

The Sedona Conference Working Group 9 on Patent Damages and Remedies and Working Group 10 on Patent Litigation Best Practices Joint Midyear Meeting

**Monday, May 18 to Tuesday, May 19, 2015
The Four Seasons Hotel, Miami, Florida**

DAY ONE: Monday, May 18

7:30 - 8:30 Continental Breakfast & Registration

8:30 - 8:45 Mission and overview (*Hoffman, Jeffries*)

8:45 - 10:00 Achieving the goals of patent reform: legislative efforts v. bench and bar (*Armitage, Arnold, Hoffman*, Rogers*)

Materials: *WG10 Commentary: Intro Chapter [Aug. 2014 published version, DRAFT update]*

10:00 - 10:15 Morning Break

10:15 - 11:15 A fresh look at the timing and substance of preliminary infringement and invalidity contentions and amendment practices—Should “preliminary contentions” be considered as “final contentions” absent showing good cause for changing?
(*Conti, J., Cooper, Hoffman*, Scott*)

Materials: *WG10 Commentary: Case Management Issues from the Judicial Perspective Chapter; WG10 Commentary: Discovery Chapter; WG9 PCDCs Drafting Team Proposed Project Charter*

11:15 - 12:15 Heightened pleading standards
(*Brandt, Fishman, Koeltl, J., Leffler, Spears*, Stevenson*)

Materials: *WG10 Commentary: Case Management Issues from the Judicial Perspective Chapter; WG10 Heightened Pleading Standards Drafting Team Proposed Project Charter; IPO Litigation Committee, Proposed Resolution: Patent Infringement Complaint Pleading Requirements-Proposed Legislation in View of Judicial Conference Action to Amend Federal Rules of Civil Procedure*

12:15 - 1:30 Lunch (provided)

- 1:30 - 2:45 Development of a preliminary compensatory damages contentions (PCDCs) process, including the drafting of local patent damages rules
(Beckwith, Bissoon, J., Finocchio, Jarosz, Jeffries, Morando)*
- Materials: *WG9 Commentary; WG9 PCDCs Drafting Team Proposed Project Charter*
- 2:45 - 3:45 Impact of *Teva v. Sandoz* on the claim construction process
(Earle, Jordan, J., Keller, Rydstrom, Tripodi, Vakil)*
- Materials: *WG5 Report on the Markman Process; WG10 Commentary: Case Management Issues from the Judicial Perspective Chapter; WG10 Teva/ Claim Construction Process Drafting Team Proposed Project Charter; Jason Rantanen, Teva, Nautilus, and Change without Change; Dennis Crouch, Giving Deference to the Supreme Court in Teva v. Sandoz*
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- 3:45 - 4:00 Afternoon Break
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- 4:00 - 5:00 Impact of *Octane Fitness/Highmark*: proposed best practices for the litigation and management of attorney-fee shifting motions
(Arenz, Arnold, Conti, J., Trybus, Poynter Waterland, Westgard)*
- Materials: *WG9 Commentary; WG10 Commentary: Case Management Issues from the Judicial Perspective Chapter; WG10 Exceptional Case Drafting Team Proposed Project Charter; Patrick Arenz and Christine Yun-Sauer, High Octane – The New Landscape of Exceptional Cases*
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- 5:30 - 7:30 Reception (guests invited)
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* = Panel Leader(s)

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DAY TWO: Tuesday, May 19

7:30 - 8:30 Continental Breakfast & Registration

8:30 - 9:30 FRAND/SEP: defining the issues in controversy and proposing the scope for a prospective Sedona commentary on the subject
(*Dubiansky, Dunstan, Long*, Selwyn, Snyder*)

Materials: *WG9 Commentary; WG9 SEP-FRAND Drafting Team Proposed Project Charter; Anne Layne-Farrar and Koren W. Wong-Ervin, An Analysis of the Federal Circuit's Decision in Ericsson v. D-Link; Mark Selwyn and Timothy Syrett, New standard essential patent policy may facilitate negotiations; IEEE-SA Standards Board Bylaws, Sec. 6 (Patents)*

9:30 - 10:30 Use of mediators and special masters as a case management tool for narrowing the issues in dispute and improving prospects for settlement
(*Bissoon, J., Burns*, Delehanty, Holdreith, Thompson, Wine*)

Materials: *WG10 Commentary: Settlement Mediators, Case Management Mediators, and Special Masters Chapter [DRAFT]; International Institute for Conflict Prevention & Resolution, Report of the CPR Patent Mediation Task Force*

10:30 - 10:45 Morning Break

10:45 - 11:45 Impact of *Alice v. CLS Bank*—when and how the courts should address Section 101 patentability
(*Atkins, Hanlon-Leh, Hochberg, J., Hutz*, Supko*)

Materials: *WG10 Commentary: Case Management Issues from the Judicial Perspective Chapter; WG10 Alice/Section 101 Patentability Drafting Team Proposed Project Charter*

11:45 - 1:00 Best practices for USPTO/PTAB proceedings and effective coordination between USPTO/PTAB and district court proceedings
(*Banowit*, Boalick, J., Hochberg, J., Morin, Quinn, J., Rea*)

Materials: *WG10 Commentary: Parallel USPTO Proceedings Chapter*; *WG10 Parallel USPTO Proceedings “Stage 2” Drafting Team Proposed Project Charter*

1:00

Grab and Go Lunch (provided)

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