



27th Annual Intellectual Property Law Conference

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March 28-30

Crystal Gateway Marriott
Arlington, Virginia

What IP Lawyers Need To Know

PROGRAM SCHEDULE

Wednesday, March 28 Professional Practice Day

Wednesday, March 28 has been developed as Professional Practice Day, featuring a number of informative educational roundtable sessions, all accredited for CLE credit. These roundtables will be an ideal opportunity for interactive learning in a small group setting, and a great way to meet and interact with the program presenters. A professional networking buffet luncheon will be available to all participants on Wednesday, at no extra cost.

9:00 a.m. – 5:30 p.m. Early Registration and Check-in

10:30 a.m. – 12:00 p.m. Three Concurrent Sessions

I. 15 Years of Community Trademark in the EU – Still Open for Business?

There are many major issues to discuss on the proposed amendments to the Community Trademark System. This roundtable will critically examine the proposed changes and provide U.S. trademark owners – the second largest user group of the system – and their counsel with practical advice for their dealings with Community Trademark Registrations.

Moderator:

Sharon Marsh, Deputy Commissioner for Trademark Examination Policy, U.S. Patent and Trademark Office, Alexandria, VA

Speakers:

Matthias Berger, Harmsen & Utescher, Hamburg, Germany
Ralph Pethke, Deputy Director Legal Affairs, International Cooperation and Legal Affairs Department, Office for Harmonization in the Internal Market of the European Union (OHIM), Alicante, Spain

II. Recent Developments in Patent Term Adjustments and Extensions

Recently, new developments have been made in Patent Term Adjustments and Patent Term Extensions. Join this session as the experts within this field, discuss and explore these important new changes in patent terms.

Moderator:

Keisha Hylton-Rodic, Drinker Biddle & Reath, LLP, Washington, D.C.

Speakers:

Jack Brennan, Fish Richardson, New York, NY
Donna M. Meuth, Senior Patent Counsel, Eisai Inc., Andover, MA
Mary C. Till, Senior Legal Advisor, Office of Patent Legal Administration, United State Patent and Trademark Office
Alexander Wilson, Eli Lilly and Company, Indianapolis, IN

III. Best Practices in Drafting Social Media

The world of Internet agreements has been undergoing significant changes in recent years. This roundtable will present an energetic discussion of these changes as they relate to drafting Social Media Terms of Use.

Speaker:

Francine D. Ward, Law Office of Francine D. Ward, Mill Valley, CA

12:00 – 1:00 p.m. Networking Luncheon - Complementary

1:00 – 2:30 p.m. Three Concurrent Sessions

I. Launching Your Own IP Practice

While technology allows IP practitioners the ability to work from almost anywhere, striking out on your own and running a successful IP practice may not be as easy as it seems. Even with technology and e-filing, the business fundamentals must still be in place. Questions to consider include; Do you have a physical location or not? What business form do you adopt? What technology do you need – computers, phones, software (docketing, timekeeping, billing), etc.? How do you find and keep good clients, set fees, and have adequate cash flow, while at the same time managing and marketing your own practice and complying with ethics rules? Come to this roundtable to hear from practitioners who have embarked on such an adventure. The session will discuss topics of planning, launching, running and growing a successful IP practice.

Moderator:

Jeffrey A. Lindeman, Ph.D., J.A. Lindeman & Co. PLLC, Falls Church, VA

Speakers:

Kathryn R. Doyle, Ph.D., Riverside Law, West Conshohocken, PA

Lisa A. Dunner, Dunner Law PLLC, Washington, DC

II. What's Hot on the Hill – Information Technology Legislative Developments

Discuss current U.S. House and Senate committee and subcommittee activities to develop, consider and evaluate information technology legislation. Topics include, privacy, geolocation data and other data tracking, cloud computing, data protection, data breach notification, cybersecurity, and net neutrality legislative proposals and assess, which legislation has a reasonable chance of enactment before Congress adjourns at the end of 2012.

Moderator:

Mark Wittow, K&L Gates, LLP, Seattle, WA

Steven Emmert, Reed Elsevier Inc., Washington, D.C

Speakers:

Kelly DeMarchis, Venable LLP, Washington, DC
Steven Emmert, Reed Elsevier Inc., Washington, DC

III. Abstract Reasoning – Recent Developments in the Law of Patentable Subject Matter Under 35 U.S.C. § 101

In the years since the United States Supreme Court's Bilski decision, courts have struggled to define what is too "abstract" to be patent-eligible, particularly in the area of software and other computer-related inventions. This program will trace the recent decisions and developments in the area of patentable subject matter under 35 U.S.C. § 101, with a particular emphasis on computer-related patents and the opinions of the Federal Circuit.

Moderators:

Erik Hawes, Morgan Lewis & Bockius LLP, Houston, TX

Paul Roberts, Foley & Lardner LLP, Washington, DC

Speakers:

Tina Chappell, Intel, Santa Clara, CA

Chad Everingham, Akin Gump Strauss Hauer & Feld, LLP, Dallas TX

3:00 – 4:30 p.m. Two Concurrent Sessions

I. E-Discovery in Patent Litigation – A Model Order to Quiet the Tail that Wags the Dog

The Honorable Chief Judge Randall R. Rader of the U.S. Court of Appeals for the Federal Circuit will host a discussion regarding the heavy impact of E-Discovery on patent cases and the efforts of the Federal Circuit Advisory Council to address it using a Model Order originally unveiled by Chief Judge Rader.

Moderator:

R. Parrish Freeman, Workman Nydegger, Salt Lake City, UT

Speaker:

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

II. Museums and Open Access – How Sharing is Good for

Business

Discuss the topic of museums' collections of digital images available worldwide with minimal use restriction. See how museum open access policies can encourage scholarship and innovation, enhance the museum's brand, and advance the public interest.

Moderators:

Walter G. Lehmann, Lehmann Strobel PC, Baltimore, MD
Melissa Levine, Copyright Office, University of Michigan Library, Ann Arbor, MI

5:00 – 7:00 p.m. Young Lawyers Welcome Reception:

Presented by the ABA-IPL Young Lawyers Action Group
 Sponsored by: Thomson Reuters

7:00 – 9:00 p.m. Women in IP Law Dinner

Sponsored by: Bayard, P.A. and O'Brien Jones, PLLC

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Coffee breaks sponsored by



Thursday, March 29

7:30 a.m. – 5:00 p.m. Registration and Check-in

8:30 – 10:00 a.m. Two Concurrent Sessions

I. Understanding the America Invents Act – A Sweeping Change of U.S. Patent before the USPTO

The America Invents Act was the most sweeping patent legislation in the United States in over 60 years. Discover how the America Invents Act will impact different aspects of patent law including patent litigation, patent prosecution, and post-grant procedures.

Moderators:

Donna Meuth, Eisai Inc., Andover, MA
MaCharri Vorndran-Jones, Eli Lilly and Company, Indianapolis, IN

Speakers:

Tom Irving, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Washington, DC
Robert Bahr, Senior Patent Counsel in the Commissioner for Patents Office, USPTO, Alexandria, VA

II. Pirates and Counterfeiters – Enforcing Copyrights and Trademarks Online

Examine the problem presented by online piracy and counterfeiting, and the legislative proposals introduced thus far to combat the problem. Participants in this field acknowledge that the proposals do not completely fix the problem. This panel will explore other possibilities/suggestions on how to combat this kind of "plague."

Moderator:

Christina D. Frangiosa, Panitch Schwarze Belisario & Nadel, LLP, Philadelphia, PA

Speakers:

Sandra Aistars, Copyright Alliance, Washington, DC
James L. Bikoff, Silverberg, Goldman, & Bikoff, LLP, Washington, DC
Alisa Key, Rosetta Stone, Inc., Arlington, VA

10:15 – 11:45 a.m. Two Concurrent Sessions

I. The America Invents Act – Dissection of the New Rules for Post-Grant Review and Inter Partes Review

This session will explore the extensive set of proposed rules published in January 2012, by the Patent Office supporting the statutory post-grant procedures of the America Invents Act. The session will focus on the rules relating to three new adversarial Patent Office proceedings, the Post-Grant Review, Inter Partes Review, and Derivation Proceedings, which will be implemented within 6-12 months. Topics will include the effect of the proceedings on patentees, the Patent Office, the implementation of the

proceedings, and the rationale behind the rules.

Moderator:

Frederic M. Meeker, Banner & Witcoff, Ltd., Washington, DC

Speakers:

Janet Gongola, Patent Reform Coordinator, U.S. Patent and Trademark Office, Alexandria, VA

Hon. David J. Kappos, Undersecretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office, Alexandria, VA

Hon. Michael Tierney, Board of Patent Appeals and Interference, U.S. Patent and Trademark Office, Alexandria, VA

Sarah Harris, Vice President and Deputy General Counsel – Intellectual Property at AOL.com

II. Oral Argument before the Trademark Trial and Appeal Board

Watch as three Trademark Trial and Appeal Board judges preside over the oral hearing in a trial before the Board. Since most Trademark Trial and Appeal Board proceedings are resolved prior to trial and without an oral hearing, this session gives practitioners a chance to experience oral argument in an actual case. Following the hearing, there will be an opportunity to hear briefly from the Board judges. A must for anyone who practices before the Board!

Moderator:

Patricia S. Smart, Smart & Bostjancich, Chicago, IL

Speaker:

Mary L. Kevlin, Cowan, Liebowitz & Latman, P.C., New York, NY

Hon. Gerard F. Rogers

Hon. Albert J. Zervas

Hon. Marc A. Bergsman

Hon. Linda A. Kuczma

Charles Henn

Alicia Grahn Jones, Kilpatrick Townsend & Stockton LLP, Atlanta, GA

12:00 – 1:30 p.m. Luncheon with Guest Speaker Hon. David J. Kappos, Undersecretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office (tickets required)

Sponsored by AlixPartners

1:45 – 3:15 p.m. Three Concurrent Sessions

I. Current Landscape of Patent Troll/NPE Litigation and Monetization of Patents for the Small Inventor?

What effect will the America Invents Act have on non-practicing litigation? This session will focus on how recent changes in patent law have affected how courts will control patent troll/non-practicing entity (NPE) litigation. Explore how courts determine damages for NPE cases and practice tips for settling NPE cases and responding to issues with standard setting organizations. In addition, see how inventors can take advantage of NPE law to enforce their rights and finance the enforcement of their inventions.

Moderator:

Nina Wang, Faegre and Benson, LLP, Denver, CO

Speakers:

Ray Kurz, Hogan and Lovells, Washington, DC Dr.

Lisa Cameron, The Brattle Group, Cambridge, MA

Paul Roberts, Foley & Lardner LLP, Washington, DC

Amanda Woodall, Baker Botts, LLP, Houston, TX

II. Licensing, Control and Monitoring of Trademark Use on Social Media Websites

What effects do trademarks and social media have on each other? What are some of the efforts taken by in-house counsel to protect and enforce their intellectual property rights when they, their domestic and foreign licensees, and distributors, or others elect to market their brands via social media websites? The decision to host user-generated interactive content on one's own site versus a well-established third-party social media site will be addressed, as will quality control provisions in domestic and cross-border licensing agreements and their relationship to trademark usage guidelines, social media policies and best practices.

Moderator:

Matthew Asbell, Ladas & Parry LLP, New York, NY

Speakers:

Robert Doerfler, SVP Worldwide, New York, NY
Rob Holmes, IPCybercrime.com, LLC, Plano, TX
Fawn Horvath, Macy's, Inc., New York, NY
Kelly Slavitt, Reckitt Benckiser (North America) Inc., Parsippany, NJ
Catherine S. Bridge, Walt Disney Co., Los Angeles, CA

III. Fashion Protection – Will it Wear Well??

A proposed Innovative Design Protection and Piracy Protection Act has been introduced as a proposed bill that many argue will either be essential or harmful for young designers and will provide a boom to lawyers. The panel will present both sides of the issue as well as include an international perspective.

Speakers:

Jan Jensen, Jensen Law Firm, Los Angeles, CA
Nancy E. Wolff, Cowan DeBaets, Abrahams & Sheppard LLP, New York, NY
Susan Scafidi, Fordham Law School, New York, NY
Kurt Courtney, Director, Government Relations, American Apparel & Footwear Association

3:30 – 5:00 p.m. Three Concurrent Sessions

I. Crowdfunding/Crowdsourcing Inventions and the IP Challenges

Crowdfunding sites such as Kickstarter are new and very effective ways to raise money for commercializing inventions, but there are growing challenges with protecting clients' intellectual property. Attendees will get information on how to better counsel their clients through examples of crowdfunding successes and newer forms of intellectual property, such as open source software, open source hardware and open source design.

Moderator:

David Postolski, Cantor Fitzgerald, LP, New York, NY

Speakers:

Peter Arturi, Cohen and Wolf, PC, Danbury, CT
Charles Kwalwasser, Quirky, Inc., New York, NY
Monica Winghart, Article One Partners, LLC, New York, NY
Mark Nowotarski, Markets, Patents & Alliances LLC, Stamford, CT

II. Jack & Cola: Top 10 Intellectual Property Myths about Wine and Spirits

This program provides an overview of some of the most commonly misunderstood and misapplied areas of IP as they relate to wine, spirits, and beer producers and marketers.

Moderator:

Rick Biagi, Neal & McDevitt, LLC, Northfield, IL.

Speakers:

Sandra Chavez Bellew, Alcohol and Tobacco Tax and Trade Bureau, U.S. Department of the Treasury, Washington, DC
Amy Cotton, Senior Counsel (Trademarks), Office of Policy and External Affairs, U.S. Patent and Trademark Office, Alexandria, VA
Elizabeth Kunkle, Neal & McDevitt, LLC, Northfield, IL
Carol Morita, Beam Inc., Deerfield, IL

III. International Copyright Law Developments and their Impact on the U.S. Copyright Practitioner

Discuss the year's developments in copyright law protection and enforcement, including an overview of the **World Intellectual Property Organization** copyright related activities; also the exceptions agenda and the debates surrounding the proposed exceptions; and important legislative initiatives around the world.

Moderators:

Mary Rasenberger, Cowan DeBaets, Abrahams & Sheppard LLP, New York, NY
Eric Schwartz, Mitchell Silberberg & Knupp LLP, Washington, DC

Speakers:

Daniel Gervais, FedEx Research Professor of Law; Co-Director, Vanderbilt Intellectual Property Program, Vanderbilt Law School, Nashville, TN
Peter Jazsi, Law School Professor, Faculty Director of the Glushko-Samuelson Intellectual Property Clinic, American University Washington College of Law, Washington, DC

Michelle Woods, Acting Associate Register for Policy & International Affairs,
U.S. Copyright Office, Washington, DC

5:00 – 6:00p.m. Opportunities for Publishing with the ABA-IPL Section: Wine Reception

6:30 – 9:30 p.m. **Special Evening Reception at the U.S. Court of Appeals for the Federal Circuit** (*Tickets required, transportation provided*)

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Coffee breaks sponsored by



Friday, March 30

8:00 a.m. – 5:00 p.m. Registration and Check-in

8:30 – 10:00 a.m. **Two Concurrent Sessions**

I. Best Practices for a Successful Mediation of a Patent Dispute

Mediation of patent disputes is becoming an increasingly common practice. This panel has brought together some of the leading mediators and mediation organizations in the world. You will hear from Magistrate Judge Mary Pat Thyng from the District of Delaware, Chief Federal Circuit Mediator James Amend, Kathy Bryan, President and CEO of the International Institute for Conflict Prevention and Resolution, and Peter L. Michaelson, Attorney, Arbitrator and Mediator of Michaelson ADR Chambers, LLC. This distinguished panel, moderated by well-known Kirkland & Ellis IP litigator Kenneth Adamo, will provide you with their thoughts as to the Best Practices for increasing the chance of success in mediating a patent dispute. They will discuss issues such as the best time to conduct a mediation, who should attend the mediation, and many other factors that could have a direct impact on the mediation's success or failure.

Moderator:

Kenneth R. Adamo, Kirkland & Ellis, LLP, Chicago, IL

Speakers:

James Amend, Federal Circuit Chief Mediator, U.S. Court of Appeals for the Federal Circuit, Washington, DC

Kathy Bryan, President, International Institute for Conflict Prevention and Resolution, New York, NY

Peter L. Michaelson, ADR Chambers, LLC, New York, NY

Hon. Mary Pat Thyng, Magistrate Judge, U.S. District Court for the District of Delaware, Wilmington, DE

II. What's Going On? A Summary of Hot IP Topics: From Case Law Summaries to the New gTLDs to Google Adwords Litigation and Everything In Between?

The intersection of trademark law and the Internet has always been a rapidly-evolving topic with global relevance to all sectors of business and society. This past year has been no exception and, in fact, some recent developments promise to permanently alter the very nature of the Internet. It therefore is critical for IP practitioners and brand owners to stay abreast of the evolving legal issues and technological advancements to minimize the potential threats to valuable IP assets. This program will not only provide a summary of recent case law and key legislative developments concerning trademarks and the Internet, but it also will cover in more depth the current status of ICANN's new gTLDs launch and how the Fourth Circuit appeal in *Rosetta Stone v. Google* will impact the always-contentious issue of keyword advertising.

Moderator:

James R. Davis, Arent Fox LLP, Washington, DC

Speakers:

Eric S. Crusius, Centre Law Group, Vienna, VA

Paul Alan Levy, Public Citizen Litigation Group, Washington, DC

Christina N. Scelsi, Scelsi Entertainment and New Media Law, Port Charlotte, FL

10:15 – 11:45 a.m. **Two Concurrent Sessions**

I. The Bar Gets Higher: Royalty Damages After Uniloc and Other Federal Circuit Decisions

Recently the Court of Appeals for the Federal Circuit has issued several decisions, including *Uniloc USA, Inc. v. Microsoft Corp.*, that raised the evidentiary standards for determining reasonable royalty damages. The program will also address how courts and litigants in cases such as *Oracle America, Inc. v. Google Inc.* have wrestled with issues arising from these decisions.

Moderators:

Daniel Jackson, AlixPartners, LLP, Dallas, TX Edward M. Mathias, Axinn, Veltrop & Harkrider LLP, Hartford, CT

Speakers:

Justin Barnes, Fish & Richardson P.C., San Diego, CA
William Choi, AlixPartners, LLC, Los Angeles, CA
Katie Karn, Charles River Associates, Chicago, IL
David M. Stein, Akin Gump Strauss Hauer & Feld LLP, Los Angeles, CA

II. Trollings, Take Downs, and Transfers: An Audiovisual Odyssey through the World of Copyright, 2011-2012

A wide variety of topics and issues will be covered including, copyright trolls, protectable expression, infringement in virtual worlds, cutting edge DMCA developments, standing, pre-emption, joint authorship, sovereign immunity, copyright defenses, and much more.

Moderator:

Sana Hakim, K&L Gates LLP, Chicago, IL

Speakers:

Mike Keyes, K&L Gates LLP, Spokane, WA
Kate Spelman, Cobalt LLP, Berkeley, CA

12:00 – 1:30 p.m. Luncheon (*tickets required*)

Speaker: Michelle Lee, Deputy General Counsel, Head of Patents and Patent Strategy, Google, Inc. presenting "The Evolving Intellectual Property Landscape"

Sponsored by: 284 Partners

1:45 – 3:15 p.m. Four Concurrent Sessions

I. Diagnostics and Gene Patents: What is the Future for Personalized Medicine Patents?

This program will examine *Myriad*, *Classen* and *Prometheus* litigation and what these decisions mean for the future of diagnostic and gene patents and the emerging specialty of "personalized medicine".

Moderator:

Paula Kay Davis, Eli Lilly and Company, Indianapolis, IN

Speakers:

Ned Israelsen, Knobbe Martens, Olson & Bear LLP, San Diego, CA
James Kelley, Eli Lilly and Company, Indianapolis, IN
Thomas Krause, Office of the Solicitor, U.S. Patent and Trademark Office, Alexandria, VA
Kevin Noonan, McDonnell Boehnen, Hulbert & Berghoff LLP (author of Patent Docs blog), Chicago, IL

II. Convergence and Divergence in Internet-Related IP Law for Cloud Computing and Emerging Technologies

This panel will explore growing similarities among secondary liability theories under patent, copyright and trademark law (including notice and takedown, inducement and joint and several liability) while also highlighting significant difference that both IP rights holders and Internet sites and services need to understand.

Moderator:

Ian C. Ballon, Greenberg Traurig, LLP, Santa Monica, CA

Speakers:

Eulonda Skyles, Skyles Law Group, Maryland, Rockville, MD
Stacey Wexler, Director, Litigation, Google Inc., Mountain View, CA
Dana C. Jewell, eBay, Inc., San Jose, CA

III. Obtaining and Enforcing Asset Freeze Orders and Similar Remedies Against Online Counterfeiters

The session will cover the requirements for and mechanics of obtaining and enforcing ex parte asset freeze orders and similar remedies against online

counterfeiters, in particular against companies that use multiple websites, or have the ability to quickly shut down one website and open another to avoid. The panel will include attorney Neil Smith, who not only represented Reebok International, Ltd. in the leading case authorizing federal courts to freeze a counterfeiter's assets under the Lanham Act, but also obtained the first on-line asset freeze against a counterfeiter; and attorney Scott Gelin, who obtained one of the most recent asset freeze orders from the Southern District of New York on behalf of his client Tory Burch. Hear from these experts and everyday practitioners about how to obtain and enforce this valuable tool in the arsenal against trademark counterfeiters.

Moderator:

A. Justin Ourso III, Jones, Walker, Waechter, Poitevent, Carrère & Denègre, L.L.P., Baton Rouge, LA

Speakers:

Scott Gelin, Greenberg Traurig, LLP, New York, NY

Naresh Kilaru, Finnegan Henderson Farabow Garrett & Dunner, LLP, Washington, DC

Neil A. Smith, Ropers Majeski Kohn & Bentley, P.C., San Jose, CA

IV. The Document Preservation Dilemma- When is it OK or Not OK to Destroy Documents In-House?

With an ever-increasing volume of electronic data created in the business world, in-house counsel and their outside counsel are routinely faced with the daunting task of balancing a manageable and efficient document retention policy, with the duty to preserve company information when litigation is "reasonably foreseeable." Indeed, the duty to preserve documents for litigation must be taken seriously, since penalties imposed by a court for what it considers to be intentional destruction, or spoliation, of documents can range from an award of sanctions and/or attorneys' fees, to default judgment against the accused party. Adding to the complexity of this issue is the perceived absence of a uniform legal standard governing preservation and spoliation issues; creating what one federal magistrate described as a "collective anxiety" for in-house counsel and litigators alike.

This program will examine recent legal developments in the area of document preservation and spoliation (including the Federal Circuit's twin Rambus decisions issued on the same day in 2011), and seek to help litigators and in-house counsel better understand when it is ok, or not ok, to destroy documents. A diverse panel of speakers will provide program attendees with views on this subject from every angle: the bench, in-house counsel, private litigators, and a top e-discovery consultant. In addition, this program will qualify for ethics CLE credit, so all conference participants are encouraged to attend!

Moderators:

Jonathan Muenkel, Jones Day, New York, NY

Brian H. Pandya, Wiley Rein LLP, Washington, DC

Speakers:

Beth Taylor, Cadwalader, Wickersham & Taft, LLP, New York, NY

Jonathan M. Redgrave, Redgrave LLP, Washington, DC Federal Magistrate Judge

Hon. John M. Facciola, Magistrate Judge, District of Columbia, Washington D.C.

3:30 – 5:00 p.m. Four Concurrent Sessions

I. Developments In The Implementation of the Biosimilars Act: Where Are We Now and Where Are We Headed?

This program will provide an overview of the implementation of the Biosimilars Act as well as address the possible impact of the reduction of the exclusivity period, as proposed by President Obama in the 2012 Budget.

Moderator:

Zarema Gunnels, Drinker Biddle & Reath LLP, Washington, DC

Speakers:

Ali Ahmed, Fresenius Kabi U.S.A., Schaumburg, IL (Invited)

John Engel, Engel & Novitt LLP, Washington, DC

Elizabeth A. Howard, Orrick, Herrington & Sutcliffe LLP, Menlo Park, CA

Michael Siem, Fish & Richardson, P.C., New York, NY

Jay Sitlani, Regulatory Counsel, Office of Regulatory Policy, Center for Drug

Evaluation and Research, U.S. Food and Drug Administration, Silver Spring, MD

II. Hot Topics in Licensing of Software and Electronics

What are the rights of resellers and end users to transfer purchased software? How do you structure software contracts to mitigate against software patent infringement risks from non-practicing entities? How do you mitigate risks associated with combining products with a patented article? An expert panel of speakers will explore the answers to these questions and provide practice tips relating to drafting contracts covering customized software.

Moderator:

Pavan K. Agarwal, Foley and Lardner, LLP, Washington, DC

Speakers:

Hannah Poteat, Poteat Law, San Francisco, CA

Vince Cogan, SVB Financial Group, Palo Alto, CA

Kenneth K. Dort, Drinkel Biddle, Chicago, IL

III. The Rise and Fall and Rise of Aesthetic Functionality

Design features that don't affect a product's operation or manufacture may still be found to be functional where the visual appeal of the product is such that competitors are unfairly disadvantaged if they can't use the same design. This panel will examine the different ways courts have applied and misapplied the doctrine of aesthetic functionality and explain what the limits of the doctrine should be. Among other cases, we will discuss a district court's threat to cancel Christian Louboutin's registration for red-soled shoes (currently on appeal) and the Ninth Circuit's unexplained vacatur of its decision permitting copying of the Betty Boop cartoon character.

Moderator:

Professor Charles Hanor, Hanor IP Law, San Antonio, TX

Speakers:

Anne Gilson LaLonde, Author, Gilson on Trademarks, South Burlington, VT

Jonathan Moskin, Foley & Lardner LLP, New York City, NY

Belinda J. Scrimenti, Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, Chicago, IL

IV. Reel Ethics

This creative ethics program uses film clips to analyze ethical issues, including *And Justice for All* to look at decorum with the Court, and *Class Action* to look at duties of advising and subordinatelawyers.

Moderator:

Holly Lance, Drinker Biddle & Reath, LLP, Washington, DC

Speaker:

Edward D. Lanquist, Jr., Waddey & Patterson, P.C., Nashville, TN

ADJOURN

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