

Intellectual Property in the New Technological Age

*A Seminar for Federal Judges Sponsored by
the Federal Judicial Center and the Berkeley Center for Law & Technology*

PROGRAM

Wednesday, May 30, 2007: Patent Law

- 8:30 a.m.:** Welcoming Remarks: Denise Neary, Federal Judicial Center
- Introduction to the Program: Professor Peter S. Menell
- 8:45 a.m.:** Patent Law Basics I: Overview, Prosecution, Requirements for Patentability
Professor Peter Menell and Professor Robert P. Merges
- 10:15 a.m.:** **Break**
- 10:30 a.m.:** Patent Law Basics II: Infringement, Defenses, Remedies
Professor Peter Menell and Professor Robert P. Merges

Afternoon Sessions: Patent Case Management

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Panelists: Judge T. John Ward, Judge Ronald Whyte, Magistrate Judge Elizabeth Laporte, Mr. Lynn Pasahow, Mr. James Pooley; Mr. Matthew Powers

- 1:15 p.m.:** **Local Patent Rules, Protective Orders, and Discovery**
Moderator and Moderator: Mr. James Pooley
- case management timeline and principal issues
 - modification of presumptive disclosure/other requirements
 - managing and limiting discovery
- 2:00 pm** **Claim Construction (Substantive and Procedural Issues)**
Presentation and Moderator: Mr. Matthew Powers
- 3:00 pm** **Break**
- 3:15 pm** **Education of Judge and Jury about Technology**
Presentation and Moderator: Mr. Lynn Pasahow
- Tutorials (when, by whom, and to whom?)

- court appointed experts (special master, FRE 706, technical advisor, hybrid)

3:40 pm Staging of Patent Trials (including Bifurcation), ADR, Trial, and Post Trial Presentation and Moderator: Mr. James Pooley and Mr. Lynn Pasahow

- liability/damages/willfulness
- single/few claims versus mega claims cases
- discovery stay?
- timing of disclosure of attorney opinions
- antitrust/misuse implications
- same jury for all issues?
- ADR
- Trial Issues
- Post-Trial Issues

4:30 pm Adjourn

Thursday, May 31: Copyright and Trademark Law

8:30 am Patent Reform Update
Mr. Robert Barr and Professor Peter Menell

9:00 am Copyright Basics
Professor Peter Menell and Professor David Nimmer

10:15 am Break

10:30 am Infringement Analysis
Professor Peter Menell and Professor David Nimmer

11:30 am Fair Use Analysis and Remedies
Professor Peter Menell and Professor David Nimmer

1:30 p.m.: Trademark Basics
Professor J. Thomas McCarthy

2:45 p.m.: Break

3:00 p.m.: Trade Dress and Functionality
Professor J. Thomas McCarthy

3:30 p.m.: Trademark Dilution
Professor J. Thomas McCarthy

4:15 p.m.: **Adjourn**

Friday, June 1, 2007: Cyberlaw

DAY 3: CYBERLAW

9:00 a.m.: Trademark Law Issues in Cyberspace
Ms. Sally Abel

10:00 a.m.: **Break**

10:15 a.m.: Copyright in the Digital Age
Professor Peter Menell, Professor David Nimmer, and Professor Molly Van Houweling

12:00 p.m.: **Adjourn**