

26th Annual Joint Patent Practice Seminar
Thursday, April 29, 2010 - Hilton New York

PROGRAM AND SPEAKERS – EVERYTHING NEW IN ONE DAY !!!

8:40 - 8:45 AM **Welcome Remarks**

Panel I - Litigation

Anthony Giaccio – Kenyon & Kenyon LLP - Moderator

8:45 - 8:55 **Through the Looking Glass: Implications of Product versus Product by Process Claim Construction in Gemtron v. Saint-Gobain.**

Lynn B. Morreale – Woodcock Washburn LLP

8:55 - 9:05 **The Qui Tam Plaintiff – Raiders of the False Mark**

Joseph A. Farco – Locke Lorde Bissell & Liddle LLP

9:05 – 9:15 **Towards an Ethical Referent and Commitment to Civility** (*Ethics*)

Prof. Paula Franzese – Seton Hall School of Law

9:15 - 9:25 **Deep-six The Methods: The Limits of Section 271(f) Under Cardiac Pacemakers v. St. Jude Medical**

Raymond B. Churchill, Jr. – Lerner, David, Littenberg, Krumholtz & Mentlik LLP

9:25 - 9:35 **Pitfalls in Royalty Calculations after Lucent and ResQNet**

Edward M. Mathias – Axinn Veltrop Harkrider LLP

9:35 - 9:45 **Pre-Critical Date Copyright Registration of Manuscript Disclosing Claimed Subject Matter Does Not Establish Presumption of Invention's Public Accessibility – In re Lister, 92 USPQ2d 1225 (Fed. Cir. 2009)**

Patrick J. Hagan – Dann Dorfman Herrell and Skillman, P.C.

9:45 - 9:55 **Tire-d of the Confusion: Clarifying the Legal Standard and Burden of Proof for a Preliminary Injunction in a Patent Case (Titan Tire Corp. v. Case New Holland, Inc.)**

Mark J. Abate – Goodwin Procter LLP

9:55 -10:05 **Q & A - 10 minutes**

Panel II – Pharmaceuticals/Life Sciences

Nanette S. Thomas – Becton Dickinson Co. - Moderator

10:05 - 10:15 **Bayer Schering Pharma AG v. Barr Laboratories–Patent Invalid Under the Obvious to Try Test**

Diane Dunn McKay – Porzio, Bromberg & Newman

- 10:15 - 10:25 **Ischemia Research and Education Foundation v. Pfizer - Unauthorized Database Access**
Alex R. Sluzas – Paul and Paul
- 10:25 - 10:35 **Ariad Pharmaceuticals, Inc. et al. v. Eli Lilly and Company, 560 F3d 1366 (Fed. Cir. 2009) - Written disclosure requirement**
Richard Twilley – McCormick, Paulding & Huber LLP
- 10:35 - 10:45 **What is “Material Changed” under 35 U.S.C. §271(g)? Amgen v. Hoffmann-La Roche 580 F.3d 1380 (Fed. Cir. 2009)**
Jay P. Lessler – Blank Rome LLP
- 10:45 - 10:55 **Product-By-Process Claims: Abbott Labs. v. Sandoz, Inc. (Fed. Cir. 2009)**
Krishna G. Banerjee – Merck & Co. Inc.
- 10:55 - 11:05 **University of Pittsburgh et al. v. Hedrick et al., 573 F3d 1290 (Fed. Cir. 2009) - Inventorship and Co-Invention in a Biotechnology Setting**
Kathryn R. Doyle – Drinker Biddle & Reath LLP
- 11:05 - 11:15 **Q & A - 10 minutes**
- 11:15 - 11:30 **Break**

Panel III – Ethics

James P. Jeffry – St. Onge Steward Johnston & Reens - Moderator

- 11:30 - 11:40 **In re Bose Corp. – The federal circuit reverses the TTAB and changes the standard for cancellation of registrations based on misstatements in the identification of goods.**
Anthony Lo Cicero – Amster, Rothstein & Ebenstein LLP
- 11:40 - 11:50 **Looking for Ethical Issues in Mergers/Acquisitions**
Michael B. Fein – Cozen O’Connor
- 11:50 - 12:00 **Exergen Corp. v. Wal-Mart – Pleading Inequitable Conduct**
Walter B. Welsh – St. Onge Steward Johnston & Reens
- 12:00 - 12:10 **Board of Trustees of the Leland Stanford Junior University et al. v. Roche Molecular Systems, Inc. et al., 2008-1509, -1510 (Fed. Cir. 2009) - How technology transfer activities of universities and research institutes may affect ownership, interest, license and shop rights to patents**
Andrea L. Colby – Johnson & Johnson
- 12:10 - 12:20 **Revised NYS Ethics Rules on the Attorney as a Witness**
Thomas F. Fleming – Kaye Scholer LLP

12:20 - 12:30 **TiVo v. EchoStar Designing Around An Injunction: Seek Permission or Roll The Dice?**

Richard H. Brown – Day Pitney LLP

12:30 - 12:40 **Q & A - 10 minutes**

**Keynote
Speaker**

**Hon. Pauline Newman, Circuit Judge
United States Court of Appeals for the Federal Circuit**

12:40 - 1:55 **Lunch and Keynote Speaker**

Panel IV – Licensing/Foreign Patent Practice/ITC

Lynda L. Calderone – Flaster Greenberg - Moderator

1:55 - 2:05 **Epistar v. International Trade Commission and Philips Lumileds Lighting, 91 USPQ 2d 1180 (Fed. Cir. 2009) - Impact of Merger/Buyout on Prior Agreement to Not Challenge Patent Validity**

Robert H. Fischer – Fitzpatrick, Cella, Harper & Scinto

2:05 - 2:15

Bio Bilski: The SDNY's ACLU v. Myraid Genetics Decision (Summary judgment that claims in seven patents relating to Breast Cancer Susceptibility Genes 1 and 2 are invalid pursuant to 35 U.S.C. Section 101).

Aleksander J. Goranin – Woodcock Washburn LLP

2:15 - 2:25

Caveat Emptor – Ambiguity in a Patent Assignment: Euclid Chemical Co. v. Vector Corrosion Technologies, Inc. 561 F.3d 1340 (Fed. Cir. 2009)

Lou A. Budzyn – Hoffmann & Baron LLP

2:25 - 2:35

Patent Pools, Standards Setting, and Patent Misuse: Who Bears What Burden? Princo v. Int'l Trade Commission

Charles A. Weiss – Kenyon & Kenyon LLP

2:35 - 2:45

Attendance At United States Trade Shows By Foreign Nationals Can Create A Basis For *In Personam* Jurisdiction

Thomas Rechen – McCarter & English LLP

2:45 - 2:55

German Inventorship Law and its Consequences

Frank D. Peterreins – Fish & Richardson P.C.

2:55 - 3:05

Lessons in How Contract Constructions Can Impact Patent Ownership - Tyco Healthcare Group v. Ethicon Endo-Surgery, Inc.

Dorothy R. Auth – Cadwalader, Wickersham & Taft LLP

3:05 - 3:15 **Corebrace v. Star Seismatic, 566 F3d 1069 (Fed Cir 2009) - Implicit license to "have made" by a third party arises in a general make, use and sell license unless expressly disclaimed**

Stephen B. Schott – Volpe & Koenig P.C.

3:15 - 3:25 **The International Trade Commission and Design Patents**

Anthony H. Handal - Handal & Morofsky LLC

3:25 - 3:35 **Q & A - 10 minutes**

3:35 - 3:50 **Break**

Panel V – USPTO

Daniel A. Monaco – Drinker Biddle & Reath LLP - Moderator

3:50 - 4:00 **Patent Reform Act of 2010: Problems and Pitfalls**

Jay H. Anderson – Wiggin & Dana LLP

4:00 - 4:10 **Current status of In re Bilski, (Fed. Cir. 2008) - Patentable Subject Matter**

Leah Reimer – Cantor Colburn LLP

4:10 - 4:20 **Hindsight Bias: The Human Condition**

Frank S. DiGiglio – Scully Scott Murphy & Presser P.C.

4:20 - 4:30 **Larson Mfg Co. of South Dakota, Inc. v. Aluminart Products Ltd., 90 USPQ2d 1257 (Fed. Cir. 2009)**

Rabiya Kader – L'Oreal

4:30 - 4:40 **Thoughts on Best Practices Regarding Inventorship and Dealing with Inventors**

Charles N. Quinn – Fox Rothschild LLP

4:40 - 4:50 **Patent Term Adjustments: *post*-Wyeth**

Edward L. McMahon – Olhandt, Greeley, Ruggerio & Perle LLP

4:50 - 5:00 **Q & A - 10 minutes**

Program Concludes at 5:00 PM