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   By Ahmed J. Davis
ALI-ABA Course of Study
Trial of a Patent Case

February 28-29, 2008
Scottsdale, Arizona

PROGRAM

Thursday, February 28, 2008

8:00 a.m.  Registration and Continental Breakfast
9:00 a.m.  Introductory Remarks and Introduction to Case Problem – Judge Garbis and Mr. Pappas
9:15 a.m.  Plaintiff’s and Defendant’s Opening Statements – Judge Jordan, Presiding; Mr. Davis for the Plaintiff; Mr. Jones for the Defendant; Commentators: Judges Garbis, McKinney, and O’Grady
10:00 a.m.  Life after KSR: Recent Federal Circuit Decisions and KSR’s Effect on Trying Cases – Mr. Morin; Commentators: Judges Garbis, McKinney, and O’Grady
10:45 a.m.  Networking Break
11:00 a.m.  Direct and Cross-Examination of Defendant’s Technical Expert Witness on Invalidity – Judge Davis, Presiding; Mr. Collins for the Defendant; Mr. Lindefjeld for the Plaintiff; Witness – Dr. Bailey; Commentators: Judges O’Grady and O’Malley
12:00 noon  Lunch Break
1:15 p.m.  Direct and Cross-Examination of Plaintiff’s Technical Expert Witness on Invalidity – Judge O’Malley, Presiding; Mr. Davis for the Plaintiff; Mr. Elikan for the Defendant; Witness – Dr. Jacobs; Commentators: Judges Jordan and McKinney
2:15 p.m.  Enacted/Proposed Patent Reform Legislation that Might Affect Handling of Patent Cases – Mr. Johnson, Moderator; Mss. Fu and Knowles; Messrs. Elikan, Lane, Lindefjeld, and McDonald
3:00 p.m.  Networking Break
3:15 p.m.  Rebutting a Defendant’s Prima Facie Case of Obviousness with Objective Considerations of Non-obviousness – Mr. Morin; Commentators: Judge Davis; Judge O’Malley
3:45 p.m.  Inequitable Conduct and the Federal Circuit’s New-Found Interest in the Topic: Recent Decisions and Where Are We Headed? – Mr. Collins; Commentators: Judges McKinney and O’Grady, Messrs. Jones and McDonald, and Ms. Knowles
4:30 p.m.  In-House Counsels’ Views on Recent Federal Circuit Decisions and Other Developments Affecting Patent Infringement Litigation – Ms. Knowles, Moderator; Ms. Fu and Messrs. Johnson and Lane
5:15 p.m.  Adjournment for the Day
Friday, February 29, 2008

8:30 a.m.  Continental Breakfast

9:00 a.m.  Developments at the Intersection of Antitrust and Patent Law
– Mr. McDonald; Commentators: Judge Jordan and Mr. Lane

9:45 a.m.  Direct and Cross-Examination of Plaintiff’s Damages Expert
– Judge Jordan, Presiding; Mr. Morin for the Plaintiff; Mr. Jones for the Defendant; Witness – Mr. Green; Commentators: Judge Davis

10:30 a.m.  Networking Break

10:45 a.m.  Direct and Cross-Examination of Defendant’s Damages Expert
– Judge McKinney, Presiding; Mr. Jones for the Defendant; Mr. Morin for the Plaintiff; Witness – Dr. Meyer; Commentators: Judges Garbis and O’Grady

11:30 a.m.  The Emerging Role of the Supreme Court in Intellectual Property Cases – Mr. Pappas; Commentator: Mr. Johnson

12:00 noon  Lunch Break

1:30 p.m.  Closing Arguments on Damages – Judge Jordan, Presiding; Mr. Lindefjeld for the Plaintiff; Mr. Collins for the Defendant; Commentator: Judge Davis

2:00 p.m.  eBay and Its Aftermath: How It Has Been Applied and What It Means Now as to the Availability of Permanent Injunctions
– Mr. Davis; Commentators: Judge O’Malley, Ms. Fu, Mr. Green, and Dr. Meyer

2:45 p.m.  Case Management Issues in Patent Litigation – Mr. Pappas, Moderator; Judges Davis, Garbis, Jordan, McKinney, and O’Grady and Mr. Jones

3:15 p.m.  Networking Break

3:30 p.m.  Willful Infringement Claims after In re Seagate – Mr. Lindefjeld; Commentators: Judge O’Malley, Ms. Fu, and Messrs. Johnson and Lane

4:00 p.m.  Open Forum: Ask the Judges about Patent Litigation – Judge Garbis, Moderator; Judges Davis, Jordan, McKinney, O’Grady, and O’Malley

4:45 p.m.  Adjournment
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Trial of a Patent Case
February 28 - 29, 2008
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