

2024 Bench & Bar® Conference Agenda (Revised June 7, 2024)

Wednesday, June 19 – Saturday, June 22, 2024
Wild Dunes Resort | Isle of Palms, SC

The Evolution of U.S. Law: A Growing Blend of Diverse Perspectives

Wednesday, June 19, 2024

12:00 PM – 8:00 PM ET **Bench & Bar® Conference Registration**

Plenary

1:00 PM – 1:30 PM ET **Mock Argument Check-in**

1:30 PM – 2:15 PM ET **Mock Argument First Round**

2:15 PM – 2:30 PM ET **Mock Argument Break**

2:30 PM – 3:15 PM ET **Mock Argument Second Round**

3:20 PM – 3:30 PM ET **Mock Argument Awards and Closing Remarks**

3:30 PM – 4:00 PM ET **Advocate Photos**

6:00 PM – 8:00 PM ET **Welcome Reception**

Thursday, June 20, 2024

Plenary

7:30 AM – 8:30 AM **General Attendee Breakfast**

8:30 AM – 8:45 AM **Welcoming Remarks** – Patrick C. Keane, President,
Federal Circuit Bar Association® | Executive Shareholder,
Buchanan Ingersoll & Rooney PC

Plenary

8:45 AM – 9:00 AM **State of the Court** – Remarks from the Honorable Kimberly A. Moore,
Chief Circuit Judge, United States Court of Appeals for the Federal Circuit.

Plenary

9:00 AM – 10:00 AM **Federal Circuit Perspectives** – In keeping with long-standing Bench and Bar®
tradition, the incoming President of the Federal Circuit Bar Association® will

moderate a panel discussion of Judges of the United States Court of Appeals for the Federal Circuit. Questions will include best practices in scheduling, presenting argument, seeking *en banc* review, coordinating related appeals, and other significant procedural and practical views from the Bench. This is the bar's opportunity to hear from the Judges about their views, likes, and dislikes, outside of the context of particular cases.

Moderator:

- Jennifer H. Wu, President-Elect, Federal Circuit Bar Association®
| Partner, Groombridge, Wu, Baughman & Stone LLP

Panelists:

- The Honorable Circuit Judges of the United States Court of Appeals for the Federal Circuit (TBA)

10:00 AM – 10:15 AM

Networking Break

Parallel Tracks

10:15 AM – 11:15 AM

Best Practices on Expert Testimony: Insights from Judges and Practitioners on Admitting Expert Testimony Under Amended Rule 702

– What are the best practices for admitting expert testimony before the factfinder? Federal Rule of Evidence 702 was amended in December 2023 to provide that the proponent of expert testimony must meet all of the Rule's substantive standards for admissibility by a preponderance of the evidence, and in particular that an adequate basis for such testimony is a prerequisite to admissibility. This discussion will focus on procedural, practical, and policy concerns that come into play when admitting expert testimony under amended Rule 702 in IP cases, including expert testimony addressing damages.

Co-Moderators:

- Natalie A. Bennett, Partner, Morgan Lewis & Bockius LLP
- Jason Romrell, Partner, Finnegan, Henderson, Farabow, Garrett & Dunner LLP

Panelists:

- The Honorable Leonard P. Stark, Circuit Judge, United States Court of Appeals for the Federal Circuit
- The Honorable Kent A. Jordan, Judge, United States Court of Appeals for the Third Circuit
- Azra Hadzimehmedovic, Partner, Tensegrity Law Group LLP

- Lauren Dreyer, Partner, Baker Botts LLP
- Yon Sohn, IP Litigation Counsel, Qualcomm

10:15 AM – 11:15 AM

AI Panel – This panel will feature judges, in-house counsel, and law firm attorneys. The panel will address the rapidly evolving landscape of legal issues surrounding the development and use of artificial intelligence in areas that relate to the Federal Circuit’s jurisdiction. Topics that the panel may address include but are not limited to the use of AI to facilitate patent prosecution, use of AI for legal research and argument development, use of AI for prior art search and analysis, ethical implications of AI use by attorneys, patent protection for inventions that involved the use of AI, whether AI presents a need to update the statutory inventorship requirement to ensure that the patent system continues to foster the type of economic activity that is actually driving technologically focused parts of the economy, whether AI can facilitate obviousness analysis such as whether AI models can help evaluate and/or eliminate hindsight bias in obviousness analysis, how use of third party AI tools interacts with public disclosure for novelty purposes, discovery-related and evidentiary issues regarding AI in patent litigation, issues related to damages and injunctive relief for patent infringement involving the use of AI. Given the rapidly evolving landscape surrounding the development and use of AI, it is expected that the above topics will evolve as well in the time leading up to the conference.

Co-Moderators:

- Aaron Nathan, Partner, Tensegrity Law Group LLP
- Lucky Vidmar, Head of IP Litigation, Microsoft Corporation

Panelists:

- The Honorable Stephen Alexander Vaden, Judge, United States Court of International Trade
- The Honorable Michael Baylson, Senior District Judge, United States District Court for the Eastern District of Pennsylvania
- Timothy K. Wilson, General Counsel and Corporate Secretary, RASA Energy Inc.

11:15 AM – 11:30 AM

Networking Break

Plenary

11:30 AM – 12:30 PM

Gender in the Courtroom: How Jurors and Judges Perceive Female Attorneys and Witnesses (Elimination of Bias CLE Credit) –

Practitioners, judges, and jury experts will explore gender disparity among appellate advocates from the private bar and the biases female attorneys and witnesses face in the courtroom. Panelists will share best practices for selecting oral advocates, preparing witnesses, and tailoring presentations for different audiences. We will also explore ways to overcome biases in the courtroom. This panel plans to offer Elimination of Bias CLE credit.

Co-Moderators:

- Elizabeth "Libby" Moulton, Partner, Orrick, Herrington & Sutcliffe LLP
- Elaine Herrmann Blais, IP Litigator, Goodwin Procter LLP

Panelists:

- The Honorable Todd Hughes, Circuit Judge, United States Court of Appeals for the Federal Circuit
- Claudia Burke, Deputy Director, U.S. Department of Justice, Commercial Litigation Branch – Civil Division
- The Honorable Edward Chen, Senior District Judge, United States District Court for the Northern District of California
- Daralyn Durie, Partner, Morrison & Foerster LLP
- Katherine Smith, Deputy General Counsel, U.S. Merit Systems Protection Board, Office of General Counsel

Plenary

12:30 PM – 1:00 PM

A Conversation with Farheena Rasheed, Acting Solicitor, United States Patent and Trademark Office

Moderator: Patrick C. Keane, President, Federal Circuit Bar Association®
| Executive Shareholder, Buchanan Ingersoll & Rooney PC

1:00 PM – 1:15 PM

Federal Circuit Bar Association® Annual Meeting

6:00 PM – 7:00 PM

Reception

7:00 PM – 9:30 PM

Dinner | Keynote Speaker: Iris Lan, General Counsel, NASA

Friday, June 21, 2024

6:30 AM – 7:30 AM

FCBA 2024 Annual 5K Fund Run/Walk Classic

7:30 AM – 8:30 AM

General Attendee Breakfast

Parallel Tracks

8:30 AM – 9:30 AM

Continuation Applications, Patent Term, and Post-Grant Proceedings – This panel will explore the who, what, where, and why of continuation patents and whether and how it affects post-grant proceedings. Examining its impacts (both positive and negative) on different industries and potential solutions to improve the overall patent system and double patenting.

Co-Moderators:

- Vishal Amin, Head of IP Policy, Intel Corporation
- Robert Armitage, Consultant, IP Strategy & Policy

Panelists:

- Dan Choi, Associate General Counsel and Chief Patent Counsel, Microsoft
- Sandy Kuzmich, Partner, Haug Partners
- Monica Lateef, Associate Solicitor, United States Patent and Trademark Office
- Joseph Matal, Principal, Clear IP, LLC
- The Honorable Kathleen O'Malley (Ret.), Of Counsel, Sullivan & Cromwell LLP, and Former Circuit Judge, United States Court of Appeals for the Federal Circuit

8:30 AM – 9:30 AM

Global Patent Remedies – This panel will discuss injunctions, exclusion orders, and damages in relation to patent enforcement. The advantages and disadvantages of each type of remedy will be explored, as well as their potential impact on innovation and competition. Additionally, the panel will examine the varying approaches taken by different countries in administering patent remedies and discuss best practices for ensuring a fair and effective system of patent enforcement.

Co-Moderators:

- Betty Chen, Partner, Desmarais LLP
- Laura Sheridan, Head of Patent Policy, Google LLC

Panelists:

- Tom Brown, Senior Managing Legal Director, Dell
- Tess Waldron, Partner, Powell Gilbert LLP

- Yan Wang, Partner, Han Kun Law
- Randy Wu, Vice President of Intellectual Property and Litigation, 10x Genomics

8:30 AM – 9:30 AM

Contracts Key Decisions, Help Wanted, and Hot Topics – This panel will explore recent key decisions of the Federal Circuit and their impact on government contracts and contractors. It will also discuss areas and issues which the Federal Circuit could address to improve the procurement legal landscape as well as hot topics pending before the Court.

Co-Moderators:

- John Prairie, Partner, Wiley Rein LLP
- Tara Ward, Partner, McDermott Will & Emery LLP

Panelists:

- William (Bill) Grimaldi, Assistant Director, U.S. Department of Justice
- Jayna Rust, Partner, Thompson Coburn LLP
- The Honorable Matthew H. Solomson, Judge, United States Court of Federal Claims
- Darrell Stark, Principal Sr. IP Counsel - Leader, GE Aerospace

9:30 AM – 9:45 AM

Networking Break

Plenary

9:45 AM – 10:45 AM

U.S. Supreme Court Review – This panel of experienced Supreme Court advocates will discuss recent highlights and trends in Supreme Court jurisprudence in areas of relevance to the Circuit community.

Co-Moderators:

- Christopher G. Michel, Partner, Quinn Emanuel Urquhart & Sullivan, LLP
- Zachary Tripp, Partner, Weil, Gotshal & Manges LLP

Panelists:

- Ginger Anders, Partner, Munger, Tolles & Olson LLP
- Mel Bostwick, Partner, Orrick, Herrington & Sutcliffe LLP
- Peter Stris, Partner, Stris & Maher LLP

10:45 AM – 11:00 AM

Networking Break

Parallel Tracks

11:00 AM – 12:00 PM

Standing Orders, Disclosure & Litigation Funding – This panel will explore standing orders and how they impact litigation from the bench’s perspective. Included in the discussion will be the special procedures for managing patent cases and topics like disclosure requirements for litigation funding.

Co-Moderators:

- Brian Nash, Partner, Morrison & Foerster LLP
- Kimberly Schmitt, Director of Patent Litigation, Intel Corporation

Panelists:

- The Honorable Colm Connolly, Chief District Judge, United States District Court for the District of Delaware
- The Honorable Beth Labson Freeman, District Judge, United States District Court for the Northern District of California
- The Honorable Derek T. Gilliland, Magistrate Judge, United States District Court for the Western District of Texas
- The Honorable Freda Wolfson (Ret.), Partner, Lowenstein Sandler LLP, and former Chief Judge, United States District Court for the District of New Jersey

11:00 AM – 12:00 PM

Litigating in the ITC With Your Appeal in Mind – Issues unique to ITC practice can become extremely significant on appeal. This panel will explore practitioner views on litigating domestic industry, public interest considerations, procedural issues like Presidential Review, and APA issues with an eye towards appeal and provide advice for best practices.

Co-Moderators:

- Helena Kiepora, Partner, DLA Piper
- Daniel Yonan, Partner, Sterne Kessler

Panelists:

- The Honorable Clark Cheney, Chief Administrative Law Judge, United States International Trade Commission
- Michael Franzinger, Partner, Dentons US LLP
- Michelle Klancnik, Assistant General Counsel, United States International Trade Commission
- Jamie Underwood, Partner, Latham & Watkins LLP

12:00 PM – 12:15 PM

Networking Break

Plenary

12:15 PM – 12:45 PM

A Conversation with Elizabeth Prelogar, Solicitor General of the United States

Moderator: Jamie Santos, Partner, Goodwin Procter LLP

1:00 PM – 2:00 PM ET

Federal Circuit Historical Society Luncheon | Featured Speaker –
Chris Storm, Legal Director, Intellectual Property, Uber Technologies Inc.

6:30 PM – 9:30 PM

Friday Fun Night

Saturday, June 22, 2024

Town Halls

7:30 AM – 8:30 AM

General Attendee Breakfast

8:30 AM – 9:30 AM

Patent Legislation – This panel will explore pending and potential patent legislation in areas including PTAB proceedings, Section 101, the ITC, and litigation funding, and will elaborate on the rationale, substance, and dynamic surrounding these debates.

Moderator:

- Emily Johnson, Head of IP Policy & Advocacy, Amgen

Panelists:

- Dominic Bianchi, General Counsel, United States International Trade Commission
- Jeffrey Dean, Associate General Counsel, Commercial & IP Disputes, Amazon.com, Inc.
- David Jones, Executive Director, Hi Tech Inventors Alliance
- Irene Yang, Partner, Sidley Austin

8:30 AM – 9:30 AM

Section 101 and 112 Issues at Trial and on Appeal – This panel will examine the standards for section 101 and written description and enablement under Supreme Court law. This panel will also explore strategies for adjudicating these issues at trial and on appeal, as well as application of the proper standard for

assessing written description and enablement, including considerations for specific fields of endeavor (e.g., life sciences vs. tech (hardware and software)) and how to define the level of a person of skill in the art, the intersection between patent eligibility under Section 101 and enablement under Section 112 particularly for functional claims, indefiniteness and enablement outcomes (and deference given to the Examiner) in different forums (e.g., district courts vs. PTAB *ex parte* cases), etc.

Moderator:

- Emily Chen, Litigation Counsel, Google LLC
- Rudy Kim, Partner, Paul Hastings LLP

Panelists:

- The Honorable Raymond T. Chen, Circuit Judge, United States Court of Appeals for the Federal Circuit
- The Honorable Rodney Gilstrap, Chief District Judge, United States District Court for the Eastern District of Texas
- Victoria Reines, Principal Counsel, Global Patent Litigation, Sanofii
- Matthew Wolf, Partner, Arnold & Porter Kaye Scholer LLP

9:30 AM – 9:45 PM

Networking Break

9:45 AM – 10:45 AM

Design Patents – This panel will address recent changes in law and practice surrounding design patents. A general focus of discussion will be the Federal Circuit’s upcoming *en banc* decision in the LKQ case regarding the obviousness standard for design patents, including the application of KSR as well as possibly questions concerning anticipation and forfeiture. The panel will address any legal holdings from this case as well as implications for design patent practice more broadly. In addition, the panel will address the relationship between design patents and trademarks, as well as the proper scope of design patent claims for purposes of infringement and invalidity, as relevant in the Columbia/Seirus case. The panel will also address other currently evolving aspects of design patent law and practice.

Co-Moderators:

- Aaron Bowling, Counsel, Arnold & Porter Kaye Scholer LLP
- Steven D. Moore, Partner, Kilpatrick Townsend & Stockton LLP

Panelists:

- Tracy-Gene G. Durkin, Director, Sterne Kessler

- Adam Keser, Chief IP Counsel, Saint-Gobain Corporation
- Brett Rosen, Shareholder, Buchanan Ingersoll & Rooney PC

9:45 AM – 10:45 AM

Career Transitions: Should I Stay, or Should I Go? – Change is hard, but career transitions are sometimes necessary and/or desirable. This panel of practitioners with varied backgrounds will discuss their various significant career transitions and approaches to those transitions. The panel will also discuss best practices on how and when to make a successful transition. The goal of the panel is to spark discussions and exploration of new roles while attending one of the best networking events available.

Moderator:

- Robert L. Stoll, Partner, Faegre Drinker Biddle & Reath LLP

Panelists:

- Jessica Hannah, Partner, DLA Piper LLP (US)
- Jessica Hudak, Lead Counsel, Advanced Technology, Edwards Lifesciences
- The Honorable Liam O'Grady (Ret.), Former District Judge, United States District Court for the Eastern District of Virginia
- The Honorable Molly R. Silfen, Judge, United States Court of Federal Claims
- The Honorable Mary Ellen Williams (Ret.), National Mediator, Arbitrator and Special Master; Former Judge, United States Court of Federal Claims

10:45 AM – 11:00 AM

Networking Break

Plenary

11:00 AM – 12:00 PM

Reviewed Adjudicators – Within our Federal Circuit community, the distinguished jurists of our District Courts serve on the front lines of the administration of justice. Their daily decisions within specific subject areas on review to the Federal Circuit, give rise to a jurisprudence that enhances uniformity and predictability in the law. We invite you to join this distinguished panel of jurists as they engage in a lively discussion on the challenges they face, and the tools they use to manage a changing litigation landscape.

Moderator:

- Jenna Deneault, Partner, Groombridge Wu, Baughman & Stone LLP

Panelists:

- The Honorable Michael P. Allen, United States Court of Appeals for Veteran Claims
- The Honorable Mark A. Barnett, Chief Judge, United States Court of International Trade
- The Honorable Christopher J. Burke, Magistrate Judge, United States District Court for the District of Delaware
- The Honorable Scott Boalick, Chief Administrative Patent Judge, United States Patent and Trademark Office, Patent Trial and Appeal Board
- Cathy A. Harris, Chairman, United States Merit Systems Protection Board
- The Honorable Elaine D. Kaplan, Chief Judge, United States Court of Federal Claims

Plenary

12:00 PM – 1:00 PM

Corporate Counsel – In-house counsel face competing demands from internal and external stakeholders. Our distinguished panelists will offer practical insights on how they interface between non-lawyer constituents, other lawyers within their organization, and outside counsel. The panelists will offer tips on how outside counsel can help them navigate these different groups.

Moderator:

- Laura Lydigsen, Partner, Crowell & Moring LLP

Panelists:

- Daniel L. Girdwood, VP, Head of ITC/Litigation, Samsung Electronics
- Bill Harmon, Associate General Counsel of IP, Ads & Marketing, Uber Technologies, Inc.
- Corey Salsberg, Vice President, Global Head IP Affairs, Novartis

1:00 PM – 1:15 PM

Closing Remarks – Jennifer H. Wu, President-Elect, Federal Circuit Bar Association® | Partner, Groombridge, Wu, Baughman & Stone LLP