

**FTC HEARING ON
THE EVOLVING IP MARKETPLACE**

**REMEDIES
FEBRUARY 11 & 12, 2009**

601 New Jersey Avenue, NW
Washington, DC

**PATENT DAMAGES
FEBRUARY 11, 2009**

**PANEL 1: STANDARDS FOR ASSESSING PATENT DAMAGES AND THEIR
IMPLEMENTATION BY COURTS**

9:00-12:30 (break from 11:00-11:15)

This panel will discuss trends in damage av.~~EVOLVING~~

PERMANENT INJUNCTIONS & WILLFULNESS
FEBRUARY 12, 2009

PANEL 1: CHANGES IN INJUNCTION LAW

9:30-12:30 (break from 11:00-11:15)

This panel will explore permanent injunctions in patent cases in the wake of the Supreme Court's *eBay* decision. It will examine the ways the courts have analyzed whether to grant or deny injunctions, including the role of economic evidence in that analysis, and any trends that have developed. Panelists will consider the implications of these developments for innovation, competition, and consumer welfare.

Presenters

Steven C. Malin, Counsel, Sidley & Austin, LLP
Empirical analysis of permanent injunction decisions following *eBay*

Christopher J. Sprigman, Associate Professor, University of Virginia School of Law
Overview of the post *eBay* cases and how courts are analyzing the four equitable factors

Panelists:

George E. Badenoch, Partner, Kenyon & Kenyon, LLP
John M. Golden, Assistant Professor, University of Texas School of Law
Anne Layne-Farrar, Director, LECG, LLP
Christine Meyer, Vice President, NERA Economic Consulting
Henry Smith, Professor, Harvard Law School
Henry Su, Partner, Howrey LLP

LUNCH BREAK:

12:30-1:45

PANEL 2: INDUSTRY ROUNDTABLE DISCUSSION

1:45-4:30 (break from 3:00-3:15)

This panel will explore recent changes in injunction law and willfulness standards, and their impact on innovation, licensing and business strategies. Among other topics, the panel will consider the impact of the *eBay* decision on patent valuation and licensing; whether the changes in the willfulness doctrine have altered the behavior of patentees and potential infringers; how these court decisions have changed investment in R&D; and how changes in remedies law have implicated incentives to bring, defend or settle patent suits.

Panelists:

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

Bernard J. Cassidy, General Counsel, Tessera, Inc.

Gary H. Loeb, Vice President for Intellectual Property, Genentech

Douglas B. Luftman, Associate General Counsel of Intellectual Property, Palm, Inc

Kenneth M. Massaroni, Senior Vice President and General Counsel, Seagate Technology

Kevin H. Rhodes, Chief Intellectual Property Counsel, 3M Innovative Properties Co.

Donald R. Ware, Partner