

# KIRKLAND & ELLIS

## **Eighth Annual Technology and the Law Seminar**

### **Program Agenda (Chicago)**

- 9:30 - 10:00 a.m. Registration
- 10:00 - 10:15 a.m. ***Intellectual Property Asset Management: A Comprehensive Strategy is a Must - Tab 1***  
*Speaker: Gregg Kirchoefer*  
Technology companies realize that intangible assets must be treated like tangible assets B that is, as assets to be properly managed by business people. Traditionally, intangible assets have been managed from a defensive perspective by focusing on infringement and maintenance. An emerging model is to think offensively about exploiting idle or underused assets so they provide an acceptable rate of return. Following some market leaders, companies are adopting "intellectual asset management" initiatives that seek to assess and realize the full value of untapped assets. This overview presentation will explore the role of the law and counsel in implementing a comprehensive and cost-effective initiative, from the audit stage through the exploitation stage.
- 10:15 - 10:45 a.m. ***Developing Your Intellectual Property Strategy - Tab 2***  
*Speakers: Russell E. Levine and Michael J. Newman*  
For technology companies, it is critical to develop a core competency in intellectual property strategy by approaching IP in an organized and systematic way. Once you have committed to developing a comprehensive intellectual property management strategy, how do you do it? How do you get employees to capture their ideas for the company's benefit? Should you protect the idea with copyright, patent, trade secret or some other protection? We will discuss all of these essentials and more, including the effects of the Federal Circuit's recent *Festo* decision, the new 18 month patent publication rule, developments in business method patents, and the interplay between the various kinds of IP protections available for your valuable ideas.
- 10:45 - 11:00 a.m. ***The Web Changes Everything: Recent Developments in Computer Law - Tab 3***  
*Speaker: Garland E. Autrey*  
The Internet moves at the speed of light B and so does the law that applies. Nearly every week, new defenses emerge to protect IP on the web, and new ploys emerge to defeat them. We will discuss topics from cybersmears and anonymous online critics to domain name disputes, new top-level domain names and metatags to keywords and framing, chat rooms to children "friendly" sites, and stock price manipulation.



11:00 - 11:30 a.m.

***Integration of Business and Technology - Tab 4***

*Speakers: Neil S. Hirshman and Cheryl L. Meier*

This presentation will discuss the emerging forms of legal agreements at the intersection of e-business, technology and the Internet, including: software development agreements for Internet applications; subscription-based software and application service provider (ASP) agreements; supply-chain management participation agreements; hosting and co-location agreements; content partnerships; click-wrap agreements; microsite agreements; and affiliate agreements. The focus of the presentation will be on identifying and resolving the critical **B** and often overlooked **B** legal issues inherent in each type of agreement.

11:30 a.m. - 12:00 p.m.

***Using Technology to Collect, Use and Own Information - Tab 5***

*Speakers: David K. Callahan and Paul R. Steadman*

Companies increasingly employ technology to gather information about their consumers, their competitors and their industries. But these practices can put a company at risk. Trespass, privacy law, trade secret, and other doctrines must guide a company. Once litigation has started, the company faces additional risks from the increasing use of discovery to unearth digital information. We consider how your company can both profit from available information and protect itself from the inevitable document request.

12:00 - 1:00 p.m.

***Lunch - Panel Discussion***

*Moderator: William A. Streff, Jr.*

*Panelists: Paul T. Cappuccio, Executive Vice President and General Counsel of AOL Time Warner, Michael A. Parks, Senior Counsel - Intellectual Property of Tribune Company and Ronald Provenzano, Vice President and Associate General Counsel of True North Communications, Inc.*

1:00 - 1:30 p.m.

***Preventing, Minimizing & Recovering Losses from Cyberattacks - Tab 6***

*Speakers: Marc J. Zwilling and Christian S. Genetski*

With expanding reliance on computer networks for the exchange and storage of sensitive data, companies are increasingly vulnerable to insider and outsider attacks. This presentation will discuss the steps in-house counsel should take to prevent, minimize and recover losses when cyber incidents occur, with a focus on the suite of corporate policies, including Incident Response plans, that are critical to effectively managing any e-crisis. The presentation will also explore litigation and non-litigation based response options to pursue recovery for losses, and discuss important considerations in determining whether a report to law enforcement is necessary or appropriate.

1:30 - 2:00 p.m.

***The Convergence of Biotechnology and Computer Technology: Genomics, Proteomics and Bioinformatics - Tab 7***

*Speakers: Mark A. Pals and Kenneth H. Bridges*

Virtually the entire coding sequence of the human genome has been published. So-called "DNA chips" now allow the massively parallel study of genetic material. Widespread genetic testing of humans is now almost inevitable. Discovering and predicting the proteins responsible for carrying out the directions set forth in the genetic code has led to the emerging field of proteomics. These developments

and others continue to generate vast amounts of data. The need to manipulate and manage this data in turn encourages the growth of bioinformatics, the discipline of applying computers and computational technologies to information about the composition and functions of genes and proteins in living organisms. This overview will explore the basic technology background and the critical legal issues **B** including issues of patentability and licensing **B** faced by companies that offer or use services in this exploding new area.

2:00 - 2:30 p.m.

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***Intellectual Property Issues in Spin-Offs, Alliances and Joint Ventures - Tab***

*Speakers: William A. Streff, Jr. and Jeffery S. Norman*

Companies are increasingly using spin-offs, alliances, and joint ventures to commercially exploit developed technology. What are the risks and where are the pitfalls? What should you consider even *before* the lawyers get involved? We will consider not only how your company should structure the deals and relationships, who should contribute money and/or technology, and how to allocate rights in intellectual property, but what elements should likely drive the deal in the first place, and how to segment your intellectual assets to make the deal work.

2:30 - 2:50 p.m.

***Digital Content Dilemmas - Tab 9***

*Speaker: Seth Traxler*

Emerging computer technologies such as peer-to-peer networking present challenging business and legal issues relating to digital versions of music, articles, books, movies and more. Several areas of law intersect to shape these issues, including contract, copyright, antitrust, First Amendment, and data collection/privacy. This presentation will explore recent important developments in the intertwining areas of law and how such developments affect companies, consumers and creators.

2:50 - 3:05 p.m.

***Antitrust in a Digital World - Tab 10***

*Speaker: Paul F. Brown*

Antitrust and competition laws seek to preserve competition and prevent the unlawful acquisition of monopolies so consumers can benefit from lower prices, increased choice and greater innovation. Civil antitrust litigation and government enforcement actions from increasingly confident officials have been on the rise. In spite of this renewal in antitrust, many wonder whether the antitrust laws are up to the task of appropriately regulating the New Economy. Where are Bush Administration appointees likely to take the Justice Department and FTC? What can we learn from recent legal and technological developments about the likely direction of antitrust law in our digital world? This overview presentation will offer insights on the crossroad between antitrust and the New Economy.

3:05 - 3:20 p.m.

***New Technologies in the Practice of Law - Tab 11***

*Speakers: William A. Streff, Jr. and Kingsley Martin*

An update on how Kirkland & Ellis is integrating new technologies into the practice of law.