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 Judical 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

Afternoon Sessions: Patent Case Management

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**