



**Inaugural Event**

**Symposium on Emerging Intellectual Property Issues:  
The Future of Innovation and Intellectual Property**

**September 18, 2015**

The Tsai Center for Law, Science and Innovation focuses on the intersection of law, science, and innovation by exploring how law and policy affects scientific research and discovery as well as the development and commercialization of new technologies. For this inaugural event, the Tsai Center is hosting its Symposium on Emerging Intellectual Property Issues and focusing on “The Future of Innovation and Intellectual Property.” This Symposium will explore the latest ideas important to the future of innovation and intellectual property law through discussions with distinguished academics, jurists, and leaders in industry.

**8:00-8:30 Registration & Continental Breakfast**

**8:30-8:45 Opening Remarks**

Jennifer M. Collins, Judge James Noel Dean and Professor of Law, SMU Dedman School of Law

David O. Taylor, Co-Director of the Tsai Center for Law, Science and Innovation and Assistant Professor of Law, SMU Dedman School of Law

**8:45-9:30 Leading Perspectives on the Future of Innovation and Intellectual Property: Chief Judge Michel**

Speaker: The Honorable Paul R. Michel, Chief Judge, U.S. Court of Appeals for the Federal Circuit (Retired)

Chief Judge Michel will present his perspective on the future of innovation and intellectual property. Based on his extensive experience in government service—including 7 years as a Congressional staffer and 22 years of service as a judge on the Federal Circuit—Chief Judge Michel will highlight problems confronting intellectual property law, analyze the role of Congress and courts with respect to solving those problems, and challenge the audience to think deeply and react proactively to help Congress and courts solve those problems.

**9:30-10:00 Representing a Patent Owner from District Court to the Supreme Court: A Conversation with Mark Werbner '78**

Moderator: David O. Taylor, Co-Director of the Tsai Center for Law, Science and Innovation and Assistant Professor of Law, SMU Dedman School of Law

Panelist: Mark S. Werbner '78, Co-Founder, Sayles Werbner

Mark Werbner '78 will describe the challenges he confronted and the lessons he learned successfully representing a patent owner all the way from the Eastern District of Texas to the Federal Circuit to the Supreme Court.

**10:00-11:00 Litigation, USPTO Post-Grant Procedures, and Alternative Dispute Resolution Mechanisms: Do They Protect and Reward Innovation? How Could They Improve?**

Moderator: The Honorable Faith S. Hochberg, District Judge, U.S. District Court for the District of New Jersey (Retired)

Panelists: The Honorable Scott R. Boalick, Vice Chief Administrative Patent Judge, U.S. Patent Trial and Appeal Board

The Honorable Rodney Gilstrap, District Judge, U.S. District Court for the Eastern District of Texas

The Honorable Barbara M.G. Lynn '76, District Judge, U.S. District Court for the Northern District of Texas

This panel of district and USPTO judges will compare and contrast the way patent disputes are resolved through litigation in district courts, post-grant procedures at the USPTO, and alternative dispute resolution mechanisms. The judges will also analyze the relationship of those procedures, and consider how the use of those procedures might be improved to ensure that the patent system is protecting and rewarding innovation.

**11:00-11:15 Break**

### **11:15-12:15 Improving the System: Problems and Solutions at the Intersection of Innovation and Intellectual Property Law**

Moderator: W. Keith Robinson, Co-Director of the Tsai Center for Law, Science and Innovation and Assistant Professor of Law, SMU Dedman School of Law

Panelists: Timothy Holbrook, Associate Dean of Faculty and Professor of Law, Emory University School of Law

Melissa F. Wasserman, Associate Professor, Richard and Anne Stockton Faculty Scholar, and Richard W. and Marie L. Corman Scholar, University of Illinois College of Law

Peter Yu, Professor of Law and Co-Director of the Center for Law and Intellectual Property, Texas A&M University School of Law

This panel will present a series of perspectives on various issues in intellectual property law. Professor Holbrook will explain how courts have treated method claims less favorably than other forms of inventions and call for method claims to be placed back onto equal footing with other types of inventions. Professor Wasserman will present insights on the relationship between a patent examiner's application grant rate and the year in which the U.S. Patent Office hired the examiner. Professor Yu will highlight the territorial challenges posed by cloud computing to copyright law and identify areas in which adjustments can be made to promote the global distribution of cloud content.

### **12:15-12:30 Break**

### **12:30-1:30 Lunch Presentation: Leading Perspectives on the Future of Innovation and Intellectual Property: David Kappos**

Speaker: David J. Kappos, Partner, Cravath, Swaine & Moore LLP and Former Under Secretary of Commerce and Director of the U.S. Patent and Trademark Office

In this presentation, Mr. Kappos will share his ideas about how intellectual property will impact the future of innovation. IP-intensive industries are crucial to the U.S. economy. This presentation explains how strong intellectual property protection and enforcement will be critical to incentivizing investments in technology that will lead to the breakthrough innovations of the future.

### **1:30-1:45 Break**

### **1:45-2:45 Innovation and Intellectual Property: Views from the Trenches of Technological Development and Entrepreneurship**

Moderator: Barton E. Showalter '93, Partner, Baker Botts LLP and Adjunct Professor of Law, SMU Dedman School of Law

Panelists: Herve Fevrier, Executive Vice President and Chief Strategy Officer, Xtera Communications, Inc.

Brendon Mills, Chief Executive Officer and Managing Partner, Fortress Solutions

Is the law spurring technological development, or hindering it? Is intellectual property useful in the formative stages of a new enterprise? Is it required? This panel will focus on soliciting feedback from users of the intellectual property system—engineers and entrepreneurs—to help inform the discussion of whether the intellectual property system is serving the needs of the innovation community.

### **2:45-3:30 Leading Perspectives on the Future of Innovation and Intellectual Property: Professor Lemley**

Speaker: Mark A. Lemley, William H. Neukom Professor of Law and Director of the Stanford Program in Law, Science, and Technology, Stanford Law School

In this presentation, Professor Lemley will share his ideas about how patent litigation will impact the future of innovation. His presentation will include details about a study in which the outcomes of substantive decisions in recent patent cases were assessed by technology and industry. The results of the study provide an important window into both patent litigation and the industry-specific battles over patent reform.

### **3:30 Closing Remarks**

W. Keith Robinson, Co-Director of the Tsai Center for Law, Science and Innovation and Assistant Professor of Law, SMU Dedman School of Law

### **3:30-4:30 Networking Reception**