

Wednesday, October 13, 2021

- 1:00 PM Opening of 24th Annual EDTX Bench Bar Conference. Chief Judge Rodney Gilstrap, EDTX; Melissa Smith, President, EDTX Bar Association; Clyde Siebman, Chairman, EDTX Bench Bar Conference.
- 1:15 PM Real Persuasion in a Virtual World: Best Practices for Conducting Remote Hearings. Can this be a Effective Tool for Controlling Litigation Costs? James W. Walker, Cole Schotz P.C., Facilitator; Judge Robert W. Schroeder, III, EDTX; Judge Nicole Mitchell, EDTX and Gary Hood, Polsinelli, PC. .5 hours, including .25 ethics hours.
- 1:45 PM Tales from the Bench: Safely Conducting Public Trials in a Post Pandemic World. Are There Long Term Procedural Effects of the Covid-19 Virus? Melissa Smith, Gillam & Smith, Facilitator; Chief Judge Rodney Gilstrap, EDTX, Chief Judge Barbara M.G. Lynn, NDTX; Judge Ron Clark, EDTX; Judge Amos Mazzant, III, EDTX. .75 hours, including .25 ethics hours.
- 2:30 PM Trade Secret Identification and Related Sundries: Are the Four Sedona Principles Enough? What About Adding *Bench Bar* Principles 5 & 6? Clyde Siebman, Siebman Forrest and Chair EDTX Ad Hoc Committee on Trade Secret Litigation, Facilitator; Judge Keith Giblin, EDTX; James Pooley, James Pooley PLC and Sedona WG12 Chair; Arthur W. Coviello, WilmerHale; Robert Kantner, Jones Day. .75 hours.

No. 5 ... The preliminary identification of asserted trade secrets does not limit the scope of discovery where plausible allegations are made that other trade secrets or confidential information has been possessed, used or disclosed in violation of an agreement and/or applicable law, the specific identity of which are unknown.

No. 6 ... Where plausible allegations of trade

secret misappropriation are made, the Court should provide meaningful procedures for emergency relief at its first opportunity.

- 3:15 PM The Different Procedural Faces of Temporary Restraining Orders and Preliminary Injunctions Across EDTX: Is There More Than One Way to Skin a Cat? Wm. Charles Bundren, Esq, Bundren Law Group, PLLC, Facilitator; Chief Judge Gilstrap, EDTX; Judge Amos Mazzant, EDTX; Judge John Love, EDTX; and Judge Michael Truncale, EDTX. .75 hours
- 4:00 PM Trademark Piracy & Counterfeiting: Walking the Plank — A Focus on Injunctions and Seizures. Rocky Schwartz, Facilitator; Chief Judge Jose Linares, DNJ, Retired; Jeannie Heffernan, Kirkland & Ellis LLP; Molly Buck Richard, Richard Law Group. .5 hours.
- 4:30 PM Litigation Funding in Patent Cases – What are the latest trends and ethical considerations? Geoffrey Culbertson, Patton, Tidwell & Culbertson, L.L.P., Facilitator; Josh Meltzer Managing Director, US for Woodsford Litigation Funding; Gary R. Sorden, Cole Schotz P.C., IP Practitioner; Kevin E. Cadwell, Cadwell Clonts & Reedwell L.L.P., IP Practitioner. .5 hours, including .25 ethics
- 5:00 PM Oral Hearings before the Patent Trial and Appeal Board: Various Tricks for Trial Lawyers, Including Is There a Place for Live Testimony? Hope Shimabuku, Regional Director, Texas Regional Office, U.S. Patent and Trademark Office; Chief Judge Scott Boalick, Patent Trial and Appeal Board; Eric Klein, Vinson & Elkins, LLP. .75 hours.
- 5:45 PM Opening Reception
- 7:00 PM Private Judges' Dinner
- 7:45 PM Insight into the Texas Economy. What Makes it So “Dadgum” Strong? Dr. Ray Perryman, The Perryman Group. .5
- 8:15 PM Hotel After Dinner Social

Wednesday Total – 5.0 hours, including .75 ethics hours.

Thursday, October 14

- 9:00 AM George F. Pappas, Covington & Burling LLP, Facilitator; Judge Kathleen O'Malley Interviews Director Andrei Iancu and Then the Table Turns as the Director Interviews the Judge. 1 hour.
- 10:00 AM Patent Pilot Program: Is it Being Renewed or Turned into a Pumpkin? Where's the Logic in Using Venue to Spread Patent Cases Around While Funding Specialized Patent Courts. Michael Smith, Siebman Forrest, Facilitator; David Saunders, Director of Litigation, Juniper Networks; Steve Wolens, McKool Smith, Randall Garteiser, Garteiser Honea; Jeffrey Bragalone, Bragalone Conroy PC and Mike Jones, Potter Minton. .75 hours.
- 10:45 AM Venue and Foreign Defendants: From Statutory and Case Law to Strategies and Tactics Viewed from both Sides of the "V." Steve Williams, Munsch Hardt Kopf & Harr, P.C., Facilitator; Judge Roy Payne, EDTX; Fred Fabricant, Fabricant, LLP; Gina Culpepper, Senior Corporate Counsel, Fujitsu Network Communications, Inc.; Bruce Sostek, Thompson & Knight LLP; Rudy Fink, McKool Smith; and Otto Licks, Licks Law. 1 hour.
- 11:45 PM Five Years Later, Is the U.S. Patent System Still Turning Gold to Lead. Max Ciccarelli, Thompson & Knight, LLP, Facilitator; Adam Mossoff, Professor, Antonio Scalia Law School, Center for the Protection of Intellectual Property .75 hours.
- 12:30 PM Lunch
- 1:00 PM Lunch Presentation. A Behind-The-Scenes Review of Successfully Prosecuted Civil Rights Cold Cases Involving Assassinations and Fire Bombings from the 1960s. Judge Robert W. Schroeder, III, EDTX; and Jerry Mitchell, Investigative Reporter Formerly with the Clarion-Ledger Newspaper & Author of *Race Against Time: A Reporter Reopens the Unsolved Murder Cases of the Civil Rights Era*. .75 ethics hour.

- 1:45 PM From Making the Pitch to Handling the Case: Dos, Do Nots and Druthers as Viewed Through the Eyes of Leading In-house Women Counsel Supervising Intellectual Property Litigation. Diane Lettelleir, Senior Managing Counsel, JCPenny; Facilitator; Kathleen B. Barry, Senior Litigation Counsel, Corning Incorporated; Christen Dubois, Director and Associate General Counsel, IP, Facebook; Lara Rogers, Senior Corporate Counsel, Amazon.com, Inc.; Caroline Teichner, Litigation Counsel, Kraft-Heinz Company, Shawna Yashar, Director of IP at MicroStrategy; Jennifer Yokoyama, Deputy General Counsel, IP Group and Chief IP Counsel, Microsoft. .75 hour, including .25 ethics hours.
- 2:45 PM Unconscious Juror Bias: Identifying and Ethically Addressing Bias in Voir Dire. Donean Surratt, Orgain, Bell & Tucker, LLP, Facilitator; Professor Anna Offit, Dedman School of Law, SMU; and Jason Bloom, Jury Consultant, Bloom Strategic Consulting, Inc. .75 hours, including .25 ethics hours.
- 3:30 PM How Do Pandemics, Civil Unrest and Fake News Impact the Way Juries View the Evidence? What Trial Lawyers Should Know and Do About It? Natalie Bennett, Morgan, Lewis & Bockius LLP, Facilitator; Judge _____; Judge Christine Nowak, EDTX; Steven Geiszler, U.S. Chief Intellectual Property Counsel, Futurewei; Adam Allgood, Fisch Sigler LLP; and Douglas Keene, Keene Trial Consulting. .75 hours.
- 4:15 PM The Art of Appellate Advocacy. From Blunders to Brainstorms. Stephanie Barnes, Plunk Smith PLLC, Facilitator; Chief Judge Pricilla Owen, CA5; Chief Judge Sharon Prost, CAFC; Judge Jim Ho, CA5, Judge William Bryson, CAFC and Former Chief Judge Carl Stewart, CA5. .75 hour.
- 5:00 PM The EDTX Docket, Past, Present and Future Predictions: Are culture, urbanization and venue considerations giving rise to a growing docket of cases involving fraud and deceit? A look at false claims act, defend trade secrets act and securities fraud class actions. Joseph D. Brown, Attorney at Law and Former

U.S. Attorney, EDTX, Facilitator; Judge Richard Schell, EDTX; Judge Michael Truncale, EDTX; Kimberly Priest Johnson, EDTX; James Leito, Norton Rose Fulbright US LLP and District Clerk David O'Toole .75 hours.

5:45 PM Chief Judge and President's Reception

6:45 PM Chief Judge and President's Dinner

7:45 PM The Road to the Robe as Seen Through the Stories of Those Who Serve Today: A Wide Array of Professionalism, Public Service & Ethical Representation of Clients. Steven Wolens, McKool Smith, Moderator, with the EDTX Article III Judges in Attendance 1 ethics hour.

Thursday Total - 9.15 hours, including 2.25 ethics hours.

Friday, October 15

9:00 AM Tools and Strategies for Managing Discovery of Data Measured in Kilobytes, Megabytes, Gigabytes, Terabytes, Petabytes, Exabytes, Zettabytes and Yottabytes. Is a Paradigm Shift In Order? Jill Bindler, Gray Reed, Facilitator; Judge Robert W. Schroeder, III, EDTX; Judge Cathy Bencivengo, SDCA; Judge Roy Payne, EDTX; Evelyn Chen, Ericsson; Janis Clements, Greenberg Traurig LLP; and Amanda Abraham, Roth Law Firm. .75 Hours including .25 hours ethics.

9:45 AM East **meets** West...Texas, That Is. Judge David Folsom, EDTX Retired/Jackson Walker LLP, Facilitator; Chief Judge Gilstrap, EDTX; Judge Amos Mazzant, EDTX; Judge Alan Albright, WDTX; and Judge Lee Yeakel, WDTX .75 hours.

10:30 AM Comparing and Contrasting Local Patent Rules of EDTX, WDTX, D.DEL & NDCA: Same, Similar or Different? Wesley Hill, Ward, Smith & Hill, PLLC and EDTX Local Rules Advisory Committee Chair, Facilitator; Judge Leonard Stark, D.Del; Brian Nash, Pillsbury Winthrop Shaw Pittman LLP and Chris Kennerly, Paul Hastings LLP. .75 hours.

11:15 PM Observations from the Bench About Trial Lawyer Magic: What

Do the Most Successful Have in Common? Alan Fisch, Fisch Sigler LLP, Facilitator; Judge Andrews, D. Del.; Judge Ron Clark, EDTX; Judge James Robart, WDWA; Judge Andrew Peck, SDNY; and Judge Thad Heartfield, EDTX. .75 hour, including .25 ethics hours.

12 Noon Lunch

12:30 PM Lunch Presentation. Understanding the Rules of the Road at the Intersection of Standard Essential Patents and Antitrust: An Interactive Discussion with Q&A. Stephen Cox, United States Attorney, EDTX, Facilitator; Makan Delrahim, Assistant Attorney General, Department of Justice, Antitrust Division. 1 hour.

1:30 PM The Prosecution of Elder Fraud, Consumer Protection, Cyber and Covid-19 Crimes: The Growing Role of Federal Prosecutions. Brian Pandya, Deputy Associate Attorney General, US DOJ, Facilitator; Judge Marcia Crone, EDTX; Judge J. Campbell Barker, EDTX; Judge Zack Hawthorn, EDTX and Thomas Noyes, Deputy Chief Investigator, United States Postal Service. .5 hours.

2:00 PM Fireside Chat with Federal Circuit Judges. George Pappas, Covington Burling, LLP, Facilitator; Chief Judge Sharon Prost; Judge William Bryson; and Judge Richard Linn, CAFC. 1 hour.

3:00 PM Article III Case Management in a World with a PTAB and an ITC: Navigating Rocky Shoals. Gary Hoffman, Pillsbury Winthrop Shaw Pittman LLP, Facilitator; Chief Judge Rodney Gilstrap, EDTX; Judge Leonard Stark, D.Del.; Judge Richard Linn, Del; and Judge Amos Mazzant, EDTX. 1 hour.

3:45 PM Licensing Negotiations for Essential Patents – Mock Negotiation (Skit) Followed by Panel Discussion of Litigation Strategies. Douglas Cawley, McKool Smith Facilitator; Ted Stevenson, McKool Smith, _____; _____; _____; _____; and _____. 1.25 hours, including .25 ethics hours.

5:00 PM Closing Reception

Friday Total - 7.75 hours, including .75 ethics hours.