DESIGN PATENTS IN THE MODERN WORLD
Stanford Law School
Friday, April 5, 2013

8:00 AM  REGISTRATION AND BREAKFAST

8:50 AM  WELCOME

9:00 AM  PANEL I – DESIGN PATENT PROSECUTION
Topics: to include empirical data on patent prosecution times/allowance rates; implementation of the new Hague treaty allowing multiple designs in a single application and how it affects business incentives and patent prosecution both in the US and abroad; use of the fast track system; how serious an examination to designs actually receive.
Speakers:
Brian Hanlon, US PTO
Alan Morgan Datri, WIPO
Katie Maksym, Nike
James Juo, Fulwider Patton
Dennis Crouch, University of Missouri

10:30 AM  BREAK

11:00 AM  PANEL II – THE SCOPE OF DESIGN PATENTS
Topics: fallout from Egyptian Goddess; identifying a functional design; the looser “substantial similarity” standard and how it affects design-arounds.
Speakers:
Christopher Carani, McAndrews Held
Sarah Burstein, University of Oklahoma
Perry Saidman, Saidman Design Law
Michael Risch, Villanova Law School
Michael Meehan, Google Inc.
Charles Mauro, MauroNewMedia

12:30 PM  LUNCH

1:30 PM  PANEL III – OVERLAPS WITH COPYRIGHT AND TRADEMARK
Topics: the doctrine of election; what happens to product configuration and copyright when design patents expire; optimal business strategy for protecting designs using different legal tools
Speakers:
Jaime Lemons, Nike
Robert Katz, Banner & Witcoff
Laura Heymann, William & Mary Law School
Mark McKenna, Notre Dame Law School
Tom Moga, Shook Hardy & Bacon

3:00 PM  BREAK

3:30 PM  PANEL IV – DESIGN PATENTS IN HIGH TECH AND COMPONENT INDUSTRIES
Topics: what happens when a patent covers only a small piece of a much larger product?; is dissimilarity of unprotected designs an affirmative defense?; appropriate remedies in cases involving patents on single components; Apple v. Samsung; design patent trolls
Speakers:
Matt Schruers, CCIA
Michael Jacobs, Morrison & Foerster
Mark Lemley, Stanford Law School
Michael Risch, Villanova Law School
John Pratt, Kilpatrick Townsend
Michael Zeller, Quinn Emanuel