

Inaugural WilmerHale UK Intellectual Property Litigation Seminar: Patent Litigation—International Perspectives

Registration 15:30

Seminar 16:00–18:30

Reception 18:30–21:00

Chair: Joe Pillman, WilmerHale, London and Oxford

Mark Selwyn, WilmerHale, Palo Alto

Trevor Cook, WilmerHale, New York

Anthony Trenton, WilmerHale, London

WilmerHale's preeminent IP Litigation Practice was named 'IP Litigation Department of the Year' by *The American Lawyer* in 2014, the third time WilmerHale has received this recognition. Our lawyers have run some of the most high profile landmark cases in the world, including in the United States, Germany and the UK. We regularly represent clients in appeals before the US Supreme Court and Federal Circuit and our lawyers have on a number of occasions represented clients in the House of Lords and UK Supreme Court.

We will begin with a look at the current position and future developments in the European patent litigation system, including the dramatic new changes on the horizon that will be introduced by the forthcoming new EU Unified Patent Court. The seminar will go on to consider topical issues in the patent litigation field, from both a UK (and European) and US perspective. We will address the different approaches taken in the United States and in various EU jurisdictions to the interpretation of patent claims in the light of recent developments. We will then examine the patentability of software and computer implemented inventions in the UK and the US and the current state of play in Europe and the United States on enforcing standard essential patents and the determination of F/RAND royalty rates for their use.

KEY TOPICS

European Patent Litigation Jurisdiction and The New Unified Patent Court

- ***The Current Position*** – The current rules of European jurisdiction, forum shopping, the availability of pan-European declarations of non-infringement and *Actavis v Eli Lilly*.
- ***The Unified Patent Court and the Brave New World*** – Jurisdiction, structure, the new forum shopping, bifurcation, the procedure, transitional provisions.

Interpretation of Patent Claims—European and US Perspectives

- ***The position in the UK and various other EU jurisdictions*** – Purposive construction. Different tests for interpreting patent claims in various European jurisdictions. Has England moved towards file wrapper estoppel after *Actavis v. Eli Lilly*?
- ***The US perspective on interpretation of claims and prosecution history***

Patentability of Software and Computer-Implemented Inventions—European and US Perspectives

- ***The latest position in England*** – How even the most senior patent judges disagree about what is “technical” and patentable—*HTC v. Apple*.
- ***The position in the United States***

Standard Essential Patents

- The current state of play in Europe and the United States on enforcing standard essential patents and the determination of F/RAND royalty rates for their use.

