



31st Annual Joint Patent Practice Seminar

Tuesday, May 12, 2015

New York Marriott Marquis

PROGRAM AND SPEAKERS ANNOUNCED!

7:30 AM Registration Open
8:40 – 8:45 AM Welcome Remarks

8:45 – 9:25

Featured Morning Address

Drew Hirshfeld



Drew Hirshfeld – *USPTO Deputy Commissioner for Patent Examination Policy*

8:45 – 9:15 AM Featured Morning Address
9:15 – 9:25 AM Q & A for Drew Hirshfeld

PANEL I

USPTO Practice

Moderator – Timothy A. Johnson
Energizer Holdings, Inc.

9:25 – 9:45 AM

Hon. Thomas Giannetti
*USPTO Lead Administrative Patent Judge,
Patent Trial and Appeal Board*

FEATURED
INVITED
SPEAKER



Update on PTAB Trials

9:45 – 9:55 AM

ETHICS

Maling v. Finnegan Henderson: Massachusetts Supreme Judicial Court addresses issue of conflict in taking on clients having similar inventions for patent prosecution and what can happen when a conflict is missed.

Scott Lydon – McCormick, Paulding & Huber LLP

9:55 – 10:05 AM

Failure to Satisfy §112. **H.W. Technology, L.C. v. Overstock.com, Inc.**, 111 USPQ 2nd 1727 (Fed. Cir. July 11, 2014): Claims held invalid on number of grounds based on Section 112.

Thomas Germinario – Law Office of Thomas J. Germinario

10:05 – 10:15 AM

ETHICS

Attorney Misconduct: **In re Edward R. Reines**. 112 USPQ 2nd 1785 (Fed. Cir. November 5, 2014)

Jessica L. Copeland – Hodgson Russ LLP

10:15 – 10:25 AM

§102 and §103 Rejections Affirmed. **PCT International, Inc. v. Ampherol Corporation**, IPR 2013-00229, Paper 30 (PTAB September 11, 2014) PTAB held claims were unpatentable over reference in view of common knowledge of a creative skilled artisan; **Handi Quilter, Inc. and Tacony Corporation v. Bernina International AG**, IPR 2013-00364 (PTAB October 1, 2014) Claims found to be unpatentable.

Rubén H. Muñoz – Akin Gump Strauss Hauer & Feld LLP

10:25 – 10:35 AM

ETHICS

Inequitable Conduct. Digest of **Am. Calcar, Inc. v. Am. Honda Motor Co.** C.A. No. 2013-1061 (Fed. Cir. Sept. 26, 2014): Federal Circuit affirmed finding of inequitable conduct. District Court did not err in finding intent to deceive where the co-inventor gave contradictory testimony in an earlier proceeding.

Dimitry Zuev – Cantor Colburn LLP

10:35 – 10:45 AM

ETHICS

Japanese Foundation for Cancer Research v. Michelle K. Lee and United States Patent and Trademark Office, C.A. No. 2014-1014 (Fed. Cir. Dec. 9, 2014): Terminal disclaimer filed in application by attorney with power of attorney binds the client to the consequences of the attorney's action.

Diane Dunn McKay – Porzio, Bromberg & Newman, P.C.

10:45 – 10:55 AM

Q & A – 10 minutes

10:55 – 11:10 AM

AM Break – 15 minutes

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PANEL II

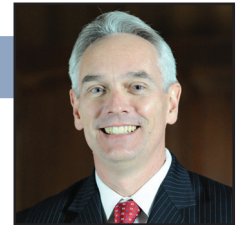
Pharmaceuticals/Life Sciences

Moderator – Dorothy Auth
Cadwalader, Wickersham & Taft LLP

11:10 – 11:30 AM

Markus H. Meier,
Assistant Director of the FTC

FEATURED
SPEAKER



Where the FTC Stands on Pharmaceutical Reverse-Payment Settlements

11:30 – 11:40 AM

ETHICS

Apotex, Inc. v. UCB, Inc., Appeal No. 2013-1674 (Fed. Cir. August 15, 2014): Patent is unenforceable due to inequitable conduct.

William McCabe – Ropes & Gray LLP

11:40 – 11:50 AM

Sandoz, Inc. v. Amgen, Inc. and Hoffman-La Roche, Inc., Case No. 2014-1693 (Fed. Cir. Dec. 5, 2014): Generic companies need to file an application for FDA approval before filing a suit under BPCIA.

Eric A. Dichter – Johnson & Johnson

11:50 AM – Noon

Antares Pharma, Inc. v. Medac Pharma, Inc., 2014 U.S. App. LEXIS 21737,1 (Fed. Cir. November 17, 2014): Federal Circuit announces “clearly and unequivocally” disclosure test when it comes to adding new claims in the reissue patents.

Alyson J. DiLena – St. Onge Steward Johnston & Reens LLC

12:00 – 12:10 PM

Eli Lilly & Co. v. Teva Parenteral Meds., Inc., 567 Fed. Appx. 967 (Fed. Cir. July 25, 2014): A patent infringement case is remanded in light of *Limelight*.

Bruce D. DeRenzi – Crowell & Moring LLP

12:10 – 12:15 PM

Q & A – 5 minutes

PANEL III

High Tech

Moderator – Allen Bloom
Dechert LLP

12:15 – 12:25 PM

Google v. Oracle America, Inc. (Pet. For Cert. filed October 6, 2014): Are methods of operation embodied in computer programs entitled to copyright protection?

Stephen Quigley – Ostrolenk Faber LLP

12:25 – 12:35 PM

What Types of Software Inventions Are Statutory Under 35 USC 101 Post-**Alice v. CLS Bank**?

Clark Jablon – Panitch Schwarze Belisario Nadel LLP

12:35 – 12:45 PM

Fed. Circuit Review of the PTAB's IPR and CBM Decisions; **In re Cuozzo** (2014-1301), Feb. 4, 2015)

Basam Nabulsi – McCarter & English, LLP

12:45 – 12:55 PM

Update on PTAB's IPR and CBM Decisions Since Spring 2014

Michael Teschner – Lerner, David, Littenberg, Krumholz & Mentlik, LLP

12:55 – 1:00 PM

Q & A – 5 minutes

1:10 – 1:40

Lunch

1:10 – 1:40 PM

31st Annual JPPCLE Luncheon

Broadway Ballroom South

1:40 – 2:05

Keynote Address

Hon. Jimmie V. Reyna



Honorable Jimmie V. Reyna – *Circuit Judge, United States Court of Appeals for the Federal Circuit*

Looking Ahead: New Developments and Challenges for the CAFC

Panel IV

Litigation

Moderator – John S. Child, Jr.
Paul and Paul

2:15 – 2:25 PM

State of Vermont v. MPHJ Technology Investments, LLC, 2014-137 (Fed. Cir. August 11, 2014): Subject Matter Jurisdiction decision involving claim of unfair and deceptive trade practices.

Anne Hassett – Engelberg Center on Innovation Law and Policy, New York University School of Law

2:25 – 2:35 PM

Kennametal, Inc. v. Ingersoll Cutting Tool Co. (2015 U.S. App. LEXIS 4832 - decided 3/25/15): Appeal decision of an opinion in an *inter partes* reexamination relating to the propriety/requirements of an anticipatory reference.

Martin Faigus – Caesar Rivise Bernstein Cohen & Pokotilow, Ltd.

2:35 – 2:45 PM

ETHICS

Monsanto Co. v. E.I. Du Pont de Nemours & Co., 748 F.3d 1189 (Fed. Cir. May 9, 2014): Court sanctions for misrepresentations before the court.

Robert Curcio – DeLio, Peterson & Curcio, LLC

2:45 – 2:55 PM

VirnetX, Inc., v. Cisco Systems, Inc. (2013-1489, 9/16/14): What is a reasonable royalty?

Mark Pohl – Pharmaceutical Patent Attorneys, LLC

2:55 – 3:05 PM

ETHICS

Duty of Candor in Post-Issuance Proceedings

Ira J. Levy – Goodwin Procter LLP

3:05 – 3:15 PM

Vibrant Media, Inc. v. General Electric Co. (IPR2013-00172): Indefinite Claims Are Reviewed for Obviousness by the PTAB.

Stanton Weinstein – Lockheed Martin Corporation

3:15 – 3:25 PM

Digest of Homeland Housewares, LLC v. Sorensen Research and Development Trust, 2013-1345, -1383 (Fed. Cir. September 8, 2014): Summary judgment affirmed by the CAFC after patent troll failed to support its infringement case.

J. Robert Dean – Ohlandt, Greeley, Ruggiero & Perle, LLP

3:25 – 3:30 PM

Q & A – 5 minutes

3:30 – 3:45 PM

PM Break – 15 minutes

Sponsored by **PATTERSON + SHERIDAN** LLP

Panel V

Supreme Court

Moderator – Ian Lodovice
Fish & Richardson

3:45 – 3:55 PM

Teva Pharma. USA, Inc. v. Sandoz, Inc.: Limiting *de novo* Appellate Review of Claim Construction

Lou Budzyn – Hoffmann & Baron, LLP

3:55 – 4:05 PM

Supreme Court Curbs Inducement Doctrine: **Limelight Networks v. Akamai Technologies** 134 S. Ct. 2111 (2014).

Anthony LoCicero – Amster Rothstein & Ebenstein, LLP

4:05 – 4:15 PM



Federal Circuit “Snuffed” by the Supremes – Again! **Octane Fitness v. Icon Health & Fitness and Highmark v. Allcare Healthcare Management Systems.**

Charles Quinn – Fox Rothchild LLP

4:15 – 4:25 PM

Nautilus Decision Defines the Test for Indefiniteness: **Nautilus v. Biosig Instruments** 134 S. Ct. 2120 (2014)

Fred Spaeth – Dilworth IP

4:25 – 4:35 PM

Burden of Proof of Infringement in a Declaratory Judgment Action: **Medtronic v. Mirowski Family Ventures, LLC** 134 S. Ct. 843 (2014)

Andrea Colby – Johnson & Johnson

4:35 – 4:45 PM

Damages and Defense of Laches: **SCA Hygiene Products Aktiebolag v. First Quality Baby Products, LLC**, No. 2013-1564 (Fed. Cir. September 17, 2014) (rehearing en banc granted December 30, 2014)

Matthew McFarlane – Robins Kaplan LLP

4:45 – 4:55 PM

Will the Supreme Court Remove Brulotte’s Shadow Over Patent Licensing? **Kimble v. Marvel Enterprises, Inc.** (Supreme Ct. 13-720)

Aaron R. Ettelman – Panitch Schwarze Belisario & Nadel LLP

4:55 – 5:00 PM

Q & A – 5 minutes

Program Concludes at 5:00 PM

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Inn of Court

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This Program reflects topics and speakers planned as of April 1, 2015.

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