



**ILT**

INSTITUTE FOR LAW AND TECHNOLOGY

47th Annual Conference on  
**INTELLECTUAL  
PROPERTY LAW**  
November 9-10, 2009



THE CENTER FOR AMERICAN AND INTERNATIONAL LAW, PLANO, TEXAS

13.25 Hours of MCLE Credit including 2.0 Hours of Ethics Anticipated

Hear from the United States Patent & Trademark Office

Program includes a federal judicial panel of Northern  
and Eastern District judges

[www.cailaw.org](http://www.cailaw.org)

**MONDAY MORNING SESSION, NOVEMBER 9, 2009**

8:00 REGISTRATION AND CONTINENTAL BREAKFAST

**PATENT LITIGATION**

SESSION CHAIR

**Bruce S. Sostek, Esq.** • Thompson & Knight LLP

**9:00AM-9:30AM IS "RELIEF" REALLY SPELLED I-T-C?**

The ITC has become the forum of choice for many patent owners due in part to the Commission's broad remedial powers. Obtaining relief, however, is only half the battle. How can a client ensure that the Commission's remedial orders are enforced fully and fairly?

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

**9:30AM-10:00AM 2009: A VENUE ODYSSEY**

The Eastern District of Texas has long been a forum favorite for patent cases. How will the forum selection and change of venue rulings in *TS Tech* and its progeny affect patent practice in the Piney Woods?

**Clyde M. Siebman, Esq.** • Siebman, Reynolds, Burg, Phillips & Smith, LLP (Sherman, TX)

**10:00AM-10:45AM STATE OF THE UNION: PATENT ENFORCEMENT IN THE U.S.**

Recent Supreme Court and Federal Circuit cases have dramatically affected a patent owner's ability to remedy infringement and have lowered the enforcement value of patents. A high-level look at recent cases that are changing the way we practice.

**Robert M. Chiavello, Jr., Esq.** • Fulbright & Jaworski L.L.P. (Dallas, TX)

**10:45AM-11:00AM BREAK**
**11:00AM-11:30AM HOW DEEP IS THE OCEAN? HOW WIDE IS THE SKY?**

Recent patent damages awards have varied widely, causing some to ask if the era of big damages is over. Thoughts on recent cases and winning strategies from a successful patent litigator may change your mind.

**Theodore Stevenson III, Esq.** • McKool Smith, P.C. (Dallas, TX)

**11:30AM-12:00PM DREAM HOUSE OR MONEY PIT? BUILDING A WINNING CASE THROUGH CLAIM CONSTRUCTION**

Claim construction is the foundation of a successful patent case. How can you use claim construction and the *Markman* hearing to build the case of your client's dreams?

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

**12:00PM-1:00PM HOSTED LUNCHEON, HALL OF FLAGS**
**MONDAY NOVEMBER 9, 2009**  
 47TH ANNUAL CONFERENCE ON INTELLECTUAL PROPERTY LAW

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

## MONDAY AFTERNOON SESSION, NOVEMBER 9, 2009

### TRADEMARK AND COPYRIGHT ISSUES

MODERATOR

**Philip Davison, Esq.** • Yum! Brands

1:00PM-1:45PM

#### FEDERAL JUDICIAL PANEL

Leading judges from the Northern and Eastern Districts of Texas will discuss life on the bench and how they see recent developments in intellectual property litigation.

MODERATOR:

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

JUDICIAL PANELISTS:

**Hon. David J. Folsom** • Chief Judge, Eastern District of Texas

**Hon. Barbara M.G. Lynn** • Northern District of Texas

**Hon. T. John Ward** • Eastern District of Texas

1:45PM-2:30PM

#### THE YEAR IN COPYRIGHT LAW

A review of 2008-2009 cases and controversies involving copyright law, including issues related to fair use, digital media and remedies.

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

2:30PM-3:15PM

#### PUTTING THE "TRIAL" IN TRADEMARK TRIAL AND APPEAL BOARD

When the TTAB changed its rules to mirror federal litigation, it changed the landscape of opposition practice. The jury is still out on whether that's a good thing.

**John M. Cone, Esq.** • Hitchcock Evert LLP (Dallas, TX)

3:15PM-3:30PM

BREAK

3:30PM-4:30PM

#### POINT – COUNTERPOINT – COUNTERCOUNTERPOINT

Trademark prosecution often pits applicants against Trademark Examiners, but it doesn't have to. In-house counsel, outside counsel and the Trademark Office trade volleys on specimens, signatories and strategy.

**David J. Cho, Esq.** • General Attorney – Trademarks & Copyrights, AT&T (Dallas, TX)

**Michael Baird, Esq.** • Acting Managing Attorney, U.S. Trademark Office  
(Alexandria, VA)

**David A. Bell, Esq.** • Haynes and Boone, LLP (Dallas, TX)

4:30PM-5:00PM

#### IN THE TRENCHES: COMBATING COUNTERFEITS ON THE FRONT LINE

The trademark community has waged war on counterfeiters and knock-off artists. Hear from two lawyers that have fought the good fight.

**J.F. Chester, Esq.** • Cowles & Thompson (Dallas, TX)

**Kevin Brown, Esq.** • Former Anti-Counterfeiting Counsel, Nike (Portland, OR)

5:30 COCKTAIL RECEPTION, CAIL TERRACE

MONDAY NOVEMBER 9, 2009  
47TH ANNUAL CONFERENCE ON INTELLECTUAL PROPERTY LAW



TUESDAY MORNING SESSION, NOVEMBER 10, 2009

8:15 CONTINENTAL BREAKFAST

PATENT PROSECUTION

SESSION CHAIR

Ira S. Matsil, Esq. • Slater & Matsil, L.L.P.

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

A study of 2008-2009 patent law decisions by the United States Supreme Court and the Federal Circuit.

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

10:00AM-10:30AM IN RE BILSKI: WHAT KIND OF DAY HAS IT BEEN?

The Supreme Court will hear arguments in In re Bilski on Monday, November 9. How will the world look on November 10 and beyond?

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

10:30AM-11:00AM VALUE-ADDED PROSECUTION: BIGGER, STRONGER, FASTER, CHEAPER

Efficient, value-added prosecution isn't just about saving money. Working smarter, not harder, gives the client more bang for their buck now and a portfolio that holds its own in the long run.

Marc Hubbard, Esq. • Gardere Wynne Sewell LLP (Dallas, TX)

11:00AM-11:15AM BREAK

11:15AM-11:45AM GET YOUR MOTOR RUNNIN': STRATEGIES FOR THE INTERNATIONAL PATENT PROSECUTION HIGHWAY

How do the proliferating Patent Prosecution Highway agreements factor into an international patent prosecution strategy for US and for non-US clients? Are traditional international prosecution practices unsafe at any speed on the new PPH routes?

Colin P. Cahoon, Esq. • Carstens & Cahoon, LLP (Dallas, TX)

11:45AM-12:15PM PATENT PROFANITY: "MAIN," "MUST," AND OTHER FOUR-LETTER WORDS

Although they seem harmless enough during drafting and prosecution, certain words take on a new dimension when it comes to litigation. How do you avoid using language that can severely reduce the value of your client's patents?

Thomas L. Irving, Esq. • Finnegan, Henderson, Farabow, Garrett & Dunner, LLP (Washington, DC)

12:15PM-1:00PM HOSTED LUNCHEON, HALL OF FLAGS

TUESDAY NOVEMBER 10, 2009  
47TH ANNUAL CONFERENCE ON INTELLECTUAL PROPERTY LAW

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

## TUESDAY AFTERNOON SESSION, NOVEMBER 10, 2009

### TECHNOLOGY, LICENSING AND IP RIGHTS

SESSION CHAIR

**Paul Hashim, Esq.** • Huawei Technologies USA

#### 1:00PM-2:00PM THE AUDACITY OF THE U.S. PATENT & TRADEMARK OFFICE

What lies in store for the USPTO under the new administration? A discussion of current topics and trends from USPTO leadership.

#### 2:00PM-2:45PM TAG, YOU'RE IT! EVOLVING OWNERSHIP STRUCTURES IN THE PATENT SPACE

It's not always easy to know who is "it" in patent litigation, particularly when dealing with non-practicing entities. As a property right closely linked to potential causes of action, patents present an interesting case study of incentives and behavior when causes of action are freely transferrable.

**Dr. Everett Upshaw, Esq.** • Senior Intellectual Property Litigation Counsel, Nokia, Inc. (Irving, TX)

#### 2:45PM-3:00PM BREAK

#### 3:00PM-3:30PM PATENT LAW'S NEXT TOP MODEL

It can be tough to decide between the license-next-door and something more exotic. A review of licensing models will help you decide the right look for your transaction.

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

#### 3:30PM-4:00PM LOST IN TRANSLATION: WHEN LICENSES DON'T MEAN WHAT THEY SAY

*TransCore* and other recent cases have changed the way courts read patent licenses. Practical tips to make sure your license and the court are speaking the same language.

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

#### 4:00PM-5:00PM GIMME SHELTER: HOW IN-HOUSE COUNSEL IS WEATHERING THE STORM

A candid panel discussion about the way in-house counsel makes tough choices about intellectual property in the current economy.

MODERATOR:

**Philip Davison, Esq.** • Yum! Brands (Dallas, TX)

PANELISTS:

**Michael A. Nametz, Esq.** • Exxon Mobil Corporation (Las Colinas, TX)

**Ann J. Bruder, Esq.** • General Counsel, Commercial Metals Company (Irving, TX)

**Quintin Cassady, Esq.** • General Counsel, Galderma Laboratories, L.P. (Fort Worth, TX)

#### 5:00PM

#### ADJOURN

TUESDAY NOVEMBER 10, 2009  
47TH ANNUAL CONFERENCE ON INTELLECTUAL PROPERTY LAW

**2009 IP LAW CONFERENCE**

**Michael J. Marchand**

President  
 The Center for American and International Law

**Michael Lowenberg**

Gardere Wynne Sewell LLP  
 Director, Institute for Law & Technology  
 The Center for American and International Law

**David L. McCombs**

Haynes and Boone, LLP  
 Chair, ILT Advisory Board  
 The Center for American and International Law

**Elisabeth A. Evert**

Hitchcock Evert LLP  
 2009 IP Law Conference Co-Chair

**Phillip B. Philbin**

Haynes and Boone, LLP  
 2009 IP Law Conference Co-Chair

**SPONSORS**

**BAKER BOTTS L.L.P.**

**BAKER & MCKENZIE LLP**

**GARDERE WYNNE SEWELL LLP**

**HAYNES AND BOONE, LLP**

**HITCHCOCK EVERT LLP**

**JONES DAY**

**MCKOOL SMITH, P.C.**

**SIEBMAN, REYNOLDS, BURG,  
 PHILLIPS & SMITH, LLP**

**SLATER & MATSIL, L.L.P.**

**THOMPSON & KNIGHT LLP**

**FOUR WAYS TO REGISTER**

**ONLINE** *credit card only*  
[www.cailaw.org](http://www.cailaw.org)

**FAX** *credit card only*  
 972.244.3401

**MAIL** *check or credit card only*  
 The Center for American and International Law  
 5201 Democracy Drive  
 Plano, Texas, USA 75024

**PHONE** *credit card only*  
 972.244.3400 or  
 800.409.1090  
 8:30 a.m. - 5:00 p.m. CST

**PAYMENT MUST ACCOMPANY  
 REGISTRATION**

**GENERAL INFORMATION**

**CANCELLATION POLICY**

A cancellation fee of \$50 will be charged upon receipt of written notice by October 30, 2009. (Email [cburkel@cailaw.org](mailto:cburkel@cailaw.org)) After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course material.

**HOUSING**

The cost of housing is not included in the tuition. However, a limited number of rooms have been reserved at the Marriott Legacy Town Center, 7120 Dallas Parkway, Plano, Texas 75024. Call 1-800-228-9290 to make reservations. A reduced room rate of \$119.00 + taxes is available if you mention that you are attending the Intellectual Property Law Conference. The last day to obtain this special rate is Friday, November 6, 2009.

**MCLE CREDIT**

This program will be submitted to the State Bar of Texas for 13.25 hours, including 2.0 hours of ethics. Course ID Number to be announced. Sign-in sheets and/or certificates of attendance will be available for ALL states.

**NONDISCRIMINATION POLICY**

The Center for American and International Law does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, veteran status or any other protected status in educational activities, scholarship programs or admissions.



# 47th Annual Conference on INTELLECTUAL PROPERTY LAW November 9-10, 2009

## REGISTRATION FORM

Mail or e-mail registration form and payment to:

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

**Received by  
October 30, 2009**

**Received after  
October 30, 2009**

Regular Tuition

\$545.00

\$595.00

ILT Advisory Board Member

\$0.00

\$0.00

Other ILT Member Employee

\$435.00

\$475.00

*(Supporting and Sustaining Members only)*

Name \_\_\_\_\_

Firm/Company/Organization \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Postal Code \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

## PAYMENT MUST ACCOMPANY REGISTRATION

A check in the amount of \$\_\_\_\_\_ is enclosed. (Please pay in U.S. dollars.)

Checks should be made payable to:

The Center for American and International Law

Please charge my tuition to:  AE  MC  VISA  Discover

Card Number \_\_\_\_\_ Exp. Date \_\_\_\_\_

Name on Card \_\_\_\_\_

Billing Address (if different from above) \_\_\_\_\_

Signature (if paying by credit card) \_\_\_\_\_



To learn more about the Institute for Law and Technology and the benefits of membership, which include free tuition to the IP Law Conference and related membership events, please visit the IILT website:  
[www.cailaw.org/ilt/join.html](http://www.cailaw.org/ilt/join.html)

INSTITUTE FOR  
TRANSNATIONAL ARBITRATION



THE CENTER FOR AMERICAN  
AND INTERNATIONAL LAW

47th Annual Conference on

# INTELLECTUAL PROPERTY LAW

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

PRESORTED  
FIRST CLASS  
U.S. POSTAGE  
PAID  
DALLAS TX  
PERMIT NO. 3778

## PLEASE NOTE:

The Center for American and International Law utilizes outside mailing lists. If you receive a duplicate of this announcement, please pass it along to an interested colleague.



Printed on Recycled Paper



# ILT

INSTITUTE FOR LAW AND TECHNOLOGY



47th Annual Conference on

# INTELLECTUAL PROPERTY LAW

November 9-10, 2009

THE CENTER FOR AMERICAN AND INTERNATIONAL LAW, PLANO, TEXAS

Register Early and Save [www.cailaw.org](http://www.cailaw.org)