

World-Class
IP Education

The 2012 Midwest

Intellectual Property Institute

Thursday & Friday,
September 20 & 21, 2012
Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370
Minneapolis, Minnesota

Keynotes Featuring:

Hon. Jimmie V. Reyna

U.S. Circuit Judge
Court of Appeals for the Federal Circuit
Washington, D.C.



**Hon. Roderick R. McKelvie
(Ret., D. Del.)**

Covington & Burling LLP
Washington, D.C.



Bernard J. Knight, Jr.

General Counsel
U.S. Patent and Trademark Office
Alexandria, Virginia



J. Michael Jakes

Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP
Washington, D.C.



Delivering the Latest News, and Tips so You Can Better Pressing Client Matters

The Simple and Effective Way to Keep Up on All the Important New Developments

Get both high-level summaries and opportunities to drill down into the details of the most talked-about intellectual property law issues today. A one-stop shop, the Institute provides comprehensive coverage of the intellectual property law landscape and its changes. Our faculty have studied these developments, distilled the information, considered the implications, and added their insights to develop the most practical instruction for you. In short, the Institute keeps you on the cutting edge of both new legal developments and new practice tips.

CAFC Judge Reyna and USPTO General Counsel Knight Join this Year's Faculty

The Institute is honored to include among this year's talented faculty, special guest speakers **Judge Jimmie V. Reyna**, U.S. Court of Appeals for the Federal Circuit, and **Bernard J. Knight, Jr.**, General Counsel of the U.S. Patent and Trademark Office. You'll gain insight into the CAFC through Judge Reyna's remarks on his first year on the CAFC bench. And Mr. Knight presents two sessions at the Institute — a short general session looking at the America Invents Act at a high level, and a follow-up breakout session for patent practitioners that is a deep dive into USPTO implementation of the AIA — an insider's view of the internal considerations in developing the final rules.

Brand-New D.C. Update: Innovative Session Packed with Insights from Inside the Beltway

In addition to CAFC Judge Reyna's and USPTO General Counsel Knight's live appearances at this year's Institute, we're bringing even more of D.C. to the Midwest via a highly informative and innovative plenary session.

This high-octane, entertaining plenary will be "emcee'd" by two noted D.C. intellectual property counsel, **Roderick McKelvie** (former federal judge for the District of Delaware) and **Mike Jakes** (lead petitioner counsel in *Bilski*). This session integrates their live on-stage commentary with short video clips of interviews with top federal decision-makers. These interviews are being specially conducted and videotaped in Washington, D.C. for this Institute by Judge McKelvie and Mr. Jakes, and include interviews of:

- **Randall R. Rader**, Chief Judge of the U.S. Court of Appeals for the Federal Circuit
- **David Kappos**, Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office
- **Suzanne D. Munck**, Chief Counsel for Intellectual Property at the Federal Trade Commission

This innovative format efficiently distills a large volume of IP news into one outstanding session!

Skilled Faculty Are All Charged with the Same Goal: Provide the Most Practical Education

The 2012 Midwest Intellectual Property Institute features an outstanding faculty committed to providing the best possible (and most practical) education for you. The conference faculty is drawn from in-house, private and government practice. Our faculty mix leverages diverse insights, experience and perspective. Together they create a roster of talent that provides unmatched education — spotting and analyzing the oftentimes complex legal and business issues, and offering real-world advice and practice tips for tackling those issues.

Customize Your Learning – You Select from More than 30 Diverse, On-Point and Well-Designed Session Topics

The Institute offers more than 30 session options, addressing significant IP topics from numerous angles — all designed to provide you with practical information and practice tips to make you better at what you do. The number and wide range of topics allows you to tailor a program to your specific needs — one of the many features that make this program an outstanding investment in your professional development.

Register today! 651-227-8266 • 800-759-8840

Institute Benefits & Bonuses

Analysis Handle

High-Quality, User-Friendly Written Materials

The valuable written materials for this year's Institute include the 200+-page *2012 Midwest IP Institute Course Manual*, in electronic form. All attendees will receive electronic access to the *Manual*, which contains the written materials that accompany the oral presentations. In addition, at each session you attend, you'll receive a set of that session's materials from the *Manual* in hard-copy form so that you can follow along. It's the best of both worlds!

A Special Bonus – The 2012 Edition of *The IP Book* – Prepared for Rollout at the Institute

In addition to the *2012 Midwest IP Institute Course Manual*, we are publishing the all-new 14-chapter 2012 edition of *The IP Book*, prepared especially for the Institute. Every attendee will receive, at no extra charge, this fantastic resource that provides the IP practitioner with coverage of new case law, recent developments, and practice tips. We are confident this book will prove extremely valuable for anyone whose practice requires knowledge of intellectual property law.



This Conference Allows for Networking and Relationship-Building at Its Best!

The Institute provides a fun and relaxed conference setting in which to network. You'll have plenty of time to visit with friends, clients, potential clients and other colleagues throughout the two days — at the Institute luncheon, reception and between sessions. And the Institute includes amenities to make the entire conference a comfortable, enjoyable affair — breakfast each morning, snacks and beverages during breaks, a chance to win great prizes, the popular annual reception, and more.

- 1 The Brand-New Edition of *The IP Book***
A 14-chapter, bound collection of updates covering significant IP developments over the past year.
- 2 Keynotes by CAFC Judge Reyna and USPTO General Counsel Knight**
Great opportunities to hear directly from these experts.
- 3 Innovative, New “D.C. Update” Plenary**
New format covers important IP developments through creative collection of insights out of D.C. by noted authorities.
- 4 30+ Session Choices**
With the numerous and diverse offerings, you can customize the agenda that best suits you.
- 5 New Summary Guide™ to the AIA**
Our Summary Guides™ are popular for a reason — distilled information in a well-organized format. All Institute attendees will receive a copy of our new Summary Guide™ to the America Invents Act.
- 6 Dozens of New Sessions**
Valuable new sessions on important topics, all designed to meet real-world practice needs.
- 7 Helpful Course Manual**
A wealth of helpful reference materials that accompany conference presentations.
- 8 Free Bonus Webcasts**
The Institute experience continues after the conference adjourns through two webcasts that all attendees may view for free.
- 9 Confidence that You're Up to Date**
Presentations and written materials make sure you're up to date when you leave the Institute.
- 10 Networking Galore**
Your chance to spend two days with faculty, friends and more than 300 colleagues in the intellectual property law field.
- 11 Reception, Luncheon, Prize Drawing and Other Amenities**
Two days of great education in a fun conference atmosphere.

More Special Features...

ATTEND 2 INSTITUTE WEBCASTS FREE!

As another special bonus for attending the Institute, you may view either or both of the 2 webcasts listed below for free! A coupon code, along with instructions on how to register for free, will be distributed at the Institute.

Monday, October 15 (9:00 – 10:00 a.m.)

Hot Topics in IP Litigation 2012

*1.0 standard CLE credit applied for
1.0 civil litigation specialist credit applied for*

In this presentation, a panel of expert IP litigators will discuss five significant developments in intellectual property litigation.

1. The model e-discovery order by Judge Rader;
2. Local rules for e-discovery;
3. Increased difficulty in getting documents sealed;
4. Judge Crabb in the Western District of Wisconsin doing away with *Markman* hearings;
5. The I.T.C. as a venue for patent cases.

*Michael M. Lafeber & Terrance C. Newby
Keiko L. Sugisaka (moderator)*

Tuesday, October 16 (9:00 – 10:00 a.m.)

21st Century Ethics Problems for IP Attorneys

1.0 ethics credit applied for

It's not the medium, it's the message! If you've ever had a client bring you documents of mysterious origin, or e-mailed your client at her workplace, or negotiated settlements by e-mail, this session is for you. Join ethics attorney and highly rated CLE presenter Eric Cooperstein for a discussion of emerging ethics issues.

Eric T. Cooperstein

NEW EDITION OF THE IP BOOK – FREE TO EVERY ATTENDEE



The IP Book, 10th Edition (September 2012)

Editors

Stephen R. Baird, David J.F. Gross & Calvin L. Litsey

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6. *Akamai v. Limelight* and *McKesson v. Epic*: Multi-Party, Multi-Step Infringement Issues
7. Developments in the Law of Patent Damages 2011-2012
8. Copyright Highlights: Noteworthy Cases 2011-2012
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PLENARY SESSIONS

8:15 – 8:50 a.m. CHECK-IN & CONTINENTAL BREAKFAST
 8:50 – 9:00 a.m. WELCOME & INTRODUCTION

MAIN PLENARY

9:00 – 9:30 a.m.
My First Year on the Court of Appeals for the Federal Circuit: Lessons Learned and Advice for Every IP Lawyer

*Honorable Jimmie V. Reyna
 U.S. Court of Appeals for the Federal Circuit
 Washington, D.C.*

9:30 – 10:30 a.m.
D.C. Update: Insights from Inside the Beltway

*J. Michael Jakes
 Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
 Washington, D.C.*

*Honorable Roderick R. McKelvie (ret.)
 Covington & Burling LLP
 Washington, D.C.*

10:30 – 11:00 a.m.
The America Invents Act – Changing the Landscape of Patent Law

*Bernard J. Knight, Jr.
 United States Patent and Trademark Office
 Alexandria, Virginia*

ALTERNATE PLENARY

9:00 – 10:00 a.m.
How to Review a Client's IP Portfolio
Tricia A. Olson

10:00 – 11:00 a.m.
Gotchas, Mistakes, and Deals Gone Wrong! Fundamentals of IP Licensing and Assignments

*Robert B. Leonard
 Christopher M. Turoski*

11:15 a.m. – 12:15 p.m.
 BREAKOUT SESSION A

PATENT

001
USPTO Implementation of the America Invents Act – A Behind-the-Scenes View
Knight

TRADEMARK & COPYRIGHT

002
The Year in Trademark Law: Lessons from Ten Cases
Baird, Mussell

LITIGATION

003
Patent Damages: Are There No More "Rules of Thumb"?
Hughey, McDaniel

IN-HOUSE COUNSEL

004
Mergers & Acquisitions – An IP Due Diligence Checklist
Hemphill, Lee

PLENARY SESSION

8:30 – 9:00 a.m.
 CONTINENTAL BREAKFAST

9:00 – 10:00 a.m.
Inside Minnesota IP: Meet the Inventors, Artists and Entrepreneurs

*Kenneth J. Abdo
 Brian Beutner
 Kieran Folliard
 Steven Greenberg
 Timothy M. Kenny
 Rita A. O'Keefe (moderator)*

10:15 – 11:15 a.m.
 BREAKOUT SESSION E

PATENT

017
Fast Lane Prosecution: Allowance in One Year
Franklin, Messer

TRADEMARK & COPYRIGHT

018
Copyright Year in Review
Litsey, Rivard

IN-HOUSE COUNSEL

019
Top IP Issues in Contracts
Allgeyer, Kelley

11:30 a.m. – 12:30 p.m.
 BREAKOUT SESSION F

020
Adding Mayo v. Prometheus to the Mix – Practical Analysis and Advice for Patent Prosecutors and Litigators
*Tysver, Viksnins
 Boyd (moderator)*

021
Life in the New .world!
*Burke, Dorrain
 Chicoine (moderator)*

022
Resolving IP Disputes Pre-Suit: Aligning Strategy with Business Needs
*Curry, Enebo, Messer
 Brown (moderator)*

1:30 – 2:30 p.m.
BREAKOUT SESSION B

005
The New Post-Issuance Review Landscape
Bianchi, Rhodes

006
Celebrity Case Law: Balancing the Right of Publicity with Trademark and Copyright Principles
Zeuli

007
The Future of Joint Infringement in the U.S.: A Review of Akamai and McKesson and Their Potential Impact on Claim Drafting and Enforcement Strategies
Jakes

008
Advanced Issues in Trademark and Copyright Licensing for In-House Counsel
Camero, Sullivan

2:45 – 3:45 p.m.
BREAKOUT SESSION C

009
The Year in Patent Law at the CAFC and U.S. Supreme Court
Dragseth, Irving

010
Controlling Brand Identity and Untangling Copyright Complexities in the Mad, Mad, Viral World
Butwin, Young

011
How the America Invents Act Changes Patent Litigation
Thorson

See #010 above
Controlling Brand Identity and Untangling Copyright Complexities in the Mad, Mad, Viral World
Butwin, Young

012
Protecting the Company from Electronic Theft of Intellectual Property
Lanterman

4:00 – 5:00 p.m.
BREAKOUT SESSION D

013
Surviving Patent Litigation with Well-Crafted Claims
Irving

014
Settlement Trends in Trademark Cases
Bowbeer, Chaloeontiarana, Hon. Graham Boylan (moderator)

015
Are You Mocking My Patent Trial?
Budd, Wagner

016
New Developments in International IP: Three Hot Topics in 2012
Erstling

5:00 – 6:00 p.m.
RECEPTION

Register for a Chance to Win!



Register for a chance to win one of **3 iPad 3s!** The prize drawing will take place at the reception on Thursday, September 20, and you must be present at the reception during the prize drawing to win. Any person may receive an entry slip on Thursday, September 20, at the Institute registration desk until the reception begins at 5:00 p.m. Registration for the 2012 Midwest IP Institute is *not* required. The following individuals are not eligible to win: Institute faculty, planners and IP Book authors; employees of Minnesota CLE and the Minnesota State Bar Association, as well as family members of those employees.

Special thanks to our Sponsoring Firms for making the reception a truly five-star affair!

12:30 – 1:30 p.m. LUNCH (on your own)

1:30 – 2:30 p.m.
BREAKOUT SESSION G

023
First-Inventor-To-File (FITF) and Other AIA Prosecution Changes: What's Your Strategy?
Pedersen

024
Use It or Lose It: Advising Trademark Clients About Post-Registration Matters
Kelly

025
Two Doctrines that Impact Patent Licensing: Exhaustion and Implied Licenses
Kagan

2:45 – 3:45 p.m.
BREAKOUT SESSION H

026
Patent Law Snapshots
Harkness, Komarec, Snustad Koenck (moderator)

027
Advanced Issues in Trademark and Copyright Licensing
Camero, Sullivan

028
Protecting the Company from Electronic Theft of Intellectual Property
Lanterman

See next page for detailed session descriptions.

SESSION DESCRIPTIONS | DAY 1

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CHECK-IN & CONTINENTAL BREAKFAST

8:50 – 9:00 a.m.
WELCOME & INTRODUCTION

9:00 – 11:00 a.m. MAIN PLENARY SESSION

9:00 – 9:30 a.m.

My First Year on the Court of Appeals for the Federal Circuit: Lessons Learned and Advice for Every IP Lawyer

Judge Jimmie V. Reyna

9:30 – 10:30 a.m.

D.C. Update: Insights from Inside the Beltway

A one-of-a-kind session led by two noted D.C. intellectual property counsel: Roderick McKelvie (former federal judge for the District of Delaware) and Mike Jakes (lead petitioner counsel in *Bilski*). You'll watch short video clips of interviews with top federal decisionmakers specially taped for this Institute. Judge McKelvie and Mr. Jakes conducted these interviews and, in this session, provide additional thoughts about the important new IP developments discussed in these clips. Interviewees include:

- **David Kappos**
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office
- **Randall R. Rader**
Chief Judge of the United States Court of Appeals for the Federal Circuit
- **Suzanne D. Munck**
Chief Counsel for Intellectual Property at the Federal Trade Commission

*J. Michael Jakes
Roderick R. McKelvie*

10:30 – 11:00 a.m.

The America Invents Act – Changing the Landscape of Patent Law

The USPTO General Counsel reviews the major provisions of the AIA.

Bernard J. Knight, Jr.

9:00 – 11:00 a.m. ALTERNATE PLENARY SESSION

9:00 – 10:00 a.m.

How to Review a Client's IP Portfolio

Have you checked your IP lately? Companies often start businesses with a business plan, strategies and the ability to do something well, but few companies begin with the strategy of securing their IP. Instead, the IP exists in the company and might not be protected well or at all. This session explores where to begin with the client to help it gain an understanding of what it has and how to confirm its IP is secured.

Tricia A. Olson

10:00 – 11:00 a.m.

Gotchas, Mistakes, and Deals Gone Wrong! Fundamentals of IP Licensing and Assignments

There are some special "rules" when it comes to transferring trademarks, copyrights, patents and trade secrets. We'll cover lessons learned from others who used bad (and good) provisions in their licenses and assignments of IP. We'll take a pragmatic approach, present some real-world scenarios, and provide some exemplary language.

*Robert B. Leonard
Christopher M. Turoski*

11:15 a.m. – 12:15 p.m. BREAKOUT SESSION A

001

USPTO Implementation of the America Invents Act – A Behind-the-Scenes View

The USPTO General Counsel will update you on AIA rules issued to date and in the immediate pipeline. Get an insider's view of the internal considerations in developing the final rules and the impact of the public comments.

Bernard J. Knight, Jr.

002

The Year in Trademark Law: Lessons from Ten Cases

Trademark attorneys Stephen Baird and Paul Mussell analyze the practical implications of this year's ten most significant trademark decisions; including issues as wide-ranging as jurisdiction via social media, the extraterritorial reach of U.S. injunctions, personal liability for trademark infringement, the protectability of dripping wax, and a variety of others.

*Stephen R. Baird
Paul W. Mussell*

003

Patent Damages: Are There No More "Rules of Thumb"?

The law of patent damages continues to evolve as the Federal Circuit chips away at what had been well-recognized approaches used by plaintiffs over the past two decades. In this session you'll learn how parties are adapting to the ever-changing landscape, including the increasingly difficult challenge in obtaining damages for an invention that plays an isolated role in an accused product.

*Rachel C. Hughey
Karen D. McDaniel*

004

Mergers & Acquisitions – An IP Due Diligence Checklist

An attorney tasked with handling the IP issues of a business transaction must be prepared for due diligence on a wide range of IP types and issues. This session will present a checklist that covers the various types of IP that may be encountered: patent, trademarks, copyrights, trade secrets, and others, less obvious, such as designs, domain names, software, open source, in and out licensed rights, and other variants. It will help identify IP types found in various kinds of businesses, some of the due diligence issues unique to IP types and where searching or inquiry might turn up relevant information for IP due diligence.

*Stuart R. Hemphill
Jacob L. Lee*

1:30 – 2:30 p.m. BREAKOUT SESSION B

005

The New Post-Issuance Review Landscape

The America Invents Act (AIA) has already begun changing the way we practice patent law. Patents will soon be tested using new post-grant review and *inter partes* review procedures provided by the AIA. This session will provide a refresher on the landscape of various options for post-issuance review after the AIA and practical tips for how parties can use them. This session will also include discussion of how litigation and post-issuance review will work together and some of the conflicts presented when post-issuance review and litigation interact.

*Timothy E. Bianchi
Kevin H. Rhodes*

006

Celebrity Case Law: Balancing the Right of Publicity with Trademark and Copyright Principles

To what extent can celebrities control how their names and likenesses can be used by others? Tiger Woods, Shirley Jones and Michael Jordan have all been involved in significant right of publicity cases in recent years that have helped define the line between creative expression and commercial use, but many gray areas still exist. Tony Zeuli, defendant's counsel in the Michael Jordan case, discusses these decisions and opines on the future of the right of publicity.

Tony R. Zeuli

007

The Future of Joint Infringement in the U.S.: A Review of Akamai and McKesson and Their Potential Impact on Claim Drafting and Enforcement Strategies

The issue of joint infringement can arise when the elements of a claim require the combined acts of two or more entities. In such cases, it is not always clear whether direct or joint liability will apply, particularly in view of the relationship (or lack thereof) between the parties. In November 2011, the Federal Circuit heard oral argument in two separate appeals, *Akamai Technologies, Inc. v. Limelight Networks, Inc.* and *McKesson Technologies, Inc. v. Epic Systems, Corp.*, to reexamine the legal standards and requirements for joint infringement. This presentation will examine the existing standards for analyzing joint infringement, including the nature and type of relationship that must exist between the entities accused of jointly infringing a claim, provide a detailed overview of the *Akamai* and *McKesson* appeals and the new or modified legal tests that may emerge from these cases in 2012, and provide practical examples and tips so that claim drafters and patent litigants can better prepare for the future of joint infringement in the U.S.

J. Michael Jakes

008

Advanced Issues in Trademark and Copyright Licensing for In-House Counsel

This session will address advanced topics in trademark and copyright licensing. Trademark licensing topics will include co-branding and cross-licensing, along with some international issues and a little ambush marketing. Copyright licensing issues will include restrictions in software licensing, mergers and acquisitions, ownership issues, and the impact of technology on format licensing.

*Caldwell Camero
Chris Sullivan*

2:45 – 3:45 p.m.

BREAKOUT SESSION C

009

The Year in Patent Law at the CAFC and U.S. Supreme Court

This session focuses on noteworthy recent CAFC and U.S. Supreme Court patent decisions, moving beyond the basic holdings to an exploration of how the decisions are really impacting legal counseling and litigation.

*John A. Dragseth
Thomas L. Irving*

010

Controlling Brand Identity and Untangling Copyright Complexities in the Mad, Mad, Viral World

A practical look at copyright and trademark law in the rapidly changing social media context. This session explores hot-button copyright issues and tackles trademarks in terms of brand identity maintenance, review of some classic social media mistakes ("Whew! Glad that wasn't my client!"), and how to help develop corporate awareness, positions and policies to manage risk and maximize brand potential.

*Betsy Butwin
James L. Young*

011

How the America Invents Act Changes Patent Litigation

A seasoned IP trial attorney analyzes the impact of the new AIA litigation provisions (including anti-joinder), litigation strategies in light of new provisions and proceedings, ambiguities that exist and what to do in the face of those ambiguities.

Becky R. Thorson

012

Protecting the Company from Electronic Theft of Intellectual Property

Mark Lanterman, one of the area's best known experts in computer forensics, describes how your company's electronic data, trade secrets, and other sensitive information can be stolen by employees and outsiders. Through the review of actual case studies, you will learn the methods that cyber thieves use to steal data, how to prevent hacking and unauthorized access to your network, and best practices for internal security.

Mark Lanterman

4:00 – 5:00 p.m.

BREAKOUT SESSION D

013

Surviving Patent Litigation with Well-Crafted Claims

The specification, file history and claims are always the subject of close scrutiny during patent litigation. Thoughtful drafting of both the patent application and the claims should help favorably influence the outcome of patent litigation for your client by enhancing the chance the court will find claims valid, infringed, and enforceable. This presentation will provide detailed procedures and practical tips for drafting patents and claims with a goal toward having them survive the rigors of patent litigation.

Thomas L. Irving

014

Settlement Trends in Trademark Cases

An overwhelming percentage of trademark disputes are settled in court, out of court and at the Trademark Trial and Appeal Board. Learn about new developments in substantive law and in court and Board procedures relating to settlements in trademark cases. Hear about the trends here in the Minnesota and across the nation.

*Hildy Bowbeer
Thad Chaloeintiarana
Magistrate Judge Jeanne J. Graham
Kristine M. Boylan, moderator*

015

Are You Mocking My Patent Trial?

We all know that if both sides escape summary judgment in a patent case then a jury of regular citizens will decide who wins the trial. A mock trial is an efficient way to learn which arguments work with "normal people" and which arguments fall apart. In this session you'll see a mock "mock trial" and learn how to make the most of your next mock trial.

*Theodore M. Budd
Kevin P. Wagner*

016

New Developments in International IP: Three Hot Topics in 2012

In this session, Professor Erstling tackles three timely issues in international IP:

- The impact of the America Invents Act on the Patent Cooperation Treaty;
- Possible results of the USPTO's new attitude toward harmonization; and
- The new Beijing Treaty on Audiovisual Performances.

Jay Erstling

SESSION DESCRIPTIONS | DAY 2

8:30 – 9:00 a.m.
CONTINENTAL BREAKFAST

9:00 – 10:00 a.m. PLENARY SESSION

9:00 – 10:00 a.m.

Inside Minnesota IP: Meet the Inventors, Artists and Entrepreneurs

A behind-the-scenes exploration of local IP stories. You'll hear about a Minnesota songwriter who is taking on a record company to get the copyright to a popular song back, and an entrepreneur who faced down an Irish whiskey distiller over the Big Ginger cocktail. You'll also hear from the clients' attorneys about the legal strategy behind the stories.

*Kenneth J. Abdo, Brian Beutner, Kieran Folliard, Steven Greenberg & Timothy M. Kenny
Rita A. O'Keeffe, moderator*

10:15 – 11:15 a.m. BREAKOUT SESSION E

017

Fast Lane Prosecution: Allowance in One Year

Insights from a veteran patent lawyer and an experienced in-house counsel on:

- Strategies for quick patenting;
- The AIA's prioritized examination;
- Patent prosecution highway;
- The death of accelerated examination; and
- Aggressive use of interviewing.

Thomas D. Franklin & Dion Messer

018

Copyright Year in Review

Two copyright law experts discuss the practical implications of recent copyright developments; including case law on copyright limitations, fair use and the first sale doctrine, as well as legislative efforts aimed at curbing online piracy.

Calvin L. Litsey & Ruth Rivard

019

Top IP Issues in Contracts

Intellectual property is everywhere, including in your most important and even not-as-important contracts. You may not recognize the IP implications of every contract and deal, but they are still there. An IP litigator and negotiator teams up with in-house counsel to highlight the most important IP issues to look for and deal with in your contracts and licenses.

David A. Allgeyer & Steven D. Kelley

11:30 a.m. – 12:30 p.m. BREAKOUT SESSION F

020

Adding *Mayo v. Prometheus* to the Mix – Practical Analysis and Advice for Patent Prosecutors and Litigators

On March 20, 2012, the United States Supreme Court issued a unanimous decision in *Mayo Collaborative Services*

v. Prometheus Labs., Inc., finding invalid Prometheus's patent claims relating to methods of optimizing the dosage of a drug because those claims sought to cover a law of nature. The panel will discuss what constitutes patentable subject matter and not an abstract idea or law of nature under current court directives including *Bilski v. Kappos* and how to use those directives in prosecuting claims before the USPTO or in challenging the validity of the claims in litigation.

*Daniel A. Tysver & Ann S. Viksnins
Felicia J. Boyd, moderator*

021

Life in the New .world!

Get the latest updates on ICANN's new gTLD program. Learn the details regarding the new rights protection mechanisms (RPMs) available to brand holders to protect their marks once new gTLDs like .blog and .food go live. You'll hear the perspective of a brand owner and how it is preparing for the launch, as well as from the National Arbitration Forum, one of the providers for one of the new RPMs.

*Joshua J. Burke & Kristine F. Dorrain
Caroline G. Chicoine, moderator*

022

Resolving IP Disputes Pre-Suit: Aligning Strategy with Business Needs

Learn from your peers in this practical session with immediate application to your work as in-house counsel. Experienced legal counsel from businesses of differing size and type examine pre-suit resolution of intellectual property disputes – starting with tips for effectively handling matters at that very first indication of trouble. Topics will include the impact of recent legal developments such as the CAFC's decision in *In re MSTG, Inc.* (April 2012) regarding discovery of settlement negotiations in "patent troll" cases.

*Christopher A. Curry, Daniel J. Enebo & Dion Messer
Gregory C. Brown, moderator*

1:30 – 2:30 p.m. BREAKOUT SESSION G

023

First-Inventor-To-File (FITF) and Other AIA Prosecution Changes: What's Your Strategy?

You've tried to decipher what the new law says, now, in this session, Brad Pedersen considers the implications of putting the AIA changes to patent prosecution into practice. Sharpen your pencils, charge up your iPads as we dive into real-world FITF filing strategies and other prosecution considerations, including the new third party submission options.

Brad D. Pedersen

024

Use It or Lose It: Advising Trademark Clients About Post-Registration Matters

A fast-paced review of important post-registration matters that trademark lawyers and their clients should consider, including:

- How to monitor and when to enforce trademark rights;
- Understanding use requirements and developing trademark use policies;
- Addressing domain name issues;
- Identifying and avoiding fake solicitations;
- And more!

Daniel J. Kelly

025

Two Doctrines that Impact Patent Licensing: Exhaustion and Implied Licenses

Implied license and exhaustion doctrines crucially impact the drafting and negotiation of patent licenses. This presentation will analyze the current case law that interprets and distinguishes these two doctrines. This presentation also provides frameworks for analyzing implied license and exhaustion issues and then highlights tactics to account for the doctrines when drafting and negotiating licenses. Case law interpreting the Supreme Court's important *Quanta Computer, Inc. v. LG Electronics, Inc.* also will be discussed.

David B. Kagan

2:45 – 3:45 p.m.

BREAKOUT SESSION H

026

Patent Law Snapshots

Three brief presentations on three important patent topics: how to find unconventional prior art, virtual patent marking, and strategies for interviewing patent examiners.

*Jon M. Harkness, Stephen M. Komarec & Eric J. Snustad
Alan M. Koenck, moderator*

027

Advanced Issues in Trademark and Copyright Licensing

This session will address advanced topics in trademark and copyright licensing. Trademark licensing topics will include co-branding and cross-licensing, along with some international issues and a little ambush marketing. Copyright licensing issues will include restrictions in software licensing, mergers and acquisitions, ownership issues, and the impact of technology on format licensing.

Caldwell Camero & Chris Sullivan

028

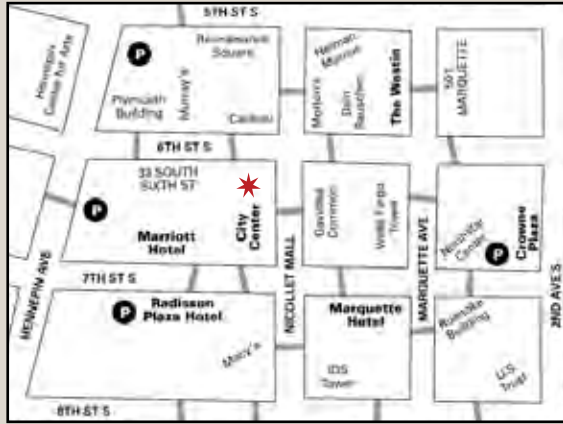
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Mark Lanterman

DATE & LOCATION

Thursday & Friday, September 20 & 21, 2012
 * Minnesota CLE Conference Center
 600 Nicollet Mall, Suite 370 (Third Floor City Center)
 Minneapolis, Minnesota



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