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M Hogenbirk, Solvay Pharmaceuticals

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- High level discussion of the latest case law and analysis of **strategic litigation in Europe and the USA**
- In-depth analysis of the litigation framework and **current trends in key Asian jurisdictions**
- The latest cases, trends, legislation and **top tips for successful litigation**
- Jurisdictions featured include: **UK; Germany; Netherlands; France; USA; China; India; S. Korea**

PLUS! Two Interactive Pre-conference Workshops
Wednesday 7th December 2011

Morning Workshop: 10:00 – 13:00
**Successful US litigation
strategies**

Afternoon Workshop: 14:00 – 17:00
**Winning patent litigation
in China**

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8th December 2011, The Bloomsbury Hotel, London

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Former Lord Justice
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The Hon. Judge Peter Blok,
District Court of The Hague



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International Patent Litigation 2011

With global finances still under pressure and in an increasingly crowded marketplace, an organisation's **IP is more precious than ever.**

*Patents are an important tool for successful competition, both in offence and defence. But with the acquisition and exploitation of large patent portfolios on the rise and global markets at stake, **being prepared to protect your IP and enforce your patents through litigation is fast becoming a necessity.***

IBC Legal's International Patent Litigation returns for a third year, helping you to refine your patent enforcement strategy with expert guidance and analysis of the latest approaches to cross border litigation in every key jurisdiction.

- UK • Germany • Netherlands • France • USA
- China • India • S. Korea •

Conference Highlights Include:

- International Judge's Panel
- Broad Jurisdictional Focus
- Panel Discussion: Assessment & Award of Damages
- Interactive Workshops
- Assessing the Alternatives to Litigation
- Industry Focus: Litigation in Hi-tech / Electronics

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Pre-Conference Workshops: Wednesday 7th December

Morning Workshop: 10:00 – 13:00

Successful US Litigation Strategies

Although many patent disputes can be resolved through non-adversarial avenues such as mediation, patent litigation continues to play a vital role in the enforcement of IP rights in the United States. Most technology companies find themselves, sooner or later (if not perpetually), embroiled in a patent suit in U.S. district court, either as plaintiff or defendant. And litigating in the United States can be quite complex as compared to Europe.

The discovery process, for example, can be one of the most confusing and burdensome aspects of U.S. patent litigation. Unlike other jurisdictions, U.S. courts permit a seemingly limitless scope of discovery, particularly in patent cases involving complex technology. To the uninitiated, this can come as quite a shock. However, there are steps your company can take now to maximise success and minimise risks should litigation ever occur. Other stages of U.S. patent litigation, such as venue selection and claim construction proceedings, also play extremely critical roles.

This session will thus cover:

- Steps to consider taking now should U.S. litigation ever occur
- Overview and effective management of U.S. discovery
- Attorney-client privilege: How it applies and how to ensure it applies to your communications in Europe
- The often "case determinative" role of U.S. claim construction or Markman hearings
- Cost effective patent litigation: How to win without bankrupting your company

Workshop led by: **Timothy May**, Partner, **Finnegan**

Afternoon Workshop: 14:00 – 17:00

Winning Patent Litigation in China

Over 4000 patent infringement suits are filed each year in China. This makes China the most litigious country for patent disputes, surpassing the U.S. which saw about 3000 suits in 2010. Moreover, Chinese courts have handed down numerous multimillion dollar damages awards, making patent infringement risk real and imminent. Now that China accounts for a substantial portion of the global revenues for many multinational companies, it is critical for multinational companies to understand how to litigate patents in China. Attending this workshop will ensure that you have the most up to date knowledge and know-how relating to patent litigation in China.

A. Current Patent Landscape in China

- Patent filing statistics
- Patent litigation statistics
- Win rates for foreign companies in IP suits
- IP courts analysis

B. Overview of Patent Litigation and Invalidation in China

- Basics of patent litigation
- Basics of patent invalidation
- Interplay of patent infringement and patent invalidation
- Lessons learned

C. Chinese Supreme Court Patent Infringement Case Studies

- Aventis v. Hengrui
- CEPT v. FKK

Workshop led by: **Dr Benjamin Bai**, Partner, **Allen & Overy**

- 08:30 Registration & Coffee
- 09:00 Chair's Opening Remarks
Guy Burkill QC, Barrister, **Three New Square**
- 09:10 **Judge's Panel & Q&A**
A panel of international judiciary will discuss trends in patent litigation, the view of the courts, their expectations and guidelines for successfully constructing a case and preparing arguments
The Rt Hon. Professor Sir Robin Jacob, Former Lord Justice, **Court of Appeal of England & Wales**
The Hon. Judge Peter Blok, Judge, **District Court of The Hague**
- 10:00 **Strategic Patent Litigation in Europe**
The panel will compare and contrast patent litigation practice/procedure and strategies in the key European territories: Germany; UK; Netherlands; France
 - Procedural differences
 - Where to litigate if you are the patentee
 - Pre-emptive litigation by 3rd parties
 - Injunctions (interim and final)
 - National proceedings + inter-play with EPO oppositions
 - Understanding and explaining differing outcomes in parallel litigation proceedings
 - Coordinated litigation**Pierre Véron**, Avocat, **Véron & Associés** (France)
Richard Ebbink, Partner, **Brinkhof** (The Netherlands)
Penny Gilbert, Partner, **Powell Gilbert** (UK)
Dr Thomas Reimann, Partner, **ROKH IP** (Germany)
- 11:30 Morning Coffee
- 11:50 **US Patent Litigation Update**
 - Joint infringement (*currently under en banc review by the Federal Circuit*)
 - U.S. Supreme Court *post-Bilski* reviews
 - Statutory changes resulting from the patent reform act
 - Section 102; definition of prior art
 - Section 103 (c)
 - "First to file", no longer "first to invent"
 - Other changes
 - Key recent Federal Circuit and U.S. Supreme Court cases
 - *Therasense – inequitable conduct*
 - *Tivo v. Echostar – post-injunction contempt proceedings (design-around)*
 - *Global Tech-SEB SA – induced infringement*
 - *14i v. Microsoft – burden of proof to establish invalidity defence***Ken Adamo**, Partner, **Kirkland & Ellis** (USA)
William Cory Spence, Partner, **Kirkland & Ellis** (USA)
- 12:30 **Damages and Costs Awards in Different Jurisdictions**
This session will look at how financial compensation is handled in different jurisdictions: USA, UK, France; Germany
 - Structuring your case to promote awards from the outset
 - Costs: are they recoverable and how / when?
 - Types of damages claim – on interim injunctions and following trial
 - Timetable for damages assessment
 - Calculation of damages (lost profit, reasonable royalty)
 - Default judgements
 - The cost of recovering damages
 - What happens if the patent is later revoked?**Dr Andreas von Falck**, Partner, **Hogan Lovells** (Germany)
Pierre Véron, Avocat, **Véron & Associés** (France)
Timothy May, Partner, **Finnegan** (USA)
Sally Field, Partner, **Bristows** (UK)
- 13:30 Lunch
- 14:30 **Jurisdictional Focus – Asia**
Patent litigation issues in key Asian jurisdictions: India & S. Korea
 - Overview patent infringement and invalidation proceedings
 - Time line; venue; stay; infringement defences; invalidation grounds
 - Procedural and evidentiary considerations.
 - What does it cost?
 - What are the chances of success?
 - What will I get (remedies/awards)
 - Appeals
 - Case studies**Dr Benjamin Bai**, Partner, **Allen & Overy** (China)
Jay J. Kim, Partner, **Kim & Chang** (S. Korea)
Hari Subramaniam, Partner, **Subramaniam, Nataraj & Associates** (India)
- 15:50 **Alternatives to Litigation**
Considering the options available as an alternative to costly litigation proceedings
 - Confidential ADR
 - Mediation & arbitration
 - WIPO Case experience
 - Best practices in mediation/arbitration of patent disputes
 - Results of the WIPO survey on dispute resolution in technology transactions**Ignacio de Castro**, Deputy Director, Arbitration & Mediation Center, **WIPO**
- 16:30 Afternoon Coffee
- 16:50 **Focus on Patent Litigation in the Hi-Tech/Electronics Sector**
 - Software and business methods
 - Is there a problem with non-practising entities?
 - Standards, licensing and competition
 - Phone wars and predicting the future
- 17:30 **Chair's Roundup and Close of Conference**
Guy Burkill QC, Barrister, **Three New Square**

International Patent Litigation 2011

8th December 2011, The Bloomsbury Hotel, London

Morning Workshop 10:00 – 13:00, 7th December **US patent litigation strategies** (FKW82249W)

Afternoon Workshop 14:00 – 17:00, 7th December **Successful litigation in China** (FKW82249X)

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Specify your workshop:

US patent litigation strategies - Morning Workshop 10:00 – 13:00 (FKW82249W)

Successful litigation in China - Afternoon Workshop 14:00 – 17:00 (FKW82249X)

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FKW82249
8th December 2011

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