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## JUDICIAL SUMMIT

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# WIPO International Patent Case Management Summit Berkeley, California

**December 5 and 6, 2023**

organized by  
the World Intellectual Property Organization (WIPO)

the Berkeley Center for Law & Technology (BCLT)

and  
the Berkeley Judicial Institute (BJI)

## PROGRAM

*prepared by the International Bureau of WIPO, BCLT and BJI*

Venue: Berkeley City Club  
2315 Durant Avenue, Berkeley

### Tuesday, December 5, 2023

Attendees: Authors of *An International Guide to Patent Case Management for Judges*; select members of the WIPO Advisory Board of Judges; WIPO and Berkeley representatives

- 14.00 – 14.10 **Welcome**  
Judge Jeremy Fogel, Director Eun-Joo Min, Executive Director Wayne Stacey, and Professor Peter S. Menell
- 14.10 – 15.30 **Roundtable 1 – Perspectives from the Authors of *An International Guide to Patent Case Management for Judges*; Role of Judicial Expertise and Technical Experts**  
Moderator: Judge Jeremy Fogel  
Presentations from each team (8-10 minutes):
- U.S. (Professor Peter Menell and Professor Allison Schmitt)
  - Brazil (Judge Eduardo Azuma Nishi)
  - China (Judge Juan He)
  - Germany (Justice Klaus Grabinski)

- Japan (Professor Christoph Rademacher)
  - Republic of Korea (Judge Kwangnam Kim and Mr. Sang-Wook Han)
  - United Kingdom (Lord Justice Colin Birss and Ms. Morag Macdonald)
- 15.45 – 16.00 Coffee break
- 16.00 – 17.00 **Roundtable 2 – Key challenges to patent adjudication and WIPO’s work**  
Moderators: Justice Dedar Singh Gill and Director Eun-Joo Min
- Open Discussion
- 17.00 **Reception**

## Wednesday, December 6, 2023

Attendees: All attendees from December 5, and USPTO Director Vidal, USPTO PTAB officials, Canadian Intellectual Property Office (CIPO) Chief Executive Officer Konstantinos Georgaras, several U.S. district court judges, several co-authors of the U.S. Patent Case Management Judicial Guide, patent law scholars, and science experts.

- 9.00 – 9.10 **Welcome**  
Judge Jeremy Fogel, Director Eun-Joo Min, Executive Director Wayne Stacey, and Professor Peter S. Menell
- 9.10 – 10.45 **A Window into the Frontiers of Science and Technology: Artificial Intelligence, Bioscience, and More**  
Moderator: Professor Allison Schmitt  
Presentations:
- Professor Gary Marchant (bioscience, emerging technologies)
  - Theofanis Karaletsos (AI and bioscience)
  - Professor Dylan Hadfield-Menell (AI, robotics)
- 10.45 – 11.00 Coffee Break
- 11.00 – 11:45 **Ramifications of Cutting-Edge Patent Technologies for Patent Law and Policy**  
Discussion Leader: Professor Allison Schmitt
- 11.45 – 13.00 **Role of the Patent Office in Effective Patent Adjudication; Interplay between the Patent Office Administrative Review Proceedings and Judicial Proceedings**  
Moderator: Director Kathi Vidal
- U.S. Perspective:
    - U.S. PTO (Chief Administrative Patent Judge Scott Boalick; Deputy Chief Administrative Patent Judge Jacqueline Bonilla)
    - Judge Cathy Ann Bencivengo
  - Canada Perspective:
    - Chief Executive Officer Konstantinos Georgaras
  - Europe Perspective:
    - Germany (Justice Klaus Grabinski)
  - Asia Perspective:
    - Japan (Professor Christoph Rademacher)
  - South America Perspective:
    - Brazil (Judge Eduardo Azuma Nishi)
  - Discussion
- 13.00 – 14.15 Lunch Break

- 14.15 – 15.30 **Early Case Management, Claim Construction, and Summary Proceedings in Cross-Border Patent Disputes**  
Moderator: Judge Jeremy Fogel
- Judicial Perspectives:
    - Lord Justice Colin Birss
    - Magistrate Judge Virginia DeMarchi
    - Justice Klaus Grabinski
    - Judge Kwangnam Kim
    - Judge Jon Tigar
  - Litigator Perspectives:
    - Mr. Steven Carlson
    - Mr. Sang-Wook Han
    - Ms. Morag Macdonald
    - Mr. Matthew Powers
  - Discussion
- 15.30 – 16.30 **Remedies in Cross-Border Patent Disputes**  
Moderator: Lord Justice Birss
- Judicial Perspectives:
    - Judge Ángel Galgo Peco
    - Judge Juan He
    - Justice Dedar Singh Gill
    - Justice Klaus Grabinski
    - Judge Cathy Ann Bencivengo
  - Litigator Perspectives:
    - Mr. Sang-Wook Han
    - Ms. Morag Macdonald
    - Mr. Matthew Powers
  - Discussion
- 16.30 – 16.45 Coffee Break
- 16.45 – 18.00 **Managing Technical Subject Matters: Pharmaceutical Patents, Diagnostic Methods, Discoveries, Computer-Implemented Inventions, and AI**  
Moderator: Professor Peter Menell
- Patent Office Perspectives:
    - Chief Executive Officer Konstantinos Georgaras
    - Director Kathi Vidal
  - Judicial Perspectives:
    - Judge Cathy Ann Bencivengo
    - Lord Justice Colin Birss
    - Judge Ángel Galgo Peco
    - Judge Juan He
    - Judge Kwangnam Kim
    - Professor Christoph Rademacher
  - Discussion
- 18.00 – 18.45 **Concluding Panel: Comparative Insights and Perspectives**  
Moderator: Director Eun-Joo Min
- Open Discussion

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