

january 26

friday

8:00 – 10:00 AM  
CONTINENTAL BREAKFAST

GRAND BALLROOM FOYER, 5TH FLOOR

8:00 – 9:00 AM  
AMICUS (COMMITTEE MEMBERS ONLY)

EDGEWOOD A/B, 4TH FLOOR

7:00 – 9:00 AM  
DIVERSITY IN IP LAW/MENTORING/WOMEN IN IP LAW (JOINT BREAKFAST MEETING)

GRAND CHENIER, 5TH FLOOR

*Sponsored by: Howrey, LLP*

**MAKING RAIN: PANEL DISCUSSION BY LEADING WOMEN RAINMAKERS**

The Women in IP Law Committee, in conjunction with the Diversity and Mentoring Committees, bring together a panel of leading women rainmakers. The panel will present their experiences and share tips for becoming a successful rainmaker. The program will also launch our next book, which is on the topic of gender issues in rainmaking. Join us to learn from the best, and share your experiences for the benefit of the group.

8:00 – 9:00 AM  
EPO LIAISON COUNCIL (COUNCIL MEMBERS ONLY)

EVERGREEN, 4TH FLOOR

8:00 – 9:00 AM  
PROFESSIONALISM AND ETHICS (COMMITTEE MEMBERS ONLY)

SALON 820/824, 8TH FLOOR

9:00 AM – 12:30 PM  
SPOUSE/GUEST TOUR (TICKETS REQUIRED)

MEET AT THE CANAL STREET ENTRANCE  
LOBBY LEVEL BY 8:45 AM

*Cultural Walking Tour of the French Quarter*

ADVANCED RESERVATIONS REQUIRED/SPACE IS LIMITED. SEE PAGE 42 FOR MORE DETAILS.

9:30 AM – 2:30 PM  
SPOUSE/GUEST TOUR (TICKETS REQUIRED)

MEET AT THE CANAL STREET ENTRANCE  
LOBBY LEVEL BY 9:15 AM

*Mysteries of the Swamp: Jean Lafitte Swamp Tour with Lunch*

ADVANCED RESERVATIONS REQUIRED/SPACE IS LIMITED. SEE PAGE 41 FOR MORE DETAILS.

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## PLENARY SESSION (9:00 AM – 12:00 NOON)

AIPLA thanks the Copyright Society for co-coordinating this Plenary Session



GRAND BALLROOM C, 5TH FLOOR

### **COPYRIGHT IN JAZZ (AND OTHER IMPROVISATORY ARTS)**

Jazz, stand-up comedy, freestyle rap, poetry slams and many other art forms are often created spontaneously, largely without the sort of preexisting “writing” that copyright law was designed to protect. When these arts are captured on a videotape or sound recording, it may be difficult to decide where the underlying work ends and the derivative work begins, what’s the composition as distinct from the performance, the arrangement, or the recording; traditional legal categories don’t often fit neatly with what artists in these fields actually do. This session will explore how collaborative, improvisatory creativity really works – as demonstrated by some of today’s finest and most articulate jazz musicians – and will identify some of the most thought-provoking legal issues raised by this form of creativity. In addition to the musical performers, the program will include attorneys with extensive experience in producing, licensing, and litigating over improvised performances.

9:00 – 9:10 AM

#### **Introductions and Opening Remarks**

Moderator: **Arthur G. Levy**  
The Levy Firm  
New York, NY

9:10 – 10:25 AM

#### **Copyright in Jazz**

**Jonathan King**  
Cowan Liebowitz & Latman, PC  
New York, NY

10:25 – 10:45 AM

#### **Copyright in Comedy (and other Improvisatory Arts)**

**Bob Kohn**  
RoyaltyShare  
San Diego, CA

10:45 – 11:30 AM

#### ***Newton v. Diamond*: Judicial Improvisation?**

**Kenneth Anderson**  
Loeb & Loeb  
Los Angeles, CA

**Alan Korn**  
Law Office of Alan Korn  
Berkeley, CA

11:30 AM – 12:00 NOON

#### **Panel Discussion**

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12:00 NOON – 12:30 PM

GRAND BALLROOM FOYER, 5TH FLOOR

**LUNCHEON RECEPTION (ALL REGISTRANTS INVITED)**

12:30 – 2:00 PM

ARMSTRONG BALLROOM, 8TH FLOOR

## LUNCHEON (TICKETS REQUIRED)

Today you will hear from the famous New Orleans “voodoo” musician, Dr. John, The Night Tripper. Dr. John will share some of the secrets of life as a boogie and blues pianist in the city that made the art form famous.

Although he didn’t become widely known until the 1970s, Dr. John had been active in the music industry since the late ‘50s, when the teenager was still known as Mac Rebennack. A formidable boogie and blues pianist with a lovable growl of a voice, his most enduring achievements have fused New Orleans R&B, rock, and Mardi Gras craziness to come up with his own brand of “voodoo” music.”

**Dr. John**  
Musician & Performer

*Lunch Presentation Sponsored by:*  
The Copyright Society of the U.S.A. &  
Morrison & Foerster, LLP

Photo credit: Lisa Houlgrave with David Herrenbruck – (2006)



## CONCURRENT TRACK 1 (2:00 – 4:00 PM)

GRAND BALLROOM C, 5TH FLOOR

### INTERNATIONAL INTELLECTUAL PROPERTY LITIGATION, LICENSING AND CROSS-BORDER ISSUES

Panelists will discuss various international litigation and licensing topics, as well as cross border issues all relating to intellectual property matters. The issues should be of interest to both in-house and outside counsel, and include strategies for handling such issues.

2:00 – 2:05 PM

#### Introduction

Moderator: **Marc S. Adler**  
Rohm and Haas Company  
Philadelphia, PA

2:05 – 2:20 PM

#### International Patent Litigation

**Wolfgang von Meibom**  
Bird & Bird  
Düsseldorf, Germany

2:20 – 2:35 PM

#### Opposition Practice

**Simon K. Greene**  
Elkington and Fife, LLP  
Kent, United Kingdom

2:35 – 2:50 PM

#### International Trade Commission Disputes

**Honorable Paul Luckern (Invited)**  
United States International Trade Commission  
Washington, DC

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2:50 – 3:00 PM

**Panel Discussion**

3:00 – 3:15 PM

**Cross-Border R&D**

**Q. Todd Dickinson**  
General Electric Company  
Fairfield, CT

3:15 – 3:30 PM

**Cross-Border Enforcement**

**Wayne Paugh**  
US Department of Commerce  
Washington, DC

3:30 – 3:40 PM

**Export Laws/Gray Market Goods**

**Jerry Wald**  
Ernst & Young  
Phoenix, AZ

3:40 – 3:50 PM

**International Licensing**

**Stephen P. Koch**  
ExxonMobil Chemical Company  
Baytown, TX

3:50 – 4:00 PM

**Panel Discussion**

**CONCURRENT TRACK 2 (2:00 – 4:00 AM)**

GRAND BALLROOM A & B, 5TH FLOOR

**INTERNATIONAL PATENT PROSECUTION, CONTROVERSIES AND PORTFOLIO MANAGEMENT**

Panelists will discuss various international patent prosecution topics and controversies relating to intellectual property, from an in-house and outside counsel perspective, including; searching, selection of international counsel, and the problems of biodiversity. The issues should be of interest to both in-house and outside patent counsel, and include strategies for handling portfolio management and dealing with counsel.

Moderator: **Raymond S. Parker, III**  
sanofi-aventis US, Inc.  
Bridgewater, NJ

2:05 – 2:25 PM

**Coordinating a Global Patent Portfolio from an Outside Firm – US Perspective**

**Drew Patty**  
Sieberth & Patty, LLC  
Baton Rouge, LA

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2:25 – 2:45 PM

**Coordinating a Global Patent Portfolio from an Outside Firm – European Perspective**

**Markus Jacobi**  
Isenbruck Bosl Horschler Wichmann Huhn  
Mannheim, Germany

2:45 – 2:55 PM

**Panel Discussion**

2:55 – 3:15 PM

**Foreign Searching**

**Mee-Sung Shim**  
Kim & Chang  
Seoul, Korea

3:15 – 3:30 PM

**Selecting Law Firms Abroad**

**Michael Walker**  
E.I. du Pont de Nemours and Company  
Wilmington, DE

3:30 – 3:40 PM

**Biodiversity – US Perspective**

**Manisha A. Desai**  
Eli Lilly and Company  
Indianapolis, IN

3:40 – 3:50 PM

**Biodiversity - South American Perspective**

**Gustavo de Freitas Morais**  
Dannemann Siemsen Bigler & Ipanema Moreira  
Sao Paulo, Brazil

3:50 – 4:00 PM

**Panel Discussion**

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## COMMITTEE EDUCATIONAL SESSION (4:00 – 6:00 PM)

Committee Educational Sessions are open to all attendees and are included in the Mid-Winter Institute's overall CLE offering.

4:00 – 6:00 PM

BAYSIDE C, 4TH FLOOR

### INDUSTRIAL DESIGNS (120 MINUTES OF CLE REQUESTED)

In keeping with the “Back to Basics” theme of the Mid-Winter Institute, the Industrial Designs committee meeting will begin with a CLE portion providing an informative and educational analysis of the point of novelty test used for determining design patent infringement. The speaker’s analysis will include an examination of the historical development of the test and its application in current design patent jurisprudence. Next, additional CLE will be provided regarding the basics and status of a Congressional bill on intellectual property protection of design articles, such as clothing, footwear, headwear, purses, belts and eyeglass frames. If passed, the bill, entitled the Design Piracy Prohibition Act, will supplement the Vessel Hull Protection Act of title 17 of the United States Code (17 U.S.C. Sec 1301 et seq.). Finally, due to the musical history of our location, the meeting will wrap up with an entertaining discussion of the U.S. and international design patent protection of musical instruments and hopefully some live demonstrations.

#### Opening Announcements

Moderator: **Patricia E. McQueeney**  
Learn.com, Inc.  
Sunrise, FL

4:00 – 4:45 PM

#### Comprehensive Analysis and Examination of the “Point of Novelty” Test in Design Patent Jurisprudence

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

4:45 – 5:30 PM

#### Design Piracy Prohibition Act (H.R. 5055) Update

**Jack B. Hicks (Invited)**  
Womble Carlyle Sandridge & Rice, PLLC  
Greensboro, NC

5:30 – 6:00 PM

#### Design Patent Protection of Musical Instruments

#### Panel comprising Counsel for Musical Instrument Design Protector

**Speaker (TBD)**

**Alan Datri (Invited)**  
WIPO  
Geneva, Switzerland

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## COMMITTEE MEETINGS (4:00 – 6:00 PM)

Unless otherwise noted, Committee Meetings are open to all attendees.

4:00 – 5:00 PM

NOTTOWAY, 4TH FLOOR

### BIOTECHNOLOGY

#### Inventorship of Biotechnology Patents

Determining the inventorship of biotechnology patents can be treacherous. In the genomics and proteomics world, who is doing the inventing? Anyone? Come debate this issue and swap war stories with veterans of the trade. The PTO's perspective will be included.

4:00 – 5:00 PM

EDGEWOOD A/B, 4TH FLOOR

### CORPORATE PRACTICE

The Corporate Practice Committee will conduct a business meeting to review the projects and goals for its subcommittees. Each committee will provide an overview of their major projects and goals planned for 2007 and seek input from all AIPLA members in attendance. A discussion on AIPLA initiatives to promote corporate membership will also be conducted. All AIPLA members are encouraged to attend and provide your input.

5:00 – 6:00 PM

NOTTOWAY, 4TH FLOOR

### ELECTRONIC AND COMPUTER LAW/EMERGING TECHNOLOGIES (JOINT MEETING)

The joint committee will have a panel discussion about the *KSR* case and what life will be like for patent prosecutors if the Supreme Court does away with the Federal Circuit's TSM (teaching, suggestion or motivation) test with respect to obviousness. This session will be a prelude to a Spring Meeting Track devoted to the *KSR* case. It is already getting more difficult to overcome combinations of references in some arts. The panel will discuss potential strategies that may be used in dealing with multiple reference obviousness rejections today and in the future.

4:00 – 6:00 PM

BAYSIDE A, 4TH FLOOR

### ELECTRONIC BUSINESS, AUTOMATION AND HARMONIZATION OF STANDARDS/PATENT COOPERATION TREATY ISSUES (JOINT MEETING)

#### How to e-File a PCT Application and PCT Strategies

This program will be presented by several very experienced practitioners and will explore many topics including:

- (1) How to e-file a PCT application using USPTO's EFS-Web e-filing system together with PCT-SAFE;
- (2) Choosing a searching authority from among Korea, USPTO, and EPO;
- (3) Pros and cons of using the US receiving office and the IB receiving office;
- (4) Avoiding unnecessary security review delays;
- (5) Getting the fastest International Search Reports;
- (6) PCT national-stage filing versus bypass continuations;
- (7) Using PCT as a strategy for proposed U.S. Rule Changes in IDS Practice, Continuation Practice and Examination of Claims Practice.

4:00 – 5:00 PM

SALON 816, 8TH FLOOR

### INTERFERENCE

The committee will be receiving its regular status update from Chief Administrative Patent Judge Fleming via conference call. Status updates will also be provided regarding efforts (a) to provide comments on the Standing Order of the BPAI and (b) to rename the Interference Committee the "Contested Cases Committee".

4:00 – 5:00 PM

GRAND BALLROOM D, 5TH FLOOR

### IP PRACTICE IN JAPAN

The brief business meeting will include a discussion related to 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.

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5:00 – 6:00 PM

SALON 816, 8TH FLOOR

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

Presentation on the Third Proposed Amendments to the Chinese Patent laws by Albert Jacobs, report on the Committee's Seminar for the Shanghai Intellectual Property Administration by Kenneth E. Krosin, and general discussion of the Committee's 2007 programs and activities.

5:00 – 6:00 PM

EVERGREEN, 4TH FLOOR

## **LAW PRACTICE MANAGEMENT**

The committee's main objective this year is to begin the process of developing the survey questions and completing the survey portion of the 2007 AIPLA Report on the Economic Survey. At this meeting, the committee will review the schedule for completing the Survey and Economic Report and discuss key dates for completing the various tasks related thereto. The committee will assess the format for the Report on the Economic Survey in preparation for receiving the results of the Survey in spring/summer of 2007 and discuss the schedule for evaluating various alternative report formats. The committee is also looking for volunteers to help evaluate the survey results and finalizing the report format prior to printing the 2007 Economic Report and will create working groups for these tasks. Finally, during this meeting the committee will develop a list of future programs related to the management of law practice and related topics that will be presented to the membership at future meetings.

5:00 – 6:00 PM

SALON 817, 8TH FLOOR

## **LAW STUDENTS**

4:00 – 5:00 PM

EVERGREEN, 4TH FLOOR

## **ONLINE PROGRAMS**

The committee will be reporting the results of online programs completed in 2006 as well as developing and finalizing online programs for 2007 through its vendor KRM. The Online Programs Committee appreciate the recent volunteers for coordinating programs and is seeking additional Programs Coordinators to help with developing and overseeing the growing amount of content being provided online. Also, research and review of current and potential vendors for delivery of content at different levels and pricing will be continued.

4:00 – 5:00 PM

SALON 817, 8TH FLOOR

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

USPTO officials have been invited to describe and discuss recent contemplated changes to patent practice and procedures.

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FRIDAY EVENING EVENT

"AIPLA U. - MIXER"

7:00 - 8:00 PM

RECEPTION (CASUAL ATTIRE) (TICKETS REQUIRED)

GALLERY, 1ST FLOOR

friday



photos by: David Richmond, M. Terranova, Kate Elkins, [www.NewOrleansOnline.com](http://www.NewOrleansOnline.com)