

## **AGENDA**

### **FTC HEARING ON THE EVOLVING IP MARKETPLACE**

601 New Jersey Avenue, NW  
Washington, DC  
December 5, 2008

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#### **OPENING REMARKS**

9:30-10:00

William Kovacic, Chairman, Federal Trade Commission

#### **PANEL 1: DEVELOPING BUSINESS MODELS**

10:00-11:30

Some of the most significant recent changes in markets for intellectual property have occurred through the emergence of new business models involving the buying, selling and licensing of patents. The first panel will discuss the operation of emerging business models, aspects of the patent system that support those models, and industry responses. The panel will also explore the implications these developing business models have for patent valuation and licensing.

#### Panelists:

Daniel Lang, Director, Intellectual Property, Cisco Corporation

Peter N. Detkin, Founder & Vice Chairman, Intellectual Ventures, Inc.

Daniel P. McCurdy, CEO, Allied Security Trust

Raymond Millien, founder PCT Companies and CEO, PCT Capital, L.L.C.

Brian Kahin, Senior Fellow, Computer & Communications Industry Association

#### **LUNCH BREAK:**

11:30-1:00

#### **KEYNOTE ADDRESS**

1:00-1:30

The Honorable Paul R. Michel, Chief Judge, Court of Appeals for the Federal Circuit

## **PANEL 2: RECENT AND PROPOSED CHANGES IN REMEDIES LAW**

1:30-3:00

This panel will explore recent and proposed changes in remedies law, their impact on innovation and consumers, and the use of economic analysis in determining remedies. Among other topics, the panel will consider: what economic evidence is relevant when analyzing whether to grant a permanent injunction; whether the legal rules governing patent damages result in awards that appropriately compensate patentees; and whether changes in willfulness doctrine have altered the behavior of patentees and potential infringers.

### Panelists:

Thomas F. Cotter, Briggs and Morgan Professor of Law, University of Minnesota Law School  
John R. Thomas, Professor, Georgetown University Law Center  
John Squires, Chief Intellectual Property Counsel, Goldman Sachs & Co.  
Q. Todd Dickinson, Executive Director, American Intellectual Property Law Association  
Hon. Roderick R. McKelvie, Covington & Burling, former judge for United States District Court for the District of Delaware

## **AFTERNOON BREAK**

3:00-3:15

## **PANEL 3: LEGAL DOCTRINES THAT AFFECT THE VALUE AND LICENSING OF PATENTS**

3:15 - 4:45

In the third panel, participants will examine changes in legal doctrines that affect the value and licensing of patents brought about by recent Supreme Court cases on obviousness, declaratory judgment and exhaustion. The panel will also discuss the role of unpredictability and notice in the IP marketplace.

### Panelists:

John F. Duffy, Oswald Symister Colclough Research Professor of Law, George Washington University Law School  
Joseph S. Miller, Associate Professor, Lewis & Clark Law School; Visiting Associate Professor, University of Georgia Law School  
Michael Meurer, Michaels Faculty Research Scholar, Professor of Law, Boston University School of Law  
Jeffrey P. Kushan, Partner, Sidley and Austin  
Duane R. Valz, VP & Associate General Counsel, Global Patents, Yahoo!