

# American Intellectual Property Law Association

## 2004 Mid-Winter Institute

January 28 – 31, 2004  
La Quinta Resort & Club  
La Quinta, California

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### PRELIMINARY PROGRAM

#### *How to Litigate in the Digital Decade*

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**WEDNESDAY – JANUARY 28, 2004**

1:00 - 2:00 pm      How-to Use Your Tablet PC

Presented by

***Motion*** Computing™



### The Plenary Program

The AIPLA Players:

<i>James Yu</i>	Stephen Y. Chow <i>Perkins, Smith &amp; Cohen</i>
<i>Lucius Gunderson</i>	Robert W. Payne <i>LaRiviere Grubman &amp; Payne</i>
<i>Lauren Abercrombie</i>	Harrie Samaras <i>RatnerPrestia</i>
<i>Roseanna Torridson</i>	Sharon A. Israel <i>Jenkins &amp; Gilchrist PC</i>
<i>Linda Henderson</i>	Linda E. Alcorn <i>Sterne, Kessler, Goldstein &amp; Fox, PLLC</i>
<i>William Balushi</i>	Stewart M. Brown <i>Gray Cary Ware &amp; Freidenrich LLP</i>
<i>Alexis Lucas</i>	Dianne B. Elderkin <i>Woodcock, Washburn LLP</i>
<i>James Ford</i>	John M. Skenyon <i>Fish &amp; Richardson</i>
<i>Donald Rekor</i>	John T. Wiedemenn <i>Calfee, Halter &amp; Griswold LLP</i>
<i>Wesley Neo</i>	Michael W. Piper <i>Conley, Rose &amp; Tayon P.C.</i>
<i>Plaintiff TM lawyer</i>	Jonathan Hudis <i>Oblon, Spivak, McClelland, Maier &amp; Neustadt, P.C.</i>
<i>Defendant TM lawyer</i>	Parker H. Bagley <i>Milbank Tweed Hadley &amp; McCoy</i>

**2:00 – 6:00 pm**

**How To Prepare For Litigation  
Before It Starts**

<i>Narrator:</i>	<b>Robert C. Kahrl</b> <i>Jones, Day, Reavis &amp; Pogue</i>
2:25 pm Topic: <b>How To know when to write and how to write Cease and desist letters</b>	<b>Lee Patch</b> <i>Sun Microsystems</i>
3:05 pm Topic: <b>How To Known When to get a legal opinion and what it should contain</b>	<b>Samual A. Schiffman</b> <i>National Gypsum Company</i>
3:35 pm Topic: <b>How To Do Pre-filing investigations</b>	<b>Darryl P. Frickey</b> <i>Shipley Corp.</i>
4:40 pm Topic: <b>How To Handle Conflicts of interest in IP litigation</b>	<b>Jeffrey A. Lindemen</b> <i>Nixon Peabody LLP</i>
5:20 Topic: <b>How To Do Electronic Discovery</b>	<b>Jack J. McCracken</b> <i>Cooper Tire &amp; Rubber Company</i>

**7:00 – 10:00 pm**

**OPENING NIGHT FIESTA**

**THURSDAY – JANUARY 29, 2004**

**8:00 am – 12:00 Noon PLENARY SESSION**

**8:00 – 9:30 am The President's Forum**

**9:30 am – 12:00 Noon How To Prepare For Litigation Before It Starts**

<i>Narrator:</i>	<b>Mark L. Whitaker</b> <i>Howrey Simon Arnold &amp; White L.L.P.</i>
9:45 am Topic: <b>How To Do Budgeting for IP litigation</b>	<b>Patrick D. Lane</b> <i>Chief Lit. Counsel – Procter &amp; Gamble</i>
10:30 am Topic: <b>How To Pre-Trial Strategy</b>	<b>T. Andrew Culbert</b> <i>Microsoft Corporation</i>
11:15 am Topic: <b>How To Gather Evidence in the Digital Decade</b>	<b>Timothy Q. Delaney</b> <i>Brinks Hofer Gilson &amp; Lione</i>

**12:00 Noon – 12:30 pm LUNCHEON RECEPTION**

**12:30 – 2:00 pm**

**CONCURRENT LUNCHEONS**

<b><u>Luncheon I</u></b>	<b><u>Luncheon II</u></b>
<i>Moderator: David L. Hitchcock Sidley Austin Brown &amp; Wood</i>	<i>Moderator: Brian W. Gray Blake, Cassels &amp; Graydon LLP</i>
<i>How To Solve Practical Problems in Digital Discovery</i>	<i>The good, the bad and the ugly, the best and worst patent litigation practices by country</i>
<i>Randall Burrows CaseCentral, Inc.</i>	<i>Ira J. Levy Goodwin Procter</i>  <i>Brian W. Gray Blake, Cassels &amp; Graydon LLP</i>  <i>Rowan Freeland Simmons &amp; Simmons</i>

**2:00 – 4:00 pm**

**CONCURRENT TRACKS**

**TRACK I: How To Draft and Construe Claims After *FESTO***

**Moderator: J. William Frank, III**  
*McCracken and Frank*

<i>How To Say What You Mean And Mean What You Say</i>  <i>Hon. Edward D. Re Chief Judge Emeritus U.S. Court of International</i>	<i>How To Draft a Patent Application to Get the Claim Construction You Want</i>  <i>Ingrid M. Foerster IBM Corporation</i>	<i>How To Avoid Claim Construction Errors: Determining The Ordinary Meaning Before Reading The Written Description</i>  <i>Anthony Zeuli Merchant &amp; Gould</i>
<i>Festo – The Patent Attorney’s Miranda – What You Say Can and Will Be Held Against You</i>  <i>J. William Frank, III McCracken and Frank</i>	<i>How To Help the Court Get Claim Construction That Will Survive Appeal</i>  <i>Hon. David O. Carter Central Dist. of California</i>	

## TRACK II: How To Handle Proceedings under UDRP & CARP

### *CARP – Reeling in the CARP Process*

**Moderator:** Marc D. Ostrow  
*Broadcast Music, Inc.*

Hon. Marybeth Peters <i>Register of Copyrights</i>	Robert A. Garrett <i>Arnold &amp; Porter</i>
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### *UDRP*

**Moderator:** Mark. G. Matuschak  
*Hale and Door, LLP*

David J. Stewart <i>Alston &amp; Bird</i>	David H. Bernstein <i>Debevoise &amp; Plimpton</i>	Thomas E. Graham <i>Moore &amp; Van Allen</i>
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**4:00 – 6:00 pm**                      **COMMITTEE MEETINGS**

**7:00 – 8:00 pm**                      **DINNER RECEPTION**

**8:00 – 10:00 pm**                      **DINNER/ENTERTAINMENT - SOCK HOP**

## **FRIDAY – JANUARY 30, 2004**

**8:00 am – 12:00 Noon**    **PLENARY SESSION**

**What Every IP Lawyer Should Know about How Conduct a  
Trial in the Digital Decade**

<i>Narrator:</i>	Kenneth E. Krosin <i>Foley &amp; Lardner</i>
<b><u>PLAINTIFF'S COUNSEL</u></b>	John M. Delehanty <i>Mintz Levin Cohn Ferris Glovsky and Popeo, P.C.</i>
	John C. Lowe <i>Finnegan, Henderson, Farabow, Garrett &amp; Dunner, L.L.P.</i>
	Ann A. Byun <i>Morgan, Lewis &amp; Bockius LLP</i>

**PLENARY SESSION, cont'd**

<b><u>DEFENDANTS' COUNSEL</u></b>	<b>Scott K. Reed</b> <i>Fitzpatrick, Cella, Harper &amp; Scinto</i>
	<b>Jeanne M. Gills</b> <i>Foley &amp; Lardner</i>
	<b>Robert S. Weisbein</b> <i>Darby &amp; Darby, P.C.</i>
<b><u>JUDGE</u></b>	<b>Hon. Edward D. Re</b> <i>Chief Judge Emeritus</i> <i>U.S. Court of International Trade</i>
<b><u>PLAINTIFF'S SURVEY EXPERT WITNESSES</u></b>	<b>Prof. Michael J. Barone</b> <i>Iowa State University</i>
<b><u>PLAINTIFF'S EXPERT WITNESSES</u></b>	<b>Abraham "Al" Hoffman</b> <i>PricewaterhouseCoopers LLP</i>
<b><u>CONSULTANTS</u></b>	<b>Ray Hauschel (Trial Graphics)</b> <i>Z-Axis Corporate Headquarters</i>  <b>Theresa Zagnoli (Jury Consultant)</b> <i>Zagnoli McEvoy Foley LLC</i>
<b><u>PLAINTIFF'S TECHNICAL EXPERT</u></b>	<b>William F. Noval</b> <i>Eastman Kodak Company</i>

**12:00 Noon – 12:30 pm LUNCHEON RECEPTION**

**12:30 – 2:00 pm LUNCHEON: Keynote Speaker: TBD**

**2:00 – 4:00 pm CONCURRENT TRACKS**

**TRACK I: How to Do an Appeal in the Digital Decade**

**Moderator: Joseph R. Re**  
*Knobbe Martens Olson & Bear*

<b>Hon. Richard C. Tallman</b> <i>Ninth Circuit Court of Appeals</i>	<b>Donald R. Dunner</b> <i>Finnegan, Henderson, Farabow, Garrett &amp; Dunner, L.L.P</i>	<b>Roger W. Parkhurst</b> <i>Parkhurst &amp; Wendel, LLP</i>
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**TRACK II: Ethics: Document Retention or Document Destruction Programs – How to Know What to Keep, What To Through Away and When Not To**

**Moderator: Denise W. De Franco**  
*Foley Hoag & Elliot*

**TRACK II, cont'd**

<i>Law Firm Document Policies and Procedures</i>	<i>Document Retention Policies - A Corporate Perspective</i>	<b>Ramsey M. Al-Salam</b> <i>Perkins Coie</i>
<b>Bruce E. O'Connor</b> (Office Practice) <i>Christensen O'Connor Johnson Kindness<sup>PLLC</sup></i>	<b>Paul W. Leuzzi</b> (Corporate Practice) <i>Weyerhaeuser Company</i>	

**4:00 – 6:00 pm**

**COMMITTEE MEETINGS**

**7:00 – 9:00 pm**

**PATIO/POOL PARTY**

**SATURDAY – JANUARY 31, 2004**

**8:00 am – 12:00 Noon PLENARY SESSION**

**The Future of Multi-District Practice, Dispute Resolution Forensic Evidence in the Digital Age -- How to Know Where it Is All Going**

**8:00 – 9:30 am Ethical Issues in Advising Out of State Clients – Changes in the Rules of Professional Conduct**

*Moderator:* Jack Goldstein

<i>Litigator's Viewpoint</i>	<i>Corporate Counsel's Viewpoint</i>
<b>Rodney K. Caldwell</b> <i>Howrey Simon Arnold &amp; White LLP</i>	<b>M. Andrea Ryan</b> <i>Wyeth</i>
<i>Prosecutor and Transactional Lawyer's Viewpoint</i>	<i>Risk Management Viewpoint</i>
<b>Paul W. Vapnek</b> <i>Townsend, Townsend &amp; Crew</i>	<b>Joseph R. Lundy</b> <i>Attorneys' Liability Assurance Society, Inc.</i>

**9:30 – 11:00 am Ethics in ADR**

*Moderator:* John E. McGarry

<b>Thomas J. Stipanowich</b> <i>CPR Institute for Dispute Resolution</i>	<b>Roderick M. Thompson</b> <i>Farella Braun + Martel LLP</i>	<b>Hon. Layn R. Phillips (Rtd)</b> <i>Irell and Manella</i>
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**PLENARY SESSION, cont'd**

**11:00 am – 12:00 Noon How to Do Forensic Evidence – Mining Electronic Media**

*Moderator:* William N. Hulsey, III  
*Hulsey & Calkins, LLP*

<b>Anthony Merlino III</b> <i>Duane Morris</i>		
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**12:00 Noon – 1:30 pm LUNCHEON**  
*Moderator:* Rex Stratton

**The Digital Decade -- New Technologies for Lawyers**

**1:30 – 5:00 pm**                      **How To Practice Law in the Digital Decade  
– What are the New Tools for Lawyers and  
How to Use Them**

**AFTERNOON**                              **GOLF & TENNIS TOURNAMENTS**

**7:00 – 8:00 pm**                      **AWARDS RECEPTION**

**8:00 – 10:00 pm**                      **FAREWELL DINNER**



For hotel reservations, please call **(800) 598-3828** or **(760) 564-4111**. Please ask for the AIPLA Mid-Winter Institute rate of **\$245.00**. The hotel tax is **11%**. The cutoff date to secure this rate is **January 5, 2004**.

Please visit our website at [www.aipla.org](http://www.aipla.org) for more information. Sponsorship opportunities available, contact Cathleen Clime at (703) 412-4341.

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