>FUNCTION</b>
8:00	<b>CONTINENTAL BREAKFAST &amp; REGISTRATION</b>
9:00	<b>WELCOME REMARKS &amp; INTRODUCTIONS</b> Thomas Brown, <i>Dell Technologies, Hopkinton, MA</i> Karen Weil, <i>Knobbe, Martens, Olson &amp; Bear, LLP, Los Angeles, CA</i> Scott Miller, <i>Sheppard, Mullin, Richter &amp; Hampton LLP, Los Angeles, CA</i>
9:30	<b>STRATEGIC ISSUES IN LITIGATING DAMAGES</b> Discussion of strategies and procedural considerations in litigating damages/remedies issues. Topics include 1) adoption of rules for exchange of early damages contentions (California and Texas), 2) proposals for and the pros/cons of early damages hearings, 3) the evolution and implications of Daubert rulings, and 4) effective presentation of testimony in court.  <u>Moderator:</u> Karen Weil, <i>Knobbe, Martens, Olson &amp; Bear, LLP, Los Angeles, CA</i>  <u>Speakers:</u> Hon. Cathy Ann Bencivengo, <i>US District Court, Southern District of California, San Diego, CA</i> Kimball Anderson, <i>Winston &amp; Strawn, Chicago, IL</i> Neel Chatterjee, <i>Goodwin, Menlo Park, CA</i> Morgan Chu, <i>Irell &amp; Manella, Los Angeles, CA</i>
11:00	<b>COFFEE BREAK</b>
11:15	<b>ECONOMIC TOOLS USED FOR PATENT DAMAGES ESTIMATION</b> Discussion of economic tools that may be useful in performing an apportionment for purposes of determining the reasonable royalty in patent cases, including: 1) survey evidence, 2) citation analysis, 3) other econometric models, 4) license comparability, and 5) the analytical approach. This session will also consider the continued role of design around and non-infringing alternative analyses, and the intersection between scholarly works and the law of damages.  <u>Moderator:</u> Alan Ratliff, <i>StoneTurn Group, Houston, TX</i>  <u>Speakers:</u> James Malackowski, <i>Ocean Tomo, LLC, Chicago, IL</i> Steven Maslowski, <i>Akin Gump Strauss Hauer &amp; Feld LLP, Philadelphia, PA</i> Prof. Jonathan Masur, <i>The University of Chicago Law School, Chicago, IL</i> Prof. Jeffrey Prince, <i>Indiana University, Bloomington, IN</i>
12:45	<b>LUNCHEON SPEAKER</b> Kerri Ruttenberg, <i>Jones Day, Washington, DC</i> -- Creating Winning Trial Graphics

2:00

**RECENT DEVELOPMENTS IN DAMAGES AND INJUNCTIONS LAW**

Discussion of recent developments in the evolution of damages/remedies law. Topics include: 1) recovery of design patent damages, 2) availability of patent damages for non-US activities, 3) the potential impact of changing venue rules on damages and injunctions, 4) availability of injunctive relief at the ITC and in district court, and 5) roll out of the Defend Trade Secrets Acts.

Moderator: Jenna Pellecchia, *Akin Gump Strauss Hauer & Feld LLP, Philadelphia, PA*

Speakers:

R. Mark Halligan, *FisherBroyles, Chicago, IL*

Prof. Sarah Burstein, *University of Oklahoma College of Law, Norman, OK*

David Nelson, *Quinn Emanuel, Chicago, IL*

John Jarosz, *Analysis Group, Washington, DC*

3:30

**COFFEE BREAK**

3:45

**LONG-TERM TRENDS AND CONTINUING EVOLUTION OF APPORTIONMENT**

Discussion of the continuing evolution of patent damages law associated with apportionment for the footprint of the patent. Topics include: 1) the smallest salable patent practicing unit, 2) the Entire Market Value Rule, 3) treatment of standard essential patents, and 4) implications of F/RAND obligations.

Moderator: Hari Santhanam, *Kirkland & Ellis, LLP, Chicago, IL*

Speakers:

Edward Reines, *Weil, Gotshal & Manges, LLP, Redwood Shores, CA*

David Pritikin, *Sidley Austin, Chicago, IL*

Alan Cox, *NERA Economic Consulting, San Francisco, CA*

Alan Albright, *Bracewell LLP, Austin, TX*

5:00

**ADJOURNMENT**