


27th Annual
Intellectual
Property Law
Conference

March 28-30
2012

Arlington
Virginia
Crystal Gateway
Marriott

CONFERENCE

What
IP Lawyers
Need
To Know

 **Section of
Intellectual Property Law**
AMERICAN BAR ASSOCIATION

In cooperation with the ABA Section of Science & Technology Law

27th Annual
Intellectual
Property Law
Conference
March 28-30
2012



The Annual Intellectual Property Law Conference of the ABA Section of Intellectual Property Law provides a gathering of the foremost authorities on IP law. The conference is recognized for its national and international scope and preeminent programming, attracting IP practitioners from around the world.

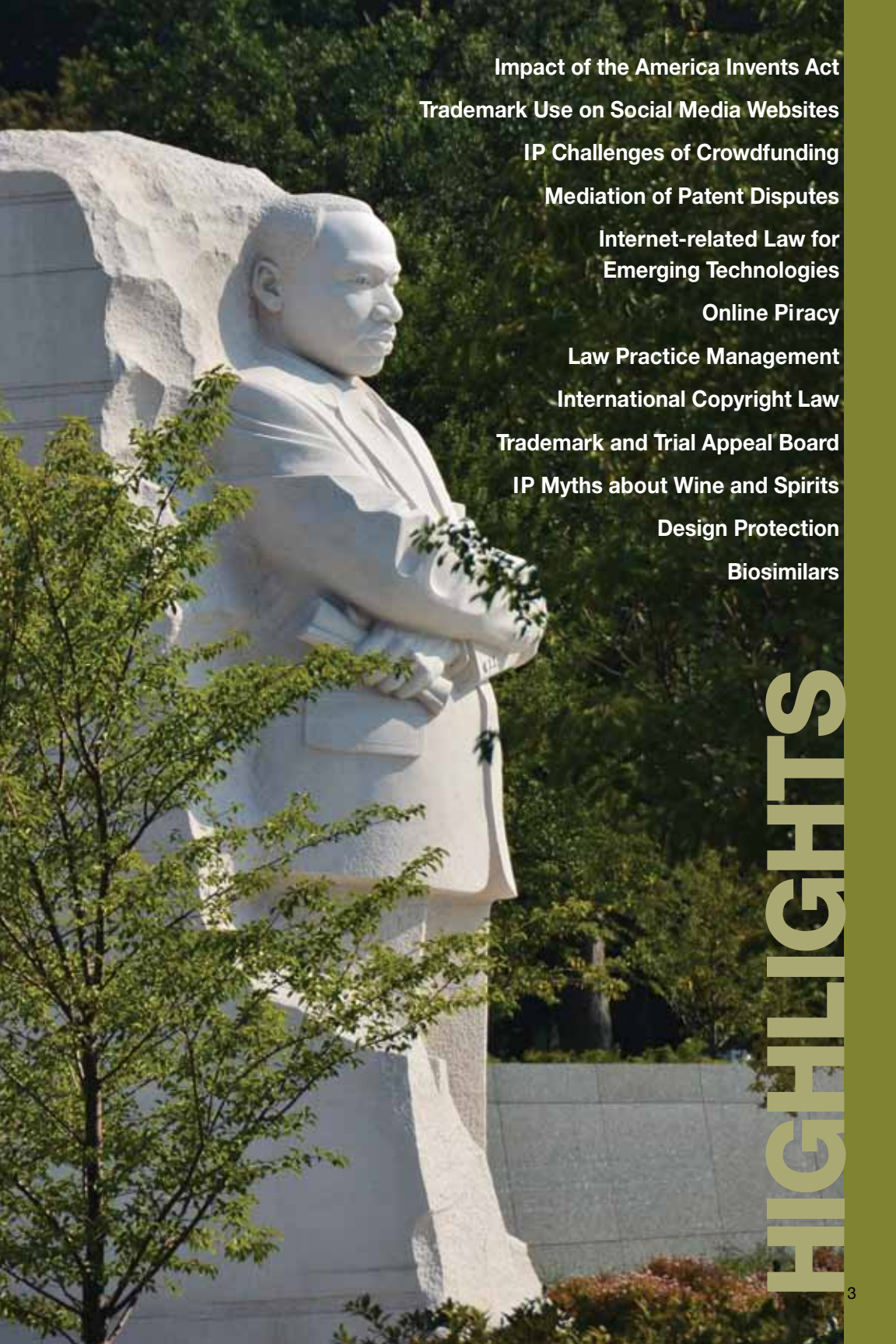
Fulfill an entire year's worth of CLE credits during two days of expert IP programming on issues critical to your practice.

Take advantage of opportunities to network with your IP colleagues at the Young Lawyers Welcome Reception, Women In IP Law Dinner, or the popular reception at the Dolley Madison House at the U.S. Court of Appeals for the Federal Circuit.

The advance registration deadline is March 14, 2012. Register early to receive the discounted rate! We hope to see you at the 27th Annual Intellectual Property Law Conference.

VALUE

- Satisfy yearly CLE requirements
- Sharpen your knowledge and skill
- Expand your network
- Remain up-to-date on the issues critical to your practice



- Impact of the America Invents Act
- Trademark Use on Social Media Websites
- IP Challenges of Crowdfunding
- Mediation of Patent Disputes
- Internet-related Law for Emerging Technologies
- Online Piracy
- Law Practice Management
- International Copyright Law
- Trademark and Trial Appeal Board
- IP Myths about Wine and Spirits
- Design Protection
- Biosimilars

Wednesday, March 28 Professional Practice Day

9:00a—5:30p	Registration and Check-in
10:30a—12:00p	THREE CONCURRENT ROUNDTABLES
	15 Years of Community Trademark in the EU – Still Open for Business?
	Recent Developments in Patent Term Adjustments and Extensions
	Best Practices in Drafting Social Media
12:00p—1:00p	Networking Luncheon <i>Complimentary</i>
1:00p—2:30p	THREE CONCURRENT ROUNDTABLES
	Launching Your Own IP Practice
	What's Hot on the Hill – Information Technology Legislative Developments
	Abstract Reasoning – Recent Developments in the Law of Patentable Subject Matter Under 35 U.S.C. § 101
3:00p—4:30p	TWO CONCURRENT ROUNDTABLES
	E-Discovery in Patent Litigation – A Model Order to Quiet the Tail that Wags the Dog
	Museums and Open Access – How Sharing is Good for Business
5:00p—7:00p	Young Lawyers Welcome Reception <i>Complimentary</i> <i>Presented by the ABA-IPL Young Lawyers Action Group</i>
7:00p—9:00p	Women in IP Law Dinner <i>Tickets required</i>

Professional Practice Day

Thursday, March 29

7:30a—5:00p	Registration and Check-in
8:30a—10:00a	TWO CONCURRENT SESSIONS
	Understanding the America Invents Act – A Sweeping Change of U.S. Patent Practice Before the United States Patent and Trademark Office
	Pirates and Counterfeiters – Enforcing Copyrights and Trademarks Online
10:15a—11:45a	TWO CONCURRENT SESSIONS
	The America Invents Act – Dissection of the New Rules for Post-Grant Review and Inter Partes Review
	Oral Argument Before the Trademark Trial and Appeal Board
12:00p—1:30p	Luncheon with Guest Speaker <i>Tickets Required</i> Hon. David J. Kappos, Undersecretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office, Alexandria, VA
1:45p—3:15p	THREE CONCURRENT SESSIONS
	Current Landscape of Patent Troll/NPE Litigation and Monetization of Patents for the Small Inventor
	Licensing, Control and Monitoring of Trademark Use on Social Media Websites
	Fashion Protection – Will it Wear Well?

- Patent
- Copyright
- Trademark
- Ethics
- Science/Technology
- Law Practice Management

3:30p—5:00p THREE CONCURRENT SESSIONS

Crowdfunding/Crowdsourcing Inventions and the IP Challenges

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

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

5:00p—6:00p Opportunities for Publishing with the ABA-IPL Section: Wine Reception *Complimentary*

6:30p—9:30p Special Evening Reception at the U.S. Court of Appeals for the Federal Circuit
Tickets required

Friday, March 30

8:00a—5:00p Registration and Check-in

8:30a—10:00a TWO CONCURRENT SESSIONS

Best Practices for a Successful Mediation of a Patent Dispute

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

10:15a—11:45a TWO CONCURRENT SESSIONS

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

Trollings, Take Downs, and Transfers: An Audiovisual Odyssey Through The World of Copyright, 2011-2012

12:00p—1:30p Luncheon with Guest Speaker *Tickets Required*

Michelle Lee, Deputy General Counsel, Google, Inc., Mountain View, CA

1:45p—3:15p FOUR CONCURRENT SESSIONS

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

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

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

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

3:30p—5:00p FOUR CONCURRENT SESSIONS

Developments in the Implementation of the Biosimilars Act: Where Are We Now and Where Are We Headed?

Hot Topics in Licensing of Software and Electronics

The Rise and Fall and Rise of Aesthetic Functionality

Reel Ethics

Section Officers, Council, and Board Meetings	Tuesday	11:30a — 12:30p	Officers Meeting
	March 27	1:00p — 5:00p	Council Meeting
		7:00p — 9:30p	Council Dinner
		Wednesday	8:30a — 10:30a
	March 28	9:30a — 12:30p	Books Editorial Board Meeting
		12:30p — 2:30p	Magazine Editorial Board Meeting
		1:30p — 2:30p	CLE Board Meeting
		2:30p — 4:30p	Content Advisory Board Meeting
		Friday	2:00p — 4:00p
	March 30		

Wednesday, March 28

	<p>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. Descriptions of the roundtables being offered can be found on pages 6-8.</p>
9:00a—5:30p	Registration and Check-in
10:30a—12:00p	THREE CONCURRENT ROUNDTABLES
■	<p>I. 15 Years of Community Trademark in the EU – Still Open for Business?</p> <p>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.</p> <p>Moderator: Sharon Marsh, Deputy Commissioner for Trademark Examination Policy, U.S. Patent and Trademark Office, Alexandria, VA</p> <p>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</p>
■	<p>II. Recent Developments in Patent Term Adjustments and Extensions</p> <p>Recently, new developments have been made in Patent Term Adjustments and Patent Term Extensions. Join this roundtable session as the experts within this field discuss and explore these important new changes in patent terms.</p> <p>Moderator: Keisha Hylton-Rodic, Drinker Biddle & Reath, LLP, Washington, DC</p> <p>Speakers: Jack Brennan, Fish & Richardson, P.C., New York, NY Donna M. Meuth, Eisai Inc., Andover, MA Mary C. Till, Senior Legal Advisor, Office of Patent Legal Administration, U.S. Patent and Trademark Office, Alexandria, VA Alexander Wilson, Eli Lilly and Company, Indianapolis, IN</p>

Committee Meeting Opportunities

A number of ABA-IPL committees will be holding meetings on Wednesday, March 28. This is a great opportunity for committee members to get together and interact face to face as they discuss issues and plan strategies. Anyone interested in joining a committee can meet the chairs and other members. New members are always welcome. Full information on committee meetings and schedules will be available on the Section website nearer to the date of the conference: www.ambar.org/iplspring2012.

Please note that conference registration is a pre-requisite for participating in committee meetings.

	<p>III. Best Practices in Drafting Social Media</p> <p>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.</p> <p>Speaker: Francine D. Ward, Law Office of Francine D. Ward, Mill Valley, CA</p>
12:00p—1:00p	Networking Luncheon <i>Complimentary</i>
1:00p—2:30p	THREE CONCURRENT ROUNDTABLES
	<p>I. Launching Your Own IP Practice</p> <p>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 roundtable session will discuss topics of planning, launching, running and growing a successful IP practice.</p> <p>Moderator: Jeffrey A. Lindeman, Ph.D., J.A. Lindeman & Co. PLLC, Falls Church, VA</p> <p>Speakers: Kathryn R. Doyle, Ph.D., Riverside Law, West Conshohocken, PA Lisa A. Dunner, Dunner Law PLLC, Washington, DC</p>
	<p>II. What's Hot on the Hill – Information Technology Legislative Developments</p> <p>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.</p> <p>Moderator: Mark Wittow, K&L Gates, LLP, Seattle, WA</p> <p>Speakers: Kelly DeMarchis, Venable LLP, Washington, DC Steven Emmert, Reed Elsevier Inc., Washington, DC</p>

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■	<p>III. Abstract Reasoning – Recent Developments in the Law of Patentable Subject Matter Under 35 U.S.C. § 101</p> <p>In the years since the United States Supreme Court’s <i>Bilski</i> 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. The focus of this roundtable session will be to 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.</p> <p>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</p>	
3:00p—4:30p	TWO CONCURRENT ROUNDTABLES	
■	<p>I. E-Discovery in Patent Litigation – A Model Order to Quiet the Tail that Wags the Dog</p> <p>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.</p> <p>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</p>	
■	<p>II. Museums and Open Access – How Sharing is Good for Business</p> <p>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.</p> <p>Moderators: Walter G. Lehmann, Lehmann Strobel PC, Baltimore, MD Melissa Levine, Copyright Office, University of Michigan Library, Ann Arbor, MI</p>	
5:00p—7:00p	<p>Young Lawyers Welcome Reception <i>Complimentary</i> <i>Hosted by the ABA-IPL Young Lawyers Action Group</i> <i>Sponsored by: Thomson Reuters</i></p>	
7:00p—9:00p	<p>Women in IP Law Dinner <i>Tickets Required</i></p> <p>This dinner offers the opportunity for women leaders in the IP law profession and others to network in an informal setting. All are welcome to attend this special dinner celebrating women in the profession.</p> <p><i>Sponsored by: Bayard, P.A. and O’Brien Jones, PLLC</i></p>	

Young Lawyers Welcome Reception

Wednesday, March 28 5:00p—7:00p

Following a full day of educational programming and professional practice enhancement on Wednesday, the ABA Section of Intellectual Property Law Young Lawyers Action Group welcomes you to this fun kick-off reception with cocktails and hors d’oeuvres. Open to all conference attendees—young lawyers, new members, and first-time attendees are especially encouraged to attend this free event!

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- Patent
- Copyright
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- Science/Technology
- Law Practice Management

Thursday, March 29

7:30a—5:00p

Registration and Check-in

8:30a—10:00a

TWO CONCURRENT SESSIONS

I. Understanding the America Invents Act – A Sweeping Change of U.S. Patent Practice Before the United States Patent and Trademark Office

The America Invents Act is 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

Teresa Stanek Rea, Deputy Undersecretary of Commerce for Intellectual Property and Deputy Director of the U.S. Patent and Trademark Office, 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 address the problems.

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



Coffee breaks sponsored by

**Bloomberg
BNA**


Women in IP Law Dinner

Wednesday, March 28 7:00p—9:00p *Tickets required*

This dinner offers the opportunity for women leaders in the IP law profession and others to network in an informal setting. All are welcome to attend this special dinner celebrating women in IP law.

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



10:15a—11:45a	TWO CONCURRENT SESSIONS	
■	<p>I. The America Invents Act – Dissection of the New Rules for Post-Grant Review and Inter Partes Review</p> <p>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 focus will include 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.</p> <p>Moderators: James E. Hanft, Schiff Hardin LLP, New York, NY Frederic M. Meeker, Banner & Witcoff, Ltd., Washington, DC Jonathan R. Sick, McAndrews, Held & Malloy, Ltd., Chicago, IL</p> <p>Speakers: Janet Gongola, Patent Reform Coordinator, U.S. Patent and Trademark Office, Alexandria, VA <i>(Invited)</i> 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 <i>(Invited)</i> Russell Binns, Avaya, Inc., Basking Ridge, NJ</p>	
■	<p>II. Oral Argument Before the Trademark Trial and Appeal Board</p> <p>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!</p> <p>Moderator: Patricia S. Smart, Smart & Bostjancich, Chicago, IL Speaker: Mary L. Kevlin, Cowan, Liebowitz & Latman, P.C., New York, NY (Introduction of program and Trademark Trial and Appeal Board members)</p> <p>Three Trademark Trial and Appeal Board Judges have been invited to hear the oral arguments and to discuss the case.</p>	
12:00p—1:30p	Luncheon <i>Tickets required</i>	
	<p>Speaker: Hon. David J. Kappos, Undersecretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office</p> <p><i>Sponsored by AlixPartners</i></p>	

Luncheon Events

Join fellow conference participants for lunch on Thursday and Friday at the Crystal Gateway Marriott Hotel. Honored guest speakers will address the participants.

(Tickets required for Thursday and Friday luncheons - \$60)



Thursday, March 29
Hon. David J. Kappos
Undersecretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office



Friday, March 30
"The Evolving Intellectual Property Landscape"
Michelle Lee
Deputy General Counsel Google, Inc.

1:45p—3:15p	THREE CONCURRENT SESSIONS
■	<p>I. Current Landscape of Patent Troll/NPE Litigation and Monetization of Patents for the Small Inventor</p> <p>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.</p> <p>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</p>
■	<p>II. Licensing, Control and Monitoring of Trademark Use on Social Media Websites</p> <p>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.</p> <p>Moderator: Matthew Asbell, Ladas & Parry LLP, New York, NY Speakers: Robert Doerfler, SVP Worldwide, New York, NY Rob Holmes, IPCybercrimes.com, LLC, Plano, TX Fawn Horvath, Macy's, Inc., New York, NY Kelly Slavitt, Reckitt Benckiser (North America) Inc., Parsippany, NJ</p>
■	<p>III. Fashion Protection – Will it Wear Well?</p> <p>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 presentation will present both sides of the issue as well as include an international perspective.</p> <p>Speakers: Jan Jensen, Jensen Law Firm, Los Angeles, CA Nancy E. Wolff, Cowan DeBaets, Abrahams & Sheppard LLP, New York, NY</p>

- Patent
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3:30p—5:00p	THREE CONCURRENT SESSIONS
<p>■</p>	<p>I. Crowdfunding/Crowdsourcing Inventions and the IP Challenges</p> <p>Crowdfunding sites such as <i>Kickstarter</i> 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.</p> <p>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 Cheryl Milone, Article One Partners, LLC, New York, NY Mark Nowotarski, Markets, Patents & Alliances LLC, Stamford, CT</p>
<p>■</p>	<p>II. Jack & Cola: Top 10 Intellectual Property Myths about Wine and Spirits</p> <p>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.</p> <p>Moderator: Jeremy Roe, Anheuser-Busch Companies, Inc., St. Louis, MO 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 (<i>Invited</i>)</p>

Tuition Assistance

A limited number of registration fee reductions are available for government employees, academics, law students, and public interest lawyers employed with nonprofit 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 Mike Winkler, Section Director, ABA Section of Intellectual Property Law, 321 N. Clark St., Chicago, IL 60654. Deadline for receipt: March 14, 2012. No cases will be considered after the deadline, and all standard registration fee rates will apply after March 14.

- Patent
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	<p>III. International Copyright Law Developments and their Impact on the U.S. Copyright Practitioner</p> <p>Discuss the year's developments in international 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.</p> <p>Moderators: Mary Rasenberger, Cowan DeBaets, Abrahams & Sheppard LLP, New York, NY Eric Schwartz, Mitchell Silberberg & Knupp LLP, Washington, DC</p> <p>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</p>
<p>5:00p—6:00p</p>	<p>Opportunities for Publishing with the ABA-IPL Section: Wine Reception <i>Complimentary</i></p> <p>Immediately following the day's programming there will be a reception hosted by members of the Section's Books Editorial Board to highlight publishing opportunities with ABA-IPL – featuring the Section's new authors and book titles.</p> <p>All conference attendees are invited!</p>
<p>6:30p—9:30p</p>	<p>Evening Reception at the Dolley Madison House, U.S. Court of Appeals for the Federal Circuit <i>Tickets required</i></p> <p>All conference participants and their spouses or guests are invited to join us after the day's programming for this special reception hosted by the Federal Circuit. Cocktails and hors d'oeuvres will be served.</p> <p>This reception is an opportunity for participants to visit the historic Dolley Madison House. Built in 1830 by Benjamin Tayloe, who was its first occupant, in 1837 it became the home of Mrs. Dolley Payne Madison, wife of President James Madison. She lived there until her death in 1849.</p> <p>Buses have been arranged to transport attendees from the hotel to the reception at 1520 H Street, N.W., in downtown Washington, DC. Alternatively, attendees are welcome to take taxis or utilize the Metro to travel to the Court. Buses board for the reception at 6:00 pm in front of the hotel, and depart at 6:15 pm.</p>

Special Reception at the Dolley Madison House, U.S. Court of Appeals for the Federal Circuit

Thursday's events will culminate in an evening reception at the Dolley Madison House, part of the National Courts complex, to which all conference participants and their spouses or guests are invited. Cocktails and hors d'oeuvres will be served.

Buses have been arranged to transport attendees from the Crystal Gateway Marriott Hotel boarding at 6:00 pm.

Don't forget to sign up. (*Tickets required - \$25*)

Friday. March 30	
8:00a—5:00p	Registration and Check-in
8:30a—10:00a	TWO CONCURRENT SESSIONS
■	<p>I. Best Practices for a Successful Mediation of a Patent Dispute</p> <p>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 Ignacio de Castro, Deputy Director of the WIPO Arbitration and Mediation Center. 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.</p> <p>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 Ignacio De Castro, Deputy Director, Arbitration and Mediation Center, World Intellectual Property Organization, Geneva Switzerland Hon. Mary Pat Thyng, Magistrate Judge, U.S. District Court for the District of Delaware, Wilmington, DE</p>
■	<p>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</p> <p>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 <i>Rosetta Stone v. Google</i> will impact the always-contentious issue of keyword advertising.</p> <p>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</p>

10:15a—11:45a	TWO CONCURRENT SESSIONS	
■	<p>I. The Bar Gets Higher: Royalty Damages After <i>Uniloc</i> and Other Federal Circuit Decisions</p> <p>Recently the Court of Appeals for the Federal Circuit has issued several decisions, including <i>Uniloc USA, Inc. v. Microsoft Corp.</i>, that raised the evidentiary standards for determining reasonable royalty damages. This session will also address how courts and litigants in cases such as <i>Oracle America, Inc. v. Google Inc.</i> have wrestled with issues arising from these decisions.</p> <p>Moderators: Daniel Jackson, AlixPartners, LLP, Dallas, TX Edward M. Mathias, Axinn, Veltrop & Harkrider LLP, Hartford, CT</p> <p>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</p>	
■	<p>II. Trollings, Take Downs, and Transfers: An Audiovisual Odyssey Through The World of Copyright, 2011-2012</p> <p>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.</p> <p>Moderator: Sana Hakim, K&L Gates LLP, Chicago, IL</p> <p>Speakers: Mike Keyes, K&L Gates LLP, Spokane, WA Kate Spelman, Cobalt LLP, Berkeley, CA</p>	
12:00p—1:30p	Luncheon <i>Tickets required</i>	
	<p>Speaker: Michelle Lee, Deputy General Counsel, Google, Inc. presenting “The Evolving Intellectual Property Landscape”</p> <p><i>Sponsored by: 284 Partners</i></p>	<p>284 partners</p> <p>VALUATION LITIGATION STRATEGY</p>

- Patent
- Copyright
- Trademark
- Ethics
- Science/Technology
- Law Practice Management

Cyber Cafe

During the 27th Annual Intellectual Property Law Conference, a Cyber Café will be available to participants. The 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 the Internet. Laser printers will also be available so participants will be able to print portions of the course materials from the flash drives or the online site.



1:45p—3:15p	FOUR CONCURRENT SESSIONS
■	<p>I. Diagnostics and Gene Patents: What is the Future for Personalized Medicine Patents?</p> <p>This program will examine <i>Myriad</i>, <i>Classen</i> and <i>Prometheus</i> litigation and what these decisions mean for the future of diagnostic and gene patents and the emerging specialty of “personalized medicine”.</p> <p>Moderator: Paula Kay Davis, Eli Lilly and Company, Indianapolis, IN</p> <p>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 <i>Patent Docs</i> blog), Chicago, IL</p>
■	<p>II. Convergence and Divergence in Internet-Related IP Law for Cloud Computing and Emerging Technologies</p> <p>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 differences that both IP rights holders and Internet sites and services need to understand.</p> <p>Moderator: Ian C. Ballon, Greenberg Traurig, LLP, Santa Monica, CA</p> <p>Speakers: Eulonda Skyles, Skyles Law Group, Maryland, Rockville, MD Stacey Wexler, Director, Litigation, Google Inc., Mountain View, CA</p>
■	<p>III. Obtaining and Enforcing Asset Freeze Orders and Similar Remedies Against Online Counterfeiters</p> <p>What are 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? 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.</p> <p>Moderator: Catherine A. Van Horn, Genovese Joblove & Battista, P.A., Miami, FL</p> <p>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</p>

IV. The Document Preservation Dilemma – When is it OK or Not OK to Destroy Documents In-House? *(Ethics Credit)*

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 judge described as a “collective anxiety” for in-house counsel and litigators alike.

This session 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 *(Invited)*



Coffee breaks sponsored by



- Patent
- Copyright
- Trademark
- Ethics
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PROGRAM SCHEDULE

Friday, March 30 *continued*

3:30p—5:00p	FOUR CONCURRENT SESSIONS
<p>■</p>	<p>I. Developments in the Implementation of the Biosimilars Act: Where Are We Now and Where Are We Headed?</p> <p>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.</p> <p>Moderator: Zarema Gunnels, Drinker Biddle & Reath LLP, Washington, DC</p> <p>Speakers: Ali Ahmed, Fresenius Kabi U.S.A., Schaumburg, IL (<i>Invited</i>) 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</p>
<p>■</p>	<p>II. Hot Topics in Licensing of Software and Electronics</p> <p>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.</p> <p>Moderator: Pavan K. Agarwal, Foley and Lardner, LLP, Washington, DC</p> <p>Speakers: Hannah Poteat, Poteat Law, San Francisco, CA Vince Cogan, SVB Financial Group, Palo Alto, CA Kenneth K. Dort, Drinkel Biddle, Chicago, IL</p>



	<p>III. The Rise and Fall and Rise of Aesthetic Functionality</p> <p>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, the panel 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.</p> <p>Moderator: Professor Charles Hanor, Hanor IP Law, San Antonio, TX</p> <p>Speakers: Anne Gilson LaLonde, Author, <i>Gilson on Trademarks</i>, South Burlington, VT</p> <p>Jonathan Moskin, Foley & Lardner LLP, New York City, NY</p> <p>Belinda J. Scrimenti, Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, Chicago, IL</p>
	<p>IV. Reel Ethics (<i>Ethics Credit</i>)</p> <p>This creative ethics program uses film clips to analyze ethical issues, including <i>And Justice for All</i> to look at decorum with the Court, and <i>Class Action</i> to look at duties of advising and subordinate lawyers.</p> <p>Moderator: Holly Lance, Drinker Biddle & Reath, LLP, Washington, DC</p> <p>Speaker: Edward D. Lanquist, Jr., Waddey & Patterson, P.C., Nashville, TN</p>

PLANNING COMMITTEE

27th Annual Intellectual Property Law Conference

Planning Committee:

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Donna R. Suchy
Rockwell Collins, Cedar Rapids, IA

Tuition includes admission to the program, beverage breaks, receptions, and one set of program materials on a flash drive.

Early Registration

Register online at <http://ambar.org/iplspring2012> or complete the form in the brochure and mail to: 27th Annual Intellectual Property Law Conference, Section of Intellectual Property Law, American Bar Association, 321 N. Clark St., Chicago, IL 60654. Attendees are strongly encouraged to use the online registration service.

The deadline for receipt of early registration, at the early registration rate, is March 14, 2012. Registration will only be accepted when accompanied by a credit card number (Visa, MasterCard or American Express only). Checks, money orders, or government purchase orders or training forms may also be used when submitting a printed copy of the registration form via mail. No registration can be held without payment.

Onsite Registration

Registration and check-in will be available onsite from 9:00 am – 5:30 pm Wednesday, March 28. All registrants are invited to check-in early and avoid the Thursday morning rush. In addition to early check-in, there will be a special welcome reception presented by the Section of Intellectual Property Law's Young Lawyers Action Group. All registrants are invited to participate.

Onsite registration will also be available beginning at 7:30 am, March 29. A busy morning registration rush is anticipated on Thursday morning, March 29, so check-in on Wednesday, March 28 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 14. If using the printed registration form, 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 \$100 administrative fee if a written cancellation is received by March 14, 2012. Cancellation requests should be faxed to (312) 988-6800. (The administrative fee for cancellation is \$50 for Corporate Counsel, Law Student, and Government and Public Sector fee categories.) No refunds will be granted after March 14, 2012. Vouchers for future programs will not be provided. Proxy 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 session and have it signed by ABA authorized personnel.

You may contact the ABA Service Center toll free at (800) 285-2221 or the program coordinator at (312) 988-6268 within two weeks of the start of the program for confirmation of the number of CLE credit hours requested by the ABA or credit approved by any particular state.

Course Materials Available on Flash Drive

Course materials are produced on a flash drive 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 and Lodging

The 27th Annual Intellectual Property Law Conference will be held at the Crystal Gateway Marriott Hotel, 1700 Jefferson Davis Highway, Arlington, Virginia. The ABA group rate is \$204.00 single/double occupancy. All rooms are subject to a 10.25% Virginia State Sales Tax. Make your reservation online at <https://resweb.passkey.com/go/ABAIPL2012> or call the Crystal Gateway Marriott Hotel directly at (703) 920-3230 or (888) 236-2427. Be sure to mention the ABA 2012 Annual Intellectual Property Law Conference to receive the special group rate.

Note: The cutoff date for the room block is Tuesday, March 6, 2012. But do not wait until this date, as the hotel fills up quickly. After March 6, reservations can be made on a space available basis only. The ABA will not be able to secure a room for you.

Please note the Crystal Gateway Marriott Hotel, as are all Marriott properties, is a completely non-smoking facility. For our guests who choose to smoke, there are a number of nearby alternative hotels. You may find these through the ABA Online Travel site (see below).

Transportation

You are encouraged to make your airline reservations on the ABA Online Travel site where you automatically receive ABA airfare discounts from a variety of carriers.

Access the ABA provider, Orbitz for Business, at http://www.americanbar.org/membership/benefits_of_membership/travel_services.html or the Orbitz toll free number (877) 222-4185.



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Advance Registration Deadline: March 14, 2012

- Yes**, please register me for the 27th Annual Intellectual Property Law Conference.
- No**, I cannot attend this conference. Please send me the course materials on flash drive available after the conference at the price of \$75, which includes postage and handling. Payment must accompany this form (please allow 4-6 weeks from date of conference for receipt of course materials).

**To register directly online, please visit:
<http://ambar.org/iplspring2012>**

Registration Fees *(check one)*

Register before **March 14** to receive the special discount early registration rate.

	Before 3/14	After 3/14
ABA-IPL Section Member	<input type="checkbox"/> \$645	<input type="checkbox"/> \$695
ABA Section of Science & Technology Law Member	<input type="checkbox"/> \$645	<input type="checkbox"/> \$695
ABA, but not IPL or co-sponsoring section member <i>(registration includes a one-year ABA-IPL Section membership)</i>	<input type="checkbox"/> \$720	<input type="checkbox"/> \$770
General Attendees (not ABA member)	<input type="checkbox"/> \$745	<input type="checkbox"/> \$845
Government, Public Interest, Academic	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345
Corporate Counsel	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345
Law Student	<input type="checkbox"/> \$245	<input type="checkbox"/> \$295

Luncheons *(ticket required)*

- Thursday, March 29 – with guest speaker Hon. David J. Kappos \$60
- Friday, March 30 – with guest speaker Michelle Lee, Google, Inc. \$60

Evening Events *(ticket required)*

- Wednesday, March 28 – Welcome Reception
hosted by the Young Lawyers Action Group Free
- Wednesday, March 28 – Women In IP Law Dinner \$75
- Thursday, March 29 – Reception at the Federal Circuit *(Transportation provided)* \$25

Printed Course Materials Order

- Please reserve for me a printed set of course materials** \$75
 (in addition to the course materials flash drive which is included in the registration fee). Orders for printed materials must be received before March 14. Course materials will be available onsite upon check-in at the registration desk.

Special Arrangements

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

To register directly online, please visit:
<http://ambar.org/iplspring2012>

Registrant Information

Name _____

Organization _____

Address _____

City _____ State _____ Zip _____

Daytime phone number _____ Fax number _____

E-Mail _____

ABA ID Number [8 digits] _____

States registered to practice in: _____ State Bar ID number: _____

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Print name as it appears on card _____

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- Purchase Order #** _____

(Government employees only)

Confirmation

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 Mail

Return registration to:

27th Annual Intellectual Property Law Conference
 Section of Intellectual Property Law
 American Bar Association
 321 North Clark Street
 Chicago, IL 60654
 Fax: (312) 988-6800

Questions?

Please e-mail iplaw@americanbar.org
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SECTION ACTIVITY HUB:

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August 2-5, 2012
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Advance registration deadline:

March 14, 2012

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