

FTC HEARING ON THE EVOLVING IP MARKETPLACE

THE OPERATION OF IP MARKETS MARCH 18 & 19, 2009

601 New Jersey Avenue, NW
Washington, DC

INDUSTRY ROUNDTABLES MARCH 18, 2009

Four panels will examine the operation of IP and technology markets in a variety of industries and contexts and the impact of patent policies on those markets. Panelists will discuss the factors they consider in determining how to use patents in the IP marketplace, for instance, whether to enforce exclusivity or enter licensing agreements. The panels will consider whether these markets operate efficiently and transparently, and what could be done to improve their operation. The effect of recent Supreme Court decisions and uncertainty in the patent system will be discussed, as will experience with the patent system's notice function.

PANEL 1: UNIVERSITIES AND ENTREPRENEURS

9:00-10:30

Panelists:

Ron D. Katznelson, Ph.D., President, Bi-Level Technologies
Joe E. Kiani, Chief Executive Officer and Chairman of the Board of Directors, Masimo Corp.
Jon Soderstrom, Ph.D., Managing Director, Office of Cooperative Research, Yale University
Thomas G. Woolston, Chief Executive Officer, MercExchange LLC

BREAK:

10:30-10:45

PANEL 2: THE IT AND ELECTRONICS INDUSTRIES

10:45-12:15

Panelists:

Sarah T. Harris, Vice President and Chief Counsel Intellectual Property, AOL LLC
Noreen Krall, Vice President and Chief IP Counsel, Intellectual Property Law, Sun Microsystems, Inc.
Alexander H. Rogers, Senior Vice President and Legal Counsel, Qualcomm Inc.
Matthew M. Sarboraria, Senior Patent Counsel, Oracle Corporation
Russ Slifer, Chief Patent Counsel, Micron Technology, Inc.
John Thorne, Senior Vice President and Deputy General Counsel, Verizon Communications Inc.

LUNCH BREAK :

12:15-1:45

PANEL 3: MANUFACTURING AND DIVERSIFIED COMPANIES

1:45-3:15

Panelists:

Jennifer M. Stec, Intellectual Property Counsel, Ford Global Technologies
Gary Griswold, retired President and Chief IP Counsel, 3M Innovative Properties
Carl Horton, Chief IP Counsel, GE
Steven W. Miller, Vice President & General Counsel - Intellectual Property, The Procter & Gamble Company
Richard F. Phillips, Chief Attorney, Technology, ExxonMobil Chemical Company

BREAK:

3:15-3:30

PANEL 4: LIFE SCIENCES INDUSTRIES

3:30-5:00

Panelists:

Christine P. Bellon, Vice President of Intellectual Property & Legal Affairs, Hydra Biosciences
Steve Jensen, Partner, Knobbe Martens Olson & Bear LLP
Jeffrey Myers, Head of Global IP Enforcement Group, Pfizer, Inc.
Maggie Shafmaster, Senior Vice President & Chief Patent Counsel, Genzyme Corp.
Steven Singer, Partner, and Chair, Technology Transactions and Licensing Practice Group; Co-Chair, Life Sciences Group, Wilmer Hale

**THE OPERATION OF IP MARKETS
MARCH 19, 2009**

KEYNOTE ADDRESS

9:00-9:30

Herbert F. Schwartz, retired partner, Ropes & Gray, Adjunct Professor of Law, University of Pennsylvania Law School and New York University Law School

**PANEL 1: ECONOMIC PERSPECTIVES ON IP AND TECHNOLOGY
MARKETS**

Panelists will examine how patents facilitate technology transfer, whether markets for technology and IP operate efficiently and transparently, and what could be done to improve their operation. The effect of recent Supreme Court decisions on licencing decisions will be discussed.

9:30-11:30

Panelists:

Professor Ashish Arora, Heinz College, Carnegie Mellon University and Fuqua School of Business, Duke University

James E. Bessen, Lecturer in Law, Boston University School of Law; Director, Research on Innovation

Professor F. Scott Kieff, Washington University School of Law and Senior Fellow, Hoover Institution

Robert Hunt, Ph.D., Assistant Vice President, Federal Reserve Bank of Philadelphia

Professor Scott Stern, Kellogg School of Management, Northwestern University

LUNCH BREAK :

11:30-1:00

PANEL 2: FULFILLING THE PATENT SYSTEM'S PUBLIC NOTICE FUNCTION

1:00-5:15 (break from 3:00-3:15)

Experts from academia and the bar will address the extent to which the patent system adequately fulfills its notice function – for example, ensuring that the firms seeking to develop and introduce innovative technologies can obtain clear and reliable information regarding the existence and scope of patent rights that could cover those technologies. Specifically, panelists will consider how various patent law doctrines or procedural aspects of the system affect notice, including (1) legal standards such as rules of claim construction and standards governing indefiniteness, written description, and enablement, and (2) examination practice and procedures, including notice available from the information that applicants are required to supply during the examination process, the information provided by examiners in allowing claims, the use of continuing applications, and the publication of applications and evolving claims.

Panelists:

Robert A. Armitage, Senior Vice President and General Counsel, Eli Lilly & Co.

Dan L. Burk, Chancellor's Professor of Law, University of California Irvine School of Law

Robert A. Clarke, Director, Office of Patent Legal Administration, Patent & Trademark Office

Christopher A. Cotropia, Associate Professor of Law, University of Richmond School of Law

David J. Kappos, Vice President and Assistant General Counsel, Intellectual Property Law, IBM

Stephen G. Kunin, Partner, Oblon, Spivak, McClelland, Maier & Neustadt, P.C.

Michael V. Messinger, Partner, Sterne, Kessler, Goldstein & Fox

Arti K. Rai, Elvin R. Latty Professor of Law, Duke University School of Law

Teresa Stanek Rea, Partner, Crowell & Moring