CATHOLIC UNIVERSITY LAW REVIEW

Founded in 1950, the Catholic University Law Review is the Columbus School of Law’s oldest journal and is now in its sixty-fourth year of publication. In addition to hosting an annual symposium, the Law Review publishes articles submitted by judges, legal scholars, and practitioners on a quarterly basis. The Law Review also publishes exceptional student work. The Law Review is edited and managed solely by its student staff. For more information, please visit the Law Review’s website at www.lawreview.law.edu.

ACKNOWLEDGMENTS

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THE CATHOLIC UNIVERSITY LAW REVIEW

presents

PATENT LITIGATION
AFTER THE
AMERICA INVENTS ACT

A Symposium
Friday, March 27, 2015
9:30 a.m. to 3:00 p.m.

Hosted by
Catholic University Law Review
Robert L. Stoll is a partner on the Patent team at Drinker Biddle & Reath LLP and Co-Chair of the Intellectual Property Group. In October of 2013, he was appointed by Chief Judge Rader to a three-year term on the CAFC Advisory Council. As the former USPTO Commissioner for Patents, he was instrumental in the passage of landmark patent legislation, the America Invents Act, and lauded for his efforts to reduce patent pendency and improve patent quality. He has spent his career improving the intellectual property system and educating the public, applicants, corporations and foreign governments on the criticality of intellectual property to economic growth and job creation. The 2012 recipient of Managing Intellectual Property magazine’s lifetime achievement in intellectual property award, he has a deep understanding of domestic and foreign intellectual property law. He was instrumental in the development and analysis of legislation concerning all areas of intellectual property and was one of the country’s leaders in establishing the U.S. government’s positions on international issues related to intellectual property. He earned his J.D. in 1985 from The Catholic University of America and his B.S. degree in Chemical Engineering in 1979 from the University of Maryland.
SYMPOSIUM SCHEDULE

9:30 a.m.  Arrival and Registration

10:00 a.m.  Welcome
David Steenburg, Editor-in-Chief, Catholic University Law Review, Vol. 64

Daniel F. Attridge, Dean and Knights of Columbus Professor of Law

Introduction of Keynote Speaker
Megan La Belle, Associate Professor, Columbus School of Law

10:10 a.m.  Opening Keynote Speaker
The Honorable Kathleen M. O’Malley, Circuit Judge, U.S. Court of Appeals for the Federal Circuit

11:00 a.m.  Panel 1: Patent Litigation in the Courts
Moderator: Lawrence M. Sung, Ph.D, Partner, Wiley Rein LLP, Lecturer, Columbus School of Law

The Honorable Catherine C. Blake, Chief Judge, U.S. District Court for the District of Maryland

Shubha Ghosh, Professor of Law, University Wisconsin Law School

Doris Johnson Hines, Partner, Finnegan, Henderson, Farabow, Garrett & Dunner LLP


11:55 a.m.  Lunch

Introduction of Keynote Speaker
Elizabeth Winston, Associate Professor, Columbus School of Law

12:20 p.m.  Lunch Keynote Speaker
Robert L. Stoll ’85, Partner, Drinker Biddle & Reath LLP

1:00 p.m.  Panel 2: Patent Litigation at the PTO
Moderator: Jason M. Nolan, Ph.D. ’12, Associate, Rothwell, Figg, Ernst & Manbeck P.C.


Gregory Dolin, M.D., Associate Professor of Law, University of Baltimore School of Law

Charles Duan, Director of the Patent Reform Project, Public Knowledge

Robert Green Sterne, Partner, Sterne, Kessler, Goldstein & Fox PLLC

1:55 p.m.  Break

2:05 p.m.  Panel 3: Patent Litigation at the ITC

The Honorable Thomas B. Pender, Administrative Law Judge, U.S. International Trade Commission

Stephen R. Smith, Partner, Cooley, LLP

Lauren A. Degnan, Principal, Fish & Richardson P.C.


3:00 p.m.  Closing Remarks
Jennifer Bruneau, Editor-in-Chief, Catholic University Law Review, Vol. 65

3:05 p.m.  Reception
**Keynote Speaker Biographies**

**Kathleen M. O’Malley** was appointed to the United States Court of Appeals for the Federal Circuit by President Barack Obama in 2010. Prior to her elevation to the Federal Circuit, Judge O’Malley was appointed to the United States District Court for the Northern District of Ohio by President William J. Clinton on October 12, 1994.


During her sixteen years on the district court bench, Judge O’Malley presided over in excess of 100 patent and trademark cases and sat by designation on the United States Circuit Court for the Federal Circuit. As an educator, Judge O’Malley has regularly taught a course on Patent Litigation at Case Western Reserve University Law School; she is a member of the faculty of the Berkeley Center for Law & Technology’s program designed to educate Federal Judges regarding the handling of intellectual property cases. Judge O’Malley has served as a board member of the Sedona Conference; as the judicial liaison to the Local Patent Rules Committee for the Northern District of Ohio; and as an advisor to national organizations publishing treatises on patent litigation.

Judge O’Malley began her legal career as a law clerk to the Honorable Nathaniel R. Jones, Sixth Circuit Court of Appeals in 1982-1983. She received her J.D. degree from Case Western Reserve University School of Law, Order of the Coif, in 1982, where she served on Law Review and was a member of the National Mock Trial Team. Judge O’Malley attended Kenyon College in Gambier, Ohio where she graduated magna cum laude and Phi Beta Kappa in 1979.

**The Symposium**

Congress, the Executive, and the Judiciary have all been focused on patent litigation reform in recent years. The concern is that too many frivolous patent suits are being filed by patent assertion entities—or, more pejoratively, “patent trolls”—in order to extract unwarranted settlements. The past decade has already witnessed dramatic changes in patent litigation. Courts have adopted new standards for patentability, injunctive relief, and fee-shifting. Congress passed the America Invents Act (AIA), the most comprehensive patent legislation in fifty years, which created new administrative proceedings at the United States Patent & Trademark Office for challenging patents. Yet, this may only be the beginning of the reform effort. Since 2013, more than a dozen bills addressing the patent litigation “crisis” have been introduced in Congress, including two major bills in the past few months.

This year’s Catholic University Law Review symposium considers the state of our patent litigation system since the AIA was enacted, the current reform efforts, and what the future may hold for patent litigants. The symposium will tackle numerous issues, such as implementation of the AIA, parallel litigation in multiple venues, the need for further patent reform, and which branch of government should be responsible for patent reform. These topics will be explored in our two keynote addresses and by our three panels.