



The Sedona Conference
WG9 and WG10 Joint Annual Meeting
The St. Regis Hotel
Houston, Texas

DAY ONE: Monday, February 27, 2017

7:30 — 8:30 Breakfast & Registration

8:30 — 8:45 Welcome and Introductions
(Arenz, Hoffman, Hutz, Weinlein)

8:45 — 10:00 [Panel 1] Policy considerations and concerns with the current state of the law on patent damages, including the potential impact of the Supreme Court's recent *Samsung v. Apple* opinion
(Day, Hall, Hutz*, Joslin, Powers)

Materials:

- [01] *WG9 Commentary on Case Management of Patent Damages and Remedies* (Feb. 2017 ver.)
- [02] *WG9 Commentary on Patent Damages and Remedies: Proposed Model Rule for Damages Contentions* (Apr. 2016 public comment ver.)
- [03] *WG9 Commentary on Patent Reasonable Royalty Determinations* (Dec. 2016 Edition)

10:00 — 11:15 [Panel 2] Parallel USPTO Proceedings from the perspective of PTAB litigation
(Banowitz*, Bencivengo (J), Braden (J), Drange, Morin, Stroud)

Materials:

- [04] *WG10 Commentary on Patent Litigation Best Practices: Parallel USPTO Proceedings Chapter (Stage One)* (Oct. 2016 Edition)
- [05] *WG10 Commentary on Patent Litigation Best Practices: Parallel USPTO Proceedings Chapter (Stage Two) – Project Charter* (Feb. 2017 ver.)

11:15 — 11:30 Morning Break

11:30 — 12:30 [Panel 3] Management of pharma/bio patent litigations—Understanding their special issues
(Fishman*, Hoffman, Hutz, Rurka, Storto)

Materials:

- [06] *WG10 Commentary on Patent Litigation Best Practices: Biopharma Litigation Chapter* (Feb. 2017 ver.)

12:30 — 1:45 Lunch

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1:45 — 2:45 [Panel 4] International Trade Commission section 337 investigations
(Busey*, Lehman, Murphy, Schaumberg)

Materials:

- [07] *WG10 Commentary on Patent Litigation Best Practices: International Trade Commission Section 337 Investigations Chapter* (Feb. 2017 ver.)
- [08] G. Brian Busey & Mary Prendergast. *2015 Revisions on the Federal Rules of Civil Procedure: Have they had any impact on ITC Proceedings (and should they)?* (Oct. 2016)

2:45 — 3:45 [Panel 5] FRAND and SEP—Effective case management to focus the issues and advance the litigation
(Kallay, Layne-Farrar, Long*, Selwyn)

Materials:

- [09] *WG9 Commentary on Patent Damages and Remedies: SEP/FRAND Litigation Chapter* (Feb. 2017 ver.)

3:45 — 4:00 Afternoon Break

4:00 — 5:00 [Panel 6] Developing trade secrets compliance and litigation best practices after the Defend Trade Secrets Act
(Cooper*, Gupta, Sammi, Songer)

Materials:

- [10] *The Sedona Conference Trade Secrets Working Group Exploratory Committee Report* (Feb. 2017 ver.)
- [11] James Pooley. *The Myth of the Trade Secret Troll: Why the Defend Trade Secrets Act Improves the Protection of Commercial Information* (2016)

5:00 — 7:00 Reception

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DAY TWO: Tuesday, February 28, 2017

7:30 — 8:30 Breakfast & Registration

8:30 — 10:00 [Panel 7] Whether damages-focused hearings can be used relatively early in the case to focus the litigation

(Bencivengo (J), Jeffries, Love (J), Ludington, Ratliff)*

Materials:

- [12] *WG9 Commentary on Case Management of Patent Damages and Remedies Issues: Section on Patent Damages Hearings – Project Charter* (Feb. 2017 ver.)
- [13] *N.D. Cal. Patent Local Rules* (Jan. 2017) [damages discovery and contentions provisions highlighted]
- [14] *Docket Control Order*, Hon. John D. Love, E.D. Tex. [damages hearings provisions highlighted]

10:00 — 11:00 [Panel 8] Effective management of multidistrict litigation and “Pseudo-MDLs” from the courts’ and the parties’ perspectives

(Arenz, Beckwith, Clark (J), Shelton)*

Materials:

- [15] *WG10 Commentary on Multi-District Litigation/“Pseudo-MDLs” – Project Charter* (Feb. 2017 ver.)
- [16] Patrick M. Arenz and Christine S. Yun Sauer, *An Overview of Multidistrict Litigation in Patent Cases* (2016)

11:00 — 11:15 Morning Break

11:15 — 12:30 [Panel 9] Willful infringement in light of *Halo*

(Arnold, Atlas (J), Hoffman, Morton)*

- [17] *WG10 Commentary on Case Management of Patent Damages and Remedies Issues: Section on Willful Infringement – Project Charter* (Feb. 2017 ver.)
- [18] *WG10 Commentary on Patent Litigation Best Practices: Section on Exceptional Case Determinations* (Oct. 2016 public comment version)

12:30 — 12:35 Closing Statements

(Weinlein)

12:35 — 1:30 Grab and Go Lunch (provided)