



**ILT**

INSTITUTE FOR LAW AND TECHNOLOGY

46th Annual Conference on  
**INTELLECTUAL  
PROPERTY LAW**

November 10-11, 2008



THE CENTER FOR AMERICAN AND INTERNATIONAL LAW, PLANO, TEXAS

13 Hours of MCLE Credit and 2.5 Hours of Ethics Available

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Bruce S. Sostek  
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[www.cailaw.org](http://www.cailaw.org)

**MONDAY MORNING SESSION, NOVEMBER 10, 2008**

8:00 REGISTRATION AND CONTINENTAL BREAKFAST

**PATENT LITIGATION**

SESSION CHAIR

**Phillip B. Philbin** • Haynes and Boone, LLP  
(Dallas, TX)

**9:00AM-9:30AM INTERNATIONAL TRADE COMMISSION: THE COME-BACK KID?**

The ITC seems to be reemerging as the forum of choice and a litigator's secret weapon. Is it the place to be for patent litigation now?

**Hilda C. Galvan** • Jones Day (Dallas, TX)

**9:30AM-10:00AM PATENT LITIGATION: WHAT YOU NEED TO KNOW NOW**

A rapid-fire discussion of topics ranging from discovery uses and abuses, getting the most out of claims construction, and whether it's all obvious after KSR.

**Brett C. Govett** • Fulbright & Jaworski L.L.P. (Dallas, TX)

**10:00AM-10:30AM THE CENTER RING: SPECIAL ISSUES AND STRATEGIES IN MULTI-PARTY LITIGATION**

Multi-party litigation can be a circus. How do you handle multiple defendants with wide-ranging objectives and different points of view?

**M. Brett Johnson** • Fish & Richardson P.C. (Dallas, TX)

**10:30AM-10:45AM BREAK**

**10:45AM-11:30AM BE PREPARED: THE SCOUT'S GUIDE TO LITIGATION PLANNING**

A panel discussion on remedies, damages, and how to get the best result at the end of the case by thinking about it at the beginning.

MODERATOR:

**Doug Cawley** • McKool Smith (Dallas, TX)

PANELISTS:

**Alan D. Albright** • Fish & Richardson P.C. (Austin, TX)

**S. Calvin Capshaw** • Capshaw DeRieux LLP (Longview, TX)

**Keith R. Ugone** • Analysis Group, Inc. (Dallas, TX)

**11:30AM-12:00PM NOT-SO-PRELIMINARY INFRINGEMENT CONTENTIONS: GETTING IT RIGHT THE FIRST TIME**

Adequate investigations, available products, and proper assertions. How to get it all in the right pleading at the right time and what happens if you don't.

**Mark Reiter** • Gibson Dunn & Crutcher LLP (Dallas, TX)

**12:00PM-1:00PM HOSTED LUNCHEON, HALL OF FLAGS**

## MONDAY AFTERNOON SESSION, NOVEMBER 10, 2008

### TRADEMARK AND COPYRIGHT ISSUES

#### SESSION CHAIR

**Dee Ann Weldon-Wilson** • Exxon Mobil Corporation  
(Irving, TX)

**1:00PM-2:00PM**

#### THE YEAR IN COPYRIGHT LAW

A review of 2007-2008 cases and controversies involving copyright law, including issues related to fair use, digital media and remedies.

**Kevin J. Meek** • Baker Botts L.L.P. (Dallas, TX)

**2:00PM-2:30PM**

#### COUNTERFEITS, KEYWORDS AND IMAGINARY PRADA: TOPICS IN ONLINE TRADEMARK ENFORCEMENT

There are genuine goods in the virtual world, fake goods in the material world, and bogus ads on search engines. How do IP lawyers apply established legal principles to the latest Internet issues?

**Frances M. Jagla** • Leydig Voit & Mayer, Ltd. (Seattle, WA)

**2:30PM-2:45PM**

#### BREAK

**2:45PM-3:30PM**

#### BRAVE NEW WORLD: TRADEMARK ENFORCEMENT IN 2009

Post-*Medimmune*, trademark enforcement is on new footing. How do you navigate the rocky terrain of cease-and-desist letters, pre-suit investigations and Rule 11 issues? Plus, the slippery slope of custom TLDs.

**Linda M. Merritt** • Fulbright & Jaworski L.L.P. (Dallas, TX)

**Darrell Slack** • Corporation Service Company (Wilmington, DE)

**3:30PM-4:15PM**

#### ALL THE NEWS THAT'S FIT TO BLAWG

Are bloggers journalists for a new generation? Has legal blogging impacted patent litigation? A discussion of cutting-edge topics by some of today's leading IP bloggers.

MODERATOR:

**Bruce S. Sostek** • Thompson & Knight LLP (Dallas, TX)

PANELISTS:

**Stephen R. Albainy-Jenei** • Patent Baristas, Frost Brown Todd LLC (Cincinnati, OH)

**Kyle B. Fleming** • PATracer.com, Renner Otto Boisselle & Sklar, LLP (Cleveland, OH)

**Joe Mullin** • The Prior Art, *IP Law & Business Magazine* (San Francisco, CA)

**Michael C. Smith** • EDTexweblog.com, Siebman, Reynolds, Burg,  
Phillips & Smith, LLP (Marshall, TX)

**Peter Zura** • The 271 Patent Blog, Katten Muchin Rosenman LLP (Chicago, IL)

**4:15PM-5:00PM**

#### WHERE CONSOLE MEETS COUNSEL

A sneak peek at the 2009 Technology A-Z Conference on Gaming and the Law.

MODERATOR:

**J. Holt Foster III** • Thompson & Knight LLP (Dallas, TX)

PANELISTS:

**Heidi Holman** • Senior Attorney, Microsoft Xbox (Redmond, WA)

**Xuan-Thao Nguyen** • SMU Dedman School of Law (Dallas, TX)

**Peter Raad, Ph.D.** • Executive Director, The Guildhall at SMU (Plano, TX)

**5:00 COCKTAIL RECEPTION, CAIL TERRACE**

**MONDAY NOVEMBER 10, 2008**  
46TH ANNUAL CONFERENCE ON INTELLECTUAL PROPERTY LAW

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## TUESDAY MORNING SESSION, NOVEMBER 11, 2008

8:15 CONTINENTAL BREAKFAST

## PATENT PROSECUTION

SESSION CHAIR

**Ira S. Matsil** • Slater & Matsil, L.L.P.  
(Dallas, TX)

## 9:00AM-10:00AM THE YEAR IN PATENT LAW

A study of 2007-2008 patent law decisions by the United States Supreme Court and the Federal Circuit.

**Gale R. "Pete" Peterson** • Cox Smith Matthews Incorporated (San Antonio, TX)

## 10:00AM-10:30AM WORTH A THOUSAND WORDS: SHOULD DESIGN PATENT DRAWINGS SPEAK FOR THEMSELVES?

A discussion of the impact of *Egyptian Goddess* point of novelty standard, consideration of a non-trivial advance test, application of *Markman* and related considerations in design patents.

**Max Ciccarelli** • Thompson & Knight LLP (Dallas, TX)

## 10:30AM-11:00AM IS REEXAMINATION THE NEW SLICED BREAD?

Patent litigators are flocking to reexam, but is it really the greatest thing since....?

**David M. O'Dell** • Haynes and Boone, LLP (Richardson, TX)

## 11:00AM-11:15AM BREAK

## 11:15AM-12:00PM WHAT YOU DON'T KNOW CAN HURT YOU: PLAYING BY THE RULES IN THE PTO

What are the ethical considerations of practice before the USPTO? The answers may surprise you.

**A. Dawson Lightfoot** • Conley Rose, P.C. (Plano, TX)

12:00PM-12:30PM STORMY WEATHER AHEAD FOR BUSINESS METHOD PATENTS AFTER *IN RE BILSKI*?

Patentable subject matter comes back to Earth with *In re Bilski*. What is the forecast for "mental methods" now?

**Brian C. McCormack** • Baker & McKenzie LLP (Dallas, TX)

## 12:30PM-1:30PM HOSTED LUNCHEON, HALL OF FLAGS

TUESDAY NOVEMBER 11, 2008  
46TH ANNUAL CONFERENCE ON INTELLECTUAL PROPERTY LAW

Local Wi-Fi is available in our courtroom, tiered classroom and lobby areas of the Center.

## TUESDAY AFTERNOON SESSION, NOVEMBER 11, 2008

### TECHNOLOGY, LICENSING AND IP RIGHTS

SESSION CHAIR

**Frank C. Vecella** • Ericsson Inc.  
(Plano, TX)

#### 1:30PM-2:00PM CAN YOU OR CAN'T YOU? USE RESTRICTIONS AFTER QUANTA AND JACOBSEN

In 2008, the US Supreme Court and the Federal Circuit issued two very different opinions about the enforceability of licensing terms. How can IP owners place restrictions on the use of protected works?

**Shubha Ghosh** • The University of Wisconsin Law School (Madison, WI)

#### 2:00PM-3:00PM BOILING DOWN THE BOILERPLATE: BUILDING A BETTER PATENT LICENSE

When was the last time you read the language in a patent license agreement? It's time for another look.

**Steven E. Ross** • Gardere Wynne Sewell LLP (Dallas, TX)

**Steven H. Slater** • Slater & Matsil, L.L.P. (Dallas, TX)

#### 3:00PM-3:15PM BREAK

#### 3:15PM-3:45PM FOR WHOM THE BELL TOLLS: ARE OPINIONS DEAD?

After *Seagate*, have we seen the last of opinions of counsel?

**Thomas N. Tarnay** • Sidley Austin LLP (Dallas, TX)

#### 3:45PM-4:15PM PENNY WISE OR POUND FOOLISH? EXPORT CONTROL CONSIDERATIONS IN PATENT OUTSOURCING

In an effort to contain costs, some technology companies outsource patent preparation and prosecution to international vendors. But are there hidden export control costs lurking?

**John P. Veschi** • Chief Intellectual Property Officer, Nortel (Richardson, TX)

#### 4:15PM-5:00PM OCEAN TOMO: THE NEW KID ON THE (AUCTION) BLOCK IS ALL GROWN UP

IP Auctions, PatentRatings, the Ocean Tomo 300 Patent Index – What's next for the world leader in IP investment and capitalization?

**James E. Malackowski** • President and CEO, Ocean Tomo (Chicago, IL)

#### 5:00PM ADJOURN

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**Dee Ann Weldon-Wilson**

Exxon Mobil Corporation  
 Session Chair  
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**Frank C. Vecella**

Ericsson Inc.  
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 8:30 a.m. - 5:00 p.m. CST

**PAYMENT MUST ACCOMPANY  
 REGISTRATION**

**GENERAL INFORMATION**

**CANCELLATION POLICY**

A cancellation fee of \$50 will be charged upon receipt of written notice by October 24, 2008. (Email [cburkel@cailaw.org](mailto: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 material.

**HOUSING**

The cost of housing is not included in the tuition. However, a limited number of rooms have been reserved at the Marriott Legacy Town Center, 7120 Dallas Parkway, Plano, Texas 75024. Call 1-800-228-9290 to make reservations. A reduced room rate of \$159.00 + taxes is available if you mention that you are attending the Intellectual Property Law Conference. The last day to obtain this special rate is Sunday, October 26, 2008.

**MCLE CREDIT**

This program has been approved by the State Bar of Texas for 13.0 hours, including 2.5 hours of ethics. Course ID Number: 900051888. Sign-in sheets and/or certificates of attendance will be available for ALL states.

**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.

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## REGISTRATION FORM

Mail or e-mail registration form and payment to:

Registrar, The Center for American and International Law  
5201 Democracy Drive, Plano, Texas, USA 75024

**Received by  
October 24, 2008**

**Received after  
October 24, 2008**

Regular Tuition

\$545.00

\$595.00

ILT Advisory Board Member

\$0.00

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Other ILT Member Employee

\$435.00

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WEB

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