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Who Should Attend:

All attorneys, business executives and expert witnesses involved in patent enforcement and litigation

A One-Day In-Depth Workshop on

Patent Enforcement & Early Stage Litigation

Practical tips to maximize your chances for success

June 19, 2009

San Francisco, California

InterContinental Mark Hopkins Hotel

Credits: CA MCLE 6.75 inc 1 Ethics (call about others)

Quick when/where: 8:30 a.m., One Nob Hill

Patent Enforcement & Litigation Workshop

June 19, 2009 | San Francisco, California
InterContinental Mark Hopkins Hotel

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09PATCA WS



- 8:00 Registration and Continental Breakfast**
- 8:30 Introduction and Overview**
Paul R. Gupta, Esq., Program Co-Chair
 Orrick Herrington & Sutcliffe LLP ~ New York, NY
Martin R. Lueck, Esq., Program Co-Chair
 Robins, Kaplan, Miller & Ciresi LLP ~ Minneapolis, MN
Brian M. Martin, Esq., Program Co-Chair
 Senior Vice President and General Counsel
 KLA-Tencor ~ Fremont, CA
- 8:45 Recent Decisions Impacting Patent Viability, Value, and Enforceability**
 Mapping the territory of a changed landscape, particularly for claim construction and infringement theories: *Bell Atlantic v. Twombly*; *eBay v. MercExchange*; *Quanta v. LGE*; *MedImmune v. Genentech*; *In re Bilski*; *Gottschalk v. Benson*; other new developments
Daralyn J. Durie, Esq.
 Durie Tangri Page Lemley Roberts & Kent LLP
 San Francisco, CA
- 9:30 A Fresh Look at the Plaintiff's Decision to Sue or License**
 Adjusting to new requirements for a successful complaint: Navigating the restrictions of *Bell Atlantic v. Twombly*, *Quanta v. LG* and *MedImmune v. Genentech*; sequence and timing of steps; when you need opinion of counsel; impact on your negotiating strategy
Martin R. Lueck, Esq., Program Co-Chair
- 10:15 Break**
- 10:30 Updating the Defendant's Approach to Developing a Defense Strategy**
 Exploring the nuances of recent decisions on invalidity, inequitable conduct, estoppel, and other defenses; adapting your strategy when the plaintiff is not an operating company
Paul R. Gupta, Esq., Program Co-Chair
- 11:15 Effective Procedural Practice for Plaintiffs and Defendants**
 Venue issues and the diminished role of the Eastern District of Texas; use of mandamus; appeal/appealability considerations; en banc review; certiorari; protective orders; other moves and counters; Markman hearing strategies
Robert A. McFarlane, Esq.
 Townsend and Townsend and Crew LLP ~ San Francisco, CA

- 12:00 Lunch (on your own)**
- 1:15 Special Judicial Panel: Patent Litigation Under the New Case Law**
 Bringing patent suits under the new case law; recent case management developments affecting prospects for filing
Paul R. Gupta, Esq., Program Co-Chair
The Hon. Eugene F. Lynch (Ret.)
 JAMS ~ San Francisco, CA
- 2:00 Conveying Complex Technology**
 New techniques for presenting technology to non-technical judges and juries
Philip K. Anthony, Ph.D., Chief Executive Officer
 DecisionQuest ~ Torrance, CA
- 2:45 Break**
- 3:00 Wrap-Up Panel: Working Through the Legal, Economic, and Business Decisions for a Successful Strategy**
 Procurement strategies and how to get useable patents
Brian M. Martin, Esq., Program Co-Chair
Wayne Barsky, Esq.
 Gibson, Dunn & Crutcher LLP ~ East Los Angeles, CA
Kevin P. McAndrews, Esq., Director of Intellectual Property
 KLA-Tencor ~ San Jose, CA
- 4:00 Ethical Issues in Patent Litigation**
 Willfulness; misuse of opinions of counsel; scope of waiver of privilege/work product; discovery issues including the potential for violation of the Computer Fraud and Abuse Act
Susan S. Azad, Esq.
 Latham & Watkins LLP ~ Los Angeles, CA
- 5:00 Evaluations and Adjourn**



About the Workshop

LAW SEMINARS INTERNATIONAL

Advanced Workshops

offer busy practitioners intensive up-to-date information in a one-day program.

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Whether you are a patent holder, or an accused infringer, your opening moves can help put you in a better position to avoid litigation or to gain victory if a suit is filed. Knowing your potential gains if you prevail, and potential downsides if the case goes against you, is key in entering and maintaining litigation. You need a well-developed strategy in the early stages of patent litigation to get what you want and to maximize your chances for success.

In this comprehensive workshop, leading patent litigators will share practical planning strategies that you can use immediately. You will have an opportunity to learn the best steps to take, including strategies for negotiation and defense, working through legal, economic and business decisions, and the impact of recent case law. In addition, you will learn how to evaluate your case at an early stage to assist you in deciding when to push harder and when to settle.

~ Program Co-Chairs: Paul R. Gupta, Esq. and Martin R. Lueck, Esq. and Brian Michael Martin, Esq.



Paul R. Gupta, *Program Co-Chair*, litigation partner at Orrick Herrington & Sutcliffe LLP and member of the firm's Intellectual Property Group, focuses on Intellectual Property, information technology and antitrust matters. He was named a "New York Super Lawyer" and listed in *Chambers*.

Martin R. Lueck, *Program Co-Chair*, Chairman of the Executive Board and Chairman of the Business Litigation Group at Robins, Kaplan, Miller & Ciresi LLP, practices Intellectual Property litigation and licensing, antitrust, trade regulation and competition law. He was named one of the nation's "Ten Top Litigators" by *The National Law Journal* and a "Super Lawyer" by *Minnesota Law and Politics*, and listed in *Best Lawyers* and *Chambers*.

Brian M. Martin, *Program Co-Chair*, is Senior Vice President and General Counsel at KLA-Tencor. Previously he was Vice President, Corporate Law Group at Sun Microsystems.

Philip K. Anthony, Ph.D., Chief Executive Officer of DecisionQuest, consults on a variety of high-profile disputes including contractual matters, Intellectual Property, antitrust, insurance, lender liability and toxic tort. He was Director and Corporate Secretary of the Make-A-Wish Foundation.

Susan S. Azad, litigation partner at Latham & Watkins LLP and member of the Intellectual Property Group and Distressed Credit Markets Advisory Group, focuses on patent infringement and trade secret matters. She is a member of the firm's Ethics Committee and advises on ethics issues in addition to heading up the firm's ethics training programs. She also successfully pressed an application of the Rules of Professional Conduct to attorney liens before the California Supreme Court in *Fletcher v. Davis*.

Wayne Barsky, partner at Gibson, Dunn & Crutcher LLP and National Co-Chairman of the Intellectual Property Practice Group, focuses on patent litigation for clients in the biotechnology, computer and software industries. He was named "one of the top 500 trial lawyers in the United States" by *LawDragon* and a "Super Lawyer" by *Los Angeles Magazine*.

Daralyn J. Durie, partner with Durie Tangri Page Lemley Roberts & Kent LLP, focuses on Intellectual Property, including patent claims and litigation, class actions and liability matters. She was named "one of the top 50 litigators under age 45 in the United States" by *The American Lawyer* and "one of the top 100 lawyers and one of the top 50 Intellectual Property lawyers in California" by the *Daily Journal*.

The Hon. Eugene F. Lynch (Ret.), of JAMS, mediates and arbitrates cases involving large scale commercial disputes, securities class actions, Intellectual Property including patent matters, environmental, professional malpractice, insurance coverage, Americans with Disabilities Act, and employment cases including age, race, and gender. He served as the Designated Settlement Judge of the United States District Court for the Northern District of California.

Kevin P. McAndrews is Director of Intellectual Property at KLA-Tencor.

Robert A. McFarlane, partner at Townsend and Townsend and Crew LLP, is a registered patent attorney who focuses on litigation matters, including patent infringement and other Intellectual Property cases, as well as software performance and technology-related commercial disputes. He also teaches patent law as an adjunct professor at Golden Gate University School of Law.



Registration & Other Workshop Information

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day, June 12, 2009. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

Seminar Location: The workshop will be held at the InterContinental Mark Hopkins Hotel at One Nob Hill in San Francisco, CA 94108. Call the hotel directly at (415) 392-3434 for reservations and mention that you are attending a Law Seminars International workshop. Rooms are on a first come, first served basis.

Continuing Education Credits: Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 6.75 California MCLE credits including 1 Ethics. Upon request, we will apply for CLE credits in other states and other types of credits.

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You Will Learn About:

- Recent decisions impacting patent viability, value, and enforcement
- Adjusting to new requirements for a successful complaint
- Effective procedural practice for plaintiffs and defendants
- Bringing patent suits under new case law
- New techniques for presenting technology to non-technical judges and juries
- Working through the legal, economic, and business decisions for successful strategy
- Ethical issues in patent litigation

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kate@lawseminars.com

Law Seminars International News:

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Patent Prosecution and Enforcement	July 15, 2009	Seattle, WA
Buying, Selling, and Licensing Patents	July 20, 2009	Washington, DC
IP Licensing 2009	August 20-21, 2009	Seattle, WA
Defending Early Stage Patent Claims	October 1-2, 2009	Los Angeles, CA
Standards Setting and Patent Pools	October 1-2, 2009	Los Angeles, CA
Technology Law	December 3-4, 2009	Seattle, WA

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