



## Foley & Lardner U.S. Patent Litigation Seminar Series

### Why You Should Attend

With the passage of the America Invents Act and a significant uptick in the number of non-practicing entity (NPE) litigation, the U.S. system of patent enforcement continues to evolve. To effectively manage U.S. patent litigation, legal and IP department members of Japanese companies doing business in the U.S. must attain practical understanding and tools on how to efficiently manage the complex and changing U.S. patent litigation process.

Foley is pleased to offer our first U.S. patent litigation seminar series, a set of practical workshops in which you will learn the U.S. patent litigation process step-by-step. Taught by a faculty of patent litigators with more than 25 years of experience representing Japanese companies in the U.S. courts, and a seasoned Japanese attorney licensed in and working in the U.S. legal system, this seminar series will provide pragmatic tips and advice, as well as tactics to employ, advice to help avoid pitfalls, tools to enhance communication, and strategies to implement for Japanese companies when managing your patent litigation in the United States.

### What You Will Learn

- An opening session focusing on general litigation considerations, including choice of venue, choice of infringer, pre-filing investigations, and so forth
- The basics of U.S. patent litigation, including complaints, answers, motions to dismiss, and preliminary injunction motions
- An in-depth exploration of discovery in U.S. patent litigation, including a mock deposition demonstration
- Best practices for motions for summary judgment, as well as attorney-client privilege
- The use of expert witnesses
- Practical guidelines on how to prove infringement, validity, and inequitable conduct issues
- An overview of the trial process, including format, jury selection, and so forth
- Suggestions for litigation budgets and overall management of U.S. patent litigation

### Who Should Attend

Members of legal and/or IP department of Japanese companies who currently have or will have responsibility for supervising IP litigation in the United States, interpreting its progress for management, and pursuing opportunities for settlement. For the members who are not directly in charge of IP litigation in the U.S., this seminar series will still be useful so long as the person may be involved in U.S. IP matters.

CLE credit(s) will be applied for, as appropriate. We particularly encourage those who have New York and/or other U.S. state licenses as the series may be a very effective way to gain CLE credits.





**Primary Faculty:**

**Michael D. Kaminski** is a partner with Foley & Lardner LLP. Mr. Kaminski is co-managing partner of the firm's Tokyo office and a member of the firm's IP Litigation and other Practices. He has been accorded the professional designation of "Master Advocate" by the National Institute of Trial Advocacy. He conducts "first chair" litigation in Federal District Court. He also has appellate court experience, including the CAFC.

**Etsuo Doi** is a partner with Foley & Lardner LLP, where he is co-managing partner of the firm's Tokyo office and a member of the Business Law and Intellectual Property. Mr. Doi represents both Japan-based and international companies in matters relating to cross-border transactions, intellectual property licensing and disputes, among other cross-border work. Mr. Doi is an author of the first comprehensive US discovery guide book in Japanese (Guide to US Discovery for Japanese Businesses) to be published in early 2013.

**Guest Faculty: Other members of Foley's IP Litigation Practice who specialize in representing Japanese companies in the U.S. courts will also participate.**

The seminar presentations will be delivered primarily in English with summary explanation in Japanese onsite when necessary.

This seminar series will be offered only in a small group setting to Foley's clients, without cost. Due to seating limitations, pre-registration is required. The sessions are timed apart to facilitate scheduling convenience. It is expected that attendees will sign up for the entire series. To register, please contact Tamaki Honda at [thonda@foley.com](mailto:thonda@foley.com).

**Agenda**

**Thursday, March 14, 2013**

- 4:00 p.m. Pre-Filing Considerations; Preparing for Possible Litigation; Warning Letters and "DJ" Actions
- 5:15 p.m. Break
- 5:30 p.m. General Litigation Considerations: Choice of Venue, Choice of Infringer, Pre-Filing Investigations, and Sample Litigation Timeline
- 6:30 p.m. Dismissal

**Thursday, May 9, 2013**

- 4:00 p.m. Complaints, Answers, Motions to Dismiss, "Preliminary Injunction" Motions, Possible Filing Strategies, Scheduling Conferences, and Protective Orders
- 5:15 p.m. Break
- 5:30 p.m. "Discovery" in U.S. Patent Litigation
- 6:30 p.m. Dismissal



**Thursday, July 11, 2013**

4:00 p.m. Discovery in U.S. Patent Litigation (Continued), Including E-Discovery

5:15 p.m. Break

5:30 p.m. Discovery in U.S. Patent Litigation (Continued), Including a Mock Deposition Demonstration

6:30 p.m. Dismissal

**Thursday, September 12, 2013**

4:00 p.m. Motions for Summary Judgment

5:15 p.m. Break

5:30 p.m. Attorney-Client Privilege

6:30 p.m. Dismissal

**Thursday, November 14, 2013**

4:00 p.m. The Use of Expert Witnesses in U.S. Patent Litigation

5:15 p.m. Break

5:30 p.m. How to Prove Infringement, Validity, and Inequitable Conduct Issues, Including Standards of Proof

6:30 p.m. Dismissal

**Thursday, January 9, 2014**

4:00 p.m. Going to Trial! Format and Jury Selection

5:15 p.m. Break

5:30 p.m. Suggestions for Litigation Budgets and Overall Management of U.S. Patent Litigation

6:30 p.m. Dismissal