

Standards, FRAND, NPEs & Injunctions

6th & 7th November 2012

UCL Faculty of Laws, London, UK

A conference jointly organised by



TaylorWessing

Hosted jointly by UCL Laws IBIL and Taylor Wessing LLP and chaired by The Rt Hon Professor Sir Robin Jacob (the Sir Hugh Laddie Chair of Intellectual Property at UCL Laws), this 2 day conference combines commentary from key industry and legal experts including experts from the UK, Germany, the Netherlands, Sweden and the US on:

- Injunctions and jurisdictions
- Standards, FRAND and its use in Europe
- Patent portfolios
- Unified Patents Court
- Dispute resolution on licensing terms
- Competition considerations

Through a combination of panel discussions, presentations and keynote addresses, the aim of this flagship event is to inform and update on the very latest developments with the benefit of the views and insights of leading authorities including from industry, the judiciary and private practice in this complex and very topical field. This 2 day conference will be accredited with 13 CPD points by the Bar Standards Board and the Solicitor's Regulation Authority.

This programme is subject to change and this version is correct as at 1 October 2012.

For the most up-to-date version, please check the conference website:

<http://www.ucl.ac.uk/laws/ibil/docs/standards-2012.pdf>

DAY 1: **Tuesday 6th November**

8.45am **Registration**

9.15am **Chairman's Introduction**

The Rt Hon Professor Sir Robin Jacob

Sir Hugh Laddie Chair of Intellectual Property, IBIL, UCL Laws

9.30am **Keynote Address**

The Hon Mr Justice Floyd, High Court Judge of the Patents Court, UK

10.00am **Comparison of the law as to injunctions across jurisdictions**

- Reminder of the principles e.g. Shevill (in the UK)
- Should the approach differ if the patentee is a NPE; should Europe apply EBay?
- The legal effect of impact of FRAND declarations to standards bodies; are they relevant to the grant of an injunction?; willingness of defendant to take a FRAND licence;
- Do interim injunctions have any place in litigation over essential patents?
- Orange Book offers; reminder of principles, practical issues and unresolved questions

Panellists will include:

UK: Nicholas Saunders, Brick Court Chambers

NL: Gertjan Kuipers, Partner, De Brauw Blackstone Westbroek

FR: Sabine Agé, Partner, Véron & Associés

DE: Dieter Kamlah, Partner, Taylor Wessing

UK: James Marshall, Partner, Taylor Wessing LLP (Moderator)

12.45pm Lunch

2.00pm **Industry Panel Discussion: Determining FRAND – What is FRAND?**

- How to work out what is the FRAND royalty rate
- Royalty stacking

Panellists will include:

Monica Magnusson, Director Patent Strategy & Portfolio Management, Ericsson AB

Dan Hermele, Senior Director & Legal Counsel, Qualcomm Europe

John Sideris, Principal IP Counsel, Philips

Brian Napper, Senior Managing Partner, FTI Consulting

Shelly Irvine, Senior Managing Partner, FTI Consulting

Jason Albert, Assistant General Counsel, Policy & Strategy, Microsoft

Kathleen Fox Murphy, Senior Counsel, Taylor Wessing LLP (Moderator)

3.30pm **Can and Should the Courts in Europe Determine FRAND?**

- Can/will the Court determine FRAND for a global portfolio or just for patent(s) in suit?
- when should FRAND be determined, before or after patentability issues?
- case management issues
- what disclosure (discovery) is required?
- what evidence is required?
- what question will the judge decide?
- what is the relevant date for determining what is FRAND?

Panellists include:

UK: Daniel Alexander QC

DE: Dieter Kamlah, Partner, Taylor Wessing

NL: Bart van den Broek, Partner, Hoyng Monegier LLP

US: Luke McLeroy, Licensing Counsel, Ericsson Inc.

UK: Professor Sir Robin Jacob, IBIL, UCL Laws (Moderator)

4.30pm Coffee

4.45pm **The Market for Patent Portfolios – Can we Expect More NPE's and More litigation?**

US: Will Plut, Principal, Patent Profit International LLC

5.30pm **Chairman's Closing Remarks**

5.45pm **Close of Day 1**

9.00am Tea and coffee

9.30am Chairman's Opening Remarks

9.45am Present Pan-European Position & Manoeuvres

- Timescales in L G Düsseldorf, Mannheim and Munich vs. Federal Patents Court
- Stays of infringement actions
- Expedition of UK revocation proceedings; HTC v Apple, HTC v Nokia, Ericsson v ZTE
- Is there life in the torpedo?
- Are pan-European interim injunctions available?

Panellists include: Taylor Wessing UK and DE

10.30am **Keynote Speech – Formation of Unified Patent Court**

Klaus-Heiner Lehne MEP, Chairman of the Committee on Legal Affairs
(which has responsibility for Unitary Patent legislation)

Chaired by Professor Sir Robin Jacob, IBIL, UCL Laws

11.00am Coffee

11.30am **How will all this work with Unified Patents Court and Strategies to be Adopted?**

Richard Vary, Head of Litigation, Nokia

Catriona Hammer, Senior Counsel, GE Healthcare

Claudia Tapia Garcia, Director IP Policy, Patent & Standards Strategy, RIM

Professor Sir Robin Jacon, IBIL, UCL Laws (Moderator)

12.45pm **LUNCH**

2.00pm **Competition Law and Standard Setting**

Steven Preece, Deputy Director, OFT

Robert Vidal, Head of Competition, Taylor Wessing

Michael Fröhlich, Senior Director, EU Intellectual Property Strategy, Licensing & Standards, RIM

Mathew Heim, Senior Director, Government Affairs & Counsel, Qualcomm Inc.

Stephen C. Tupper, Antitrust & Trade Litigation, Greenberg Traurig Maher LLP

Dr Lorenzo Coppi, Senior Vice President, Compass Lexecon

3.30pm **Operators Session**

Heinz Polsterer, T-Mobile International Austria/Deutsche Telekom

SVP International Standardisation

Olivier Thirard, Directeur Juridique Adjoint Propriété Intellectuelle

Simon Harries, Head of IPR Patents, Vodafone Group

Michael Loch, Senior Legal Director, GSM Association (Moderator)

4.30pm **Chairman's closing and questions**

- 5.00pm REFRESHMENT BREAK
- 6.00pm Judge's Panel – How do the Courts best Assist in Resolving Disputes over (essentially) Licensing Terms and what Reforms to Procedure are Needed?
- More or less discovery (disclosure) on infringement/validity?
 - Court (technical) expert vs party expert; what can be learnt from other jurisdictions?
 - More or less cross-examination?
 - Does the PCC have a role - more shorter trials? How would the damages cap apply?
- Panellists include:**
- The Hon Mr Justice Arnold, High Court Judge of the Patent Court, UK
Klaus Grabinski, Judge of the Federal Supreme Court, Germany
Robert van Peurse, Justice, Court of Appeal, The Hague
Samuel Granata, Judge of the Commercial Court, Antwerp
- 7.30pm Drinks Reception
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REGISTRATION FEES

2 day ticket (Solicitors, Barristers, Patent Attorneys Industry Employees/Representatives) <i>(includes all refreshments and evening session on day 2)</i>	Standard Ticket £900
2 day ticket (Academic, NGOs, Government Depts) <i>(includes all refreshments and evening session on day 2)</i>	£450

This programme is subject to change. To register your place at this event, please visit the website:

ibil-tw-conference.eventbrite.co.uk

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