

United States Court of Federal Claims

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CHAMBERS OF
JUDGE SUSAN G. BRADEN
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MEMORANDUM

November 13, 2015

TO: Chief Judge Patricia E. Campbell-Smith
Ms. Sarah Wilson, Esq., Covington & Burling
Members of the Advisory Committee

FROM: Judge Susan G. Braden

CC: Judge Nancy B. Firestone
Ms. Meredith Miller
Ms. Sophie L. Fortin

SUBJECT: Report of the United States Court of Federal Claims Advisory Council,
Intellectual Property Committee

The following are members of the Committee:

John Fargo, United States Department of Justice
Professor Peter Menell, Berkeley Center of Law & Technology (not participating today)
Professor Lateef Mtima, Howard University School of Law
Michael Saywer, Covington & Burling
James Schaefer, Skadden, Arps, Slate, Meagher & Flom, Palo Alto, California
Andy Schwentker, Fish & Richardson
Stefani Vande Lune, Kirkland & Ellis

The IP Committee has accomplished the following tasks since our May 12, 2015 Report:

1. Professor Lateef Mtima, John Fargo, and I worked this summer with Senior Judge Bruggink to provide comments on the use of ADR in intellectual property cases. That work leads to our next project.
2. We have gathered all of the rules implemented by the current pilot patent courts. We will be working this winter to provide a working draft to the court's Rules Committee for review and comment in time to have a document for the Advisory Committee at the spring meeting.
3. Professor Menell has been working to integrate edits from the Federal Judicial Center on the next edition of Patent Case Management Judicial Guide.
4. We have monitored two *pro se* patent cases that have been referred to the court's new *pro se* referral program.
5. Other outreach:

On June 25, 2015, I participated in a panel at the Federal Circuit's Bench & Bar Conference in "Due Process (Administrative Practice Across All Jurisdictions)," where the court's intellectual property practice was discussed.

On December 2–4, 2015, I will attend the first Advisory Meeting to review and discuss Preliminary Draft 1 of the AEI's New Restatement of the Law, Copyright in Philadelphia.

On March 4, 2016, I will be participating in the 12th Annual Institute for Intellectual Property and Social Justice at Howard Law School.

On March 11, 2016, I will be participating in a panel discussion on claim construction at AIPLA's Quarterly Journal Symposium.