

october 26

wednesday

1:00 – 5:00 PM

COTILLION BALLROOM, MEZZANINE LEVEL

BOARD OF DIRECTORS’/COMMITTEE CHAIRS’ BUSINESS MEETING

4:00 – 7:00 PM

EXHIBIT HALL A, EXHIBITION LEVEL

PRE-REGISTRATION

For attendees who have pre-registered and wish to pick up their packets early. **Please Note: On-site registration will open at 8:00 am, Thursday, October 27.**

october 27

thursday

8:00 – 9:00 AM

MARRIOTT BALCONY B, MEZZANINE LEVEL

IP LAW ASSOCIATIONS (COMMITTEE MEMBERS ONLY)

8:00 – 9:00 AM

MARRIOTT BALCONY A, MEZZANINE LEVEL

MEMBERSHIP/MENTORING (JOINT MEETING)

This joint breakfast meeting will focus on the Target-Substantive Committee (“TSC”) Liaison and Mentoring programs administered by the Membership and Mentoring Committees. We encourage all committee chairs, committee co-chairs, current TSC liaisons and those interested in becoming TSC liaisons to attend this meeting to connect to their respective liaisons or committee representatives, share their experiences, and discuss how to encourage further development of the program and the Mentoring program. The TSC liaison program is intended to work the Mentoring program to provide liaisons with mentors who are actively involved in AIPLA. In addition, TSC liaisons are encouraged to serve as mentors to new AIPLA members. Those interested in becoming mentors or mentees are also invited to join this breakfast meeting focused on how to become meaningfully involved in AIPLA and its committees.

8:00 – 9:00 AM

JOHNSON, MEZZANINE LEVEL

PROFESSIONALISM AND ETHICS (COMMITTEE MEMBERS ONLY)

8:00 – 9:00 AM

HARDING, MEZZANINE LEVEL

US BAR JAPAN LIAISON COUNCIL (COUNCIL MEMBERS ONLY)

8:00 – 9:30 AM

EXHIBIT HALL A, EXHIBITION LEVEL

CONTINENTAL BREAKFAST

9:00 AM – 3:00 PM

MEET AT 24TH STREET ENTRANCE AT 8:45 AM

SPOUSE/GUEST TOUR (TICKETS REQUIRED)

“Historic Annapolis”

ADVANCED RESERVATIONS REQUIRED/SPACE IS LIMITED. SEE PAGE 40 FOR MORE DETAILS.

october 27

thursday

CONCURRENT TRACK 1 (9:00 AM – 12:00 NOON)

COTILLION BALLROOM, MEZZANINE LEVEL

CLAIM CONSTRUCTION: HOW CLAIM CONSTRUCTION IS DETERMINED IN A PATENT CASE AT A TRIAL COURT LEVEL

Moderators: **Michael J. Madison**
University of Pittsburgh School of Law
Pittsburgh, PA

Raj Davé
Morrison & Foerster
McLean, VA

Speakers:

Honorable Randall R. Rader (serves as judge), (Invited)
United States Court of Appeals for the Federal Circuit
Washington, DC

Robert C. Kahl (counsel no. 1)
Jones Day
Cleveland, OH

Steven Comer (counsel no. 2)
Morrison & Foerster
Irvine, CA

David M. Simon (counsel no. 3)
Intel Corporation
Santa Clara, CA

J. Jeffrey Hawley (counsel no. 4)
Eastman Kodak Co.
Rochester, NY

CONCURRENT TRACK 2 (9:00 AM – 12:00 NOON)

MARRIOTT BALLROOM SALON 3, LOBBY LEVEL

PROSECUTION TIPS FROM AROUND THE WORLD FOR US PRACTITIONERS

9:00 – 9:05 AM

Introduction

Moderator: **Kenneth Nigon**
RatnerPrestia, PC
Valley Forge, PA

9:05 – 9:30 AM

Tips for Drafting European Patent Applications: Computer Software and Business Methods

Christian Rupp
Mitscherlich & Partner
Munich, Germany

key
days
of
the
year

october 27

thursday

9:30 – 9:55 AM

Tips for Drafting European Patent Applications: Pharmaceutical

Gavin Bogle
Wyeth Patent Law Department
Cambridge, MA

9:55 – 10:20 AM

Tips for Drafting Foreign Electronic Applications

Peter Emanuel
GE Licensing
Princeton, NJ

10:20 – 10:45 AM

Tips for Drafting Japanese Patent Applications

Daisuke Nagano
Matsushita Electric Industrial Co., Ltd.
Tokyo, Japan

10:45 – 11:10 AM

Tips for Drafting Patent Applications in PRC

Heather Lin
NTD Patent & Trademark Agency Limited
Beijing, China

11:10 – 11:35 AM

Drafting Worldwide Applications with a View Toward Licensing

Jay Simon
JS Consulting
West Orange, NJ

11:35 AM – 12:00 NOON

Drafting Worldwide Applications with a View Toward Litigation

Nick Beckett
CMS Cameron McKenna
London, United Kingdom

CONCURRENT TRACK 3 (9:00 AM – 12:00 NOON)

MARYLAND, LOBBY LEVEL

INTELLECTUAL PROPERTY CRIMES & MISDEMEANORS: ADVENTURES IN ANTI-PIRACY AND ANTI-COUNTERFEITING

9:00 – 9:10 AM

Introduction

Moderator: **Jeffrey H. Kaufman**
Oblon Spivak McClelland Maier & Neustadt, PC
Alexandria, VA

october 27

thursday

Governmental Perspectives on IP Crimes

9:10 – 9:20 AM IPR Enforcement at the FBI

Leslie Bryant
Federal Bureau of Investigations
Washington, DC

9:20 – 9:30 AM Customs Enforcement

Paul Pizzeck
International Trade Compliance
US Customs and Border Protection
Department of Homeland Security
Washington, DC

9:30 – 9:40 AM Computer Crimes

Michael Dubose
US Department of Justice
Washington, DC

9:40 – 9:50 AM

Panel Discussion
Questions & Answers



In-House Perspectives from Various Industries

9:50 – 10:05 AM The Movie Industry

John G. Malcolm
Motion Picture Association of America
Encino, CA

10:05 – 10:20 AM The Recording Industry

Steven Marks
Recording Industry Association of America
Washington, DC

10:20 – 10:35 AM The Pharmaceutical Industry

Teresa Hechmer Anzalone
GlaxoSmithKline
King of Prussia, PA

10:35 – 10:50 AM The Consumer Products Industry

Gerard P. Devine
GE Consumer and Industrial
Plainville, CT

10:50 – 11:05 AM Panel Discussion

Questions & Answers

Thursday

october 27

thursday

Litigation Perspectives: How to Protect Your Client's Brand

11:05 – 11:15 AM The Use of US Customs to Enforce the Client's IP Rights

Jeffrey H. Kaufman

Oblon Spivak McClelland Maier & Neustadt, PC
Alexandria, VA

11:15 – 11:30 AM Representing the Enthusiast

Frank Janoski

Lewis Rice and Fingersh
St. Louis, MO

11:30 – 11:45 AM The View from Europe on Enforcing IP Rights in the EU

Raimondo Coletti

Ing. Barzano & Zanardo Milano, SPA
Milano, Italy

11:45 AM – 12:00 NOON

Dealing with Counterfeit Goods Being Produced in China – A View from the Frontlines

B. Gary Zhang

China Sinda Intellectual Property
Beijing, China

12:00 NOON – 12:30 PM

EXHIBIT HALL A, EXHIBITION LEVEL

LUNCHEON RECEPTION (ALL REGISTRANTS INVITED)

Sponsored by:

DLA Piper Rudnick Gray Cary US, LLP

12:30 – 2:00 PM

WASHINGTON ROOMS, EXHIBITION LEVEL

LUNCHEON (TICKETS REQUIRED)

CURRENT DEVELOPMENTS AND FUTURE PLANS OF WIPO

Francis Gurry

Deputy Director General
World Intellectual Property Organization
Geneva, Switzerland



2:00 – 3:30 PM

DELAWARE AB, LOBBY LEVEL

BOARD OF DIRECTORS' MEETING

october 27

thursday

CONCURRENT TRACK 1 (2:00 – 3:30 PM)

COTILLION BALLROOM, MEZZANINE LEVEL

THE ROLE OF TODAY'S SUPREME COURT AND PTO SOLICITOR IN THE DEVELOPMENT OF PATENT LAW; THE ROLE OF ECONOMIC ANALYSIS IN FEDERAL CIRCUIT DECISION MAKING; CRITICISM OF THE FEDERAL CIRCUIT: FAIR OR FOUL?; AND *KNORR-BREMSE & PHILLIPS*: HAVE THEY ADEQUATELY CLARIFIED THE LAW?

Moderator: **Donald R. Dunner**
Finnegan Henderson Farabow Garrett & Dunner, LLP
Washington, DC

Speakers:

Honorable Richard Linn
United States Court of Appeals for the Federal Circuit
Washington, DC

Honorable Timothy B. Dyk
United States Court of Appeals for the Federal Circuit
Washington, DC

Honorable T. John Ward
United States District Court, Eastern District of Texas
Marshall, TX

USPTO Official (Invited)
US Patent and Trademark Office
Alexandria, VA

Robert L. Baechtold
Fitzpatrick Cella Harper & Scinto
New York, NY

David J. Kappos
IBM Corporation
Armonk, NY

Nancy J. Linck
IP Consulting & Litigation Support
Alexandria, VA

Panel Discussion

Questions & Answers

thursday

october 27

thursday

CONCURRENT TRACK 2 (2:00 – 3:30 PM)

MARRIOTT BALLROOM SALON 3, LOBBY LEVEL

BEING CREATIVE WITH THE CREATE ACT

Moderator: **David P. Ruschke**
Medtronic, Inc.
Minneapolis, MN

2:00 – 2:30 PM

The CREATE Act: Its Creation and Content

George Wheeler
McAndrews Held & Malloy, Ltd.
Chicago, IL

2:30 – 3:20 PM

Being Creative When Prosecuting Patents and Writing Agreements

Kevin E. Flynn
The Eclipse Group
Durham, NC

K. Shannon Mrksich
Brinks Hofer Gilson & Lione
Chicago, IL

3:20 – 3:30 PM

Questions & Answers

CONCURRENT TRACK 3 (2:00 – 3:30 PM)

MARYLAND, LOBBY LEVEL

SEIZE THE DAY: HEARING AN EX PARTE SEIZURE ORDER FOR COPYRIGHT AND TRADEMARK COUNTERFEITING

Moderator: **Jeanne M. Gills**
Foley & Lardner, LLP
Chicago, IL

M. Kelly Tillery
Pepper Hamilton, LLP
Philadelphia, PA

Neil A. Smith
Sheppard Mullin Richter & Hampton, LLP
San Francisco, CA

Honorable Petrese B. Tucker
United States District Court, Eastern District of Pennsylvania
Philadelphia, PA

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

october 27

thursday

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

october 27

thursday

publishers, archives, and others are unwilling to risk distributing or developing works that cannot be cleared. After reviewing extensive written comments and holding roundtable discussions through the spring and summer, the Copyright Office will likely be making a legislative proposal to Congress on this issue by the end of 2005. This panel will identify areas of agreement and disagreement among the participants, and discuss what the coming legislation might look like.

4:30 – 5:30 PM

MARRIOTT BALCONY A, MEZZANINE LEVEL

DIVERSITY IN IP LAW

4:30 – 5:30 PM

WILSON C, MEZZANINE LEVEL

INTERFERENCE

We've invite several representatives from the USPTO to present a report about the status of cases pending and decided at the Board as well as report as to recent news from the Board and provide information as to the news from the inter partes section of the Board. Also the invited USPTO representative will provide a short presentation as to his role in trying to expedite the declaration of interferences at the Technical Center / examiner level.

4:30 – 5:30 PM

ROOSEVELT, MEZZANINE LEVEL

INTERNATIONAL EDUCATION

The committee will hold a business meeting to discuss its plans for the upcoming committee year, and outline its activities and proposed educational seminars for 2005-2006.

3:30 – 4:30 PM

COOLIDGE, MEZZANINE LEVEL

IP PRACTICE IN THE FAR EAST

The committee will spend most of the time in the meeting hearing several talks by members of the Korean Patent Attorneys Association on developments in Korea. The committee will also discuss briefly the planned reciprocal visit to China, on May 10-19, 2006, to discuss IP practice with courts, administrative agencies and local attorneys. Visits to Hong Kong, Shanghai and Beijing are planned.

3:30 – 4:30 PM

MARRIOTT BALCONY B, MEZZANINE LEVEL

LAW PRACTICE MANAGEMENT

The committee will hold a business meeting including discussion on the topics of feedback from the 2005 AIPLA Economic Survey; a survey among the committee regarding topics of interest in Law Practice Management; and committee goals for 2006.

4:30 – 5:30 PM

TAFT, MEZZANINE LEVEL

ONLINE PROGRAMS

Coming off of a very busy summer with three successful programs on patents, trademarks, and opinions, the Online Programs Committee will be regrouping to work on finalizing its December Ethics program and to work on continued development of its next 3 or 4 online programs, scheduled to occur by mid 2006, through its live online vendor KRM. The committee will also work through responses from other committee chairs as to their needs for online program support. The committee will also continue to research and review current and potential vendors for delivery of content at different levels and pricing. Focus will be made on selecting and developing content from available sources (such as the substantive committees, the road shows, the Education Committee, and the like) for migration to an online programming format for new offerings to the membership. This should include both high end delivery of live and prerecorded content with full bells and whistles and at least one lower cost option for a more informal and inexpensive lunchtime conference approach.

4:30 – 5:30 PM

HARDING, MEZZANINE LEVEL

PATENT COOPERATION TREATY ISSUES

The committee will meet to discuss its current role within AIPLA: (a) serving AIPLA staff in preparation for PCT Reform meetings at the World Intellectual Property Organization in Geneva, Switzerland; (b) serving fellow committees of AIPLA in providing program content and assistance as requested; and (c) serving

october 27

thursday

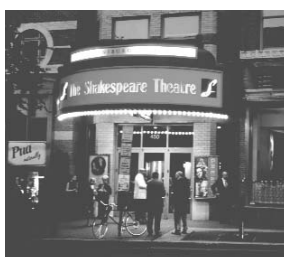
members and the public with PCT seminars. Review of the Advanced PCT Seminar programs in July will be discussed, with emphasis on how the committee can reach both advanced and novice users of the PCT. It is likely that a person from WIPO will be present at the meeting to address results of the PCT Assembly meeting which will have been held a few weeks earlier concerning several aspects of PCT Reform.

3:30 – 4:30 PM

ROOSEVELT, MEZZANINE LEVEL

TRADE SECRET LAW

Every day, workers across the country change jobs. Many find new employment with their old employer's competitor, working in the same field and often coming in contact with many of the same clients and customers. While workers are entitled to earn a living and employ their general skills and knowledge at their new jobs, they are not permitted to use or misappropriate the trade secrets and proprietary information of their former employers. Moreover, many workers may be subject to non-competition agreements that may, for a time limit what they can do for a new employer. Unless the former and new employers can reach a voluntary accommodation, they are likely to find themselves in litigation, contesting the inevitability of trade secret misappropriation and the permissible scope of the worker's new job. Reaching such an accommodation can be a daunting task. The Trade Secrets Committee is pleased to devote part of its business meeting to an address by Jean E. Shimotake a partner at White & Case on the subject of resolving the migrating worker problem, striking a balance between protecting the former employer and permitting the worker to provide meaningful services for the new employer. Please join the committee and contribute your thoughts and ideas.



photos by: Washington, DC Convention and Tourism Corporation (WCTC)

october 27

thursday

THURSDAY EVENING EVENTS

5:30 – 6:30 PM

DELAWARE AB, LOBBY LEVEL

NEW MEMBER/FIRST-TIME ATTENDEE RECEPTION (See page 45 for details)

Sponsored by:

McAndrews Held & Malloy, Ltd.

7:00 – 9:00 PM

EXHIBIT HALL C, EXHIBITION LEVEL

OPENING NIGHT RECEPTION (TICKETS REQUIRED)

“Sample the City – Washington, DC”

Sponsored in part by:

Connolly Bove Lodge & Hutz, LLP

9:00 – 11:00 PM

WASHINGTON ROOMS, EXHIBITION LEVEL

DESSERT RECEPTION (ALL REGISTRANTS INVITED)

Sponsored by:

Hogan & Hartson, LLP

Attendee Gift Sponsored in part by:

*Dickstein Shapiro Morin & Oshinsky, LLP
&
Thomson Scientific*