

october 18

wednesday

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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 19.**

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8:00 – 9:00 AM

HARDING, MEZZANINE LEVEL

**IP LAW ASSOCIATIONS (COMMITTEE MEMBERS ONLY)**

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8:00 – 9:00 AM

HOOVER, MEZZANINE LEVEL

**PROFESSIONAL PROGRAMS**

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8:00 – 9:00 AM

NEW YORK A, MEZZANINE LEVEL

**PROFESSIONALISM AND ETHICS (COMMITTEE MEMBERS ONLY)**

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8:00 – 9:00 AM

NEW YORK C, MEZZANINE LEVEL

**DIVERSITY IN IP LAW**

The committee plans to continue working on the following issues during the 2006-07 year:

1) Establishing better means to communicate awareness of the Committee’s purposes; 2) Identifying needs and obstacles to diverse attorneys joining/participating in AIPLA activities; 3) Liaise with professional programs and other AIPLA committees to foster greater minority participation in AIPLA program development; and 4) Create ways to enhance the numbers of diverse lawyers in AIPLA leadership positions.

The Committee’s work this year embraces the AIPLA Strategic Plan goals relating to education, advocacy, growth, and services. To facilitate these endeavors, the Diversity in IP Law Committee has fostered dynamic program creation to enhance networking and participation by minority lawyers. We believe that it is an essential mission of the Committee to broaden the membership base of AIPLA with a talented and diverse base of IP lawyers. In turn, our goal is to infuse minority lawyers with sufficient tools and knowledge to further enrich our practices and, ultimately, our clients.

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8:00 – 9:30 AM

EXHIBIT HALL A, EXHIBITION LEVEL

**CONTINENTAL BREAKFAST**

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11:00 AM – 4:00 PM

MEET NEAR ENTRANCE TO HARRY’S PUB AT 10:45 AM

**SPOUSE/GUEST TOUR (TICKETS REQUIRED)**

***“National Portrait Gallery with Afternoon Tea”***

ADVANCED RESERVATIONS REQUIRED/SPACE IS LIMITED. SEE PAGE 44 FOR MORE DETAILS.

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3:00 – 3:30 PM

**Trademark Appeals and the Supreme Court**

**Beth S. Brinkmann**  
Morrison & Foerster, LLP  
Washington, DC

**COMMITTEE EDUCATIONAL SESSIONS (3:30 – 5:30 PM)**

3:30 – 5:30 PM

MARYLAND, LOBBY LEVEL

**CORPORATE PRACTICE/LICENSING AND MANAGEMENT OF IP ASSETS (JOINT SESSION)  
(100 MINUTES OF CLE REQUESTED)**

3:30 – 3:35 PM

**Welcome Remarks**

**Aaron A. Weiss, Chair of Licensing and Management of IP Assets Committee**  
STMicroelectronics  
Carrollton, TX

3:35 – 5:15 PM

**IP Due Diligence Panel Discussion**

The panel will discuss various topics relating to Intellectual Property Due Diligence. A general overview of due diligence will be provided to set the stage for a more detailed panel discussion of some of the more interesting and difficult aspects of IP Due Diligence. The panel will explore topics including the level of due diligence needed, prior agreements, considerations for licensing agreements developed with standards boards, transferability of IP rights and license agreements, the attorney-client privilege, waiver, the common interest doctrine, biotech patents, clinical trial study considerations, and copyright considerations. Each of these areas raise particular issues about due diligence that the IP practitioner should be aware of, consider, and, when appropriate, comprehend during an IP due diligence analysis.

Moderator:

**Kevin Wolff**  
Wolff Law Offices, PLLC  
Chapel Hill, NC

**Overview of IP Due Diligence**

**Charles Calkins**  
Kilpatrick Stockton, LLP  
Winston-Salem, NC

**Level of Due Diligence Needed and Prior Agreements**

**Charles Calkins**  
Kilpatrick Stockton, LLP  
Winston-Salem, NC

**Standard Boards and Open Standardization – Commitments to Licensing Terms and Their Effect on Licensing and Due Diligence**

**Gustav Brismark**  
Ericsson  
Stockholm, Sweden

**Treatment of Transferability of IP Rights and License Agreements for Due Diligence**

**Mike Mlotkowski**  
Roberts Mlotkowski & Hobbes, PC  
McLean, VA

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**The Attorney-client privilege, Waiver, and the Common Interest Doctrine as They Relate to Due Diligence**

**Mark J. Thronson**  
Dickstein Shapiro, LLP  
Washington, DC

**BioTech and Clinical Trial Considerations for Due Diligence**

**Beverly W. Lubit**  
Lowenstein Sandler  
Roseland, NJ

**Copyrights Considerations for Due Diligence**

**James J. Johnston**  
Dechert, LLP  
Philadelphia, PA

5:15 – 5:30 PM

**Questions & Answers**

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3:30 – 5:30 PM

MARRIOTT BALLROOM SALON 1, LOBBY LEVEL

**INDUSTRIAL DESIGNS (60 MINUTES OF CLE REQUESTED)**

The Industrial Designs area of intellectual property continues to experience an onslaught of important cases and legislation. Join us as we discuss the effects of the recent Federal Circuit decision in *Lawman v. Winner* on subsequent design patent litigation, as well as "The Sedona Conference Report on the Markman Process" and possible public comments on the implications of the Markman decision in design litigation. We will also discuss the recent congressional hearings on HR 5055 - the Design Piracy Prohibition and an AIPLA resolution on the same. In addition, the meeting will offer one hour of CLE in connection with what we expect to be a lively and informative discussion by actual users of the Hague Agreement system for the protection of industrial designs. A representative from WIPO and Gerhard Bauer, Chief Trademark Counsel of Daimler Chrysler AG, have been invited to discuss their experiences with the system to date. The committee will use the discussion as a launching point to evaluate whether it is in the best interest of AIPLA members to make a recommendation to the AIPLA board for a resolution that the US implement the Hague Agreement.

3:30 – 3:40 PM

**Opening Announcements**

**Patricia E. McQueeny (Invited)**  
Learn.com  
Sunrise, FL

3:40 – 3:45 PM

**Apparel Bill Update**

**Tracy-Gene G. Durkin (Invited)**  
Sterne Kessler Goldstein Fox  
Washington, DC

3:45 – 3:50 PM

**Sedona Conference White Paper Update**

**Tracy-Gene G. Durkin (Invited)**  
Sterne Kessler Goldstein Fox  
Washington, DC

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3:50 – 4:05 PM

**Lawman Update**

**Christopher V. Carani (Invited)**  
McAndrews Held & Malloy  
Chicago, IL

4:05 – 5:05 PM

**Panel Discussion on Hague Agreement featuring:**

**Marcus Hopperger (Invited)**  
World Intellectual Property Organization  
Geneva, Switzerland

**Gerhard R. Bauer (Invited)**  
DaimlerChrysler AG  
Stuttgart, Germany

5:05 – 5:30 PM

**Questions & Answers**

**COMMITTEE MEETINGS (3:30 – 5:30 PM)**

4:30 – 5:30 PM

**AIPLEF (COMMITTEE MEMBERS ONLY)**

NEW YORK A, MEZZANINE LEVEL

3:30 – 4:30 PM

**ANTITRUST LAW**

Our focus either way will be on the FTC's recent decision in *In the Matter of Rambus, Inc.*, No. 9302 (FTC Aug. 2, 2006), available at <http://www.ftc.gov/os/adjpro/d9302/060802commissionopinion.pdf>. This is a very important antitrust decision involving IP rights and standard setting, and raises many issues for IP owners who participate in standard-setting bodies. We'll discuss the decision, how it squares with the Federal Circuit's decision based on substantially the same facts, and the implications for IP owners. We also will have as a guest speaker Susan Desanti, Senior Counsel on the staff of the Antitrust Modernization Commission, to speak about what the Commission is considering on the issue of patent reform.

CAROLINA SOUTH, LOBBY LEVEL

3:30 – 4:30 PM

**BIOTECHNOLOGY**

The committee will present a discussion on one of the hottest topics in the field: Follow-on biologics. Diverse perspectives will be provided, including legal, regulatory and scientific aspects of the issues.

CAROLINA NORTH, LOBBY LEVEL

3:30 – 5:30 PM

**EDUCATION/YOUNG LAWYERS/LAW STUDENTS (JOINT MEETING)**

Interested in AIPLA? Looking for ways to get involved? Then this is the committee meeting for you! The Young Lawyers, Education, and Law Student Committees proudly present, "Inside AIPLA," a committee meeting devoted entirely to the organization, what we do and how you can be a part of it. Representatives from the Board of Directors as well as the various AIPLA committees will be on hand to describe their responsibilities as well as ways that our members can help. The presentation will be followed by an informal networking session to allow attendees to speak directly with the various representatives. All AIPLA members, including first time attendees are invited and encouraged to attend. We look forward to seeing you!

VIRGINIA C, LOBBY LEVEL

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4:30 – 5:30 PM

VIRGINIA B, LOBBY LEVEL

## **ELECTRONIC BUSINESS, AUTOMATION AND HARMONIZATION OF STANDARDS**

### **Seven e-Filing Tips 'Road Warrior' Patent Attorneys Must Know**

1) Traveling Light: what you must have 'on the road' to file any patent document in the USPTO from any computer with Internet access. 2) At the coffeehouse, how to access and download an unpublished file history from the USPTO. 3) Signing and filing a preliminary amendment from your hotel for the application filed yesterday from the office. 4) Saving the desperate client's patent rights while vacationing out of town: borrowing a computer to electronically file a 'quickie' provisional application. 5) At the airport terminal, how to access, download and review outside counsel's recently filed Office action responses. 6) Before going overseas or taking a cruise, what you need to know to e-file your patent documents in the USPTO. 7) How to get to an issued patent in about one year by filing electronically. Bonus Presentation: Experts from the USPTO e-business office will give demonstrations, answer technical and legal questions, and give a sneak-peek at what's coming next for doing business electronically with the USPTO.

4:30 – 5:30 PM

CAROLINA NORTH, LOBBY LEVEL

## **EMERGING TECHNOLOGIES**

The committee will have an open meeting for both Committee members and at-large attendees. The agenda will include a discussion of the Committee's ongoing efforts to address various emerging technological issues, including nanotechnology. Presentations by the Chair and Vice Chair, as well as committee members are being scheduled that include recent activities in the nanotechnology movement, as well as additional emerging areas. This meeting will give attendees an opportunity to learn and share experiences in cutting-edge technological fields, including how these innovations can best be protected with the upcoming rule changes in the U.S. Patent Office proposals. The Committee welcomes everyone's interest and participation. If you have any questions regarding the Committee meeting, please contact either the Chair, Bryan Bockhop, [bwb@bockpatent.com](mailto:bwb@bockpatent.com), or the Vice Chair, Ray Van Dyke, [vandyke@acm.org](mailto:vandyke@acm.org).

4:30 – 5:30 PM

HARDING, MEZZANINE LEVEL

## **INTERFERENCE**

The committee will discuss committee activities, updates in interference and contested cases practice, and future plans of the Committee. The main topic for consideration is the annual report from Chief Judge Michael Fleming as to the status of disposed of and pending matters before the Board of Patent Appeals and Interferences. We also anticipate a discussion of the status of new legislation to enact opposition proceeding in the UPSTO and Board preparation for this new class of contested cases in the UPSTO. The committee will continue with the existing subcommittee structure into 2007. The main subcommittees being: Education subcommittee, the Advocacy subcommittee, the Membership subcommittee and the Services subcommittee.

3:30 – 4:30 PM

NEW YORK A, MEZZANINE LEVEL

## **IP PRACTICE IN EUROPE**

Presentation by European attorney relating to EPO opposition strategies.

3:30 – 4:30 PM

HARDING, MEZZANINE LEVEL

## **IP PRACTICE IN JAPAN**

The brief business meeting will include a discussion related to the upcoming pre-meeting seminar held at the Mid-Winter Meeting and planning for the committee's annual trip to Japan in April. Most of the time will be devoted to presentations by members of the Japanese Patent Attorneys Association on developments in IP law and practice in Japan.

3:30 – 4:30 PM

COOLIDGE, MEZZANINE LEVEL

## **IP PRACTICE IN LATIN AMERICA**

The committee will conduct an educational meeting focusing on treaties by and between the Americas. An informal business meeting will follow. We welcome everyone's interest and participation. If you have any questions regarding the committee meeting, please contact the Chair, Brian Batzli, at [bbatzli@merchant-gould.com](mailto:bbatzli@merchant-gould.com).

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COOLIDGE, MEZZANINE LEVEL

## **IP PRACTICE IN THE FAR EAST**

The committee will meet to hear a speaker from India and to discuss the results of the Spring 2006 trip to China by committee members.

3:30 – 4:30 PM

McKINLEY, MEZZANINE LEVEL

## **PATENT COOPERATION TREATY ISSUES**

The PCT Issues committee will meet to discuss its current role within AIPLA. The committee will also review and discuss the resolutions submitted to the AIPLA Board of Directors, and the action that has been taken based on these resolutions. The committee will review the Advanced PCT Seminar programs held in July, and will foreshadow the seminar for July 2007. The committee will also review and discuss continued notable PCT Reform.

3:30 – 4:30 PM

VIRGINIA B, LOBBY LEVEL

## **PATENT-RELATIONS WITH THE USPTO**

USPTO officials have been invited to discuss proposed revisions to Information Disclosure Statement practice.

3:30 – 5:30 PM

VIRGINIA A, LOBBY LEVEL

## **TRADEMARK INTERNET/CYBERSPACE/TRADEMARK LAW/TRADEMARK LEGISLATION/TRADEMARK LITIGATION/TRADEMARK-RELATIONS WITH THE USPTO – INTER PARTES/TRADEMARK-RELATIONS WITH THE USPTO – PROSECUTION/TRADEMARK TREATIES AND INTERNATIONAL LAW (JOINT MEETING)**

The Trademark Committees will meet jointly to address a number of pending issues. The Trademark/Internet & Cyberspace Committee will provide an update concerning ICANN-related issues germane to administration of the domain name system. The Trademark Legislation Committee will provide an update concerning any pending trademark-related legislation as well as an update on the status of the legislation to amend the FTDA. The Trademark Treaties and International Law committee will report on issues germane to implementation of the Madrid Protocol. The Trademark-Relations with the USPTO Committee will provide an update regarding (1) the status of the proposed changes to TTAB Rules of Procedure in the event a Final Rule is issued in advance of the meeting; and (2) an update on myriad other trademark issues at the PTO.

We will also be joined by the newly-formed **Anti-Counterfeiting and Anti-Piracy Committee**, which will hold a brief discussion of the contents of H.R. 5921, the "Intellectual Property Enhanced Criminal Enforcement Act of 2006," introduced in July, 2006. The discussion will include an overview of this draft legislation and the impact this bill may have on the fight against counterfeiting and piracy.

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