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- Fish & Richardson
- Internet Security Systems, Inc
- JAMS
- Kecker & Van Nest LLP
- Kilpatrick Stockton LLP
- King & Spalding LLP
- Merchant & Gould LLC

Who Should Attend:

Attorneys, both in-house and private practice, and business executives involved with patent prosecution and litigation

An Intensive One-Day Workshop on New Developments in

Patent Claim Construction

Tips for more successful claim drafting and patent litigation

April 27, 2007

Atlanta, Georgia

Sheraton Buckhead Hotel

Credits: GA CLE 6.5 (call about others)

Quick when/where: 8:30 a.m., 3405 Lenox Road NE

Patent Claim Construction Workshop

April 27, 2007 | Atlanta, Georgia
Sheraton Buckhead Hotel

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8:00 Registration & Continental Breakfast

8:30 Introduction & Overview

Holmes J. Hawkins III, Esq., *Program Co-Chair*
King & Spalding LLP ~ Atlanta, GA

Mitchell G. Stockwell, Esq., *Program Co-Chair*
Kilpatrick Stockton LLP ~ Atlanta, GA

8:45 Case Law Update - Back to the Future: Markman to Texas Digital to Phillips, and Back Again to Markman

A review of post-Markman case law tracks trends in Federal Circuit Court opinions: Where have we come from and where are we going?

Nagendra "Nick" Setty, Esq.
Fish & Richardson ~ Atlanta, GA

9:30 Strategies for Addressing the Key Issues in Claim Construction Today

Deciding what was invented; construing with that in mind; proper use of dictionaries and reference materials; inherent definitions in the specification or file history; what to look for in disclaimers and disavowals

Jeffrey D. Feldman, Esq.
Feldman Gale PA ~ Miami, FL

10:15 Break

10:30 Planning Your Litigation Strategy

Holmes J. Hawkins III, Esq., *Program Co-Chair, Moderator*

Pros & cons of evidentiary hearings; laying the groundwork for successful summary judgment motions; effective use of experts

Virginia L. Carron, Esq.
Finnegan Henderson Farabow Garrett & Dunner LLP
Atlanta, GA

Contingency planning for after the claim construction ruling: How winning or losing on claim construction impacts your approach towards the jury

William H. Boice, Esq.
Kilpatrick Stockton LLP ~ Atlanta, GA

Patrick J. Flinn, Esq.
Alston & Bird LLP ~ Atlanta, GA

12:00 Lunch (on your own)

1:15 A View from the Bench

Do's and don'ts from the judge's perspective; the most effective advocacy tactics in presenting your case at a Markman Hearing; the proper view of the relationship of the Markman Hearing to other activities such as summary judgment motions

The Hon. William G. Bassler, (Ret.)
JAMS ~ New York, NY

2:00 Drafting Lessons for Patent Prosecutors

Tips for making claims more easily understood by judge and jury; identifying approaches to avoid; identifying the best alternative approach for achieving your objectives

George W. Jordan, III, Esq.
Merchant & Gould LLC ~ Atlanta, GA

2:45 Break

3:00 Handling Claim Construction on Appeal and Other Pertinent Issues

Effective and ineffective strategies (starting at the trial level); differences in approaches for appellant vs. respondent; application of waiver and/or estoppel to new claim construction arguments on appeal; role of deference

Asim Bhansali, Esq.
Keker & Van Nest LLP ~ San Francisco, CA

3:45 Case Management: Setting up the Most Effective Roles and Working Relationships for Company Personnel, Outside Experts, and Litigation Counsel

Perspectives on finding the optimal structure for the litigation team tips for working through the issues as they arise; answers to the audience's most pressing concerns

Mitchell G. Stockwell, Esq., *Program Co-Chair, Moderator*

In-house counsel's perspective

Sean A. Bowen, Esq., *Vice President & General Counsel*
Internet Security Systems, Inc ~ Atlanta, GA

Business person's perspective

Peggy Ann West, Esq., *Vice President Business Affairs*
CocaCola USA ~ Atlanta, GA

5:00 Evaluations & Adjourn



About the Workshop

LAW SEMINARS INTERNATIONAL

Advanced Workshops

offer busy practitioners intensive up-to-date information in a one-day program. Registration is limited to facilitate discussion between faculty and attendees.

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Claim construction is the single most important phase of a patent case, and is often dispositive of infringement and validity issues.

"Patent Claim Construction" is an intensive one-day seminar covering today's key issues in claim construction, including a case law overview and update, recent developments from the Federal Circuit, litigation strategies, effective appellate advocacy, and other pertinent issues.

This seminar is designed for litigators, in-house counsel, and court clerks involved in patent cases, whether at the pre-filing, litigation or appellate stages. The presenters are all experienced patent litigators who have been involved in all aspects of patent cases. Their knowledge and insight will provide practitioners and non-practitioners alike with the essential tools and information necessary to work with proper claim construction.

~ Program Co-Chairs: **Holmes J. Hawkins III, Esq.** and **Mitchell G. Stockwell, Esq.**

Holmes J. Hawkins III, *Program Co-Chair*, partner, King & Spalding LLP, focuses his practice on all aspects of the firm's intellectual property practice, with particular emphasis on the litigation and trial of patent infringement cases. He is listed in the *2005 - 2006 Best Lawyers in America* and in *Chambers USA: America's Leading Business Lawyers* and recognized as a *Georgia Super Lawyer* by *Atlanta Magazine*.

Mitchell G. Stockwell, *Program Co-Chair*, partner at Kilpatrick Stockton LLP's Intellectual Property Group, focuses on IP dispute resolution, with special emphasis on patent infringement, trade secret and related intellectual property litigation and licensing transactions.

The Hon. William G. Bassler (Ret.) of JAMS has more than 40 years of dispute resolution experience. He served for 15 years in U.S. District Court, District of New Jersey; and 23 years in private practice. During his legal career Judge Bassler has presided over, ruled on, arbitrated, and been involved with virtually every type of complex case.

Asim Bhansali, partner, Kecker & Van Nest LLP, focuses his practice on complex business litigation, including patent, trade-secret, antitrust, securities, and commercial cases. He previously clerked for the Hon. Ferdinand F. Fernandez on the U.S. Court of Appeals for the Ninth Circuit.

William H. Boice, partner, Kirkpatrick Stockton LLP, maintains an active and varied trial practice focusing on complex business litigation including patent and trade secret litigation securities and other litigation. He tries cases in courts throughout the United States and has argued appeals in U.S. Courts, and the Supreme Court.

Sean A. Bowen is Vice President and General Counsel and member of the executive management team of Internet Security Systems, Inc. Previously, he was a Senior Counsel with Eastman Chemical Company and a shareholder in the law firm of Kahn Kleinman L.P.A.

Virginia L. Carron, partner at Finnegan Henderson Farabow Garrett & Dunner LLP, practices in the areas of patent and trademark litigation, counseling, and prosecution. She is experienced in district court trials, trials before the International Trade Commission, and appeals to the U.S. Court of Appeals for the Federal Circuit.

Jeffrey D. Feldman is a member with Feldman Gale PA's Intellectual Property Law where his practice areas include complex commercial disputes, civil RICO and intellectual property litigation, as well as patent and technology licensing disputes. Before entering private practice, he served as Assistant State Attorney for Florida and felony division chief. He later joined the U.S. Department of Justice as a federal prosecutor for the Southern District of Florida where he tried many complex federal cases.

Patrick J. Flinn is a partner with Alston & Bird LLP in the Intellectual Property Litigation Group. He focuses his practice on the resolution of technology-based disputes, particularly patent, trade secret and copyright litigation. He has led trial teams in disputes involving electronics, cryptography, fluid mechanics, medical devices, optics, computer software, and telecommunications.

George W. Jordan, III, of Merchant & Gould LLC, focuses his practice on intellectual property litigation with an emphasis on patent disputes involving semiconductor, communications and software industries. He has tried numerous cases, including a patent jury trial to verdict and two cases in which he served as lead counsel. His intellectual property background includes investigation, prosecution and licensing of patents, trademarks and copyrights. He has drafted and prosecuted over 100 patents in the electrical arts.

Nagendra "Nick" Setty is Managing Principal of Fish & Richardson's Atlanta office. His practice emphasizes all aspects of intellectual property litigation and counseling, including patent, trademark, trade secrets, and copyright cases with a special focus on patent litigation. He is listed in *Chambers USA* and named one of *America's Leading Business Lawyers* and a *Georgia Super Lawyer*.

Peggy Ann West is Vice President of Business Affairs at CocaCola USA.



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Seminar Location: The workshop will be held at the Sheraton Buckhead Hotel at 3405 Lenox Road NE in Atlanta, GA 30326. Call the hotel directly at (404) 261-9250 for reservations at the special negotiated rate of \$159 and mention that you are attending a Law Seminars International workshop. Rooms are on a first come, first served basis.

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- Pros and cons of evidentiary hearings
- Do's and don'ts from the judge's perspective
- Tips for making claims more easily understood by judge and jury
- Contingency planning
- Effective and ineffective strategies

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