

october 27

thursday

COMMITTEE EDUCATIONAL SESSION (3:30 – 5:30 PM)

3:30 – 5:30 PM

MARYLAND, LOBBY LEVEL

ELECTRONIC AND COMPUTER LAW/CORPORATE PRACTICE (JOINT SESSION) (100 MINUTES OF CLE REQUESTED)

PATENTS FOR THE INSURANCE AND FINANCIAL SERVICES INDUSTRIES: INDUSTRY TRENDS AND PRACTICE TIPS

Patents in the Insurance Industry: “A Battle of Enlightenment”

Robert F. Weir
The Hartford
Hartford, CT

The Financial Services Industry: “Uphill Patenting”

Raymond Millien
American Express Co.
New York, NY

Drafting Patents in the Financial Services and Insurance Industry

Lisa Norton
DLA Piper Rudnick Gray Cary US, LLP
Washington, DC

Dealing with Rejection

Brad Forrest
Schwegman Lundberg Woessner & Kluth, PA
Minneapolis, MN

3:30 – 5:30 PM

WILSON A, MEZZANINE LEVEL

ELECTRONIC BUSINESS, AUTOMATION AND HARMONIZATION OF STANDARDS/TRADEMARK INTERNET-CYBERSPACE (JOINT SESSION) (90 MINUTES OF CLE REQUESTED)

On July 18, 2005, the PTO reduced trademark filing fees under certain circumstances when an applicant uses “TEAS Plus” to file a trademark application. Learn how to know whether your trademark application is eligible for TEAS Plus. Learn what subsequent events will destroy TEAS Plus status. Learn how to deal with client-relation and foreign-associate-relation issues arising out of TEAS Plus.

Carl Oppedahl
Oppedahl & Larson, LLP
Dillon, CO

Lisa London
Finnegan Henderson Farabow Garrett & Dunner, LLP
Washington, DC

3:30 – 5:30 PM

TRUMAN, MEZZANINE LEVEL

INDUSTRIAL DESIGNS (60 MINUTES OF CLE REQUESTED)

- I. Welcome and Introductions
- II. Update on US Patent & Trademark Office Design Group
- III. Update on the Hague Agreement and draft AIPLA Resolution
- IV. CLE Program

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The Application of *Markman* to Design Patent Litigation

Christopher V. Carani
McAndrews Held and Malloy
Chicago, IL

Perry J. Saidman
Saidman DesignLaw Group
Silver Spring, MD

COMMITTEE MEETINGS (3:30 – 5:30 PM)

3:30 – 4:30 PM

MARRIOTT BALCONY D, MEZZANINE LEVEL

**AMERICAN INTELLECTUAL PROPERTY LAW EDUCATION FOUNDATION (AIPLEF)
(COMMITTEE MEMBERS ONLY)**

3:30 – 5:30 PM

WILSON B, MEZZANINE LEVEL

ANTITRUST LAW/PATENT LITIGATION (JOINT MEETING)—LITIGATING THE PATENT-ANTITRUST CASE:

Antitrust claims alleging improper use or enforcement of patents are on the rise, with class actions brought by third parties and state attorneys general becoming more common. Recent developments have significant implications for the way patent cases are tried. The defense of patent-antitrust cases also raises unique problems. The Patent Litigation and Antitrust Law Committees will present a joint program to explore these developments and to provide practical lessons in the trial and management of both the patent case and the follow-on antitrust case. Speakers will include Jeffrey Brennan, Deputy Director of the Federal Trade Commission; Philip S. Johnson, Chief Patent Counsel, Johnson & Johnson; George G. Gordon, Dechert LLP; and Kenneth Frankel, Finnegan Henderson Farrabow Garrett & Dunner, LLP.

3:30 – 5:30 PM

COTILLION BALLROOM, MEZZANINE LEVEL

BIOTECHNOLOGY/CHEMICAL PRACTICE (JOINT MEETING)

The committees will discuss recent court decisions which may significantly impact biotechnology, chemical and pharmaceutical practices. A panel of experts will present summaries of the following recent court decisions and their impact on our practice: 1) *Merck v. Integra*. The panel will discuss the implications of the holding in this case on the 271(e)(1) exception to infringement and whether this case will have any impact on the so-called “research tool patents”. 2) *Schering-Plough Corp. v. F.T.C.* The panel will discuss whether “reverse payment” settlement of ANDA litigation to maintain a patentee’s exclusive marketing position may be an antitrust violation. The panel will also discuss whether the holding of this case conflicts with a similar case from the Sixth Circuit and whether a *certiorari* petition will be granted to resolve the apparent circuit split. 3) *Laboratory Corp. of America Holdings v. Metabolite Laboratories, Inc.* The panel will discuss the status and possible implications of this case in which the Supreme Court sua sponte drafted the question of whether a particular “patent [is] invalid because one cannot patent ‘laws of nature, natural phenomena, and abstract ideas?’” for consideration for review and has asked the Solicitor General for the opinion of the United States whether *certiorari* should be granted. 4) *In re Fisher*. A decision from the Federal Circuit is expected in this case 2005. The panel will discuss whether a claim to a gene fragment having minimal utility disclosure satisfies the utility requirement of 35 USC § 101. 5) *Rasmusson v. SmithKline Beecham Corp.* The panel will examine whether this Federal Circuit decision imposed a different enablement standard for certain chemical and biotechnology inventions from other types of inventions. Subcommittee presentations will follow the panel presentations.

3:30 – 4:30 PM

TAFT, MEZZANINE LEVEL

COPYRIGHT LAW

Orphan Works - A panel of representatives from the Copyright Office and various interested parties will offer insights into the forthcoming legislative proposal regarding “orphan works,” i.e., copyrighted works whose owners cannot readily be identified or located. The public is often denied access to these works because