Patenting Artificial Intelligence

One-day conference at the EPO
30 May 2018
President’s foreword

There are few developments in the modern world that stand to have as great an impact on our society as the Fourth Industrial Revolution. Powered by Artificial Intelligence and the Internet of Things, we have entered an era of rapidly accelerating technological advances. All those involved in patents and AI, and the wider IP community, will need to have a firm understanding of how the technologies that lie at the heart of this process are being managed in the patent granting process.

This conference has been designed to respond to that need, by giving all those attending an opportunity to assess and understand how Artificial Intelligence is patented at the European Patent Office. The extensive programme will include a look at the AI examination practice at the EPO so our users are better equipped to take advantage of the well-defined practices for patenting software/computer implemented inventions that we have in place. And with many eminent external speakers, we’ll be exploring the numerous challenges and opportunities that AI brings to patenting.

Today’s conference provides us all with a unique opportunity to connect with attendees from business, academia, the judiciary, policy making and patent offices, to evaluate together how patent offices and their users can benefit from this period of exciting change.

I wish you all a very enjoyable conference.

Benoît Battistelli
Agenda

07.30 Registration & light breakfast

09.00 Welcome
Alberto Casado (Vice-President Patent Granting Process, EPO)

Part I: The current situation on patenting AI
Moderators: Rob Sterne (Sterne, Kessler, Goldstein & Fox, US)
Grant Philpott (Chief Operating Officer ICT, EPO)

09.10 Keynote 1
AI inventions and the Fourth Industrial Revolution

Keynote speakers:
Clare Dillon (Clare Dillon Consulting, IE)
Yann Ménière (Chief Economist, EPO)

Chair of Q&A session:
Rob Sterne (Sterne, Kessler, Goldstein & Fox, US)

10.15 Panel discussion 1
General strategies for protecting AI inventions

Chair of the panel:
Rob Sterne (Sterne, Kessler, Goldstein & Fox, US)

Panellists:
Herbert Zech (University of Basel, CH)
Keith Bergelt (Open Invention Network, US)
Heinz Goddar (Boehmert & Boehmert, DE)

11.00 Coffee
11.30  **Keynote 2**  
*How does the EPO deal with the challenges of AI in patents?*

*Keynote speaker:*
*Koen Lievens (Operational Director, EPO)*

*Dialogue:*
*Christian Platzer (Operational Director, EPO)*
*Margarethe Zmuda (Ericsson, SE)*
*Claudia Schwarz (Schwarz + Baldus, DE)*

12.30  **Panel discussion 2**  
*Challenges in drafting patent applications for AI-related inventions*

*Chair of the panel:*
*Grant Philpott (Chief Operating Officer ICT, EPO)*

*Panellists:*
*Clare Dillon (Clare Dillon Consulting, IE)*
*Andrea Perronace (Jacobacci & Partners Spa, IT)*
*Michele Holoubek (Sterne, Kessler, Goldstein & Fox, US)*
*Benjamin Bai (Ant Financial Services Group/Alipay, CN)*

13.15  Buffet lunch
Part II: Post-grant aspects of AI patents, ownership and ethical considerations

Moderator: Grant Philpott (Chief Operating Officer ICT, EPO)

14.30 Panel discussion 3
Post-grant aspects of AI-related patents

Chair of the panel:
Heli Pihlajamaa (Director, Patent Law, EPO)

Panellists:
Rob Sterne (Sterne, Kessler, Goldstein & Fox, US)
Hideki Takaishi (Nakamura & Partners, JP)
Matthias Schneider (Audi, DE)

15.15 Coffee

15.45 Panel discussion 4
Ethical and societal considerations in relation to AI patented inventions

Chair of the panel:
Heli Pihlajamaa (Director, Patent Law, EPO)

Panellists:
Peter Blok (University of Utrecht, NL)
Clara Neppel (IEEE, Vienna, AT)
Noam Shemtov (Queen Mary University of London, UK)

16.45 Closing words
Benoît Battistelli (President, EPO)

17.00 Cocktail
**Speakers**

**Robert Greene Sterne** is a founding director of Sterne, Kessler, Goldstein & Fox P.L.L.C., an intellectual property law firm based in Washington, D.C. He is a registered U.S. patent attorney and was named in 2015 by the Financial Times as one of the “Top Ten Legal Innovators in North America. He has extensive expertise in subjects including AIA post issuance proceedings and concurrent patent litigation, Federal Circuit appeals, EU enforcement, patent monetization and licensing. He is editor in chief of Patent Office Litigation (2012), and Patent Office Litigation 2nd Edition (2017)(Thomson Reuters). Mr Sterne holds a BSEE and a MS.

**Grant Philpott** is the EPO’s Chief Operating Officer for patenting in the ICT area, with responsibility for approximately 2000 highly qualified patent examiners, managers and administrative staff. During his 28 years at the EPO he has worked across a range of technical fields encompassing mechanics, industrial chemistry and ICT, in the EPO’s Controlling Office and on several automation projects. Previous managerial positions include Principal Director of the Computers and Telecoms operational areas and Director of the EPO’s semiconductor patenting directorate in Munich.
Clare Dillon
With over 20 years’ experience of leadership development and technology evangelism, Clare helps organisations maximise opportunities presented by the latest trends in technology. Most recently, Clare was a member of the Microsoft Ireland Leadership Team, heading up the Developer Evangelism organisation. She has served on the boards of the National Digital Research Centre, the Irish Internet Association, the Irish Centre for Cloud Computing & Commerce and the Technology Ireland Innovation Forum.

Yann Ménière joined the EPO as Chief Economist in February 2016. He was previously a professor of economics at MINES ParisTech, where he headed the IP and Markets for Technology team. In recent years he has focused more specifically on IP and standards, markets for technology, and IP issues in climate negotiations. Besides his academic publications, he has prepared a number of patent-related policy studies for the European Commission, the French Government, the French patent office and other public organisations. He has lectured on the economics of IP at Imperial College London, the Université catholique de Louvain (Belgium) and CEIPI.

Herbert Zech is Professor of Life Sciences Law and Intellectual Property Law at the University of Basel. Professor Zech has a special interest in technology law. Among others his current fields of research are patents in the life sciences and legal issues concerning big data, artificial intelligence and additive manufacturing.
Keith Bergelt is the CEO of Open Invention Network (OIN), the largest patent non-aggression community in history, created to support freedom of action in Linux as a key element of open source software. Funded by Google, IBM, NEC, Philips, Red Hat, Sony, SUSE, and Toyota, OIN has more than 2,500 OIN community members and owns more than 1,200 global patents and applications.

Heinz Goddar, Prof., Dr, a German Patent Attorney and European Patent and Trademark Attorney, is a partner of Boehmert & Boehmert, with his office at Munich, Germany. He teaches Patent and Licensing Law as an Honorary Professor at the University of Bremen, Germany, as a Lecturer at the Munich Intellectual Property Law Center (MIPLC), Munich, Germany. He lectures IP Law at the Tsinghua University, School of Law, Beijing. Furthermore, Dr Goddar is an Adjunct Professor and an Honorable Consultant in International Legal Services at the National Yunlin University of Science and Technology, Yunlin, Taiwan. He is also a Director at the Global Institute of Intellectual Property (GIIP), Delhi. He is a Past President of LES International, has been inducted into the IP Hall of Fame and is an ad-personam member of the EPO's Standing Advisory Committee (SACEPO).

Koen Lievens is a director in DG1, in charge of patentability searches and patent granting in the fields of wireless and data switching networks. Koen is also heading a task force inside the EPO, for clarifying the legal practice and guidelines relating to Computer Implemented Inventions (CII). Koen has a background in ICT and has been patent examiner for 13 years.
Christian Platzer is Director of the joint cluster Computers at the EPO, managing the operational area which deals with applications in the field of business methods. He studied electrical engineering and computer science at the Technical University in Vienna, Austria. He joined the EPO in 1990 as an examiner in the field of computer-implemented inventions and examined patent applications in the fields of processor architectures, memory management, medical informatics and business methods. Christian has represented the EPO in co-operation activities and has lectured at the ETH Zurich on the topic of patentability of business methods and computer-implemented inventions at the EPO.

Margarethe Zmuda holds a Master of Computer Science (Dipl. Inform.) from RWTH Aachen University. She is a practicing European and German Patent Attorney at Ericsson in Germany. Prior to her role as a Patent Attorney she worked as a Patent Engineer. She has been working continuously at Ericsson GmbH since 1997. Margarethe specializes in all areas of telecommunication, particularly Mobile Networks (GSM, UMTS, LTE, 5G), Multimedia, Cloud Computing and recently Artificial Intelligence.
Dr Claudia Schwarz
Computer Scientist Graduate, Patent Attorney, European Patent Attorney, European Trade Mark Attorney, European Design Attorney and founding partner of the law firm Schwarz+Baldus in Munich. Dr Claudia Schwarz supervises all areas of computer engineering as well as areas of medicine and medical engineering, cryptology, mechatronics, bioinformatics and internet technology within the scope of prosecution and litigation procedures. She is assistant lecturer at the LMU Munich for “IP & IT” and regularly publishes articles in professional journals concerning patent protection for software innovations.

Michelle Holoubek is a Director at Sterne Kessler. Having handled thousands of software and business method applications at the PTO and globally, she specializes in patent-eligible subject matter (“101”). In addition to the preparation and prosecution of patents to develop portfolios for startups and Fortune 100 companies alike, she has been counsel in 70+ contested cases at the PTAB for both patent owners and challengers. Her technical areas of practice are software, optics, and digital health.
Andrea Perronace is a European Patent Attorney and has been working in the field of IP for 17 years. He has a master degree in Physics and a Ph.D. in Physical Chemistry. Andrea is a former external expert for the European Commission in the field of Anti-Counterfeiting Technologies and has been admitted as a Court Expert before the Specialized Intellectual Property Section of the Court of Rome. Andrea is a full member of the ICT Thematic Group of the European Patent Practice Committee (epi) and contributes in the Guidelines subcommittee of epi whose aim is to submit to the EPO proposals for improvement of the Guidelines for Examination. He works on a broad range of subject matters in the physics, telecommunications, electricity, electronic and electro-mechanical fields, including ICT-related matters.

Benjamin Bai is Vice President and Chief IP Counsel for Ant Financial Services Group. Previously, he spent 19 years in the world’s leading law firms in the United States and China. Over the past decade, he has focused on high-stake technology litigation and IP licensing in China, with a particular emphasis on patent and trade secret litigation. He was honoured by China Law and Practice as the China IP Lawyer of the Year 2015. Managing Intellectual Property named him as an IP Star for patent licensing, protection and litigation and trade secrets in 2014, 2015 and 2016. Dr Bai obtained his JD from the University of Texas, School of Law and his PhD in chemistry from Rice University. He obtained his BS from the University of Science and Technology of China.
Heli Pihlajamaa, Director Patent Law, EPO Munich, studied Law at Helsinki University and at Max Planck Institute in Munich. Heli acts as legal member in opposition cases and advises EPO higher management on policy issues and legal amendments. She is responsible for supporting the EPO policy by developing, strengthening and promoting the EPC, including proposals for legal changes, compliance of operations with patent law-related norms and case law. Before joining the EPO she worked in both the private and public sectors.

Hideki Takaishi (Nakamura & Partners, Japan) is an attorney at law and patent attorney who focuses on patent law, unfair competition prevention law, trademark law, design law, copyright law, antimonopoly law, contract law, etc. He graduated from the Faculty of Engineering at the Tokyo Institute of Technology and went on to complete his graduate studies there as well. Later he studied at the Duke University School of Law.

Matthias Schneider is Chief Licensing Officer at AUDI AG. He was Vice President for IPR at Siemens Communication Devices and BenQ Mobile and Global Head of Defensive Licensing at Nokia Corp. He has played an important role in the development of the Siemens 2G and 3G SEP licensing program and was the lead negotiator of numerous (offensive and defensive) high-value licensing deals for various companies. Matthias Schneider holds a master and a doctorate degree in Computer Science and teaches courses on User Interface Design topics at the Technical University of Munich.
Peter Blok is professor in the Center for Intellectual Property Law of Utrecht University. He holds the Patent law and privacy chair. He is a judge in the Commercial Law Chamber of the Court of Appeal in The Hague. He is specialized in intellectual property law and privacy and data protection law.

Peter Blok was a judge in the Intellectual Property chamber of the District Court of The Hague over eight years. Before that he was an attorney-at-law in Rotterdam and Amsterdam.

He holds a PhD-thesis on privacy and data protection law from Tilburg University. Peter Blok studied law and philosophy at Leiden University.

Dr Clara Neppel is the Senior Director of the IEEE European office in Vienna, where she is responsible for the growth of IEEE’s operations and presence in Europe. Clara serves as a point of contact for initiatives with regard to technology, engineering and related public policy issues.

Clara joined IEEE after many years with the European Patent Office where she was involved in various aspects relating to innovation, intellectual property and public policy in the field of information and communication technologies. She co-authored publications both in the field of patentability of computer implemented inventions as well as possible future scenarios of the patent system.
Dr Noam Shemtov joined the Centre for Commercial Law Studies at Queen Mary University in 2009. His expertise lies in the field of IP and Technology Law and he is currently the Director of Queen Mary Intellectual Property Research Institute. He lectures at Queen Mary as well as at a number of universities around the world where he holds visiting appointments, in areas pertaining to intellectual property, creative industries and technology and his research interests are also focused on these fields.
Notes
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