

8:00 am–10:00 am	Continental Breakfast	Frank Lloyd Wright Ballroom Foyer
9:00 am–12:00 noon	Spouse/Guest Lecture & Workshop: The Art of Glass Making <i>(tickets required)</i> <i>advanced reservations required/space is limited. See pages 32-33 for more details.</i>	Frank Lloyd Wright Ballroom Salon H
10:00 am–11:30 am	2009 Mid-Winter Institute Planning Committee Meeting	Conference Center, Kaibab
plenary session (9:00 am–12:00 noon)		
9:00 am–10:00 am	<p>Members' Forum</p> <p>Overview: The issue of whether there is a “physicality” requirement for patenting software and business method inventions is increasingly being raised in USPTO Board of Appeals and Patent Interferences and Federal Circuit decisions. In <i>In re Comiskey</i>, the Federal Circuit construed 35 USC § 101 to prohibit the patenting of business methods that depend entirely on the use of mental processes. A companion case, <i>In re Nuijten</i>, construed 35 USC § 101 to prohibit patenting of electronic signals. Meanwhile, the IP bar awaits the Federal Circuit's further clarification of the scope of patentable subject matter in the <i>In re Bilski</i> case.</p> <p>The subject of patent eligibility of software and business method inventions will likely reach the US Supreme Court at some point in the not too distant future. Given the dissent of Justice Breyer in <i>Laboratory Corp. v. Metabolite Labs</i> and the questions by Justices Breyer and Stevens in <i>Microsoft v. AT&T</i>, it is clear that this remains an open question for the Justices. Issues of scope of § 101 and impact on software and business method inventions will be discussed in a Members' Forum, to inform attendees and to allow them to express their views on the proper resolution of these issues.</p> <p>Moderator: James Pooley, AIPLA President <i>Morrison & Foerster, LLP</i> <i>Palo Alto, CA</i></p> <p>Software and Business Method Subject Matter Eligibility, Is There an Emerging Physicality Requirement?</p> <p><u>For Broad Eligibility:</u></p> <p>R. Carl Moy (invited) <i>William Mitchell College of Law</i> <i>St. Paul, MN</i></p> <p><u>For Enforcing Physicality Requirements:</u></p> <p>Robert A. Armitage <i>Eli Lilly and Company</i> <i>Indianapolis, IN</i></p>	Frank Lloyd Wright Ballroom Salons E&F

<p>10:00 am–11:00 am</p>	<p>Alternative Billing Arrangements–Practical Tips for Success & Potential Pitfalls</p> <p>Traditional hourly billing practices are increasingly under attack. The speakers will address creative alternatives to hourly billing, as well as pitfalls to avoid, and will provide practical solutions for these often difficult issues.</p> <p>Moderator: C. Edward Polk, Jr. <i>Foley & Lardner, LLP</i> <i>Washington, DC</i></p>	
<p>10:00 am</p>	<p>Structuring Successful Alternative Billing Arrangements</p> <p>Speaker: David K. Tellekson <i>Darby & Darby, PC</i> <i>Seattle, WA</i></p>	
<p>10:30 am</p>	<p>Pitfalls in Alternative Billing Arrangements</p> <p>Speaker: Barry E. Bretschneider <i>Morrison & Foerster, LLP</i> <i>McLean, VA</i></p>	
<p>11:00 am–12:00 noon</p>	<p>Ethics: Getting In, Getting Out, Getting Paid, & NOT Getting Sued–Fee Arrangements from Both Sides of the Table</p> <p>A discussion of the requirements of the Rules and ethical considerations in fee agreements from the points-of-view of in-house and outside counsel, their companies and firms including examples from case law and current practice.</p> <p>Speaker: Paul W. Vapnek <i>Townsend & Townsend & Crew, LLP</i> <i>San Francisco, CA</i></p>	
<p>luncheon (tickets required)</p>		
<p>12:00 noon–2:00 pm</p>	<p>Networking Luncheon</p>	<p>Squaw Peak Lawn</p>
<p>12:00 noon–4:00 pm</p>	<p>Board of Directors' Meeting</p>	<p>Frank Lloyd Wright Ballroom Salon G</p>

saturday afternoon events (*tickets required*)

12:30 pm Tee Time

Golf Tournament (Shotgun)Meet at the Links
Course by 11:45 am*photography courtesy of
Arizona Biltmore Golf Club***Links Course**

The younger of the Biltmore family. This celebrated layout marked the renaissance of the Arizona Biltmore, creating new neighborhoods and open spaces surrounding the original grounds of the Arizona Biltmore Resort.

The Links Course sports rolling fairways, desert ravines and five lakes. Taking a cue from the seaside links courses of the British Isles, the bunkers are deep and set tight to greens. And, from atop the 15th tee, one can see the skyline of Phoenix, Scottsdale and distant mountains.

A combination of desert golf mixed with a journey through cool pines and tranquil lakes. Here you will find no two holes are alike - and no two days will ever play the same. Multiple tees, combined with large greens, creates endless possibilities for course set-up and change. The Links is about strategy and shot-making - heroic shots and demanding accuracy.

Advanced Reservations Required/Space is limited

Tournament Golf Balls Sponsored by:
MCANDREWS HELD & MALLOY, LTD

1:00 pm

Tennis TournamentMeet at the Resort
Courts by 12:30 pm

Advanced Reservations Required/Space is limited

saturday evening event (*all registrants invited*)

7:00 pm–8:00 pm

Closing Reception & Awards for Golf & Tennis
(*casual attire*)

Gold Room & Patio

Enjoy the last evening of the conference with your colleagues. Golf and Tennis Tournament awards will be presented during the reception.

All Registrants Invited
Sponsored by: BERESKIN & PARR