

# Research Roundtable on Software and Business Method Patents

Thursday, April 24-Friday, April 25, 2014

All sessions in Wieboldt Hall Room #150  
340 E. Superior Street, Chicago, IL 60611

**This conference is organized by Daniel F. Spulber (Northwestern University) and Emerson H. Tiller (Northwestern University)**

## Thursday, April 24th

12:00 p.m. **Lunch** (Wieboldt Hall #323)

12:55 p.m. **Introduction**

**Daniel B. Rodriguez**, Dean and Harold Washington Professor, Northwestern University School of Law

**Matthew L. Spitzer**, Searle Center on Law, Regulation, and Economic Growth, Northwestern University School of Law

**Emerson H. Tiller**, Northwestern University School of Law

**Daniel F. Spulber**, Northwestern University

1:00 - 2:30 **Session One: Legal Aspects of Software and Business Method Patents**

Session Chair: **Emerson H. Tiller**, Northwestern University School of Law

*The Problem of Antiquated Conceptions of Science and Technology in Delineating Modern Patentable Subject Matter Limitations*

**Peter S. Menell**, University of California at Berkeley School of Law (Boalt Hall), Berkeley Center for Law & Technology

*CLS v Alice*

**Charles J. Cooper**, Cooper & Kirk, PLLC

*Litigating Software and Software-Implemented Business Method Patents*

**John R. Allison**, McCombs School of Business, University of Texas at Austin

[\*Do 'Fuzzy' Software Patent Boundaries Explain High Claim Construction Reversal Rates?\*](#)

**Shawn P. Miller**, Stanford Law School

2:30 - 3:00 **Break**

3:00 - 4:30 **Session Two: Competition and Software and Business Method Inventions**  
Session Chair: **Matthew L. Spitzer**, Searle Center on Law, Regulation, and Economic Growth, Northwestern University School of Law

[\*Of Smart Phone Wars and Software Patents\*](#) (with Saurabh Vishnubhakat)  
**Stuart Graham**, Georgia Institute of Technology

*Software and Business Method Patents and the Market for Inventions*  
**Daniel F. Spulber**, Kellogg School of Management, Northwestern University

*Software and Business Methods Patents in a Changing EU Environment*  
**Bruno van Pottelsberghe de la Potterie**, Université Libre de Bruxelles (ULB), Solvay Brussels School of Economics and Management

*The Economics of Patent Examination*  
**Florian Schuett**, Tilburg University

4:45 **Cocktail Reception** (Wieboldt Hall #440)

6:00 **Dinner** (Wieboldt Hall #540)

### **Friday, April 25th**

8:00 a.m. **Breakfast** (Wieboldt Hall #323)

9:00 - 10:30 **Session Three: Patent Value and Software and Business Method Patents**  
Session Chair: **Stuart Graham**, Georgia Institute of Technology

*Patents as quality signals: Do they reduce financing constraints on R&D?*  
**Bronwyn H. Hall**, Department of Economics, University of California, Berkeley

*The Private Value of Patents for Entrepreneurial Ventures*  
**Arvids Ziedonis**, Stanford University  
**Rosemarie Ziedonis**, Lundquist College of Business, University of Oregon

[\*Patent Value and Citations: Creative Destruction or Strategic Disruption?\*](#)  
**David Abrams**, University of Pennsylvania Law School  
(with Ufuk Akcigit and Jillian Popadak)

*Appropriability and Platform Participation*  
**Marco Ceccagnoli**, Scheller College of Business, Georgia Institute of Technology

10:30 - 10:45 **Break**

10:45 - 12:15 **Session Four: On Patentability of Software and Business Method Inventions**

Session Chair: **Justus Baron**, Searle Center on Law, Regulation, and Economic Growth, Northwestern University School of Law

*Innovation in Software and Business Methods from a Sociological Perspective*  
**Laura Pedraza-Fariña**, Northwestern University Law School

*Federally Funded Software Patents*  
**Arti K. Rai**, Duke University School of Law

*Business Method Inventions and Bilski*  
**Jeffrey R. Kuester**, Taylor English Duma LLP

*Defensive and Offensive Acquisition Services in the Market for Patents*  
**Yann Ménière**, Cerna - MINES ParisTech

12:15 - 1:15 **Lunch** (Wieboldt Hall #323)

1:15 - 2:45 **Session Five: Covered Business Method Inventions and Legislative Proposals on AIA Section 18: Reform or Roadblock?**

Session Chair: **Daniel F. Spulber**, Northwestern University

**Phyllis Turner-Brim**, Vice President, Chief IP Counsel, Intellectual Ventures

**Laurie Self**, Vice President & Counsel, Government Affairs, Qualcomm Inc.

*How Has the Covered Business Method Program Worked?*  
**David L. Schwartz**, Illinois Institute of Technology, Chicago-Kent College of Law

*Unpacking PAEs*  
**Jay Kesan**, University of Illinois College of Law

2:45 **Adjourn**

**Confirmed Participants** (as of 4/3/2014):

1. **David Abrams**, University of Pennsylvania Law School
2. **John R. Allison**, McCombs School of Business, University of Texas at Austin
3. **Pere Arqué-Castells**, Universitat Autònoma de Barcelona
4. **Justus Baron**, Searle Center on Law, Regulation, and Economic Growth
5. **Steve Borsand**, Trading Technologies International, Inc.
6. **Julie A. Carlson**, U.S. Federal Trade Commission
7. **Marco Ceccagnoli**, Scheller College of Business, Georgia Institute of Technology
8. **Charles J. Cooper**, Cooper & Kirk, PLLC
9. **Peter DiCola**, Northwestern University School of Law

10. **Amy Garber**, Patent Agent on behalf of GE Global Patent Operation
11. **Stuart Graham**, Georgia Institute of Technology
12. **Kirti Gupta**, Qualcomm Inc.
13. **Bronwyn H. Hall**, Department of Economics, University of California, Berkeley
14. **Joseph F. Hetz**, Brinks Gilson & Lione
15. **Jay P. Kesan**, University of Illinois College of Law
16. **Jay Q. Knobloch**, Trading Technologies International, Inc.
17. **Jeffrey R. Kuester**, Taylor English Duma LLP
18. **Anne Layne-Farrar**, Charles River Associates
19. **Alan Marco**, U.S. Patent and Trademark Office
20. **Frances Marshall**, U.S. Department of Justice, Antitrust Division, Legal Policy Section
21. **Keith McNally**, Ameranth, Inc.
22. **Peter S. Menell**, University of California at Berkeley School of Law (Boalt Hall)
23. **Yann Ménière**, Cerna - MINES ParisTech
24. **Shawn Miller**, Stanford Law School
25. **Suzanne Drennon Munck**, U.S. Federal Trade Commission
26. **Abhishek Nagaraj**, MIT Sloan School of Management
27. **John Nethery**, Brinks Gilson & Lione
28. **Laura Pedraza-Fariña**, Northwestern University School of Law
29. **Arti K. Rai**, Duke University School of Law
30. **Margaret Jane Radin**, University of Michigan School of Law
31. **Florian Schuett**, Tilburg University
32. **David L. Schwartz**, Illinois Institute of Technology, Chicago-Kent College of Law
33. **Laurie C. Self**, Qualcomm Inc.
34. **Priyanka Sharma**, Stuart School of Business, Illinois Institute of Technology
35. **Ralph B. Siebert**, Purdue University, Krannert School of Management
36. **Matthew L. Spitzer**, Searle Center on Law, Regulation, and Economic Growth
37. **Daniel F. Spulber**, Kellogg School of Management, Northwestern University
38. **Emerson H. Tiller**, Northwestern University School of Law
39. **Phyllis Turner-Brim**, Intellectual Ventures
40. **Bruno van Pottelsberghe de la Potterie**, Université Libre de Bruxelles (ULB), Solvay Brussels School of Economics and Management
41. **Saurabh Vishnubhakat**, Duke Law School
42. **Deborah Weiss**, Searle Center on Law, Regulation, and Economic Growth
43. **Arvids Ziedonis**, Stanford University
44. **Rosemarie Ziedonis**, Lundquist College of Business, University of Oregon
45. **Samantha Zyontz**, MIT-Sloan School of Management

We are grateful to Qualcomm for its support of the Searle Center's Innovation Economics Project.