

ADVANCED ITC LITIGATION CLASS DRAFT PROGRAM

Overview: A one-day program, examining developments in Section 337 litigation before the U.S. International Trade Commission (“ITC”). Through a series of in-depth modules, building on an introductory overview to acclimate those unfamiliar with Section 337 investigations, participants in this course will build their understanding of current strategy and tactics, as well as brush up on basic practice points.

TIME

FUNCTION

8:30

REGISTRATION & COFFEE

9:00

WELCOME REMARKS & INTRODUCTIONS

Welcome Remarks

Sarah E. Hamblin, *Adduci, Mastriani & Schaumberg, LLP, Washington, DC*

IPO's International Trade Commission Committee Introduction

Robert Giles, *Qualcomm Inc., San Diego, CA*

9:15

PRIMER

Sarah E. Hamblin, *Adduci, Mastriani & Schaumberg, LLP, Washington, DC*

10:00

WHY THE ITC SHOULD BE YOUR FORUM CHOICE: CONSIDERATIONS IMPACTING THE IN-HOUSE ANALYSIS

The decision to file a Section 337 Complaint is never an easy one. The changing legal landscape with regard to the ITC's standing and jurisdictional requirements, as well as the impact of the America Invents Act, present new complexities to the analysis. This panel will discuss significant factors that should be considered, including arguments for and against filing a Section 337 Complaint, including:

- Business goals and potential remedies;
- Type of claim (patent, trade secret, or other unfair act);
- Number and types of infringers; and
- Timing/Cost.

Moderator: **G. Brian Busey**, *Morrison & Foerster, LLP, Washington, DC*

Speakers:

Robert Giles, *Qualcomm Inc., San Diego, CA*

Adam R. Hess, *Venable LLP, Washington, DC*

Rett Snotherly, *Samsung Electronics, Menlo Park, CA*

11:00

COFFEE BREAK

11:15

STRATEGIES FOR STREAMLINING INVESTIGATIONS

The International Trade Commission is a fast-paced patent litigation venue. Investigations are typically completed within 16 months and have become costly – and in some cases cost prohibitive for parties. Parties who find themselves in an ITC investigation must be prepared for the speed at which an ITC case proceeds and the costs involved. This panel of in-house and outside counsel with extensive ITC experience will provide tips and guidance on how to streamline your case to meet the ITC's fast pace and also reduce litigation costs without jeopardizing your and your client's chances of success.

Moderator: **David M. Maiorana**, *Jones Day, Cleveland, OH*

Speakers:

Themi Aganos, *Continental Automotive, Deer Park, IL*

Thomas Miller, *Motorola Mobility, Chicago, IL*

Lyle Vander Schaaf, *Brinks, Gilson & Lione, Washington, DC*

Shital Shah, *Caterpillar, Inc., Peoria, IL*

12:15 NETWORKING LUNCH

1:00 KEYNOTE ADDRESS

F. Scott Kieff, *Commissioner, U.S. International Trade Commission, Washington, DC*

1:45 DOMESTIC INDUSTRY UPDATE

What is the impact of recent developments? Is there a discernable trend to the evolving case law? The discussion will focus on a practical analysis of recent cases.

Moderator: **Michael D. Esch**, *Wilmer Hale, Washington, DC*

Speakers:

Thomas “Monty” Fusco, *Fish & Richardson, Washington DC*

Jamie Underwood, *Alston & Bird LLP, Washington, DC*

2:45 BREAK

3:00 JUDGES PERSPECTIVE

A moderated question and answer session related to Section 337 practice.

Moderator: **Elizabeth A. Niemeyer**, *Finnegan, Washington DC*

Speaker:

Hon. Judge Thomas B. Pender, *Administrative Law Judge, U.S. International Trade Commission, Washington, DC*

4:00 CLOSING REMARKS & ADJOURNMENT

Robert Giles, *Qualcomm Inc., San Diego, CA*

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