



THE EXPERTS IN
INTELLECTUAL PROPERTY
TRAININGS



Cross-Border Patent Litigation EU & US

- Building and Coordinating Litigation Teams
- How to Benefit from National Instruments
- Litigation Strategies for Plaintiff and Defendant
- Role playing exercise: Development and Evaluation of pre-suit strategies

Friday
12 December 2014
9 am – 5 pm
Amsterdam
Double Tree by Hilton



Dr. Clemens Heusch
Attorney-at-law,
Head of European Litigation,
Nokia, Ratingen (Germany)

Dr. Clemens-August Heusch is Head of European Litigation at Nokia where he is responsible for litigation and arbitration throughout Europe with a strong focus on German and UK IP litigation. Before joining Nokia, Clemens worked for more than four years as attorney-at-law at Bird & Bird LLP.



Dr. Tilman Müller-Stoy
Attorney-at-law, Partner,
Bardehle Pagenberg,
Munich (Germany)

Dr. Tilman Müller-Stoy is a partner with Bardehle Pagenberg and focuses on German patent litigation. He represents clients – regularly as lead counsel – in multi-jurisdictional patent infringement cases and in (parallel) invalidation and opposition proceedings.



Gertjan Kuipers
Attorney-at-law, Partner,
De Braw Blackstone
Westbroek, Amsterdam
(The Netherlands)

Gertjan Kuipers advises and litigates for various international companies. He works mainly in cross-border projects, and has a vast experience in conducting and coordinating multi-jurisdictional litigation.



Brian Kacedon
U.S. Patent Attorney,
Partner,
Finnegan LLP,
Washington, D.C. (USA)

Brian Kacedon has broad experience in all aspects of patent litigation, including drafting claim construction and summary judgment motions, examining and cross-examining witnesses.

The Biggest Challenge in Patent Litigation?

Challenges in patent litigation are abundant. But they become a real problem when the infringer is active in different countries and the parties are involved in parallel litigations in multiple jurisdictions. The issues in cross-border lawsuits often arise where foreign entities of an international company were summoned in proceedings where the jurisdiction of the national courts was primarily based on the domicile of a co-defendant from that same group. Litigations between European and US patent holders reveal their own additional specifics. In all these cases, having strong claims and a valid patent are not the only preconditions that determine the outcome of the process. Coordinating and perfectly managing the international litigation teams is one of the most challenging tasks and shouldn't be underestimated. In the end, the case will be won by the side that has a better strategy and wide experience.

Lead the Dispute to a Successful Resolution

Whether on the side of the plaintiff or that of the defendant, when striving for the best possible outcome in a multijurisdictional patent litigation you should have a good grasp of the litigation process from the initial negotiations to its completion. There are many decisions to be taken and each of them is equally important. From selecting and negotiating with external counsels through building of teams, defining the goal and calculating the costs each step requires your caution in the context of international regulations and national jurisdictions. Get two different perspectives of the preparation and coordination of cross-border patent litigations – that of the practicing lawyers and that of the in-house leading coordinator. Benefit from the considerable expertise of our speakers – three award-winning patent litigators from Germany, the Netherlands and the US and a highly experienced in-house Head of Litigation at a multinational company.

Benefit from the vast experience of our speakers, recognized as leading patent litigators in USA, The Netherlands and Germany 2014 and get the first-hand perspective from an in-house head of litigation!

Topics at a glance

Strategies for Plaintiff

- Define goal of the litigation (injunction, damages and/or business solution; injunction; regular remedy or equity-based relief; win rates)
- Warning letter & Torpedo risk
- Preparing for litigation: team selection & team building & regular communication/coordination
- Analysis of own exposure (strike back risk)
- Preservation of Evidence
- Forum Shopping
- Profit from national instruments: interim injunction proceedings, branching off a utility model, bifurcation & preliminary enforcement of injunctions
- Timing strategies – national practices to be considered
- Costs

Strategies for Defendant

- Define goal of the litigation (rejection, delay and/or business solution)
- Preparing for litigation: team selection & team building & regular communication/coordination
- Sufficient standing of plaintiff?
- Prior use right & exhaustion
- (F)RAND defense
- Statutory bar & forfeiture of right
- Torpedo
- Third party notice
- Profit from national instruments: protective brief against interim injunction proceedings, invalidity defense & invalidity actions (win rates), protection from enforcement
- Strike back opportunities
- Costs

Role Play

- Development and evaluation of pre-suit strategy in two teams (plaintiff team; defendant team) based on a hypothetical case

About this course

This very practical course focuses on the preparation, management and coordination of multinational litigation teams. The focus lies on the differences and difficulties in patent litigation involving US and European parties. The speakers will present the best strategies for plaintiffs and defendants, drawing your attention to the pitfalls arising while acting between multinational legal territories. You will be taken through the very early phases of preparing for litigation, strike back risks and opportunities, to benefiting from the national instruments available. The day-long programme will end with a role playing exercise, in two teams, focusing on the development and evaluation of pre-suit strategies, in order to help you cement this new knowledge!

Language

This course is held in English.

MORE INFORMATION



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Who should attend

Corporate Patent Counsels, Members of in-house patent litigation teams, Patent Attorneys and Patent Agents, Intellectual Property Consultants, Company Legal Advisors, Attorneys, Solicitors, Barristers

eDocumentation



Opt for the printable PDF download instead of the printed documentation and save 80 €. This special PDF, which should be downloaded not later than 3 days before the course, can be printed out or saved on your tablet or notebook for handy access during the course. If you prefer the eDocumentation option, please let us know when you submit your registration in order to receive the discount.

REGISTRATION | VENUE

Fee: 1,180.00 € (+ 21 % Dutch VAT), includes course documentation (incl. free download) as well as mid-session refreshments, lunch and certificate. 80 € discount for just printable PDF download option.

Accommodation: A limited number of rooms have been reserved at the seminar hotel and are subject to availability. Details will be forwarded with our confirmation.

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SCHEDULE | CONTACT

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