Phoenix Issue I. **Rethinking Our Patent System –Can the Current US Patent System be Retooled to Better Encourage Innovation?** Building on the 2021 "fresh start" framework for improving the quality of patent examination and the efficiency of resolving issues of patent validity and infringement, can we forge a consensus for legislation aimed at: (1) patent examination becoming more compact, proceeding to conclusion in a more timely manner, costing less, and focusing exclusively on the patentability issues most critical for a high-integrity work product; (2) post-grant validity determinations being uniformly made faster and fairer, and more predictably and more efficiently; and (3) patent enforcement being similarly streamlined, yet better assuring valid patents secure full compensatory damages and access to injunctive relief and who should be entitled to injunctions and when.

Phoenix Issue II. **Navigating Patent-Antitrust Interface and Conflicts – Which should take priority and when?** Should patent holders of "critical" technology be compelled to grant licenses in the US? Around the world? Anti-suit injunctions raised by decisions in Wuhan, versus the approach taken in Germany, the UK, India, and the US should have coverage. Has the patent thicket become an unnecessary road block? Confronting the SEP/antitrust challenges around 5G. How should we improve on the quality of evaluations of SEPs and who should be involved in the process? The Administration has suggested that DOJ and DOC consider retracting the 2019 SEP-Patent guidance they put out that focused on the availability of injunctions in SEP litigation.

Phoenix Issue III. **Does the current US Patent System meet its primary objectives of incentivizing innovation and competition?** Is the current judicial interpretation of Section 101 stifling innovation? Is the US approach to subject-matter eligibility creating a gulf between the US and other major patent jurisdiction? What should be done absent Congressional action? What will be the impact of the *Restoring the America Invents Act* on innovation if passed? Are we sufficiently fostering innovation of new vaccines and drugs for the next pandemic? Are patent holders being adequately compensated for their development of critical technologies?

Phoenix Issue IV. Are international systems adequately promoting innovation? How can the US, EPO, JPO and KIPO work together to confront systemic challenges? What has been achieved in terms of patent harmonization and work-sharing in recent years and what more should be done? What role is China playing in the international patent system? What is the significance of the "new Trilateral vision" established by USPTO, JPO and EPO? Should there be any compulsory licensing of critical technology? Is there a need for an internationally accepted approach in handling SEP controversies?

Phoenix Issue V. The PTAB Playing Field – Are IPR proceedings meeting their promise, or should they be altered?

- Are IPRs meeting the objectives of simplifying and decreasing the cost of patent litigation?
- Impact of the Supreme Court's decision in U.S. v. Arthrex.
- Should all the claims and proposed grounds of invalidity be considered?
- Effective ways to succeed in IPR proceedings and assertive use of estoppel.
- Should Discretionary denials be curtailed? Subject to appeal?

Phoenix Issue VI. Does the patent system incentivize life science and artificial intelligence innovations? – Does our systems adequately protect AI, diagnostics, therapeutics, and biologic drugs? The use of AI is pervasive in almost all areas of technology today but does our patent system

support innovations of such technology or has the system becoming a stumbling block or an irrelevancy? The development of biologics is becoming a modern-day reality not just a dream for the future, but is our patent system prepared? Are changes needed to the US Patent system to incentivize investment in the advanced diagnostics, therapeutics, and vaccines we will need for the next pandemic? Is a strong US patent system beneficial to global health? The “patent dance” for biologics has been controversial and shrouded in secrecy. But effective June 2, 2021, the information provided by the product sponsor will be available online in the FDA’s purple book. Are courts (Fed. Cir. in particular in Amgen v. Sanofi) defining antibody-based science in a way that is not similar to how scientists view it? How does the US compare to China?