

George Mason University Antonin Scalia Law School

PATENT LITIGATION & DISPUTE RESOLUTION SEMINAR

Spring 2022

Tuesdays 8:10-10:10 P.M.

SYLLABUS

INSTRUCTORS

Lauren J. Dowty
Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP
901 New York Ave., NW
Washington, D.C. 20001
(202) 408-4426
lauren.dowty@finnegan.com

Cara E. Regan
Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP
901 New York Ave., NW
Washington, D.C. 20001
(202) 408-4315
cara.regan@finnegan.com

Kassandra M. Officer
Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP
901 New York Ave., NW
Washington, D.C. 20001
(202) 408-4270
kassandra.officer@finnegan.com

Sonja W. Sahlsten
Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP
901 New York Ave., NW
Washington, D.C. 20001
(202) 408-4329
sonja.sahlsten@finnegan.com

PATENT LITIGATION & DISPUTE RESOLUTION SEMINAR

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Course Materials

- (1) Case File; and
- (2) Selected statutes, rules, cases, and articles that may be assigned for reading during the semester.

Learning Outcomes

- (1) Students will be able to describe the approaches and underlying values of pleadings, fact discovery, claim construction, expert discovery, motion practice, and trial in a patent litigation;
- (2) Students will develop analytical, oral, and drafting skills by participating in a mock patent litigation;
- (3) Students will be able to apply those frameworks and skills to new patent cases; and
- (4) Students will be able to communicate their knowledge about patent litigation orally and in writing, to a variety of audiences, including practicing attorneys and judges.

PATENT LITIGATION (SPRING 2022)

CLASS	DATE	STUDENT PRESENTATION	FILINGS‡
1	JAN 18	None	Plaintiff GGI (GMU) to Serve Complaint <u>Sun., Jan. 23</u>
2	JAN 25	Present Draft Position Paper* Draft Initial Disclosures Draft Discovery Requests	Defendant AMC (SUFFOLK) to Serve Answer and Counterclaims <u>Sun., Jan. 30</u> Parties to Serve Initial Disclosures <u>Sun., Jan. 30</u> Parties to Serve Discovery Requests <u>Sun., Jan. 30</u>
3	FEB 1	Draft Discovery Responses Present Draft Response to Counterclaims Present Revised Draft Position Paper*	Plaintiff (GMU) to Serve Response to Counterclaims <u>Sun., Feb. 6</u> Parties to Serve Discovery Responses <u>Sun., Feb. 6</u>

CLASS	DATE	STUDENT PRESENTATION	FILINGS‡
4	FEB 8	Draft Claim Chart (Infringement)* Review Discovery Responses	Parties to Serve Infringement and Invalidity Disclosures (Plaintiff re Infringement; Defendant re Invalidity) <u>Sun., Feb. 13</u> Parties to Exchange Proposed Claim Terms to Be Construed <u>Sun., Feb. 13</u>
5	FEB 15	Draft of proposed constructions* Draft Motions to Compel*	Parties to Meet and Confer on Final Claim Terms to be Construed <u>Fri., Feb. 18 by 5 p.m.</u> Parties to Exchange Proposed Constructions <u>Sun., Feb. 20</u> Parties Serve Motions to Compel (if necessary) <u>Sun., Feb. 20</u>
6	FEB 22	Draft of <i>Markman</i> Brief* Draft Oppositions to Motions to Compel	Parties to Serve <i>Markman</i> Briefs <u>Sun., Feb. 27</u> Serve Oppositions to Motions to Compel <u>Sun., Feb. 27</u>

CLASS	DATE	STUDENT PRESENTATION	FILINGS‡
7	MAR 1	<i>Markman</i> Hearing <u>Tues., Mar. 1, 8-10 PM</u> Location: Finnegan offices at 901 New York Ave., NW, Washington DC 20001	Court will issue <i>Markman</i> order, and order on any motions to compel, by Friday, Mar. 4
8	MAR 8	Draft Expert Report Outline*	Parties to Serve Expert Reports <u>Sun., Mar. 13</u>
NO CLASS	MAR 15	SPRING RECESS	Parties to complete two depositions each by <u>Monday, March 21</u> (via telephone)
9	MAR 22	Draft Motion for Summary Judgment*	Parties to Serve Any Motions for Summary Judgment <u>Sun., Mar. 27</u>
10	MAR 29	Draft Opposition to Motion for Summary Judgment	Parties to Serve Oppositions to Any Motions for Summary Judgment <u>Sun., Apr. 3</u>
11	APR 5	Draft Jury Instructions* Draft Motions in Limine*	Parties to Serve Proposed Jury Instructions <u>Fri., Apr. 8</u> Parties to Serve Motions in Limine <u>Sun. April 10</u>

CLASS	DATE	STUDENT PRESENTATION	FILINGS‡
12	APR 12	<p>Trial Preparation</p> <p>Draft Oppositions to Motions in Limine*</p>	<p>Parties will exchange witness lists</p> <p><u>Fri., April 15 (noon)</u></p> <p>Parties serve objections to proposed jury instructions (if necessary)</p> <p><u>Fri., April 15 (noon)</u></p> <p>Parties will serve any oppositions to any motions in limine</p> <p><u>Mon., April 18</u></p> <p>Parties will serve trial briefs (if requested)</p> <p><u>Mon., April 18</u></p>
13	APR 19	<p>Trial Preparation</p> <p>Draft Demonstrative Exhibits*</p>	<p>Parties to Serve Demonstrative Exhibits</p> <p><u>Fri., April 22 (noon)</u></p>
14	APR 23	<p>Jury Trial</p> <p>Location: TBD</p>	

DOCKET DATES[‡]

1.	Plaintiff (GMU) to serve Complaint	JAN 23
2.	Defendant (SUFFOLK) to serve Answer and Counterclaim	JAN 30
3.	Parties to serve Initial Disclosures	JAN 30
4.	Parties to serve discovery requests	JAN 30
5.	Plaintiff to serve response to counterclaim	FEB 6
6.	Parties to serve discovery responses	FEB 6
7.	Parties to serve infringement & invalidity disclosures (Plaintiff re infringement; Defendant re invalidity)	FEB 13
8.	Parties exchange claim terms to be construed	FEB 13
9.	Parties to meet and confer on final claim terms to be construed	FEB 18 (by 5 pm)
10.	Parties to serve proposed claim constructions	FEB 20
11.	Parties to serve motions to compel (if any)	FEB 20
12.	Parties to serve <i>Markman</i> briefs	FEB 27
13.	Parties to serve oppositions to motions to compel (if any)	FEB 27
14.	<i>Markman</i> hearing	MAR 1
15.	Parties to serve expert reports	MAR 13
16.	Parties to complete two (2) depositions each	MAR 21
17.	Parties to serve motion(s) for summary judgment	MAR 27
18.	Parties to serve oppositions to motions for summary judgment	APR 3
19.	Parties to serve proposed jury instructions	APR 8
20.	Parties to serve any motions in limine	APR 10
21.	Parties to serve witness list	APR 15 (noon)
22.	Parties to serve objections to proposed jury instructions	APR 15 (noon)
23.	Parties to serve any oppositions to motions in limine	APR 18
24.	Parties will serve trial briefs (if requested)	APR 18
25.	Parties to serve demonstrative exhibits	APR 22 (noon)
26.	Motions hearing and trial (location: TBD)	APR 23 (9 am)

LOCAL RULES‡

- 1.0 All service to be made by 10:00 p.m. Eastern on date due (unless otherwise noted).
- 2.0 All service to opposing counsel to be made via email, with copies to lauren.dowty@finnegan.com; cara.regan@finnegan.com; kassandra.officer@finnegan.com; and sonja.sahlsten@finnegan.com; PCS@foleyhoag.com.
- 3.0 Depositions limited to two (2) each side, one-hour limit each (taking party to provide transcript in five (5) days).
- 4.0 Interrogatories limited to five (5) each side, counting subparts.
- 5.0 No requests for admission permitted.
- 6.0 No expert depositions permitted.
- 7.0 *Markman* hearing by video conference, 30 minutes per side.
- 8.0 No damages discovery permitted (damages issues bifurcated).
- 9.0 Assignments denoted with * must be posted to TWEN by 6 p.m. the night before class.

‡ **CASE CALENDAR AND LOCAL RULES SUBJECT TO REVISION DUE TO COVID-19**