



Institute for
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TECHNOLOGY**

51st Annual Conference on Intellectual Property Law



51st Annual Conference on Intellectual Property Law

November 11-12, 2013
The Center for American
and International Law
Plano, Texas

Featured Dinner Speaker

Dennis D. Crouch
University of Missouri School of Law
Columbia, Missouri



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AND INTERNATIONAL LAW**

Highlights

- Differing Approaches to Patent Law - The Supreme Court and the Federal Circuit
- Cutting Edge Issues in Patent Litigation
- What We Can Learn from an Empirical Study of Copyright Infringement Litigation
- Growing a Brand in an Era of Globalization
- Plus annual patent, copyright, and trademark law updates

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51st Annual Conference on Intellectual Property Law

PROGRAM AT A GLANCE

November 11-12

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David O. Taylor
Assistant Professor
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Monday, November 11

7:45 NETWORKING BREAKFAST PRESENTED BY THE WOMEN IN IP TASK FORCE - STATE BAR OF TEXAS: *PIONEERING WOMEN IN IP*

PATENT LITIGATION

9:00 STEWARDSHIP OF PATENT LAW - THE SUPREME COURT AND THE FEDERAL CIRCUIT

10:00 CUTTING EDGE ISSUES IN PATENT LITIGATION

11:00 BREAK

11:15 HOW TO DEAL WITH PATENT TROLLS

12:00 PICK UP BOXED LUNCH

12:15 THE WORLD OF LITIGATION, SOME THOUGHTS ON WHERE WE ARE TODAY

TRADEMARK & COPYRIGHT ISSUES

1:30 THE YEAR IN COPYRIGHT LAW

2:30 COPYRIGHT LITIGATION: AN EMPIRICAL STUDY

3:15 BREAK

3:30 GROWING A BRAND IN THE ERA OF GLOBALIZATION

4:00 THE YEAR IN TRADEMARK LAW

5:00 RECEPTION

6:00 DINNER - FUNCTIONAL PATENT CLAIMS AND THE GOVERNMENT'S APPROACH TO SHUTTING THEM DOWN - *Featuring Dennis D. Crouch*

Tuesday, November 12

7:45 A: GUIDED ETHICS ROUNDTABLE
B: PATENT PROSECUTION: A DEEPER DIVE

8:45 BREAK

PATENT PROSECUTION

9:00 THE YEAR IN PATENT LAW

10:00 SECTION 101: WHAT'S A PRACTITIONER TO DO?

10:30 BREAK

10:45 CHANGING PATENT PROSECUTION STRATEGIES AFTER THE AIA

11:30 FUN WITH POST-GRANT PROCEEDINGS

12:15 PICK UP BOXED LUNCH

12:30 ETHICS PRESENTATION: UNDERSTANDING AND APPLYING (1) THE STRATEGIES AND IMPLICATIONS OF U.S. PATENT LAW AMIDST THE CHAOS CAUSED BY THE NEWLY ARISING BUT LONG RANGING COEXISTENCE OF PRE-AIA, AIA, AND JEDI-MASTER MIXER AND (2) POST-THERASENSE DUTY OF CANDOR: ETHICAL IMPERATIVES?

TECHNOLOGY, LICENSING, & IP RIGHTS

1:30 MANAGING A PATENT PROSECUTION TEAM

2:30 RECENT NATIONAL AND INTERNATIONAL ISSUES AFFECTING LICENSING

3:15 BREAK

3:30 DRAFTING AND NEGOTIATING TECHNOLOGY TRANSACTION AGREEMENTS

4:30 ETHICS SESSION: AVOIDING ETHICAL LANDMINES IN PATENT PROSECUTION

5:00 ADJOURN

7:45 NETWORKING BREAKFAST PRESENTED BY THE WOMEN IN IP TASK FORCE – STATE BAR OF TEXAS:
PIONEERING WOMEN IN IP

All conference delegates are welcome to attend this breakfast session presented by the Women in IP Task Force.

Our panelists will discuss ethical and professional challenges encountered by women lawyers during the last 30 plus years, what they did to address them, and what advice they would give to help other women lawyers successfully practice law with professionalism and integrity. Situations discussed will include the following:

- Maintaining professionalism and integrity in the practice of law despite situations, unprofessional comments, and questions presented to female lawyers based strictly on the fact they are women. Guidance on how to handle these situations effectively while maintaining legal and professional duties towards clients, the courts, and other lawyers.
- Common mistakes women lawyers make that diminish their effectiveness and adversely impact their professionalism, and rectifying mistakes once they are made. Strategies for maintaining integrity of the legal profession and practicing law with the highest level of professional conduct.

PANEL MODERATOR:

— Megan Dredla Hoyt, Thompson & Knight LLP, Dallas, Texas

PANELISTS:

— Hilda Galvan, Jones Day, Dallas, Texas

— Wei Wei Jeang, Andrews Kurth LLP, Dallas, Texas

— Betty Ungerman, Vice President, Deputy General Counsel, Lennox International, Dallas, Texas

PATENT LITIGATION

Module Chair: Theodore Stevenson III

9:00 STEWARDSHIP OF PATENT LAW - THE SUPREME COURT AND THE FEDERAL CIRCUIT

This panel will explore the roles of the Supreme Court and the Federal Circuit with respect to the development of patent law in this country.

PANEL MODERATOR:

— David O. Taylor, Assistant Professor of Law, Southern Methodist University Dedman School of Law, Dallas, Texas

PANELISTS:

— The Hon. S. Jay Plager, Circuit Judge, US Court of Appeals for the Federal Circuit, Washington, D.C.

— John M. Golden, The University of Texas School of Law, Austin, Texas

— Gregory A. Castanias, Jones Day, Washington, D.C.

10:00 CUTTING EDGE ISSUES IN PATENT LITIGATION

Our judge/practitioner panel will discuss ideas for change in processes and procedure for patent litigation.

PANEL MODERATOR:

— Theodore Stevenson, III, McKool Smith, Dallas, Texas

PANELISTS:

— The Hon. Leonard Davis, Chief Judge, United States District Court for the Eastern District of Texas, Tyler, Texas

— The Hon. Lee Yeakel, District Judge, United States District Court for the Western District of Texas, Austin, Texas

— Douglas A. Cawley, McKool Smith, Dallas, Texas

11:00 BREAK

11:15 HOW TO DEAL WITH PATENT TROLLS

How should Congress address the increasing number of patent law suits filed by non-practicing entities? How should potential infringers deal with patent trolls? Should we feed or starve patent trolls?

PANEL MODERATOR:

— Scott Breedlove, Vinson & Elkins, Dallas, Texas

PANELISTS:

— Scott Burt, SVP, Chief Intellectual Property Officer, Conversant Intellectual Property Management, Inc., Ottawa, Ontario

— Derek Gilliland, Nix, Patterson & Roach, L.L.P., Daingerfield, Texas

— Sharon A. Israel, Mayer Brown LLP, Houston, Texas

— Eric Olson, Vice President, Acquisitions, RPX Corporation, San Francisco, California

— David Pridham, Co-Chairman, IP Navigation Group, LLC, Dallas, Texas

12:00 PICK UP BOXED LUNCH

12:15 UNDERSTANDING AND APPLYING (1) THE STRATEGIES AND IMPLICATIONS OF U.S. PATENT LAW AMIDST THE CHAOS CAUSED BY THE NEWLY ARISING BUT LONG RANGING COEXISTENCE OF PRE-AIA, AIA, AND JEDI-MASTER MIXER AND (2) POST-THERASENSE DUTY OF CANDOR: ETHICAL IMPERATIVES?

Well, here we go for at least the next 21 years. AIA, pre-AIA, and a strange hybrid of AIA and Pre-AIA that Tom Irving calls the Jedi-Master Mixer will all exist simultaneously. We will examine traps for the unwary. And we will also look hard at where we are post-Therasense, looking at recent court holdings of inequitable conduct and possible back-door approaches to 103 invalidity based on non-disclosure of prior art.

— Bryan C. Diner, Finegan, Henderson, Farabow, Garrett & Dunner, LLP, Washington, D.C.

TRADEMARK & COPYRIGHT ISSUES

Module Chair: Allen Lineberry

1:30 THE YEAR IN COPYRIGHT LAW

A review of 2012-13 cases and controversies involving copyright law, including issues related to fair use, digital media, remedies, and ethical considerations facing copyright practitioners.

— Kevin J. Meek, Baker Botts, LLP, Austin, Texas

2:30 COPYRIGHT LITIGATION: AN EMPIRICAL STUDY

What does an examination of pleadings and dockets from four hundred copyright lawsuits filed from 2005 through 2008 show? Lots. Come hear about various insights, including the success of various claims and defenses and the nature of remedies sought and awarded.

— James Gibson, Professor of Law, Director – Intellectual Property Institute, University of Richmond School of Law, Richmond, Virginia

3:15 BREAK

SCHEDULE

November 11

3:30 **GROWING A BRAND IN THE ERA OF GLOBALIZATION**

Practical and cost-effective strategies for pursuing international protection for your client's trademarks.

— Shannon T. Vale, Pirkey Barber PLLC, Austin, Texas

4:00 **THE YEAR IN TRADEMARK LAW**

An overview of precedential 2012-13 cases from the TTAB and important civil cases involving trademarks.

— Molly Buck Richard, Richard Law Group, Dallas, Texas

5:00 **ADJOURN**

5:00 **RECEPTION**

6:00 - 7:30 **DINNER - FUNCTIONAL PATENT CLAIMS AND THE GOVERNMENT'S APPROACH TO SHUTTING THEM DOWN**

— Dennis D. Crouch, University of Missouri School of Law, Columbia, Missouri

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SCHEDULE

November 12

7:45 **CONCURRENT SESSIONS**

GUIDED ETHICS ROUNDTABLES

Join one of our guided roundtable discussions addressing modern-day ethical issues confronting intellectual property attorneys.

MODERATOR

— Bill McSpadden, Baker & McKenzie LLP, Dallas, Texas

PANELISTS

— Kelly Kubasta, Klemchuk Kubasta LLP, Dallas, Texas

— Paul Lein, Locke Lord LLP, Dallas, Texas

— Paul V. Storm, Gardere Wynne Sewell LLP, Dallas, Texas

PATENT PROSECUTION: A DEEPER DIVE

Join our experts as they discuss some advanced patent prosecution issues.

— Brian Carlson, Slater & Matsil, L.L.P., Dallas, Texas

— Jody Bishop, Associate General Counsel - IP, GENBAND, Frisco, Texas

— John R. Pessetto, Patent Attorney, Texas Instruments, Inc., Dallas, Texas

— Terry J. Stalford, Fish & Richardson, Dallas, Texas

8:45 BREAK

PATENT PROSECUTION

Module Chair: Ira Matsil

9:00 THE YEAR IN PATENT LAW

A review of 2012-13 patent law decisions by the U.S. Supreme Court and the Federal Circuit.

— Gale R. “Pete” Peterson, Cox Smith Matthews Incorporated, San Antonio, Texas

10:00 SECTION 101: WHAT’S A PRACTITIONER TO DO?

Recent court decisions seem to have raised as many questions as they have answered. Despite this uncertainty, however, patent prosecutors must continue to draft claims with the hope that they will survive eventual challenges. Here is a discussion of how to proceed in this ever changing world.

— Colin Cahoon, Carstens and Cahoon, LLP, Dallas, Texas

10:30 BREAK

10:45 CHANGING PATENT PROSECUTION STRATEGIES AFTER THE AIA

How are corporate clients changing their patenting and prosecution strategies and procedure in response to the AIA? What differences, if any, are being observed based on the size of the client and the technologies being protected?

PANEL MODERATOR:

— Richard F. Phillips, Chief Intellectual Property Counsel, ExxonMobil Chemical Company, Houston, Texas

PANELISTS:

— Jonathan Geld, Freescale Semiconductor, Inc., Austin, Texas

— Rob L. King, Silicon Laboratories, Austin, Texas

— Michael W. Piper, Conley Rose, P.C., Plano, Texas

11:30 FUN WITH POST-GRANT PROCEEDINGS

This presentation will be a detailed look into the new world of inter partes review and covered business method post-grant proceedings. We’ll cover the rules and procedures, how discovery works at the PTAB, what the PTAB judges like (and don’t like), and the inter-play between the post-grant proceedings and corresponding district court litigation.

— Andrew S. Ehmke, Haynes and Boone, LLP, Dallas, Texas

12:15 PICK UP BOXED LUNCH

12:30 THE WORLD OF LITIGATION, SOME THOUGHTS ON WHERE WE ARE TODAY

— The Hon. Patrick E. Higginbotham, Judge, 5th Circuit U.S. Court of Appeals **ETHICS PRESENTATION:**

TECHNOLOGY, LICENSING & IP RIGHTS

Module Chair: Marc Hubbard

1:30 MANAGING A PATENT PROSECUTION TEAM

This program will provide best practices and relate experiences and solutions for recruiting and training patent prosecution team members, communication within a patent prosecution team, maintaining quality control and meeting client standards and expectations, and business models for scalability in patent prosecution.

- David Divine, Lee & Hayes, PLLC, Spokane, Washington
- Richard Goldstein, Goldstein Patent Law, New York, New York
- Richard LaCava, Dickstein Shapiro LLP, New York, New York

2:30 RECENT NATIONAL AND INTERNATIONAL ISSUES AFFECTING LICENSING

This presentation will focus on the latest cases involving an exclusive licensee's prudential standing to bring an infringement suit as well as bankruptcy and tax issues in IP licensing.

- Xuan-Thao Nguyen, SMU Dedman School of Law , Dallas, Texas

3:15 BREAK

3:30 DRAFTING AND NEGOTIATING TECHNOLOGY TRANSACTION AGREEMENTS

What are the key contract terms in technology and IP-focused deals? This interactive discussion reviews important key clauses that are found in technology contracts in a point/counterpoint format and provides tips for effectively drafting and negotiating them.

- Edward A. Cavazos, Bracewell & Giuliani LLP, Austin, Texas
- Keith Witek, AMD, Austin, Texas

4:30 ETHICS SESSION: AVOIDING ETHICAL LANDMINES IN PATENT PROSECUTION

The Patent Office has recently implemented new rules for professional conduct that align with the ABA Model Rules of Professional Conduct. This presentation will discuss the new rules, the most common ethical issues that result in discipline from the Patent Office, tips for avoiding subject matter conflicts, and other ethical issues facing patent prosecutors.

- Darryl J. Adams, Baker Botts LLP, Austin, Texas

5:00 ADJOURN



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51st Annual Conference on Intellectual Property Law

November 11-12, 2013

The Center for American and International Law
Plano, Texas

Registration includes the Conference, course materials on USB and online, continental breakfasts and the hosted luncheons on Monday and Tuesday and networking reception on Monday for conference registrants and faculty.

Check applicable box:	Received by 10/28/13	Received after 10/28/13
Regular registration fee	<input type="checkbox"/> \$595	<input type="checkbox"/> \$645
ILT Advisory Board Member	<input type="checkbox"/> \$0	<input type="checkbox"/> \$0
ILT Supporting or Sustaining Member Employee	<input type="checkbox"/> \$485	<input type="checkbox"/> \$525
Law Student <i>(includes lunches and materials, but excludes Monday dinner)</i>	<input type="checkbox"/> \$50	<input type="checkbox"/> \$50
Law Student <i>(includes lunches, materials and the Monday dinner)</i>	<input type="checkbox"/> \$100	<input type="checkbox"/> \$100
Materials Only	<input type="checkbox"/> \$150	<input type="checkbox"/> \$150

I plan to attend the Conference Dinner on Monday, November 11.
(There is not a charge for the dinner, but we would like to know how many to expect.)

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GENERAL INFORMATION

CANCELLATION POLICY: Tuition, less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by October 28, 2013. E-mail cancellation notice to cburkel@cailaw.org. After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

HOUSING: The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at Dallas/Plano Marriott at Legacy Town Center, 7121 Bishop Road, Plano, Texas 75024. Registrants should advise them they will be attending the IP Law Program to receive the reduced room rate of \$139 + tax. The last day to obtain this special rate is October 25, 2013.

NONDISCRIMINATION POLICY: The Center for American and International Law does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, veteran status or any other protected status in educational activities, scholarship programs or admissions.

MCLE CREDIT: This program is approved by the State Bar of Texas for 16.5 hours, including 3.25 hours of ethics. Course ID Number: 901278630. Sign-in sheets and/or certificates of attendance will be available for ALL states.

SPECIALIZATION CREDIT: This program is approved by the Texas Board of Legal Specialization for 16.5 hours in the following areas: Civil Appellate Law and Civil Trial Law



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