

5.13.08

tuesday schedule

3:00 pm–5:00 pm

Board of Directors'/Committee Chair's Business Meeting

Discovery
Center A&B

4:00 pm–7:00 pm

Pre-Registration

Legends Ballroom
Foyer

5.14.08

wednesday schedule

8:00 am–9:30 am

Continental Breakfast

Legends Ballroom
Foyer

committee meetings (8:00 am–9:00 am)

** unless otherwise noted, committee meetings are open to all meeting attendees*

8:00 am–9:00 am

Alternative Dispute Resolution

The Committee will discuss the implementation of a new registry for AIPLA members who are qualified to act as neutrals and review the draft report that was presented to the committee for review and comment. A copy will be made available prior to the meeting on the Committee's AIPLA micro site. The Committee will also address the qualification training for listing as a neutral and how to develop, continuing CLE education specifically targeted to mediation and arbitration practice.

Champions Conference
Center II, 2nd Floor

8:00 am–9:00 am

Amicus (committee members only)

Champions Conference
Center I, 2nd Floor

8:00 am–9:00 am

Inventor Issues

The Committee works to more effectively provide inventors with information on how to protect, promote, commercialize, license and/or dispose of their inventions. The Committee also works closely on regulations and legislation developed by the US Patent and Trademark Office (USPTO) and other US Government bodies having contact with inventors, the various cities, state patent law associations and bar associations. Specific initiatives of the Committee will be to generate a sample patent purchase agreement that might be useful for inventors and to reach out to the patent marketing and valuation communities to promote inventor access. All are welcome to attend this meeting!

Founders Ballroom II

8:00 am–9:00 am

Professionalism & Ethics (committee members only)

Champions Conference
Center VI, 2nd Floor

8:00 am–12:00 noon

Board of Directors' Meeting

Champions Conference
Center V, 2nd Floor

8:15 am–3:00 pm

Spouse/Guest Tour: Space Center Houston (*tickets required*)
advanced reservations required/space is limited. (see page 36 for more details)

Meet outside of
Legends Ballroom
Foyer by 8:00 am

morning concurrent track #1 (9:00 am - 12:00 noon)

Legends Ballroom
V-VII

BEST PRACTICES FOR PATENT PROSECUTION IN UNCERTAIN TIMES

Moderator: Tracy Druce
Novak Druce + Quigg, LLP
Houston, TX

9:00 am Summary of *Tafas and GSK v. Dudas*; Predictions and Strategies

Speaker: Robert J. Spar
Former Director, Office of Patent Legal Administration
US Patent & Trademark Office (retired)
Silver Spring, MD

9:30 am New Rules of Practice Before the Board of Patent Appeals & Interferences

Speaker: Richard Neifeld
Neifeld IP Law, PC
Alexandria, VA

10:00 am Information Disclosure Statements

Speaker: W. Todd Baker
Oblon Spivak McClelland Maier & Neustadt, PC
Alexandria, VA

10:30 am Restriction Practice & Alternative Claims

Speaker: Mark A. Williamson
Fitzpatrick Cella Harper & Scinto
Washington, DC

11:00 am An In-House Perspective

Speaker: Mark S. Walker
IBM Corporation
Austin, TX

11:30 am BioPharma Strategies for Uncertain Times

Speaker: Denise M. Kettelberger
Merchant & Gould, PC
Minneapolis, MN

5.14.08 (continued) **wednesday** schedule

morning concurrent track #2 (9:00 am - 12:00 noon)

PREPARING CASES TO WIN

Discovery Center A

Moderator: James A. Jorgensen
Williams Morgan & Amerson, PC
 Houston, TX

9:00 am Strategic Discovery Thinking

Speaker: Robert H. Sloss
Farella Braun & Martel, LLP
 San Francisco, CA

9:30 am Written Discovery: The Sport of Kings!

Speaker: Gerald W. Roberts
Thompson & Knight, LLP
 Atlanta, GA

10:00 am Depositions: How to Win Friends & Influence Adverse Witnesses

Speaker: Douglas B. Greenswag
K&L Gates
 Seattle, WA

10:30 am Expert Discovery: Where the Rubber Really Meets the Road

Speaker: Jerold I. Schneider
Akerman Senterfitt
 West Palm Beach, FL

11:00 am Texas Judge Panel

Moderator: Clyde M. Siebman
Siebman Reynolds Burg Phillips & Smith, LLP
 Sherman, TX

Judges:

Honorable Sim Lake <i>United States District Court Southern District of Texas</i> Houston, TX	Honorable Don Bush <i>United States District Court Eastern District of Texas</i> Sherman, TX	Honorable Ed Kinkeade (invited) <i>United States District Court Northern District of Texas</i> Dallas, TX
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morning concurrent track #3 (9:00 am - 12:00 noon)

TRADEMARK LITIGATION - REMEDIES

Discovery Center B

Monetary Remedies — Calculating Damages & Profits

Moderator: Charles S. Cotropia
Sidley Austin, LLP
Dallas, TX

9:00 am **Matters of Legal Proof**

Speaker: Anthony Mirenda
Foley Hoag, LLP
Boston, MA

9:20 am **Matters of Financial Proof**

Speaker: Abram E. Hoffman
Abram E. Hoffman, LLC
Washington, DC

9:40 am **Exceptional Cases — Maximizing the Chance of Recovering Enhanced Damages & Attorney's Fees**

Speaker: Mark A. Thurmon
Roy Kiesel Keegan & DeNicola
Baton Rouge, LA

10:00 am **Survey of Monetary Awards in Counterfeiting Cases**

Speaker: Camille M. Miller
Cozen O'Connor, PC
Philadelphia, PA

10:20 am **Question & Answer Session**

Non-Monetary Remedies — Injunctions, Seizures, Orders of Destruction, Etc.

Moderator: Wendy C. Larson
Pirkey Barber, LLP
Austin, TX

10:30 am **Seeking a TRO or an Injunction**

Speaker: Lisa H. Meyerhoff
Baker & McKenzie, LLP
Houston, TX

10:50 am **Defending Against a TRO or an Injunction**

Speaker: Xuan-Thao Nguyen
Southern Methodist University, Dedman School of Law
Dallas, TX

11:10 am **Product Seizures & Asset Seizures**

Speaker: Milton Springut
Kalow & Springut, LLP
New York, NY

5.14.08 (continued) **wednesday** schedule

11:30 am **Creativity of Counsel (Other Non-Monetary Remedies)**

Speaker: Peter E. Mims
Vinson & Elkins, LLP
Houston, TX

11:50 am **Question & Answer Session**

12:00 noon-12:30 pm **Luncheon Reception** (*all registrants invited*)

Legends Ballroom
 Foyer

Sponsored by:
 - BAKER & MCKENZIE, LLP

luncheon (tickets required)

12:30 pm-2:00 pm

"*Bilski* and Patents for the Information Economy"
(tickets required)



Legends Ballroom
 I-IV

Luncheon Speaker:
 David C. Hanson
The Webb Law Firm

afternoon concurrent track #1 (2:00 pm - 3:30 pm)

SEARCH & SENSIBILITY: WHO & WHAT ARE PROTECTED ON THE INTERNET

Legends Ballroom
 V-VII

Moderator: Marc E. Mayer
Mitchell Silberberg & Knupp, LLP
Los Angeles, CA

2:00 pm **Update on Google Book Search Litigation**

Speaker: Alex S. Fonoroff
Kilpatrick Stockton, LLP
Atlanta, GA

2:20 pm **The Current Scope of Secondary Liability for Trademark & Copyright Infringement on the Internet**

Speaker: Mark T. Jansen
Townsend and Townsend and Crew, LLP
San Francisco, CA

2:40 pm **Legal Implications of Internet Search Tools—*Perfect 10* and Beyond**

Speaker: Raymond T. Nimmer
University of Houston Law Center
Houston, TX

3:00 pm

Chasing the Wind: Where Are Content Owners After *Grokster*?

Speaker: J. Christopher Jensen
Cowan Liebowitz & Latman
New York, NY

afternoon concurrent track #2 (2:00 pm - 3:30 pm)

**NEW DEVELOPMENTS IN COMPETITION LAWS & REGULATIONS IN CHINA,
EUROPE, JAPAN & THE US—VIEWS ON THE NEW CHINA ANTI-MONOPOLY
LEGISLATION & PRACTICAL STRATEGY GUIDANCE ON NEGOTIATING
MULTINATIONAL AGREEMENTS**

Discovery Center A

Moderator: Naomi Abe Voegtli
SAP AG
Palo Alto, CA

2:00 pm

Introduction

2:05 pm

**Developments/Update on Japan's Competition Law & Practical Tips When
Negotiating an Agreement in Japan**

Speaker: Hiroshi Kamiyama
Hibiya Park Law Offices
Chiyoda-ku, Tokyo, Japan

2:20 pm

**Developments/Update on the EU Competition Law & Practical Tips When
Negotiating an Agreement in Europe**

Speaker: Christopher M. Stothers
Milbank Tweed Hadley McCloy, LLP
London, United Kingdom

2:35 pm

**Developments/Update on China's Competition Law & Practical Tips When
Negotiating an Agreement in China**

Speaker: Christine Wilson
O'Melveny & Myers, LLP
Washington, DC

2:50 pm

**The US Department of Justice Comments on Competition Laws/Developments
in China, Europe & Japan**

Speaker: Hill Welford
US Department of Justice
Washington, DC

3:05 pm

**Comparative Analysis & Comments on Competition Laws/Regulations in
China, Europe & Japan**

Speaker: Douglas E. Rosenthal
Constantine Cannon, LLP
Washington, DC

3:20 pm

Discussions/Questions

5.14.08 (continued) wednesday schedule

afternoon concurrent track #3 (2:00 pm - 3:30 pm)

PEER TO PATENT REVIEW

Discovery Center B

Moderator: Manny W. Schecter
IBM Corporation
Armonk, NY

2:00 pm Project Overview & Description of US Pilot

Speaker: Beth Noveck
New York Law School
New York, NY

2:20 pm Consenting to Review of One's Patent Applications

Speaker: John Squires (invited)
Goldman Sachs
New York, NY

2:40 pm Results of Pilot—US Patent & Trademark Office Perspective

Speaker: Jack Harvey
US Patent & Trademark Office
Alexandria, VA

3:00 pm Results of Pilot—Applicant & Peer Perspective

Speaker: Curtis G. Rose
Hewlett-Packard Company
Corvallis, OR

3:20 pm Panel Discussion

committee educational session (3:30 pm–5:30 pm)

* unless otherwise noted, committee educational sessions are open to all meeting attendees.

3:30 pm–5:30 pm

Corporate Practice/Licensing and Management of IP Assets Joint Committee Educational Session (115 MINUTES OF CLE REQUESTED)

Discovery Center A

"101" on IP Insurance

This program answers basic questions about intellectual property-related insurance coverage. What coverage is available, why one should seek coverage, what is involved in obtaining such coverage, and how does the claims process work?

1. What kinds of IP insurance coverage is available for:
 - a. A patent owner
 - b. A trademark or copyright owner
 - c. A company that may be accused of engaging in activities amounting to patent infringement
 - d. A company that may be accused engaging in activities amounting to copyright or trademark infringement

2. Why would a patent owner want to insure its patent portfolio?
3. Define the following types of policies and highlight relevant provisions/wordings in such policies that cover IP exposures
 - a. General Liability
 - b. Professional Indemnity
 - c. Media and Cyberliability
 - d. Specialty Line
4. What is involved in obtaining IP insurance coverage?
 - a. How does an insurance company determine cost/risk of such coverage?
 - i. Factors that reduce cost
 - ii. Extent of due diligence conducted by insurance company
 - b. Factors that limit scope and length of coverage
5. What kinds of events trigger coverage of an IP insurance provision/policy?
6. Lawyer malpractice for failing to investigate IP coverage in litigation

3:30 pm

Welcome Remarks

Aaron Weiss (Invited)
STMicroelectronics
 Carrollton, TX

Chen Wang (Invited)
E.I. du Pont de Nemours and Company
 Wilmington, DE

3:35 pm

Overview of IP Insurance

David Henry
Allen Dyer Doppelt Milbrath & Gilchrist, PA
 Orlando, FL

4:10 pm

Successfully Insuring Exposures and Trends in IP Insurance

Kimberly Klein Cauthorn
SAMIAN Underwriting Agencies Limited
 Houston, TX

4:45 pm

Buying and Using IP Insurance – The Insured’s Perspective

Speaker (TBD)

5:10 pm

Panel Discussion

committee meetings (3:30 pm–5:30 pm)

** unless otherwise noted, committee meetings are open to all meeting attendees.*

3:30 pm–4:30 pm

Antitrust Law

Justice Department Antitrust Division Deputy Assistant Attorney General James J. O’Connell has been invited to our meeting to speak on "China and Other Antitrust Division Priorities."

Champions Conference
 Center VI, 2nd Floor

3:30 pm–5:30 pm

Education/Young Lawyers (Joint Meeting)

The Committees are hosting a discussion on the importance, logistics, and pitfalls associated with electronic discovery (e-discovery) in IP litigation. Our panelists will discuss how e-discovery can make or break a case, how lawyers can stay on top of the methods and the madness of e-discovery, and how lawyers can avoid a *Qualcomm v. BroadCom*-type e-discovery imbroglio. Spring Meeting attendees of all experience levels are encouraged to attend this program.

Champions Conference
 Center II, 2nd Floor

3:30 pm–4:30 pm

Electronic and Computer Law

The Committee will meet to hear presentations on proposed patent reform, the new USPTO rules, and their effect on electronic and computer related inventions. Among the speakers will be Mike Lynch to talk about the Continuation and IDS rules, Bill Smith to speak on the Appeals rules, and Mike Kirk, Executive Director of AIPLA, to speak on patent reform. A short business meeting will follow the presentations to discuss planning for new initiatives and the Annual Meeting.

Champions Conference
 Center III, 2nd Floor

5.14.08 (continued) **wednesday** schedule

3:30 pm–5:30 pm

Industrial Designs/International and Foreign Law/IP Practice in Latin America/Patent Cooperation Treaty Issues (Joint Meeting)

Founders Ballroom I

Our Committees will be addressing various Current International Issues of significance. We will be addressing Protection of Designs in China. At present, the Chinese Government has a unique approach to design protection which is different than the rest of the world and in order to obtain patents in China, you must be aware of the distinctions. We will also be discussing Patent Developments in India. India continues to be of significance and growing importance. While everyone files in China, India may be a “sleeping giant” with growing importance in world productivity and competition. Its significance is only first now being recognized and important patent developments are taking place in India. We will also be addressing ways for Expediting Prosecution. The recently introduced Patent Prosecution Highway, which is now a permanent institution in our patent system, as well as the pilot program on the New Route, provides approaches for expediting allowance of your patent. We will address how to achieve such expeditious treatment of patents using these two approaches. There are a number of PCT changes going into effect at the beginning of 2009 and we will have a PCT Update On All Current And Upcoming Matters. Finally, we will review and Developments On International Design Registration. There continues to be significant growing importance in this area and we will provide updates on this subject.

3:30 pm–4:30 pm

IP Practice in the Far East

Champions Conference Center VII, 2nd Floor

The Committee will have a 30 minute presentation on recent developments in IP in China, Taiwan and Korea. In addition, the Committee plans to discuss the following topics during the business session of the meeting: (1) update on China/Korea trip; (2) the formation of an active Korean Sub-committee which would have committed speakers for future Korean visits to the US; (3) the formation of a similar China speakers group from which we can draw as Chinese delegations come to the US to visit us; and (4) have recent developments in China and Korea IPR reported to the entire Committee by two sub-groups from those respective sub-committees.

3:30 pm–4:30 pm

Patent Litigation

Discovery Center B

The topic of our meeting will be "The Fact and Fiction of Litigating Patent Cases in the Eastern District of Texas." We hope to invite several Texas practitioners to speak at the meeting to help attendees learn what to expect, and not to expect, when they file or defend their cases in the Eastern District of Texas. Depending upon the progress of patent reform proposals in Congress, we will also discuss the potential impact on the Eastern District of proposed changes in venue requirements. We will also discuss whether the popularity of the Eastern District threatens its place as district where a patentee can get a relatively quick trial.

3:30 pm–4:30 pm

Special Committee on Public Education

Founders Ballroom III

All attendees are invited to participate in an informal educational session intended to help promote the ability of practitioners to go out into schools and educate children on IP and Patents. The Youth Education Sub-Committee will present its work to date in gathering and developing content and creative ways to distribute the message and content across multiple “youth channels” to a broad spectrum of youth audiences. Members of the Sub-Committee will perform a sample youth IP presentation followed by a discussion on developing further content and linkages to organizations with content and similar interests of educating our youth on IP issues. The Committee also has a number of ongoing initiatives including distribution channel development through the Youth Education, Internet, Corporate and potentially other Sub-Committees. Committee members are needed for each of these initiatives so we welcome you to let us know if you are interested in helping in any of these areas and to join us for a lively session.

3:30 pm–4:30 pm	Special IT Task Force (Task Force Members Only)	Founders Ballroom IV
4:30 pm–5:30 pm	<p>Online Programs</p> <p>The Committee will report the results of completed online programs as well as develop and finalize online programs for 2008 through its vendor KRM. Ways in which the Online Programs Committee can perform lower cost programs in conjunction with other Committees through our vendor Citrix will be explored. 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.</p>	Champions Conference Center I, 2nd Floor
4:30 pm–5:30 pm	<p>Patent Agents/Patent-Relations with the USPTO (Joint Meeting)</p> <p>USPTO officials have been invited to provide an update on patent examination practice and procedure, including implementation plans for new rules and practices, and experience under the KSR and Section 101 guidelines.</p>	Discovery Center B
4:30 pm–5:30 pm	<p>Professional Programs</p> <p>The Committee is completing its planning of the 2008 Annual Meeting and will begin planning the 2009 Spring Meeting. All coordinators for the 2008 Annual are asked to attend. Coordinators will be assigned to further develop topic suggestions received to date. Those interested in becoming a coordinator should attend the meeting, as well as those who have suggested a topic.</p>	Founders Ballroom IV

wednesday evening activities

5:30 pm–6:30 pm	<p>New Member/First-Time Attendee Reception (see page 38 for details)</p> <p><i>Sponsored by:</i></p> <ul style="list-style-type: none"> - SCHWEGMAN LUNDBERG & WOESSNER, PA 	Champions Conference Center V 2nd Floor
7:00 pm–9:00 pm	<p>Opening Night Reception – "Space City USA featuring an Open Mic" <i>casual attire (tickets required)</i></p> <p><i>If you'd like to share your talent at the Open Mic, please RSVP by Friday, April 25, 2008 to Nneka St.Gerard at Nneka@aipla.org and specify your talent. Performance schedule is limited and time will be reserved on a first-come, first-served basis.</i></p> <p><i>Sponsored-in-part by:</i></p> <ul style="list-style-type: none"> - FISH & RICHARDSON, PC - FULBRIGHT & JAWORSKI, LLP - GARDERE WYNNE SEWELL, LLP - MORGAN & FINNEGAN, LLP 	Legends Ballroom I-IV
9:00 pm–11:00 pm	<p>Dessert Reception (all registrants invited)</p> <p><i>Sponsored by:</i></p> <ul style="list-style-type: none"> - HOUSTON INTELLECTUAL PROPERTY LAW ASSOCIATION - STATE BAR OF TEXAS, INTELLECTUAL PROPERTY SECTION - UNIVERSITY OF HOUSTON LAW CENTER, INSTITUTE FOR INTELLECTUAL PROPERTY & INFORMATION LAW 	Founders Ballroom