

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

COTILLION BALLROOM, MEZZANINE LEVEL

CHANGES IN THE DEFINITION OF STATUTORY SUBJECT MATTER, AND IN THE RULES AFFECTING THE USE OF REPRESENTATIVE CLAIMS AND CONTINUING APPLICATIONS

Moderator: **Michael D. Stein**
Woodcock Washburn, LLP
Seattle, WA



PART I: LIMITING THE USE OF CONTINUATION APPLICATIONS

9:00 – 9:20 AM

How Will the Revised 37 CFR 1.78 Make the Examination Process More Efficient and Reduce the Load on Examiners

John J. Doll
Commissioner for Patents
United States Patent and Trademark Office
Alexandria, VA

9:20 – 9:40 AM

Describe Strategy for Optimizing Patent Protection Under the New Continuation Rules

Charles E. Van Horn
Finnegan Henderson Farabow Garrett & Dunner, LLP
Washington, DC



PART II: HOW WILL THE USE OF “REPRESENTATIVE” CLAIMS AFFECT PROSECUTING APPLICATIONS IN THE USPTO

9:40 – 10:00 AM

How Will the Designation of “Representative Claims” Increase Efficiency of the Examination Process

Jay Lucas
Deputy Commissioner for Patent Examination Policy
United States Patent and Trademark Office
Alexandria, VA

10:00 – 10:20 AM

Discuss Applicant’s Strategy to Use New “Representative Claims” to Optimize Patent Protection

Stephen G. Kunin
Oblon Spivak McClelland Maier and Neustadt, PC
Alexandria, VA

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PART III: HOW WILL *LAB CORP.* AFFECT THE DEFINITION OF STATUTORY SUBJECT MATTER

10:20 – 10:40 AM

How Will *Lab Corp.* and the Interim Guidelines Affect Prosecution Before the USPTO

Michael R. Fleming
Chief Administrative Patent Judge
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
Alexandria, VA

10:40 – 11:00 AM

How To Advise Your Clients About the Effect of *Lab Corp.* and the Interim Guidelines on Prosecution Strategy in the USPTO

Kenneth N. Nigon
RatnerPrestia, PC
Valley Forge, PA



PART IV: CAN NEW TECHNOLOGY FACILITATE THE SEARCH OF PRIOR ART?

11:00 – 11:20 AM

On-Line Peer Review of Published Applications: The Proposed USPTO Pilot

Beth S. Noveck
New York Law School
New York, NY

11:20 – 11:40 AM

Harnessing Collaborative Web-Based Technology to Bring Prior Art to the Patent Process—An Inventor’s Perspective

Bruce D. Sunstein
Bromberg & Sunstein, LLP
Boston, MA

11:40 AM – 12:00 NOON

Point/Counter-Point Questions From Panel

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

MARRIOTT BALLROOM SALON 1, LOBBY LEVEL

TRADEMARK – DOMAIN NAME BEST PRACTICES

Moderator: **Kristine Dorrain**
National Arbitration Forum
Minneapolis, MN

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9:00 – 9:30 AM

Get Trendy – Introduction and Interesting Trends re: UDRP Filings

Jeffrey M. Samuels
University of Akron School of Law
Akron, OH

9:30 – 10:00 AM

Cornering the Complex Cybersquatter – Ideas to Implement and Pitfalls to Avoid When Drafting a UDRP Complaint

James R. Davis
Arent Fox, PLLC
Washington, DC

10:00 – 11:00 AM

To UDRP or Not UDRP – That is the (Civil Action) Question

In-House:

David Kelly
Finnegan Henderson Farabow Garrett & Dunner, LLP
Washington, DC

Fabricio Vayra
Time Warner Inc.
New York, NY

Dee Ann Weldon-Wilson
Exxon Mobil Corporation
Irving, TX

11:00 AM – 12:00 NOON

Panel Discussion

Questions & Answers

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

MARYLAND, LOBBY LEVEL

TRADE SECRETS - PROTECTIVE ORDERS, EMPLOYEE ISSUES, NON-COMPETES: “HOW TO” WITH EXAMPLES

9:00 – 9:05 AM

Introduction

Moderator: **Ann Viksnins**
Viksnins Harris & Padys, PLLP
Bloomington, MN

9:05 – 9:35 AM

New Federal Rules of Civil Procedure – Preservation of Electronic Discovery

Gregory N. Stillman
Hunton & Williams, LLP
Norfolk, VA

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9:35 – 10:05 AM

The Use of Protective Orders to Limit Disclosure of Trade Secrets in Litigation

Ansis V. Viksnins
Lindquist & Vennum
Minneapolis, MN

10:05 – 10:35 AM

Good and Not-So-Good Trade Secret Agreement Provisions—How to Avoid Drafting Trade Secrets Away

Kevin Tottis
Law Offices of Kevin Tottis
Chicago, IL

10:35 – 11:05 AM

Civil and Criminal Options with Regard to Employee Theft or Misappropriation of Trade Secrets

Brian Daley
Ogilvy Renault, LLP
Montreal, Quebec, Canada

11:05 – 11:35 AM

In-House Corporate View of Trade Secrets

Paul H. McDowall
Medtronic, Inc.
Minneapolis, MN

11:35 AM – 12:00 NOON

Questions & Answers

12:00 NOON – 12:30 PM

EXHIBIT HALL A, EXHIBITION LEVEL

LUNCHEON RECEPTION (ALL REGISTRANTS INVITED)

Sponsored by:

Sughrue Mion, PLLC

12:30 – 2:00 PM

MARRIOTT BALLROOM SALONS 2 & 3, LOBBY LEVEL

LUNCHEON (TICKETS REQUIRED)

LAW FIRM AND IP PARADIGMS: KEEPING PACE IN A CHANGING WORLD

Sharon R. Barner
Chair, Intellectual Property Department
Foley & Lardner, LLP
Chicago, IL



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2:00 – 3:30 PM

BOARD OF DIRECTORS' MEETING

DELAWARE AB, LOBBY LEVEL

CONCURRENT TRACK 1 (2:00 – 3:30 PM)

COTILLION BALLROOM, MEZZANINE LEVEL

WILLFUL PATENT AND TRADEMARK INFRINGEMENT—COUNSELING, DISCOVERY AND TRIAL

Moderator: **Ann Mueting**
Mueting Raasch & Gebhardt, PA
Minneapolis, MN

2:00 – 2:20 PM

Willfulness Issues in Patents

John B. Pegram
Fish & Richardson
New York, NY

2:20 – 2:40 PM

Issues Regarding Enhanced Damages for Trademarks

Griffith B. Price, Jr.
Finnegan Henderson Farabow Garrett & Dunner, LLP
Washington, DC

2:40 – 3:00 PM

Ethics and Opinions Letters

David Hricik
Mercer University School of Law
Macon, GA

3:00 – 3:20 PM

Enhanced Damages and Willfulness from a Judge's View

Honorable Sharon Prost
United States Court of Appeals for the Federal Circuit
Washington, DC

Honorable Kent A. Jordan
United States District Court, Delaware District
Wilmington, DE

3:20 – 3:30 PM

Panel Discussion

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CONCURRENT TRACK 2 (2:00 – 3:30 PM)

MARRIOTT BALLROOM SALON 1, LOBBY LEVEL

INVENTORSHIP

Moderator: **Stephen E. Belisle**
Fitzpatrick Cella Harper & Scinto
Washington, DC

2:00 – 2:30 PM

Inventorship Basics

Mark L. Whitaker
Howrey, LLP
Washington, DC

2:30 – 3:00 PM

What Happens When You Don't Get Inventorship Right

Donald A. Degnan
Holland & Hart, LLP
Boulder, CO

3:00 – 3:30 PM

Biotech Inventions, Multinational Inventions and Inventions in Cyberspace

Stephana Patton
Edwards Angell Palmer & Dodge, LLP
Boston, MA

CONCURRENT TRACK 3 (2:00 – 3:30 PM)

MARYLAND, LOBBY LEVEL

TRADEMARK APPEALS

Moderator: **Michael Boudett**
Foley Hoag
Boston, MA

2:00 – 2:30 PM

An Overview of Ex parte Appeals to the TTAB and How to Prepare One

Helen K. Minsker
Banner & Witcoff
Washington, DC

2:30 – 3:00 PM

Appeals From an Adverse TTAB Decision – *Pro-Football v. Harjo* and Beyond

Stephen R. Baird
Winthrop & Weinstine
Minneapolis, MN

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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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