

january 25

thursday

7:45 – 9:45 AM

GRAND BALLROOM FOYER, 5TH FLOOR

CONTINENTAL BREAKFAST

7:45 – 8:45 AM

EVERGREEN, 4TH FLOOR

INVENTOR ISSUES

The committee will meet to make further progress on implementing ideas discussed at the Annual Meeting including, updates to the Committee webpage and educational initiatives for small inventors.

7:45 – 8:45 AM

GRAND CHENIER, 5TH FLOOR

PROFESSIONAL PROGRAMS

The committee will continue discussions related to the planning of the Spring 2007 meeting, and begin discussions related to the planning of the 2007 Annual meeting.

7:45 – 8:45 AM

EDGEWOOD A/B, 4TH FLOOR

US BAR JAPAN LIAISON COUNCIL (COUNCIL MEMBERS ONLY)

9:00 AM – 3:00 PM

MEET AT THE CANAL STREET ENTRANCE

SPOUSE/GUEST TOUR (TICKETS REQUIRED)

LOBBY LEVEL BY 8:45 AM

***Perspectives on Antebellum Life:
Tour of Laura and Oak Alley Plantations with Lunch***

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

8:45 – 9:00 AM

GRAND BALLROOM C, 5TH FLOOR

ASSOCIATION BUSINESS MEETING

Judith M. Saffer
President, AIPLA
Broadcast Music, Inc.
New York, NY

WELCOME AND INTRODUCTION TO THE MID-WINTER INSTITUTE

James Pooley
President-Elect, AIPLA
Pooley & Oliver
Palo Alto, CA

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

GRAND BALLROOM C, 5TH FLOOR

LEGAL PRINCIPLES FOR IP PROFESSIONALS

This session will include four detailed tutorials on the basic principles that intellectual property attorneys need to know in order to serve their clients, up to the point litigation commences. The tutorials will cover both the business and legal aspects of intellectual property rights. Panelists will explain these principles from the perspective of different industries and from both the client's and outside lawyer's points of view.

Moderator: **Philip Swain**
Foley Hoag, LLP
Boston, MA

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9:00 – 9:45 AM

Ownership and Licensing

Panelists will discuss the client's goals and strategies in owning and licensing intellectual property rights.

Speakers:

Honorable Pauline Newman

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

Wm. Bryan Farney

Dechert
Austin, TX

Jennifer A. Tegfeldt

Genzyme Corporation
Cambridge, MA

9:45 – 10:30 AM

Clearance Searches and Freedom to Operate Opinions

Panelists will discuss strategies and practice in navigating away from the intellectual property rights of other parties, including client goals and needs in conducting searches of third party intellectual property rights, and the requirements for a legal opinion concerning whether a client is free to operate in a given technology or business.

Speakers:

Jean B. Fordis

Finnegan Henderson Farabow Garrett & Dunner, LLP
Palo Alto, CA

Chip Lutton

Apple Computer, Inc.
Cupertino, CA

David A. Lane

Johnson & Johnson
Raynham, MA

Clark W. Lackert

King & Spalding
New York, NY

10:30 – 11:15 AM

Finding Infringers

Panelists will discuss how clients and counsel work together to begin the process of enforcing their intellectual property rights, including monitoring competitors and strategies for enforcing their rights.

Speakers:

David W. Long

Howrey, LLP
Washington, DC

Mark Schuman

Merchant & Gould
Minneapolis, MN

Joseph N. Welch, II

Pattishall McAuliffe Newbury Hilliard & Geraldson
Chicago, IL

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Kevin C. Jones
Hormel Foods Corporation
Austin, MN

11:15 AM – 12:00 NOON

Pre-Litigation Investigation and Preparation

Panelists will discuss the business and legal requirements and procedures for both client and trial counsel to prepare for litigation.

Speakers:

Leora Ben-Ami (Invited)
Kaye Scholer, LLP
New York, NY

Joseph R. Re
Knobbe Martens Olson & Bear, LLP
Irvine, CA

Harrie R. Samaras
RatnerPrestia, PC
Valley Forge, PA

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)

HOW REPORTING ON HURRICANE KATRINA HAS AFFECTED THE NEWS MEDIA IN NEW ORLEANS AND ITS RELATIONSHIP WITH THE CITY

Mason Granger
President and General Manager
WDSU-TV
New Orleans, LA



CONCURRENT TRACK 1 (2:00 – 4:00 PM)

GRAND BALLROOM C, 5TH FLOOR

BUSINESS CONSIDERATIONS THAT IP PROFESSIONALS SHOULD UNDERSTAND

Intellectual Property (IP) is an integral part of many businesses today. There are numerous business and economic considerations that affect intellectual property matters, valuation and related decisions on IP strategy. Entire companies and business strategies are now being spawned that rely entirely on IP rights for generating revenue for the company and/or business. The speakers in this session will step through some of those business considerations including Due Diligence that occurs for IP transactions, IP considerations for technology transfers, IP Auctions and the market for IP assets, a micro-economic view of IP asset valuation (case studies of IP based companies), and a macro-economic view of the US and the World.

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

2:00 – 2:20 PM

The Economy and a Macro-Economic View of IP Asset Valuation

Peter Ricchiuti
Tulane University, Freeman School of Business
New Orleans, LA

2:20 – 2:40 PM

Micro-Economic View of IP Asset Valuation

Glynn Lunney
Tulane University Law School
New Orleans, LA

2:40 – 3:00 PM

IP Valuation Methods – Markets for Patents and Patent Auctions

James Malackowski
Ocean Tomo
Chicago, IL

3:00 – 3:20 PM

Considerations for Technology Transfers

Laurence J. Schroeffer
InterDigital
King of Prussia, PA

3:20 – 3:40 PM

Due Diligence

Timothy Tracy
Johnson & Johnson
New Brunswick, NJ

3:40 – 4:00 PM

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CONCURRENT TRACK 2 (2:00 – 4:00 PM)

GRAND BALLROOM A & B, 5TH FLOOR

HOT TOPICS IN INTELLECTUAL PROPERTY LITIGATION

Moderator: **Michael J. Timmons**
Patterson Belknap Webb & Tyler, LLP
New York, NY

2:00 – 2:20 PM

Hot Topics in Trademark Litigation

Dale M. Cendali
O'Melveny & Myers, LLP
New York, NY

2:20 – 2:40 PM

Hot Topics in TTAB Rules Changes

Elizabeth Ann Morgan
Epstein Becker & Green
Atlanta, GA

2:40 – 3:00 PM

Hot Topics in Patent Litigation

Robert M. Asher
Bromberg & Sunstein, LLP
Boston, MA

3:00 – 3:20 PM

Hot Topics in Publicity Litigation

Mary Ellen Roy
Phelps Dunbar, LLP
New Orleans, LA

3:20 – 3:40 PM

Hot Topics in Copyright Litigation

Joseph M. Beck
Kilpatrick Stockton, LLP
Atlanta, GA

3:40 – 4:00 PM

Panel Discussion

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COMMITTEE EDUCATIONAL SESSIONS (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 A, 4TH FLOOR

ANTI-COUNTERFEITING AND ANTI-PIRACY/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 SESSION) (60 ETHICS MINUTES OF CLE REQUESTED)

4:00 – 4:10 PM

Introduction

4:10 – 5:10 PM

Ethics and Other Challenges in Pretext Investigations

Ken Taylor
Marksmen, Inc.,
Chapel Hill, NC

5:10 – 6:00 PM

Other Committee Business

4:00 – 6:00 PM

BAYSIDE C, 4TH FLOOR

LICENSING AND MANAGEMENT OF IP ASSETS (120 MINUTES OF CLE REQUESTED)

CORPORATE IP COST MANAGEMENT

Welcome Remarks

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

Corporate IP Cost Management Panel Discussion

For several years, converging trends have been elevating the importance of cost management in the corporate IP setting. This educational session will investigate the trends and explore tactical and strategic approaches to controlling costs while effectively carrying out the corporate IP department mission. The panel will discuss capturing, analyzing, and modeling legal costs for identifying and procuring intellectual property. Panelists will discuss evolving standards for billing IP-related costs and activities, projecting corporate patent portfolio costs, foreign filing mechanisms, and global filing strategies.

Moderator: **Domenic Leo**
DataCert, Inc.
Houston, TX

4:00 – 4:10 PM

Overview of Cost Management

Robert Silverman
Millennium Pharmaceuticals
Cambridge, MA

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4:10 – 4:35 PM

Standards: Uniform Task-Based Management System I/P Billing Codes

William Heinz
Thomas Kayden Horstemeyer & Risley, LLP
Atlanta, GA

4:35 – 5:00 PM

Corporate Patent Portfolio Cost Projections

Tim Guffey
Procter & Gamble
Cincinnati, OH

5:00 – 5:25 PM

Where and When to File

T. David Reed
TDRPatents
Cincinnati, OH

5:25 – 6:00 PM

Global Filing Strategies

Robert Silverman
Millenium Pharmaceuticals
Cambridge, MA

COMMITTEE MEETINGS (4:00 – 6:00 PM)

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

5:00 – 6:00 PM

OAK ALLEY, 4TH FLOOR

AIPLEF (COMMITTEE MEMBERS ONLY)

5:00 – 6:00 PM

NOTTOWAY, 4TH FLOOR

ALTERNATIVE DISPUTE RESOLUTION

The committee will hold a business meeting to follow up on the initiatives agreed upon at the 2006 Annual Meeting. The Committee's tasks will be to continue to organize the committee into subcommittees to address: review of and clean up of Mediator list and recommendations for requirements for listing; preparation of CLE programs at both stated meetings and online directed to ADR practice; review and updating of written materials and the ADR Guide and to consider moving the ADR Committee into a more formal role of advocating use of AIPLA mediators and Arbitrators. The Committee will also plan for an ADR program at the Spring Meeting in Boston directed to *How To Mediate an Intellectual Property Case*.

4:00 – 5:00 PM

EDGEWOOD A/B, 4TH FLOOR

ANTITRUST LAW

The committee will meet to discuss recent antitrust developments relating to intellectual property and future committee projects. Discussion will include the Federal Trade Commission's recent staff report on the Noerr-Pennington doctrine and the Committee's planned activities in the area of standards-setting. The meeting is open to all who are interested.

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4:00 – 6:00 PM

GRAND CHENIER, 5TH FLOOR

CHEMICAL PRACTICE/INTERNATIONAL AND FOREIGN LAW (JOINT MEETING)

The joint committee will focus on India. India is fast developing as a major economic power house, generating broad interest among U.S. and multinational companies. At the same time, new patent laws came into effect in India in 2005. Primarily, the changes involved harmonizing with the patent laws in major international jurisdictions and bringing the law into compliance with the WTO requirements. Some of significant changes involve the Chemical/Pharma industries and Biotech industries, including: 1) product patents were now allowed in these categories for the full term of 20 years from the filing date; 2) Section 3(d) now excludes new forms of existing compounds as patentable subject matter, and is generating a lot of discussions and is proving to be controversial; 3) the new law allows patents for living microorganisms. This program will explore how the nascent provisions of the patent laws in India are put to practice by the Indian patent office as well as the courts. Attendees with business interest in India will find information provided in this program will likely facilitate strategy formation and exploiting business opportunities in India.

Panelists will cover the following areas of significant interest to the practitioners in the US:

1) Discussion on WTO provisions related to polymorph patents (patents for a specific crystalline form of a known compound) and living organisms patents; 2) State of the law and practice related to polymorph patents and patents on new forms of a known composition in the US and other countries outside India; 3) Discussion on Section 3 (d) of the Indian patent law and its impact to companies operating in India. Case studies involving some current issues in India relating to section 3(d) and its implementation in practice, for example, the Glivac case. Expert comments on how this issue is likely to shape up in the future; 4) State of the law and practice related to living organism patents in US and other countries outside of India; 5) Discussion on the patentability of biotechnology inventions in India, with emphasis on patentability of living organisms. Discussions on the Dimminaco Ag case and its impact. Expert comments on the future of biotechnology patents.

4:00 – 5:00 PM

GRAND BALLROOM E, 5TH FLOOR

COPYRIGHT LAW

4:00 – 6:00 PM

BAYSIDE B, 4TH FLOOR

EDUCATION/LAW STUDENTS/YOUNG LAWYERS (JOINT MEETING)

“Freshman Orientation at AIPLA U. - Everything Young Lawyers Need to Know!”

We are proud to present an exciting orientation program directed to everything young lawyers and soon-to-be lawyers need to know in order to succeed. The four speakers will discuss and answer questions on the following essential topics:

(1) How to Pick a Major - What Practice Area is Right for You?; (2) What Clubs to Join - How to Get Involved in Legal and Community Organizations That Will Develop Your Career; (3) How to Pledge A Sorority When Your School Only Has Fraternities - How Female Associates Can Become Partners; (4) Ready to Transfer - How to Know You Picked The Wrong Firm and How to Find the Right One.

After the panel discussion, we will discuss various ways for young lawyers and law students to get involved in our committees and AIPLA. All AIPLA members, including first time attendees are invited and encouraged to attend. We look forward to seeing you!

4:00 – 5:00 PM

OAK ALLEY, 4TH FLOOR

FELLOWS (COMMITTEE MEMBERS ONLY)

4:00 – 5:00 PM

EVERGREEN, 4TH FLOOR

INTERNATIONAL EDUCATION

4:00 – 5:00 PM

NOTTOWAY, 4TH FLOOR

IP LAW ASSOCIATIONS (COMMITTEE MEMBERS ONLY)

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4:00 – 5:00 PM

SALON 816, 8TH FLOOR

IP PRACTICE IN LATIN AMERICA

The committee will conduct an educational meeting focusing on drafting and prosecuting claims in Latin America in order to successfully secure allowance and to maximize enforcement. 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.

5:00 – 6:00 PM

EDGEWOOD A/B, 4TH FLOOR

MEMBERSHIP

The committee will have a business meeting to discuss ongoing projects including the TSC Liaison program, ongoing support for Law Student Receptions, and follow up on membership surveys. New members and TSC liaisons are encouraged to attend.

5:00 – 6:00 PM

SALON 816, 8TH FLOOR

PATENT AGENTS

The committee will hold a business meeting at the mid-winter institute. Discussion topics will include the inclusion of patent agent data in the next AIPLA economic survey, follow-up on agent ethics and legal boundary issues, and an update on the proposed USPTO rule changes.

5:00 – 6:00 PM

GRAND BALLROOM D, 5TH FLOOR

PATENT LAW

A number of district courts have grappled with the application of injunctive relief in post-eBay patent infringement cases. Several early decisions rejected requests for injunctive relief in instances where a patent owner is not practicing his invention. The potential reach of this rule, however, remains unclear. By way of example, if a patent owner is engaged in business but is not practicing a particular patent, would injunctive relief be available to him? Should it be available?

During the Mid-Winter meeting the committee will be presenting members with an overview of the jurisdictions that have examined the injunctive relief issue, the outcome in representative cases, developing trends, and noteworthy questions that remain. Steve Malin of Sidley Austin, David Ruschke, Senior Patent Counsel to Medtronic, Inc, and possibly a third panelist will be on hand to provide the overview and their perspectives concerning this issue. If time permits, the committee will also discuss a number of projects that will soon be moving forward.

4:00 – 5:00 PM

GRAND BALLROOM D, 5TH FLOOR

PATENT LITIGATION

Our meeting will start with a review of significant and/or interesting patent cases from 2006. Professor Tim Holbrook, Associate Professor of Law, Associate Director – Program in Intellectual Property Law, Chicago – Kent College of Law (<http://www.kentlaw.edu/classes/tholbroo>), will present a year in review highlighting these cases. This promises to be a very interesting and informative presentation.

The last portion of our meeting will be devoted to committee business. In particular, we will review the status of the following subcommittees:

- 1) Judicial Efficiency; 2) Model Jury Instructions; 3) Offer of Confidential Access; 4) Website Design; 5) Sedona Recommendations on Markman Procedures

We also hope to establish other working committees, such as a subcommittee devoted to ITC practice. Please come with your ideas and suggestions for further work that can be done by our committee. Remember, the AIPLA only functions when its members are active and contribute to committee work. Please come to our meeting and make suggestions and comments and volunteer for one of our interesting projects.

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THURSDAY EVENING EVENTS

7:00 – 9:30 PM

ARMSTRONG BALLROOM, 8TH FLOOR

DINNER & ENTERTAINMENT (TICKETS REQUIRED) (BUSINESS ATTIRE)



"Mardi Gras"



thursday