



The 19th Annual

Intellectual Property Law Conference

April 1-2, 2004

International Trade Center
at the
Ronald Reagan
Federal Building

Washington, DC

American Bar Association
Section of Intellectual Property Law



In cooperation with the
Section of Science & Technology Law



Special One-Day Program Preceding the 19th Annual Intellectual Property Law Conference

A separate one-day program entitled Practical Tips on Intellectual Property Law, on Wednesday, March 31, 2004 will be held at the International Trade Center, and will precede this year's Annual Intellectual Property Law Conference. This program will provide a broad background of information to bring the new practitioner in IP law up to speed with the nuts and bolts of IP law practice in light of current developments in the field. For information and a registration form for this program, visit our website at www.abanet.org/intelprop, or e-mail us at intelprop@abanet.org. This program will also offer CLE credit.

Special Interest Sessions

This year's Annual Intellectual Property Law Conference will incorporate seven narrowly-focused Special Interest Sessions in addition to the main program tracks. The Special Interest Sessions are developed for individuals who have an interest in the topic presented or whose practice has been involved in some way with the issues presented. These smaller group sessions will provide a setting with more interactivity and an opportunity to focus in on very specialized areas of IP law.

Special Interest Workshop Session topics will include Things IP Counsel Should Know When Responding to Requests from Accountants and Transaction Counsel; Latest Developments In Electronic Filing; Negotiating Technology Licenses In Europe? Leave Your Pants At Home!; Pharmaceutical Balance of Powers: Do The Hatch-Waxman Reforms Restore Equilibrium?; Electronic Discovery: How To Obtain It, Contain Costs and Who's Responsible For Paying For It; Navigating The IP Minefields: Economic Aspects of IP Litigation; and a Science & Technology Law Special Interest Session on Accessing Embedded Software: Competition, Infringement And The DMCA. See the program schedule for the days and times of these sessions, and sign up on the registration form.

Teleconference CLE Sessions Available

For those unable to attend the 19th Annual Intellectual Property Law Conference in person, selected sessions will be made available by live teleconference. This year the sessions will be "The Intersection of Antitrust and IP" and "Recent Developments in Patent Law – *What You Need To Know*". See the program schedule and conference information for details.

Special Tuition Assistance

A limited number of registration fee-reductions are available for government employees, academics, law students, and public interest lawyers employed with non-profit organizations. No full tuition waivers are available. The fee-reductions will be determined on a one-time only, case-by-case, first-come first-serve basis. To apply, send a letter outlining the basis for your request of a fee-reduction to Betsi Roach, Section Director, ABA Section of Intellectual Property Law, 750 N. Lake Shore Drive, Chicago, IL 60611. Deadline for receipt: March 1, 2004. No cases will be considered after the deadline, and all standard registration fee rates will apply after March 1, 2004.

The 19th Annual Intellectual Property Law Conference

What IP Lawyers Need to Know

Welcome to the one annual conference in which IP lawyers consistently participate to get the latest updates on all aspects of IP law. Now in its 19th year, the Annual Intellectual Property Law Conference will highlight a gathering of the foremost authorities on the state of intellectual property law. It is the one conference of the year that an IP law practitioner should not miss. The conference is recognized for its preeminence in covering IP law topics, both nationally and internationally.

The past year has been marked by important changes and developments in many aspects of IP law and practice. In an area of the law already fraught with complexity, IP practitioners are faced with an array of new issues and areas of practice, with multifaceted dimensions. The broad diversity of the practice, its accelerating rate of change, and its growing international importance place ever-increasing demands on the knowledge and skills of these practitioners.

The 19th Annual Intellectual Property Law Conference is designed to assist intellectual property law practitioners in maintaining and updating their professional skills and their knowledge of current IP practice issues.

The conference will address recent developments, corporate counsel issues, prosecution, litigation, licensing issues, copyright and the Internet issues, antitrust/unfair competition, international issues, and ethical issues. Speakers will include prominent IP practitioners from the U.S. and abroad, representatives from industry, and key policymakers from U.S. and international agencies.

The program is organized to allow registrants to select from sessions tailored to areas of IP practice such as patents, trademarks, and copyrights, and special interest sessions focusing on the specific issues related to breaking areas of 21st century IP law and practice.

This year the Section of Intellectual Property Law welcomes the Section of Science & Technology Law as a co-sponsor of several of the sessions. As a co-sponsoring section, its members are invited to attend the conference at the Section registration rate.

Program Schedule at a Glance

THURSDAY APRIL 1, 2004

8:30 – 11:45 a.m.

- I. Bench And Bar Panel Discussions: Patent Litigation Hot Topics And Practical Tips
- II. Trademark Litigation – Where Do We Go From Here?
- III. Open Source: From Software To Genetics
(co-sponsored by the Section of Science & Technology Law)



12:00 – 1:30 p.m.

LUNCHEON (with guest speaker)

1:45 – 5:00 p.m.

- I. Patents Are A Worldwide Business – International Patent Issues
- II. Madrid Protocol: The First Six Months – Boom Or Bust?
- III. The Intersection Of Antitrust And IP
(teleconferenced from 1:45-3:15 p.m.)



Special Interest Sessions

1:45 – 2:30 p.m.

Things IP Counsel Should Know When Responding To Requests From Accountants And Transaction Counsel

3:00 – 3:45 p.m.

Latest Developments In Electronic Filing

4:15 – 5:00 p.m.

Negotiating Technology Licenses In Europe? Leave Your Pants At Home!

5:30 – 7:00 p.m.

RECEPTION

sponsored by **KIRKLAND & ELLIS LLP**



FRIDAY APRIL 2, 2004

8:30 – 11:45 a.m.



- I. Hot Topics Facing The In-House Counsel
- II. Downloading Drama: Strategies For Copyright Protection In The Digital Era
(co-sponsored by the Section of Science & Technology Law)
- III. Ethical Pitfalls For The Unwary Patent Lawyer: We'll Tell You How To Avoid Them

Special Interest Sessions

9:15 – 10:00 a.m.

Pharmaceutical Balance Of Powers: Do The Hatch-Waxman Reforms Restore Equilibrium?

10:30 – 11:15 a.m.

Electronic Discovery: How To Obtain It, Contain Costs And Who's Responsible For Paying For It

12:00 – 1:30 p.m.

LUNCHEON (with guest speaker)

1:45 – 5:00 p.m.



- I. Legal Ethics In Trademark Law: The Domestic And International Dimensions
- II. Recent Developments In Patent Law – *What You Need To Know*
(teleconferenced from 1:45-3:15 p.m.)

Special Interest Sessions

1:45 – 2:30 p.m.

Navigating The IP Minefields: Economic Aspects Of IP Litigation

3:00 – 3:45 p.m.



Accessing Embedded Software: Competition, Infringement, And The DMCA
(co-sponsored by the Section of Science & Technology Law)

Thursday April 1, 2004

7:30 a.m. – 5:00 p.m.

Registration and Check-in

8:30 – 11:45 a.m.

Three Concurrent Sessions

(there will be a 15-minute break near the halfway point of all morning sessions)

Session 1

Bench & Bar Panel Discussions: Patent Litigation Hot Topics And Practical Tips

A panel of experienced trial and appellate judges and lawyers will address a variety of hot topics in intellectual property law. In addition, the panel will provide important tips on trial and appellate practice.

Administrative Remarks: Monique Morneault, *Wallenstein, Wagner & Rokey, Ltd., Chicago, IL. Co-Chair, 19th Annual Intellectual Property Law Conference.*

Welcome Remarks: E. Anthony Figg, *Rothwell, Figg, Ernst & Manbeck PC, Washington, DC. Vice-Chair, ABA Section of Intellectual Property Law.*

Moderator:

Charles H. De La Garza, *Fulbright & Jaworski LLP, Austin, TX*

Panelists:

Hon. Randall R. Rader, *U.S. Court of Appeals for the Federal Circuit, Washington, DC*

Hon. T.S. Ellis, III, *U.S. District Court for the Eastern District of Virginia, Alexandria, VA*

Robert L. Baechtold, *Fitzpatrick, Cella, Harper & Scinto, New York, NY*

James J. Elacqua, *Dewey Ballantine LLP, East Palo Alto, CA*

Richard L. Stanley, *Howrey, Simon, Arnold & White LLP, Houston, TX*

William A. Streff, Jr., *Kirkland & Ellis LLP, Chicago, IL*

Session 2

Trademark Litigation – Where Do We Go From Here?

This panel will address topics and strategies relevant to all facets of litigation in the trademark and unfair competition arena in both traditional and digital media, with a particular focus on significant court decisions of the last year.

Administrative Remarks: Amy J. Benjamin, *Darby & Darby, New York, NY. Co-Chair, 19th Annual Intellectual Property Law Conference.*

Welcome Remarks: Robert W. Sacoff, *Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, Chicago, IL. Chair, ABA Section of Intellectual Property Law.*

Moderator:

Carrie A. Hanlon, *Wiggin & Dana LLP, Stamford, CT*

Speakers:

No turning back the clock: the significance of laches in *Pro-Football, Inc. v Harjo*

Robert L. Raskopf, *White & Case LLP, New York, NY*



Measuring damages in trademark infringement and related claims in light of recent court decisions

Todd Schoettelkotte, *FTI Consulting, Inc.*,
Houston, TX

Trademark fear and loathing on the Internet: The UDRP and cybersquatting in 2004

W. Scott Creasman, *Powell, Goldstein, Frazer & Murphy LLP*, Atlanta, GA

Victor/Victoria and the Supremes: scanty support for radical dilution ruling piques trademark pundits

Jamie J. Fitzgerald, *Wiggin & Dana LLP*,
New Haven, CT

Effective trademark enforcement programs

Lawrence R. Robins, *Finnegan, Henderson, Farabow, Garrett & Dunner LLP*,
Cambridge, MA

TTAB Proceedings

J. David Mayberry, *Kilpatrick Stockton LLP*, Washington, DC

Session 3

Open Source: From Software To Genetics

Co-sponsored by the Section of Science & Technology Law



The recent market share success of the open source Linux operating system has made open source software a viable alternative to traditional proprietary software. As this model comes into the mainstream it is essential for IP lawyers to understand

the fundamental legal issues raised by the open source process. Session I will address these questions, and delve into the terms of the five most frequently used open source software licenses. Session II will explore the application of open source principles to genetics research. Genetic research poses new challenges for intellectual property law as lawyers attempt to balance the desire of scientists for a free and open exchange of research results with the private sector requirements for property rights that reward investment.

Administrative and Welcome Remarks:

Heather D. Rafter, *Digidesign*, Daly City, CA. *Chair, ABA Section of Science & Technology Law.*

Open source software licenses

Moderator:

Heather D. Rafter

Speakers:

Heather J. Meeker, *Tomlinson Zisko LLP*,
Palo Alto, CA

Mark Webbink, *Senior VP – General Counsel, Red Hat Software*, Raleigh, NC

Dan Ravicher, *Senior Counsel, Free Software Foundation*, New York, NY

W. Sam Byassee, *Maupin Taylor P.A.*,
Research Triangle Park, NC

Randall Boe, *Executive Vice President and General Counsel, AOL*, Dulles, VA

The application of open source principles to genetics research

Moderator:

Professor Anna Mastroianni, *University of Washington School of Law, Seattle, WA*

Speakers:

Claire T. Driscoll, *Director, Technology Transfer Office, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD*

Professor Arti K. Rai, *Duke University Law School, Durham, NC*

Werten F.W. Bellamy, Jr., *Lewis & Munday PC, Washington, DC*

12:00 – 1:30 p.m.

LUNCHEON *(tickets required)*

Atrium Hall, Concourse Level

Guest Speaker:

Congressman Lamar Smith (R-TX), *Chair, Subcommittee on Courts, the Internet and Intellectual Property Rights of the U.S. House of Representatives Judiciary Committee*

Co-sponsored by Oblon, Spivak, McClelland, Maier & Neustadt PC



1:45 – 5:00 p.m.

Three Concurrent Sessions

(there will be a 15-minute break near the halfway point of all afternoon sessions)

Session 1

Patents Are A Worldwide Business – International Patent Issues

As business tends to be globalized, we address patent coverage outside of the United States in order to protect our clients. The program will address three aspects of International Practice. The first relates to the very successful Patent Cooperation Treaty (PCT). Recent changes have gone into effect making it easier, cheaper, and more useful to use PCT for filing your foreign applications. We will discuss the changes, the U.S. rules involved, and strategies for making effective use of PCT filing. The second part of the program will address how to prepare a patent application in a most effective way for global filing in order to reduce the costs and try to achieve a “universal” patent application useful for all countries. The final aspect of the program will address problems that are unique in EPO practice, filing in Japan, and handling Canadian applications. It will address areas that always give difficulty to U.S. practitioners and will clarify and facilitate an understanding of these three areas in connection with patent filing and prosecution.

Moderator:

Samson Helfgott, *Director of Patents, KMZ Rosenman, New York, NY*



PCT changes – this is the way to go for your client!

Speakers:

Recent PCT changes and what is still ahead

Louis Maassel, *Consultant, Legal Division, World Intellectual Property Organization, Bowie, MD*

U.S. implementation of PCT changes

Carol Bidwell, *Supervisor, Office of PCT Legal Administration, U.S. Patent & Trademark Office, Alexandria, VA*

Strategies for handling PCT cases with new changes

Chen Wang, *Senior Counsel, E.I. du Pont de Nemours and Company, Wilmington, DE*

PCT filing – An essential business strategy tool

T. David Reed, *Senior Patent Advisor, Global Patent Services, The Procter & Gamble Company, Cincinnati, OH*

Preparing a “global” patent application

Speaker:

Samson Helfgott, *Director of Patents, KMZ Rosenman, New York, NY*

Tips and traps in foreign prosecution

Speakers:

EPO – claiming problems – inescapable traps

Soren Giver, *European Patent Attorney – IP Manager, Awapatent AB, Helsingborg, Sweden*

Japan – How to draft effective Japanese patent applications

Shinji Kato, *Patent Attorney, PROSPEC Patent Firm, Tokyo, Japan. Japan Patent Attorney Association, Patent Committee.*

Canada – Is it really different from U.S. practice?

Dino P. Clarizio, *Dimock Stratton Clarizio LLP, Toronto, ON, Canada*

Session 2

Madrid Protocol: The First Six Months – Boom Or Bust?

Moderator:

Karin Segall, *Darby & Darby, New York, NY*

Speakers:

A European perspective on Madrid Protocol: what will happen after the E.U. joins?

Andreas Renck, *Partner, Lovells, Alicante, Spain*

In-house filing strategies under Madrid

Lucy Nichols, *Global Director, IPR Brand Protection, Nokia Corporation, Espoo, Finland*

Evaluation of the Madrid Protocol now that the U.S. has joined

Suzanne Stoll, *Washington Coordinator, World Intellectual Property Organization, Washington, DC*

Madrid Protocol: the USPTO's perspective

Deborah S. Cohn, *Group Director for the Trademark Law Offices, U.S. Patent & Trademark Office, Arlington, VA*

Session 3

The Intersection Of Antitrust And IP



The first portion of this session will be available via ABA-CLE Teleconference from 1:45-3:15 p.m.

Balancing competition with intellectual property rights: proposals from the DOJ and FTC

Moderator:

M. Howard Morse, *Drinker, Biddle & Reath LLP, Washington, DC*

Speakers:

Robert P. Taylor, *Howrey, Simon, Arnold & White LLP, Menlo Park, CA*

Susan Stark DeSanti, *Deputy General Counsel for Policy, Federal Trade Commission, Washington, DC*

Frances E. Marshall, *Special Counsel for Intellectual Property, Antitrust Division, U.S. Department of Justice, Washington, DC*

Q. Todd Dickinson, *Howrey, Simon, Arnold & White LLP, Washington, DC (former Under Secretary of Commerce for Intellectual Property, and Director of the U.S. Patent and Trademark Office, Washington, DC)*

Specific issues in managing IP and competition law

Moderator:

Robert P. Taylor, *Howrey, Simon, Arnold & White LLP, Menlo Park, CA*

Speakers:

Settlement of patent litigation

Susan A. Creighton, *Director, Bureau of Competition, Federal Trade Commission, Washington, DC*

Refusals to license in the E.U.

Mauritz J.F.M. Dolmans, *Cleary Gottlieb, Brussels, Belgium*

Patent and copyright misuse

Jeffery B. Fromm, *Drinker, Biddle & Reath LLP, Breckenridge, CO (formerly Senior Managing Counsel for Intellectual Property, Hewlett-Packard Corporation)*

Standard setting involving intellectual property rights

M. Howard Morse

Special Interest Sessions

1:45 – 2:30 p.m.

Things IP Counsel Should Know When Responding To Requests From Accountants And Transaction Counsel

Clients often ask IP counsel to participate in due diligence, provide IP schedules and respond to the information requests of the clients' auditors, accountants, lenders, corporate and commercial counsel, and others. What are the IP counsel's obligations? The speakers will explain the context and purpose of various audit and transaction-related requests and discuss the Do's and Don'ts for responding to these types of requests, including specific obligations under the Sarbanes-Oxley Act of 2002, the ABA/AICPA "Treaty" regarding responses to auditors, and the general standard of care.

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Facilitator:

Susan Barbieri Montgomery, *Foley Hoag LLP, Boston, MA*

Speakers:

Dean F. Hanley, *Foley Hoag LLP, Boston, MA*

Susan E. McHale-McGahan, *Intellectual Property Law Department, AT&T Corporation, Bedminster, NJ*

3:00 – 3:45 p.m.

Latest Developments In Electronic Filing

Facilitator:

William C. Rowland, *Burns, Doane, Swecker & Mathis LLP, Alexandria, VA*

Speakers:

Current technology and latest electronic filing developments

Edmund M. Crump, *U.S. Patent & Trademark Office, Alexandria, VA*

E-filing demonstration

Maria Eliseeva, *Houston Eliseeva LLP, Lexington, MA*

4:15 – 5:00 p.m.

Negotiating Technology Licenses In Europe? Leave Your Pants At Home!

In these days of GATT and TRIPs, with a Starbucks on every corner of London, it's easy to underestimate the legal and cultural differences between the U.S. and Europe. Many U.S. companies still don't realize that the "ordinary" exercise and protection of their IP rights can violate European competition (antitrust) laws and expose them to massive fines – even if they are far smaller players than Microsoft.

Then there are the on-the-ground challenges of negotiating across barriers of law, language and business culture. This panel explains the major changes to E.U. competition rules for technology agreements that will come into force on May 1, 2004, and gives an in-house perspective on doing deals in Europe without flying by the seat of your pants.

Facilitator:

Susan L. Foster, *Eversheds LLP, Cambridge, United Kingdom*

Speakers:

Competition law safe harbor or sucker punch? Assessing the impact of the "new and improved" technology transfer block exemption on your business in Europe
Susan L. Foster

Speaking the language: an in-house perspective on doing tech deals in Europe

Jill N. Fuchs, *Senior Counsel, Convergys Corporation, Cincinnati, OH*

5:30 – 7:00 p.m.

RECEPTION

Sponsored by Kirkland & Ellis LLP

KIRKLAND & ELLIS LLP



Thursday's Coffee Breaks are co-sponsored by BNA Books, Inc.



BNA

Friday April 2, 2004

8:00 a.m. – 5:00 p.m.

Registration and Check-in

8:30 – 11:45 a.m.

Three Concurrent Sessions

(there will be a 15-minute break near the halfway point of all morning sessions)

Session 1

Hot Topics Facing The In-House Counsel

Moderator:

Scott T. Piering, *Cargill, Inc., Minneapolis, MN*

Speakers:

E-mail: Attorney-client privilege – all the rules are changing

Paul R. Rice, *Professor of Law, Washington College of Law, American University, Washington, DC*

Budgetary challenge: Adapting to a new economic playing field

Gloria D. Archuleta, *Cingular Intellectual Property Strategic Management Team, Cingular Wireless, Atlanta, GA*

The inside scoop to outside counsel

Debbie K. Wright, *Chief Patent Counsel, Kraft Foods, Inc., Northfield, IL*

Protecting your intellectual property rights from your employer

L. Marisia Campbell, *Osler, Hoskin & Harcourt LLP, Ottawa, ON, Canada*

Representing the competition – how to avoid losing clients

Speaker to be announced

Session 2

Downloading Drama: Strategies For Copyright Protection In The Digital Era

Co-sponsored by the Section of Science & Technology Law



Copyright owners have launched a multi-pronged campaign to combat the digital exchange of music and other copyrighted works through the Internet. Our expert panel will discuss and debate the current litigation strategies employed against individual file swappers, file sharing networks and Internet service providers and consider alternative proposals for protecting the rights of copyright owners in the age of Grokster and Kazaa.

Moderator:

Thad Chaloehtiarana, *Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, Chicago, IL*

Speakers:

Sandra M. Aistars, *Counsel, Intellectual Property, Time Warner, Inc., New York, NY*

Sarah B. Deutsch, *Vice President & Associate General Counsel, Verizon Communications, Arlington, VA*

Joseph P. Liu, *Assistant Professor of Law, Boston College Law School, Newton, MA*



Matthew J. Oppenheim, *Senior Vice President of Business and Legal Affairs, Recording Industry Association of America, Washington, DC*

Wendy Seltzer, *Staff Attorney, The Electronic Frontier Foundation, San Francisco, CA*

Session 3 **Ethical Pitfalls For The Unwary Patent Lawyer: We'll Tell You How To Avoid Them**

This program will present the most common areas of discipline and legal malpractice against the unwary patent lawyer based on discipline and malpractice interviews and reports. Don't leave yourself unprotected!

Facilitators:

Carol M. Langford, *Office of Carol M. Langford, Walnut Creek, CA*

John M. Steele, *Rogers, Joseph, O'Donnell & Phillips, San Francisco, CA*

Special Interest Sessions

9:15 – 10:00 a.m. **Pharmaceutical Balance Of Powers: Do The Hatch-Waxman Reforms Restore Equilibrium?**

Co-sponsored by the Section of Science & Technology Law



The Hatch-Waxman Act is said to achieve a balance of power by allowing the develop-

ment of new, more effective medicine and the fast introduction of generic medicine. The true balance of the Act however has been debated since its inception in 1984. The 2003 Hatch-Waxman reforms seek to restore any unequal powers granted by the Act. A panel of distinguished pharmaceutical industry representatives will continue the debate concerning the balance of power, and will explore how the changes to the Act impact both research-based and generic drug industries.

Facilitator:

Lee A. Goldberg, *Darby & Darby, New York, NY*

Speakers:

Roberta R. Loomar, *VP – Assistant General Counsel, Counsel, Andrx Corporation, Davie, FL*

Erika King, *Assistant General Counsel, Pharmaceutical Research and Manufacturers of America, Washington, DC*

10:30 – 11:15 a.m. **Electronic Discovery: How To Obtain It, Contain Costs And Who's Responsible For Paying For It**

Facilitator:

Bruce Malter, *OmniDox, Chicago, IL*

12:00 – 1:30 p.m.

LUNCHEON *(tickets required)*

Atrium Hall, Concourse Level

Guest Speaker:

Gary Kremen, *President & CEO of Grant Media Management, Inc., San Francisco, CA*

Co-sponsored by Howrey, Simon, Arnold & White LLP



1:45 – 5:00 p.m.

Two Concurrent Sessions

Session 1

**Legal Ethics In Trademark Law:
The Domestic And International
Dimensions**

The continuing relevance of trademarks in the United States and abroad forces practitioners to confront both ethical dilemmas common to all attorneys and conflicts particular to the nuances of trademarks. The international aspects of practicing trademark-related law exacerbate these problems for all but the most wary of attorneys. This panel will highlight current issues in this area.

Facilitators:

Nathaniel L. Nicoll, *San Francisco, CA*

Jonathan Matkowsky, *Seward & Kissel LLP, New York, NY*

Session 2

**Recent Developments In Patent
Law – What You Need To Know**

This panel will focus on recent patent law precedents impacting practice in obtaining and enforcing patent rights. A survey of decisions from the Federal Circuit, the U.S. District Courts, and the U.S. Patent and Trademark Office will be provided.



The first portion of this session will be available via ABA-CLE Teleconference from 1:45-3:15 p.m.

Moderator:

John J. Gresens, *Merchant & Gould, Minneapolis, MN*

Speakers:

Barbara A. Wrigley, *Oppenheimer, Wolff & Donnelly, Minneapolis, MN*

Prof. R. Carl Moy, *William Mitchell College of Law, St. Paul, MN*

John J. Gresens

Special Interest Sessions

1:45 – 2:30 p.m.

**Navigating The IP Minefields:
Economic Aspects Of IP Litigation**

Due to the intangible nature of IP and its ability to be used simultaneously in many different ways, the litigation and management contexts in which we have historically seen and used IP are changing. Attorneys are forced to be involved in disputes and transactions that they may not have considered in the past. From a litigation per-

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spective, given the importance of intellectual property rights to a company, IP is showing up in a multitude of different types of disputes. It is no longer limited to infringement and misappropriation. IP issues are emerging in bankruptcy, purchase price disputes, breach of contract, tax, fraud, and licensing disputes. Attorneys need to be aware of the interplay between IP and these areas to properly protect IP rights and their value. From a management perspective, the valuation methodology around IP is becoming more and more sophisticated. The value of IP may also change given its many different uses and applications.

Facilitator:

Kathi Kedrowski, *Ernst & Young Global Investigations and Dispute Advisory, Chicago, IL*

3:00 – 3:45 p.m.

Accessing Embedded Software: Competition, Infringement, And The DMCA

*Co-sponsored by the Section of
Science & Technology Law*



In two recent cases, *Lexmark v. Static Control Components* and *Chamberlain v. Skylink*, plaintiffs have used the anti-circumvention provisions of the Digital Millennium Copyright Act against after-market competitors. This session will explore the legal and policy issues with some of the participants in the litigation.

Facilitator:

Jonathan Band, *Morrison & Foerster LLP, Washington, DC*

Speakers:

Seth D. Greenstein, *McDermott, Will & Emery, Washington, DC*

Scott D. Baker, *Reed, Smith, Crosby, Heafy LLP, San Francisco, CA*



*Friday's Coffee Breaks are co-sponsored by
Burns, Doane, Swecker & Mathis LLP*



Cyber Café

During the 19th Annual Intellectual Property Law Conference, a Cyber Café will be available to participants. This Cyber Café will be located in the main registration area and will feature a number of laptop computers connected to the Internet for those who wish to check e-mails or search for something on the Internet. High speed laser printers will also be available so participants will be able to print portions of the course materials on CD-ROM.

*Sponsored by Pattishall, McAuliffe,
Newbury, Hilliard & Geraldson LLP*



REGISTRATION AND MEETING INFORMATION

Tuition includes admission to the program, beverage breaks, one reception and one set of program materials on CD-ROM.

Early Registration

Register online at www.abanet.org/intel-prop/spring2004, or complete the form in the brochure and mail to: 19th Annual Intellectual Property Law Conference, Section of Intellectual Property Law M/S 10.5, American Bar Association, 750 N. Lake Shore Drive, Chicago, IL 60611. If paying by credit card, you may also fax your form to 312/988-5628. The deadline for receipt of early registration, at the earlybird rate is Wednesday, March 17, 2004. Registration will only be accepted when accompanied by a credit card number (Visa, MasterCard or American Express only), check, money order, or government purchase order or training form. No registration can be held without payment.

Onsite Registration

Registration will be available onsite from 2:00-5:00 p.m. Wednesday, March 31, in the Atrium Ballroom Foyer, Concourse Level. Registration will also be available beginning at 7:30 a.m. Thursday, April 1 in the Amphitheater Foyer. A busy morning registration rush is anticipated on April 1, so registration on Wednesday, March 31 is encouraged.

Onsite registrations will be accepted only when accompanied by a credit card (Visa, MasterCard or American Express only), check, money order, or government purchase order or training form. Late registration fees will be in effect for onsite registrations.

Registration Confirmation

Confirmation of registration will be sent via e-mail in advance of the program for all registrations received prior to March 17. Indicate on the registration form if you would prefer to receive confirmation via fax or U.S. mail.

Cancellation Policy

Registrants who are unable to attend the conference will receive a refund less a \$50 administrative fee if a written cancellation is received by March 17, 2004. Cancellation requests should be faxed to 312/988-5628. No refunds will be granted after March 17, 2004. Substitutions are acceptable. The ABA reserves the right to cancel any program and assumes no responsibility for personal expenses.

CLE Credit

CLE accreditation will be requested for this Conference from every state with mandatory continuing education requirements for lawyers. Please be aware that each state has its own rules and regulations, including its definition of "CLE". Check with your state agency for confirmation of this program's approval. Attendees requesting credit for the program must sign the attendance roster onsite at the program. New York attorneys must sign in and sign out each time they enter or leave the program room, and complete the special New York certificate of attendance at the end of each program and have it signed by ABA authorized personnel.

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Teleconference CLE Credit Available

For those unable to attend the 19th Annual Intellectual Property Law Conference in person, selected sessions will be made available via live teleconference. Teleconference sessions this year include "The Intersection Of Antitrust And IP," and "Recent Developments In Patent Law – *What You Need to Know.*" See the program schedule for the day, time and topic information. Registrants for teleconference sessions will be eligible for CLE credit in those states that allow for teleconference CLE credit. Instructions on downloading course materials and dialing in to the program will be provided in a confirmation letter upon registration. If you have any questions regarding CLE application and approval please contact the ABA Center for CLE at 312/988-6217.

Course Materials available on CD-ROM

Course materials are produced in CD-ROM format and made available for pickup at the conference. A limited number of printed course material sets will be available for an additional fee to those who request this in advance on the registration form. Materials will also be posted on the Section website, available for viewing by conference registrants in advance of the conference.

Location

The International Trade Center in the Ronald Reagan Federal Building, at 1300 Pennsylvania Avenue, between 13th and 14th Streets, NW, Washington, DC.

Lodging

The J.W. Marriott Hotel, 1331 Pennsylvania Avenue, NW, Washington DC 20005 (right across Pennsylvania Avenue and Freedom Plaza from the Ronald Reagan Building). The ABA group rate is \$222.00 single/double occupancy. All rooms are subject to a 14.5% District of Columbia Sales Tax plus a \$1.50 per night District Occupancy Tax. To reserve a room, call the J.W. Marriott Hotel directly at 202/393-2000, or 800/228-9290. Be sure to mention the ABA 2004 Annual Intellectual Property Law Conference to receive the special group rate. Note: The cutoff date for the room block is Monday, March 1, 2003— but do not wait until the March 1 cutoff date, as the room block fills up quickly. After this date, reservations can be made on a space-available basis only. The ABA will not be able to secure a room for you.

Travel Information

You are encouraged to make your airline reservations on the newly launched ABA Online Travel site where you automatically receive ABA airfare discounts from a variety of carriers and can view and purchase other low fare options including web fares. ABA Online Travel can be accessed from the navigation bar on the left of the ABA web site home page, www.abanet.org. It takes only a few moments to establish a username and password allowing you to immediately book your reservations. ABA Online Travel provides you with a quick and easy way for obtaining the most cost effective airline reservations.

Reservations can also be made with the ABA travel agent, Jennifer Slago, who also can automatically provide ABA airfare discounts. She can be contacted via email, jennifers@towertravel.com or by direct phone number at 312/988-5862. ABA Discounted Meeting Airfares are also available through your travel agent or directly from the airline. You may call your travel agent or the airlines directly and refer to the appropriate account number: American Airlines, 800/433-1790, ABA Code: 16666; Delta Air Lines, 800/241-6760, ABA Code: 189419A; or US Airways, 877/874-7687, ABA Code: 36632473. For more information, contact Tower Travel Management, the official ABA travel agent, at 800/921-9190.

Program Co-Chairs:

Amy J. Benjamin, *Darby & Darby PC, New York, NY*

Monique Morneault, *Wallenstein, Wagner & Rokeye, Ltd., Chicago, IL*

Section Chairs:

Section of Intellectual Property Law

Robert W. Sacoff, *Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, Chicago, IL*

Section of Science & Technology Law

Heather D. Rafter, *Digidesign, Daly City, CA*

GUEST LUNCHEON SPEAKERS



On Thursday, April 1, the guest luncheon speaker will be **Congressman Lamar Smith (R-TX)**. Congressman Smith serves as Chairman of the Subcommittee on Courts, the Internet and Intellectual Property of the U.S. House Judiciary Committee. He also sits on the Immigration Subcommittee of the House Judiciary Committee and the House Science Committee. He is second in seniority and continues as a member of the Science Committee's Space and Research Subcommittees. He has represented the residents of the 21st Congressional District in Texas since 1987.

Thursday's Luncheon is co-sponsored by Oblon, Spivak, McClelland, Maier & Neustadt PC.



On Friday, April 2, **Gary Kremen**, will address luncheon attendees on the topic of "What does Trover have to do with the Internet?" Mr. Kremen has over

twenty years of experience with emerging growth companies and developing information technology. He has started several companies including Sex.Com, and Match.Com, the world largest dating service. He holds an MBA from Stanford University School of Business and degrees in Computer Science and Electrical Engineering from Northwestern University. He is a frequent speaker on online intellectual property matters and has been extensively quoted in the *Wall Street Journal*, *The New York Times* and *Forbes*.

Friday's Luncheon is co-sponsored by Howrey, Simon, Arnold & White LLP.

REGISTRATION FORM

Advance Registration Deadline: March 17, 2004

(To register directly via the Internet, please visit
www.abanet.org/intelprop/spring2004.)

☐ Yes, please register me for The 19th Annual Intellectual Property Law Conference

☐ No, I cannot attend this program. Please send me the course materials on CD-ROM available after this meeting at the price of \$75, which includes postage and handling. Payment must accompany this form (please allow 4-6 weeks from date of program for receipt of course materials.)

Registrant Information

Name: _____

Organization: _____

Address: _____

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ABA Membership ID No. _____

State(s) registered
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State _____

State _____

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number:

Registration Fees (check one)

before 3/17 after 3/17

☐ \$395 ☐ \$445 ABA IPL Section members \$ _____

☐ \$395 ☐ \$445 ABA Science & Technology
Law Section members \$ _____

☐ \$445 ☐ \$495 ABA, but not IPL or Science &
Technology Law Section members \$ _____

☐ \$495 ☐ \$545 General Attendance (not ABA) \$ _____

☐ \$350 ☐ \$400 Government, Public Interest, Academics \$ _____

☐ \$185 ☐ \$235 Law Students \$ _____

LUNCHEONS (ticket required)

☐ \$40 Thursday, April 1, 2004
Congressman Lamar Smith, Guest Speaker

☐ \$40 Friday, April 2, 2004
Gary Kremen, Guest Speaker



If any special arrangements are required for a disabled individual to attend this program, or any special dietary menus are required for meal functions, please note them below:

ABA-CLE Teleconference Registration

The Intersection of Antitrust and IP, 1:45-3:15 p.m. (Eastern time), Thursday, April 1, 2004

☐ \$ 85 Section member

☐ \$125 ABA but not IPL members

☐ \$150 General attendance (not an ABA member)

☐ \$ 60 Secondary Registrant, same site. Name of additional registrant:

Recent Developments in Patent Law – *What You Need To Know*, 1:45-3:15 p.m. (Eastern time), Friday, April 2, 2004

☐ \$ 85 Section member

☐ \$125 ABA but not IPL members

☐ \$150 General attendance (not an ABA member)

☐ \$ 60 Secondary Registrant, same site. Name of additional registrant:

Printed Course Materials Order

☐ \$75 Please reserve for me (in addition to the CD-ROM), a printed set of course materials. Orders for printed materials must be received before March 17. Printed materials will be available onsite upon check-in at the registration desk.

TOTAL OF ALL FEES \$ _____

Payment

Credit Card: ☐ VISA ☐ MasterCard ☐ American Express

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☐ Check enclosed. Payable to the AMERICAN BAR ASSOCIATION for
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☐ Purchase Order No. _____
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Thank you for your registration. A confirmation will be sent to you via e-mail. If you prefer your confirmation by fax or U.S. Mail, please indicate below:

☐ Fax ☐ U.S. Mail

Special Interest Session Sign-Up

(your sign-up below is for planning purposes only—it does not commit you to a session nor guarantee you a seat at the session. Space is limited for these special interest sessions and will be available on a first-come basis onsite at the program):

Thursday, April 1

☐ Things IP Counsel Should Know When Responding to Requests From Accountants and Transaction Counsel (1:45 – 2:30 p.m.)

☐ Latest Developments In Electronic Filing (3:00 – 3:45 p.m.)

☐ Negotiating Technology Licenses In Europe? Leave Your Pants At Home! (4:15 – 5:00 p.m.)

Friday, April 2

☐ Pharmaceutical Balance of Powers: Do The Hatch-Waxman Reforms Restore Equilibrium? (9:15 – 10:00 a.m.)

☐ Electronic Discovery: How To Obtain It, Contain Costs and Who's Responsible For Paying For It (10:30 – 11:15 a.m.)

☐ Navigating The IP Minefields: Economic Aspects of IP Litigation (1:45 – 2:30 p.m.)

☐ Accessing Embedded Software: Competition, Infringement And The DMCA (3:00 – 3:45 p.m.)

Return this form to:

Section of Intellectual Property Law, M/S 10.5
Attn: 19th Annual Intellectual Property Law Conference
American Bar Association
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Questions? Please e-mail intelprop@abanet.org or call 312/988-5598.

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In cooperation with the
Section of Science & Technology Law

The 19th Annual Intellectual Property Law Conference

April 1-2, 2004

Visit the Section of Intellectual Property Law website at
www.abanet.org/intelprop
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Visit the Section of Science & Technology Law website at
www.abanet.org/scitech.

Advance registration deadline: March 17, 2004

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