

# **2017 Phoenix Issues**

## **The Naples Roundtable**

### **Phoenix Issue I.**

**FRAND/SEP Litigation — Policy Struggles. Sorting out today's problems.**

### **Phoenix Issue II.**

**The impact of recent changes to the Federal Rules of Civil Procedure? Have the changes simplified litigation? Have they impacted the cost of litigation? Curbing frivolous litigation. What is working and what is not?**

### **Phoenix Issue III.**

**The impact of recent decisions giving greater power to the district courts. The impact of new standards for enhanced damage awards, awards of attorneys' fees and for review of claim construction rulings (Octane, Halo and Teva). How best to proceed and how best to protect your client? Will this encourage or discourage more litigation and/or NPE litigation?**

### **Phoenix Issue IV.**

**Section 101 issues. Abstract ideas? Products of nature? Diagnostic tests? Medical Procedures? Computer software (is this a dead area for protection?)**

### **Phoenix Issue V.**

**Is there a growing anti-patent sentiment? Impact on the system? Impact on International Competition? Evaluating international litigation.**

### **Phoenix Issue VI.**

**Comparative Law Forum – Current Topics in Comparative and International Law.**

**Phoenix Issue VII.**

**New Federal Trade Secret laws.**

**Phoenix Issue VIII.**

**PTAB – Current issues. Has the process stabilized? Impact on Pharma’s molecule patents today? Use of Rule 36 affirmances in PTAB appeals? Is the Federal Circuit affirming most of the PTAB decisions? What have we learned from initial filings of PGRs?**

**Phoenix Issue IX.**

**Impact of PTAB proceedings on handling of District Court litigation and how courts can/should handle multi party cases where only some of the defendants have filed IPRs. Estoppel implementation, particularly when all claims not considered or all prior art not considered?**