

THE BEVERLY HILLS HOTEL
BEVERLY HILLS, CALIFORNIA

TUESDAY
MARCH 17, 2009

USC | LAW UNIVERSITY of
SOUTHERN CALIFORNIA

USC GOULD SCHOOL OF LAW 2009

INTELLECTUAL PROPERTY INSTITUTE

FEATURING:

Chief ALJ Paul J. Luckern, ALJ Sidney Harris (ret.) and OUII Supervisory Attorney T. Spence Chubb on Patent Litigation at the ITC

Professors Lemley, McCarthy and Nimmer on An IP Year in Review

David O. Carson (General Counsel, U.S. Copyright Office) and James A. Toupin (General Counsel, USPTO) – Luncheon Keynotes

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Important

The USC Gould School of Law 2009 Intellectual Property Institute is the region's most important conference of the year for IP professionals. At this event, the IP industry's top legal experts and business people spotlight key legal and business issues in patent, copyright, trademark, trade secrets, international IP and related fields.

Sophisticated

USC Law IP Institutes are renowned both for their practicality and for their high-level academic discussion. The 2009 Institute continues its dedication to keeping decision-makers and their advisors at the forefront of emerging issues and best practices.

Unique

No other conference features such spectacular speakers and panels. Highlights include insights and strategies for litigating patent disputes at the ITC from Chief Administrative Law Judge Paul J. Luckern, Administrative Law Judge Sidney Harris (ret.) and T. Spence Chubb, Supervisory Attorney of the OUII, and an update on the significant developments in IP law from Institute favorites (and internationally renown scholars) Professors Mark A. Lemley, J. Thomas McCarthy and David Nimmer. At lunch the General Counsel of the U.S. Copyright Office and the U.S. Patent and Trademark Office will fill you in on the nuts and bolts of IP practice, developing law and potential changes coming with the new administration.

Can't-Miss

This is your opportunity to get creative ideas, real-world proven solutions and up-to-the-minute information on crucial IP challenges from the experts.

Limited Enrollment

Don't miss *the* event for IP professionals: register early to reserve your spot.

FIND THE RIGHT DIRECTION

>>> quick program guide

TUESDAY
March 17, 2009

TAILORED TO YOUR NEEDS
CHOOSE BETWEEN THE FOLLOWING AFTERNOON TRACKS:

TRACK A – Copyright Track

TRACK B – Patent & Litigation Track

TRACK C – Trademark Track

7:30 AM

Registration and Continental Breakfast
The Beverly Hills Hotel, Beverly Hills, California

8:30 AM

Welcome and Introductions

8:35 AM

Patent Litigation at the ITC

10:00 AM

Networking Break

10:15 AM

An IP Year in Review: Patent Law, Trademark Law and Right of Publicity, and Copyright Law

12:15 PM

Luncheon and Keynote Address
David O. Carson, General Counsel, U.S. Copyright Office
James A. Toupin, General Counsel, U.S. Patent and Trademark Office

1:45 PM

Breakout Session 1A – Copyright Track
Copying Redefined? The Impact of *Cablevision* on the Future of Copyright Law

Breakout Session 1B – Patent & Litigation Track
Obviousness and the Presumption of Validity Post-KSR

Breakout Session 1C – Trademark Track
Internet Auction Counterfeiters – Where is the Protection?

2:55 PM

Networking Dessert Break

3:10 PM

Breakout Session 2A – Copyright Track
Copyright Infringement and the Internet: Is Filtering the Answer (And If Not, What Is)?

Breakout Session 2B – Patent & Litigation Track
Current Ethics Issues in Patent Litigation

Breakout Session 2C – Trademark Track
Design Patents in the 21st Century: Did *Egyptian Goddess* Miss the Boat?

4:20 PM

Breakout Session 3A – Copyright & Trademark Tracks
Unreality Bytes: IP Risks in Virtual Worlds

Breakout Session 3B – Patent & Litigation Track
Licensing Practices: What has the Court Done to Your Agreements?

5:30 PM

Networking Reception – Meet the Speakers at our Hosted Reception!
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luncheon keynote speakers

DAVID O. CARSON

GENERAL COUNSEL OF THE U.S. COPYRIGHT OFFICE

JAMES A. TOUPIN

GENERAL COUNSEL OF THE U.S. PATENT AND TRADEMARK OFFICE

DAVID O. CARSON is General Counsel of the United States Copyright Office, Counsel, and a principal legal officer of that Office, with responsibility for the Office's regulatory activities, litigation, and administration of the copyright law. He also liaises on legal matters between the Office and Congress, the Department of Justice and other agencies of government, the courts, the legal community, and other interests affected by the copyright law. From 2006 to 2008, Mr. Carson was Associate Register for Policy and International Affairs at the Copyright Office. As Associate Register, he headed the Office of Policy and International Affairs, which assists the Register of Copyrights in advising Congress and executive branch agencies on domestic and international copyright policy matters. Mr. Carson represented the Copyright Office in U.S. government delegations to meetings at the World Intellectual Property Organization, including its Standing Committee on Copyright and Related Rights, and in relations with other governments and intergovernmental organizations.

Prior to joining the Copyright Office in 1997, Mr. Carson was a partner at Schwab Goldberg Price and Dannay in New York City and Cooper, Epstein & Hurewitz in Beverly Hills, California. Mr. Carson is a former trustee of the Copyright Society of the USA, a former director of the American Intellectual Property Law Association and former chair of its Committee on Copyright Law.

Mr. Carson is a graduate of Harvard Law School and received Bachelor of Arts and Master of Arts degrees in history at Stanford University.

JAMES A. TOUPIN has been General Counsel of the United States Patent and Trademark Office since 2001. As General Counsel, he has executive responsibility for the USPTO Office of the Solicitor, Office of General Law, Office of Enrollment and Discipline, Board of Patent Appeals and Interferences, and Trademark Trial and Appeal Board. Prior to becoming General Counsel, Mr. Toupin was Assistant General Counsel for Litigation of the U.S. International Trade Commission and subsequently Deputy General Counsel, supervising defense of the ITC's actions in U.S. courts and international tribunals. He also has been a member of advisory committees of the Court of International Trade and the Court of Appeals for the Federal Circuit.

Mr. Toupin began his career at Covington & Burling in Washington, D.C., specializing in intellectual property, unfair competition law and administrative agency litigation. From 1985 to 1987, he worked for Memel, Jacobs, Pierno, Gersh and Ellsworth, concentrating on international trademark registration and licensing.

Mr. Toupin received his A.B. degree with distinction from Stanford University in 1973, and his J.D. degree from the Boalt Hall School of Law, University of California at Berkeley, in 1977, where he was a member of the editorial board of the law review.

USC GOULD SCHOOL OF LAW 2009
**INTELLECTUAL PROPERTY
INSTITUTE**

tuesday MARCH 17, 2009

8:30 AM

Welcome and Introductions

Russell J. Frackman

Institute Chair

Mitchell Silberberg & Knupp LLP

Leeanna Izuel

Institute Executive Director

Assistant Dean

Continuing Legal Education

USC Gould School of Law

8:35 AM

Patent Litigation at the ITC

The U.S. International Trade Commission (ITC) is now the premier forum for litigating high-stakes patent disputes in the United States. The ITC has the power to issue cease and desist orders and to bar the importation of articles that infringe U.S. patents, a remedy of increasing importance since the U.S. Supreme Court's ruling in *eBay v. MercExchange*. Our dynamic panel of Washington insiders – including Chief Administrative Law Judge Luckern – will discuss the inner workings of the ITC and share insights and strategies for litigating patent disputes at the ITC.

MODERATOR

Steven E. Adkins

Orrick, Herrington & Sutcliffe LLP
Washington, D.C.

PANELISTS

T. Spence Chubb

Supervisory Attorney
Office of Unfair Import
Investigations
U.S. International Trade
Commission
Washington, D.C.

The Honorable Sidney Harris

Administrative Law Judge (ret.)

U.S. International Trade
Commission

Wilson Sonsini Goodrich & Rosati
Washington, D.C.

The Honorable Paul J. Luckern

Chief Administrative Law Judge

U.S. International Trade
Commission

Washington, D.C.

10:00 AM Networking Break

10:15 AM

An IP Year in Review: Patent Law, Trademark Law and Right of Publicity, and Copyright Law

For the first time, the top scholars in patent, trademark and right of publicity, and copyright come together to explain the most significant developments in IP law of the past year.

MODERATOR

Jeremy N. Williams

Senior Vice President and Deputy General Counsel
Warner Bros. Entertainment Inc.

PANELISTS

Professor Mark A. Lemley

William H. Neukom Professor of Law
Director, Stanford Program in Law, Science and Technology
Stanford Law School
Of Counsel, Kecker & Van Nest LLP
San Francisco, California

Professor J. Thomas McCarthy

Senior Professor of Law
McCarthy Institute for IP and Technology Law
University of San Francisco
Of Counsel, Morrison & Foerster LLP
San Francisco, California

Professor David Nimmer

Visiting Professor of Law
UCLA Law School
Of Counsel, Irell & Manella LLP

12:15 PM

Luncheon and Keynote Address

The General Counsel of the U.S. Copyright Office and the General Counsel of the U.S. Patent and Trademark Office engage in an informal “fireside chat”. The discussion will range from the nuts and bolts of practice and procedure, to substantive issues involving developing statutory and case law, to possible changes under the new administration.

Questions will be welcome.

MODERATOR

Michael K. Kirk

Former AIPLA Executive Director
Former Dep. Asst. Sec’y of Commerce & Dep. Com’r of Patents
IP Consultant
Santee, South Carolina

KEYNOTE SPEAKERS

David O. Carson

General Counsel
U.S. Copyright Office
Washington, D.C.

James A. Toupin

General Counsel
U.S. Patent and Trademark Office
Washington, D.C.

continuing education credits

Lawyers. Minimum Continuing Legal Education (MCLE): USC Gould School of Law certifies that this activity qualifies for minimum continuing legal education credit in the amount of 7.5 hours, of which 1.25 hours applies to legal ethics credit. The USC Gould School of Law is a State of California approved MCLE provider, and certifies that an application for renewal of provider status is pending. This event may meet the requirements for continuing legal education credits in other states. Please check with the State Bar Association or Supreme Court in the state in which you are seeking continuing legal education credits to see if this program is eligible.

e indicates number of hours of MCLE legal ethics credit available for a particular session.

Accountants. Continuing Professional Education (CPE): This program meets the guidelines set by the California State Board of Accountancy in the amount of 7.0 hours.

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■ TRACK A – COPYRIGHT TRACK

■ TRACK B – PATENT & LITIGATION TRACK

■ TRACK C – TRADEMARK TRACK

1:45 PM

BREAKOUT SESSION 1A

COPYRIGHT TRACK

Copying Redefined? The Impact of *Cablevision* on the Future of Copyright Law

It has been 25 years since the *Betamax* decision, in which the convergence of intellectual property and new technology (the VCR) changed the future of copyright law. The recent *Cablevision* decision has the potential to have the same impact. By redefining “copying,” the Second Circuit has influenced the way content is delivered to consumers and the use of new technology (the remote DVR), and has taken the next step in the development of copyright law in the digital environment. Join this panel of legal experts and representatives of the entertainment, software and cable industries as they examine the *Cablevision* decision and offer their views on how it may alter the copyright landscape.

MODERATOR

Professor Jennifer M. Urban

Clinical Associate Professor of Law
Director, Intellectual Property and
Technology Law Clinic
USC Gould School of Law

PANELISTS

Daniel L. Brenner

Senior Vice President, Law &
Regulatory Policy
National Cable &
Telecommunications Association
Washington, D.C.

Russell J. Frackman

Mitchell Silberberg & Knupp LLP

Steven P. Tapia

Senior Attorney
Microsoft Corporation
Redmond, Washington

BREAKOUT SESSION 1B

PATENT & LITIGATION TRACK

Obviousness and the Presumption of Validity Post-KSR

How are courts determining obviousness as a matter of law (on summary judgment or JMOL) in the wake of *KSR v. Teleflex*? How has *KSR* affected the roles of the court and jury? What effect has *KSR* had on the presumption of validity? Do recent cases suggest a weakening of the presumption? Our panel will address these questions and examine the far-reaching effects – intended and perhaps unintended – of the Supreme Court’s decision.

MODERATOR

Charles S. Barquist

Morrison & Foerster LLP

PANELISTS

Professor John F. Duffy

Professor of Law
Oswald Symister Colclough
Research Professor
The George Washington University
Law School
Washington, D.C.

William F. Lee

Wilmer Cutler Pickering Hale and
Dorr LLP
Boston, Massachusetts

BREAKOUT SESSION 1C**TRADEMARK TRACK****Internet Auction Counterfeiters –
Where is the Protection?**

The recent *eBay/Tiffany* decision and similar decisions in France and Germany have grappled with the increasingly important legal issues relating to the sale of counterfeit and other infringing merchandise through online auction or other sites. The panel, which includes both eBay's and Tiffany's trial counsel, as well as the associate vice president of Sanofi-aventis U.S. and the chief IP counsel from Gucci, will discuss the legal issues involved, including potential direct and contributory trademark liability. The panel also will assess the status of, and their practical experience with, DMCA takedown notices and alternative procedures provided by online sites.

MODERATOR**Ronald L. Johnston**

Arnold & Porter LLP

PANELISTS**Dennis Kinley**Associate Vice President,
U.S. Security
Sanofi-aventis U.S.
Bridgewater, New Jersey**R. Bruce Rich**Weil, Gotshal & Manges LLP
New York, New York**James B. Swire**Arnold & Porter LLP
New York, New York**Vanni Volpi, Esq.**Chief Intellectual Property Counsel
Guccio Gucci, S.p.A.
Florence, Italy**2:55 PM Networking Dessert Break****3:10 PM****BREAKOUT SESSION 2A****COPYRIGHT TRACK****Copyright Infringement and the
Internet: Is Filtering the Answer
(And If Not, What Is)?**

The panel, consisting of a legal scholar and representatives from both the content and technology sectors, will review developments in the ongoing effort to define the parameters of digital copyright infringement and analyze the efforts to accommodate copyright, technology, and consumer interests. In the context of previous decisions and ongoing litigation involving peer-to-peer and user-generated content technologies, the panel will explore the state of the law, and particularly the effect of emerging filtering technologies, on the rights and liabilities of those in the chain of content exhibition and distribution, both in the U.S. and internationally.

MODERATOR**Andrew P. Bridges**Winston & Strawn LLP
San Francisco, California**PANELISTS****Professor Douglas Lichtman**Professor of Law
UCLA School of Law**Fred von Lohmann**Senior Intellectual Property
Attorney
Electronic Frontier Foundation
San Francisco, California**continued>>>**

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■ TRACK B – PATENT & LITIGATION TRACK

■ TRACK C – TRADEMARK TRACK

BREAKOUT SESSION 2B

PATENT & LITIGATION TRACK

Current Ethics Issues in Patent Litigation

A number of sanctions decisions over the past year have demonstrated yet another facet of today's high stakes patent litigation. Patent litigators face challenges where a misstep could lead to sanctions imposed against lawyers and their clients, on issues ranging from pre-filing investigation, to discovery misconduct, to presenting frivolous or precluded arguments to the jury. Join an experienced trial judge, a professor of legal ethics, and a seasoned patent litigator as they examine recent cases and offer guidance on navigating the boundaries of zealous advocacy in patent cases.

e 1.25 hours of legal ethics credit available

MODERATOR

Jeffrey K. Joyner
Greenberg Traurig, LLP

PANELISTS

Neal S. Cohen
Faegre & Benson LLP
Boulder, Colorado

Professor David Hricik
Professor of Law
Mercer University
Walter F. George School of Law
Macon, Georgia

The Honorable George H. Wu
United States District Court
Central District of California

BREAKOUT SESSION 2C

TRADEMARK TRACK

**Design Patents in the 21st Century:
Did Egyptian Goddess Miss the Boat?**

Egyptian Goddess, Inc. v. Swisa, Inc. was the Federal Circuit's first *en banc* foray into the world of design patents. In its wake, controversy still surrounds the proper role of such patents in our IP system. This panel will wade into the heart of the controversy, with two leading practitioners taking opposing views. United States District Judge Christina A. Snyder will offer a more dispassionate view from the bench and, with the moderator, maintain order.

MODERATOR

Jonathan H. Steinberg
Irell & Manella LLP

PANELISTS

Alan L. Barry
Bell, Boyd & Lloyd LLP
Chicago, Illinois

Perry Saidman

Principal
SAIDMAN DesignLaw Group, LLC
Silver Spring, Maryland

The Honorable Christina A. Snyder
United States District Court
Central District of California

upcoming programs

REAL ESTATE LAW AND BUSINESS

March 25, 2009
Millennium Biltmore Hotel, Los Angeles, California

ENTERTAINMENT LAW AND BUSINESS

October 2009
USC University Park Campus, Los Angeles, California

TRUST AND ESTATE CONFERENCE

November 2009
Los Angeles, California

4:20 PM

BREAKOUT SESSION 3A

COPYRIGHT & TRADEMARK TRACKS

Unreality Bytes: IP Risks in Virtual Worlds

Virtual worlds such as “Second Life” implicate real world trademark, copyright, and right of publicity issues. At the same time, they present new opportunities for companies to expand into virtual world markets by opening their own stores and making use of the unique environment for advertising and promotion of their own products and services.

The expert panel will review how to accommodate these competing interests, illustrate mechanisms available to protect intellectual property in the virtual world and discuss real world litigation issues.

MODERATOR

Russell G. Weiss
Partner
Morrison & Foerster LLP

PANELISTS

S. Gregory Boyd, M.D.
Associate
Davis & Gilbert LLP
New York, New York

Alan W. Bruggeman
Attorney
Interactive Entertainment Business
Microsoft Corporation
Redmond, Washington

Andrew S. Zaffron
Executive Vice President and
General Counsel
Sony Online Entertainment LLC
San Diego, California

BREAKOUT SESSION 3B

PATENT & LITIGATION TRACK

Licensing Practices: What has the Court Done to Your Agreements?

Previous licensing strategies may not work for your client in the current legal environment. Should existing agreements be re-negotiated and revised? Should future agreements use different standard language than that used in the past? This panel will provide a practical and strategic approach to various “hot” patent licensing issues, especially in the wake of such recent Supreme Court cases as *Quanta Computer*, *eBay* and *Medimmune*.

MODERATOR

William B. Bunker
Knobbe Martens Olson & Bear LLP

PANELISTS

Samir B. Armaly
Senior Vice President,
Patent Licensing
Macrovision Solutions Corporation

Kevin D. DeBré
Stubbs Alderton & Markiles, LLP

Terry D. Garnett
PaulHastings

David L. Lubitz
Director of Licensing
Intellectual Property & Licensing
Microsoft Corporation
Redmond, Washington

5:30 PM

Networking Reception

Meet the Institute speakers at our hosted cocktail reception!

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adjournment<<<

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University of Southern California

Michael D. Young
Alston & Bird LLP

Richard H. Zaitlen
Pillsbury Winthrop Shaw Pittman LLP



frequently asked questions

Registration

The Registration fees are outlined on the inside back cover of this brochure. Your fee includes all Institute sessions, the Institute luncheon, all refreshment breaks, the cocktail reception, and a copy of the Institute Syllabus (a volume of outlines, articles, forms and practical information prepared by our speakers) in print or CD-ROM formats.

Badge Pick-Up

All badges will be held at Will Call, which opens at 7:30 AM on the morning of the Institute, located downstairs in the Crystal Foyer of the Hotel. No badges will be mailed.

Refunds

Any request for refunds must be in writing and postmarked, emailed, or faxed no later than **March 6, 2009**. All requests will be processed following the Institute. Refund requests may be submitted:

By mail:

IPI Refunds
USC Gould School of Law
Continuing Legal Education
1149 South Hill Street, Suite 340
Los Angeles, CA 90015

By fax: (213) 743-1830

Or by email: cle@law.usc.edu

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Please contact the USC Gould School of Law Continuing Legal Education Office at **(213) 743-1772** or cle@law.usc.edu for assistance with any dietary or access needs.

Dress Code

The dress code for the Institute is business attire.

Location, Parking and Hotel

The Institute will be held at:

The Beverly Hills Hotel

9641 Sunset Boulevard
Beverly Hills, California 90210
Information: (310) 276-2251
www.beverlyhillshotel.com

A limited number of rooms are available at the Hotel. For reservations, please contact Wendy Wiley at the USC Gould School of Law Continuing Legal Education Office at **(213) 743-1772** or email us at cle@law.usc.edu to take advantage of discounted rates.

Discounted parking for the Institute is available at the Hotel valet at a rate of \$12 per day. Your valet ticket will be color-coded to reflect this discounted rate. No stamp is necessary.

Syllabus

A Syllabus of up-to-date analyses and practical materials prepared by our speakers will be distributed to registrants at the Institute. Subject to availability, additional copies of the Syllabus may be purchased after the Institute for \$150 each (print format) or \$60 each (CD-ROM format).

To purchase a Syllabus, order online at <http://law.usc.edu/cle/ipi> or email cle@law.usc.edu.

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registration form

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TUESDAY, MARCH 17, 2009**

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1149 South Hill Street, Suite 340
Los Angeles, CA 90015
- **Fax** completed form with credit card information to **(213) 743-1830**

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