



**ABA ANNUAL MEETING | ABA-IPL PROGRAMS**

August 2-7 | 2012

**CHICAGO**

# ABA Annual Meeting and ABA Section of Intellectual Property Law Programs



We welcome you to experience the headquarters city of the American Bar Association. Chicago offers something for everyone. Visit this world class city and its renowned restaurants, premier shopping, dynamic theater, vibrant nightlife and more.

**At this year's Annual Meeting, we are proud to offer you the best continuing legal education programming, networking opportunities and special events while taking advantage of our city.**



## Sights Truly Worth Seeing

Walk out onto the water of Lake Michigan with a visit to Navy Pier. Visit The Ledge at Skydeck Chicago in the Willis Tower, and you can practically walk on air more than 1,000 feet in the sky. Chicago's most out-of-this-world experience is back at ground level: Millennium Park where you can view the park's Cloud Gate sculpture ("The Bean"), Pritzker Pavilion, Crown Fountain and other fascinating features. Take a walk, a bridge away, and arrive at the Art Institute of Chicago to view one of the finest art collections in the world. Don't stop there, partake in one of many of Chicago's boat tours along the river to explore the architecture of the city.

The Section of Intellectual Property Law will once again feature front line programming and valuable networking opportunities at this premier conference for legal professionals. We invite you to preview our exciting agenda with relevant and expert-led continuing legal education programs and roundtables. Here are some of the highlights:

- **Roundtable sessions preview:** Abiding by Protective Orders, Trial and Discovery Practice Before the New USPTO Patent and Appeal Board, Copyright in an Augmented Reality, and Legacy Brands: Breathing New Life into Old Marks
- **Program highlights preview:** Trademark and Copyright Due Diligence in Corporate Transactions, The Supreme Court in Review, Social Media Promotions and their Implications on the Right of Publicity
- **Mark T. Banner Award Luncheon,** Saturday, August 4, featuring guest speaker and presentation of the 2012 Mark T. Banner Award
- **Professional Development Program:** Improve Your Public Speaking Skills
- **Section Open Forum** discussion on the America Invents Act, followed by afternoon session on issues relating to online piracy and counterfeiting
- **Sunday morning program based on a new ABA-IPL book:** *Patently Persuasive – Patent Jury Trial Selection and Persuasion*
- **Networking Events:** ABA-IPL Diversity in IP Law Networking Event, Annual Section Welcome Reception – at the headquarters hotel – Swissôtel, and the Section Celebration Event at the Museum of Contemporary Art – featuring food stations, open bar and entertainment
- **Opportunities to participate in ABA-wide activities and events**

*In just a few days, you can earn an entire year's worth of CLE credit and keep up to date on the latest developments and issues critical to your practice. You'll also have numerous occasions to network with the world's leading IP practitioners.*

*We look forward to welcoming you to the city of ABA headquarters – Chicago!*



# Schedule At A Glance

All programs and events will take place at the Swissôtel unless otherwise noted.



## Thursday, August 2

10:00 am – 5:00 pm	IP Central Hospitality Hub and Cyber Café
6:30 – 9:00 pm	Leadership Dinner <i>(by invitation)</i>

## Friday, August 3

8:00 am – 5:00 pm	IP Central Hospitality Hub and Cyber Café
8:30 – 10:00 am	<b>CLE Program:</b> Promises and Predictions: A Paradigm Shift for Proof of Patentable Utility? <i>(Hyatt Regency Chicago)</i>
8:30 – 10:00 am	<b>CLE Program:</b> Trademark and Copyright Due Diligence in Corporate Transactions <i>(Hyatt Regency Chicago)</i>
10:30 – 11:30 am	<b>CLE Roundtable:</b> Advance Strategies in Trade Secret Cases
10:30 – 11:30 am	<b>CLE Roundtable:</b> Breathing New Life into Old Marks: The Legal and Ethical Issues Surrounding Legacy Brands
10:30 – 11:30 am	<b>CLE Roundtable:</b> Copyright Fair Use: Mirror, Mirror on the Wall, Who is the Fairest One of All?
10:30 – 11:30 am	<b>CLE Roundtable:</b> Patent Portfolio Management Strategies and Considerations under America Invents Act
11:30 am – 12:30 pm	<b>Professional Development Program:</b> Improve Your Public Speaking Skills <i>(CLE Credit Available)</i>
12:30 – 1:30 pm	Networking Luncheon <i>(Ticketed Event - \$35)</i>
2:00 – 3:30 pm	<b>CLE Program:</b> The Supreme Court in Review <i>(Hyatt Regency Chicago)</i>
3:45 – 5:15 pm	<b>CLE Program:</b> WIPO Mediation and Arbitration: Alternative to Global Patent Litigation <i>(Hyatt Regency Chicago)</i>
4:00 – 5:00 pm	<b>CLE Roundtable:</b> Top Secret – Abiding by Protective Orders
4:00 – 5:00 pm	<b>CLE Roundtable:</b> What ACTA Means for Your Company or Client's Ability to Combat Counterfeiting
4:00 – 5:00 pm	<b>CLE Roundtable:</b> Copyright in an Augmented Reality
4:00 – 5:00 pm	<b>CLE Roundtable:</b> Trial & Discovery Practice Before the New USPTO Patent Trial & Appeal Board
5:30 – 7:00 pm	Section Welcome Reception <i>(Ticketed Event - \$20)</i> <i>Sponsored by McAndrews, Held &amp; Malloy, Ltd.</i>

## Saturday, August 4

7:30 am – 5:00 pm	IP Central Hospitality Hub and Cyber Café
7:30 – 9:30 am	Continental Breakfast
8:30 – 11:30 am	<b>Section Open Forum:</b> The America Invents Act at One Year: The Journey to Full Implementation <i>(CLE Credit Available)</i>
11:30 – 11:45 am	Annual Business Meeting with Elections
12:00 – 1:30 pm	Mark T. Banner Award Luncheon <i>(Ticketed Event - \$65)</i>
2:00 – 5:00 pm	<b>Section Open Forum:</b> <i>(CLE Credit Available)</i> <ul style="list-style-type: none"> <li>■ The Scope and Severity of Extra-Territorial Online Piracy and Counterfeiting</li> <li>■ The Government's Response: Developing Effective and Balanced Solutions</li> </ul>
5:00 – 6:30 pm	ABA-IPL Diversity in IP Law Networking Event <i>(Complimentary)</i>
7:00 – 10:00 pm	Section Celebration at the Museum of Contemporary Art <i>(Ticketed Event - \$150, transportation to be provided)</i> <i>Sponsored by Banner &amp; Witcoff, Ltd.</i>

## Sunday, August 5

8:00 – 11:00 am	IP Central Hospitality Hub and Cyber Café
8:30 – 10:00 am	<b>CLE Program:</b> Patently Persuasive – Patent Jury Trial Selection and Persuasion <i>(Hyatt Regency Chicago)</i>
8:30 – 10:00 am	<b>CLE Program:</b> Social Media Promotions and the Potential Implications of the Right of Publicity <i>(Hyatt Regency Chicago)</i>
8:30 – 11:00 am	Leadership Development Session
11:00 am – 1:00 pm	Divisions Action Planning Sessions
11:30 am – 1:30 pm	Margaret Brent Award Luncheon <i>(Hyatt Regency Chicago)</i>



### IP Central – Hospitality Hub with Cyber Café

**Bianco Room, 3rd Floor, Swissôtel**

<b>Details on Pages:</b>	<b>Thursday, August 2</b> – 10:00 am – 5:00 pm
<b>CLE Programs</b>	<b>Friday, August 3</b> – 8:00 am – 5:00 pm
<b>Section Leadership</b>	<b>Saturday, August 4</b> – 7:30 am – 5:00 pm
<b>ABA Highlights</b>	<b>Sunday, August 5</b> – 8:00 am – 11:00 am

We invite you to join fellow Section members in the IP Central – Hospitality Hub anytime throughout the conference. IP Central is a place to relax, network between sessions, catch up on work at the Cyber Café, and learn more about ABA-IPL products, publications and upcoming events.

# ABA-IPL CLE Programs

## FRIDAY AUGUST 3

8:30 – 10:00 am

CLE PROGRAMS – TWO CONCURRENT SESSIONS

### Promises and Predictions: A Paradigm Shift for Proof of Patentable Utility?

What proof is required to show utility in a pharmaceutical patent? Is it credible, specific and substantial utility? Is it a demonstration or sound prediction of utility which meets the “promise of the patent”? Experts in U.S., European, Canadian, and Chinese patent laws will compare and contrast utility requirements and the different approaches used by patent offices and courts, including: 1) statutory and treaty based requirements; 2) articulation and interpretation of the statutory requirements by courts; 3) the role for experimental evidence demonstrating effectiveness of a claimed pharmaceutical treatment; and 4) recent cases which illustrate comparable and contrasting approaches.

**MODERATOR:**  
**Arvie J. Anderson**,  
 Eli Lilly and Company,  
 Indianapolis, IN

**SPEAKERS:**  
**Jay Erstling**, Patterson  
 Thuente Christensen  
 Pedersen, Minneapolis, MN  
**Tina TAI Hong**, China Patent  
 Agent, Wanchai, Hong Kong  
**Oliver Kingsbury**, Elkington  
 and Fife LLP, Holburn Circus,  
 London

**Howard W. Levine**,  
 Finnegan Henderson  
 Farabow Garrett and  
 Dunner LLP, Washington, DC

**Jamie Mills**, Borden Ladner  
 Gervais, Toronto, ON,  
 Canada

### Trademark and Copyright Due Diligence in Corporate Transactions

This program will explore preparing copyright and trademark portfolios for intellectual property assets in corporate transactions. Assets to be explored include: domain names, social media websites, mobile applications, and related new media properties for review and disclosure in significant corporate transactions. Speakers will also share how to analyze and assess third party disclosures of these intellectual property assets and identify additional assets for disclosure and potential purchase.

**MODERATOR:**  
**Tricia Thompkins**, Perry Ellis  
 International, Miami, FL

**SPEAKER:**  
**Charles R. Macedo**, Amster  
 Rothstein & Ebenstein LLP,  
 New York, NY

10:30 – 11:30 am

CLE ROUNDTABLES – FOUR CONCURRENT SESSIONS

### Advance Strategies in Trade Secret Cases

As trade secret litigation takes on increased importance to companies on a global basis, new strategies are necessary to discover and protect against misappropriation. This roundtable discussion will focus on advanced techniques for pre-suit investigation, discovery, motion practice, settlement, and compliance monitoring. Strategies for litigation avoidance will also be reviewed, including strategies for the implementation of employee restrictive covenants and methods to promote adherence to restrictive covenants. Discussion will conclude with an overview regarding significant trade secret decisions from 2011.

**ROUNDTABLE HOST:**  
**H. Alan Rothenbuecher**,  
 Schottenstein, Zox & Dunn  
 Co., LPA, Cleveland, OH

**SPEAKER:**  
**R. Jason D’Cruz**, Morris,  
 Manning & Martin LLP,  
 Atlanta, GA

FRIDAY AUGUST 3 [10:30 – 11:30 am]

### Breathing New Life into Old Marks: The Legal and Ethical Issues Surrounding Legacy Brands

Retro brands are all the rage in the 21st Century and protecting these marks poses a variety of legal and ethical challenges to trademark practitioners. The discussion of this roundtable will focus on the following areas: issues surrounding resurrecting and maintaining legacy trademarks, trademark auctions, and brand acquisition organizations.

**ROUNDTABLE HOST:**  
**Rick Biagi**, Neal & McDevitt,  
 LLC, Northfield, IL

### Copyright Fair Use: Mirror, Mirror on the Wall, Who is the Fairest One of All?

“Snow White and the Seven Dwarfs” comes to mind when you hear those famous words. ABC aired a series “Once Upon Time” based on a compilation of fairytales, including *Snow White*. Roth Films and Universal Pictures have now produced a movie “*Snow White and the Huntsman*”. How is this possible? Did they take a license from Disney? Did they rely on fair use? This roundtable will discuss the numerous statutory limitations that inhibit an author’s exclusive rights under U.S. copyright law. Discussion will examine the statutory factors used by courts to determine whether the use is fair under 17 U.S.C. § 107; fair use of published vs. unpublished works and commercial vs. non-commercial purposes; recent cases and trends; how good faith and fair dealing impacts a finding of fair use and more.

**ROUNDTABLE HOST:**  
**James B. Astrachan**,  
 Astrachan Gunst Thomas  
 Rubin, P.C., Baltimore, MD

**SPEAKERS:**  
**John T. Aquino**, Silver  
 Spring, MD

**Patricia E. Campbell, LLM**,  
 University of Maryland  
 Francis King Carey School of  
 Law, Baltimore, MD

**Victor S. Perlman**,  
 American Society of Media  
 Photographers (ASMP),  
 Philadelphia, PA

### Patent Portfolio Management Strategies and Considerations under America Invents Act

Now that the America Invents Act (AIA) is nearly fully implemented, this panel of AIA experts will discuss and share information on how the AIA is impacting innovators’ protection of inventions, AIA patent portfolio considerations, and practical observations. In particular, the discussion will cover practical implications from the change to prior user rights, small or micro-inventor provisions, contracting considerations, and post grant review considerations, and offer an overview of the implications related to the first-inventor-to-file and the accompanying changes to the definition of prior art. Strategic considerations for innovators and patent portfolio managers will also be discussed in addition to the potential pitfalls for the unwary.

**ROUNDTABLE HOST:**  
**Nathan Prepelka**, The Webb  
 Law Firm, Pittsburgh, PA

**SPEAKERS:**  
**Brian P. O’Shaughnessy**,  
 Buchanan Ingersoll &  
 Rooney, PC, Alexandria, VA

**Jonathan Sick**,  
 McAndrews, Held & Malloy,  
 Ltd., Chicago, IL

**Hon. Michael Tierney**, Lead  
 Judge of the Board of Patent  
 Appeals and Interferences,  
 USPTO, Alexandria, VA

**Robert Titus**, Eli Lilly and  
 Company, Indianapolis, IN



# ABA-IPL CLE Programs

FRIDAY AUGUST 3

<b>2:00 – 3:30 pm</b>		<b>CLE PROGRAMS – TWO CONCURRENT SESSIONS</b>	
<b>The Supreme Court in Review</b>			
<p>An expert panel will focus on the recent Supreme Court cases, from 2010 to the present and the impact the decisions will have on intellectual property litigation. Discussion will include the fallout from the four IP related cases from the 2010 term:</p> <p><i>Costco v. Omega</i> – covering copyright/grey market good/first sale doctrine; <i>GlobalTech</i> – covering willful blindness standard and clearance options; <i>Stanford v. Roche</i> – covering obligations to assign used by corporations and how those forms need to be changed; <i>Microsoft v. i4i</i> – covering what can come into evidence based on dicta in the opinion and the use of legal experts. Four cases within the October 2011 term will be decided by June of 2012 and their outcomes will be discussed: <i>Mayo v. Prometheus</i>, <i>Kappos v. Hyatt</i>, <i>Caraco v. Novo Nordisk</i>, and <i>Golan v. Holder</i>.</p>		<p><b>MODERATOR:</b> <b>Bradley C. Wright</b>, Banner &amp; Witcoff, Ltd., Washington, DC</p> <p><b>SPEAKERS:</b> <b>Hon. James F. Holderman</b>, Chief Judge for the United States District Court for the Northern District of Illinois, Chicago, IL <b>David Marcus</b>, Comcast Cable Communications, Philadelphia, PA <b>Hon. Paul R. Michel</b>, Former Chief Judge, U.S. Court of Appeals for the Federal Circuit, (ret.), Washington, DC (invited)</p>	
<b>3:45 – 5:15 pm</b>			
<b>WIPO Mediation and Arbitration: Alternative to Global Patent Litigation</b>			
<p>This program will provide attendees with a tutorial on the World Intellectual Property Organization (WIPO) arbitration from an arbitrators and users view point for a better understanding of the process. Gain further insight into the following topic areas; benefits of utilizing a patent and intellectual property friendly arbitration/mediation organization, increasing cross border litigation adding to costs and complexity of patent enforcement and increase in contractual disputes involving patent and other intellectual property rights originating from license and collaboration agreements.</p>		<p><b>MODERATOR:</b> <b>Barry Eagar</b>, B. Eagar Patent &amp; Trademark Attorneys, Australia</p> <p><b>SPEAKERS:</b> <b>Peter L. Michaelson</b>, Michaelson ADR Chambers, LLC, Rumson, NJ <b>Adam Rattray</b>, WIPO Arbitration and Mediation Center, Geneva, Switzerland</p>	

**11:30 am – 12:30 pm**

## Professional Development Program:

### Improve Your Public Speaking Skills (CLE Credit Available)

Attorneys are called upon to speak in public constantly, but they are rarely trained in speaking skills. A seasoned professional, Faith Pincus will teach you basic and advanced speaking skills that are guaranteed to improve your public speaking. As a licensed attorney, Ms. Pincus is uniquely positioned to understand the speaking skills required of attorneys. Learn how to use your voice, your words and your body to enhance your presentation style and get your message heard.

#### Attendees will learn:

- Three ways to improve your public speaking instantly
- The best and easiest ways to organize your presentation
- Dynamic Delivery and Presence: Top Tips
- How to avoid Death by PowerPoint

#### SPEAKER:

**Faith Pincus**, Pincus Communications, Inc., Paradise, CA

**12:30 – 1:30 pm**

## Networking Luncheon

Put your networking skills to work!

Come to lunch and meet and converse with colleagues and other Section members.

(Ticketed Event)

FRIDAY AUGUST 3

<b>4:00 – 5:00 pm</b>		<b>CLE ROUNDTABLES – FOUR CONCURRENT SESSIONS</b>	
<b>Top Secret – Abiding by Protective Orders</b>			
<p>Most patent litigations have protective orders that limit the disclosure of confidential business information, and rely upon an attorney's discretion and adherence to the order. At the International Trade Commission (ITC), for Section 337 patent litigations, a standard Protective Order is issued by each of the Administrative Law Judges for each investigation. This Protective Order limits the disclosure of confidential business information to outside counsel that have subscribed to the Protective Order, causing several difficulties and possible violations. This roundtable discussion will provide the perspectives of both inside and outside counsel exploring the pros and cons of current practices pertaining to Protective Orders at the ITC and the consequences of a breach.</p>		<p><b>ROUNDTABLE HOST:</b> <b>Monisha Deka</b>, White and Case LLP, Washington, DC</p> <p><b>SPEAKERS:</b> <b>Daniel P. DiNapoli</b>, Kaye Scholer, New York, NY <b>Karin Norton</b>, Samsung Electronics America, Inc., Washington, DC <b>Kimberly R. Parke</b>, Dickstein Shapiro LLP, Washington, DC</p>	
<b>What ACTA Means for Your Company or Client's Ability to Combat Counterfeiting</b>			
<p>Anti-counterfeiting enforcement has largely been the subject of national law, and until recently, there are limited mechanisms for collaboration between countries to curb counterfeiting after it crosses the border. The Anti-Counterfeiting Trade Agreement Act (ACTA) is a multilateral agreement that encourages cooperation among signatories in enforcement against counterfeiters, which may lead to increased efficacy in anti-counterfeiting measures. This roundtable discussion will focus on how rights holders will be affected by the new treaty, how they will benefit, and how to take advantage of the new measures.</p>		<p><b>ROUNDTABLE HOST:</b> <b>John Richards</b>, Ladas &amp; Parry LLP and a professor at John Marshall Law School and Fordham Law School</p> <p><b>SPEAKER:</b> <b>John McKeown</b>, Cassels Brock &amp; Blackwell LLP, Toronto, Canada</p>	
<b>Copyright in an Augmented Reality</b>			
<p>Google's recent announcement of its "Project: Glass" – a digital heads-up display that users will wear in their eyeglasses – is only one of the latest indications that <i>Terminator</i>-style vision will be the next big thing in digital media. How will copyright law fare in a world where digital content can be superimposed onto anything and everything in the physical world? Join this roundtable discussion to see how Augmented Reality technology may facilitate infringements, its effects on moral rights under the Visual Artists Rights Act (VARA), and whether or not copyright laws will need to adapt to the new technology.</p>		<p><b>ROUNDTABLE HOST:</b> <b>Sophie Cohen</b>, Cobalt LLP, Berkeley, CA</p> <p><b>SPEAKER:</b> <b>Brian D. Wassom</b>, Honigman Miller Schwartz and Cohn LLP, Detroit, MI</p>	
<b>Trial and Discovery Practice Before the New USPTO Patent Trial &amp; Appeal Board (PTAB)</b>			
<p>The America Invents Act (AIA) laid the statutory foundation for two new adversarial Patent Office proceedings; Post-Grant Review and <i>Inter Partes</i> Review. The Patent Office published proposed rules for these new PTAB proceedings, and will issue final rules at least a month prior to the September 16, 2012 date when the proceedings will be implemented. Discussion will cover trial and discovery practice under the new rules, focusing on how these proceedings are expected to operate, strategic considerations for practice under the rules, as well as tactics and expectations on the interplay between parallel ITC and District Court litigation.</p>		<p><b>ROUNDTABLE HOST:</b> <b>Jonathan Sick</b>, McAndrews, Held &amp; Malloy, Ltd., Chicago, IL</p> <p><b>SPEAKERS:</b> <b>Scott A. McKeown</b>, Oblon, Spivak, McClelland, Maier &amp; Neustadt, LLP, Chicago, IL <b>Hon. Michael P. Tierney</b>, Lead Judge of the Board of Patent Appeals and Interferences, USPTO, Alexandria, VA</p>	

# ABA-IPL CLE Programs

## SATURDAY AUGUST 4

8:30 – 11:30 am

### Section Open Forum:

#### The America Invents Act at One Year: The Journey to Full Implementation

The past year has seen a remarkable set of rulemaking efforts at the United States Patent and Trademark Office come to fruition transparently and on-schedule; with new rules set to take effect that will impact all aspects of the patenting process, from pre-filing activities for patent applicants to patent procurement to the new post-issuance proceedings the Office will conduct. The forum will commence with presentations by senior leaders of the Office on these core implementation issues and then proceed with opportunities for participants to engage with the Office on these and other issues relating to the historic first year of what USPTO Director Kappos has hailed as “the world’s first 21st century patent system.”

#### MODERATOR:

**Robert A. Armitage**,  
Eli Lilly and Company,  
Indianapolis, IN

#### SPEAKERS:

**David J. Kappos**, Under  
Secretary of Commerce  
for Intellectual Property  
and Director of the USPTO,  
Alexandria, VA

**Bernard Knight**,  
General Counsel, USPTO,  
Alexandria, VA

**Hon. Michael P. Tierney**,  
Lead Judge of the Board  
of Patent Appeals and  
Interferences, USPTO,  
Alexandria, VA

11:30 – 11:45 am

### Annual Business Meeting with Elections

Immediately following the Section Open Forum, the election of Section leaders for the new Association year as well as other governance issues such as bylaw amendments that require a vote of the Section membership will take place. All Section members are encouraged to participate and vote on these issues that will set the path for the Section.

2:00 – 5:00 pm

### Section Open Forum:

#### The Scope and Severity of Extra-Territorial Online Piracy and Counterfeiting

Congress attempted to advance new legislation to fight online piracy and counterfeiting. In considering the “Stop Online Piracy Act,” we also had a new word added to our lexicon – SOPA. The SOPA and PIPA legislative debate was a reaction to the problems experienced by U.S. creative and innovative industries. The economic damage impacts U.S. job growth and the economy. In contrast, the tech community launched an unprecedented backlash media and advocacy storm to beat back the bills, which culminated in the January 18, 2012 Internet blackout of several prominent websites. This panel will address the scope and severity of the problem arising from online piracy and counterfeiting, in terms of the economic harm to U.S. industry and the economy and the potential harms to the health, safety, and the public welfare. Case studies and empirical reports about how some of the most notorious overseas online markets and rogue sites harm U.S. interests on a daily basis will be shared.

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

#### SPEAKERS:

**Kira M. Alvarez**, Chief  
Negotiator and Deputy  
Assistant U.S. Trade  
Representative for Intellectual  
Property Enforcement,  
Washington, DC

**Laura Covington**, Yahoo,  
Inc., Sunnyvale, CA

**Robert Lindefjeld**, Nantero,  
Inc., Woburn, MA

**Mary Rasenberger**, Cowan,  
DeBaets, Abrahams and  
Sheppard LLP, New York, NY

**Tim Trainer**, Global  
Intellectual Property  
Strategy Center, P.C.  
Washington, DC

## SATURDAY AUGUST 4

### The Government’s Response: Developing Effective and Balanced Solutions

A discussion of the issues under review as Congress considers developing solutions to overseas piracy and counterfeiting will be featured. These problems are estimated to cost the U.S. as much as \$100 billion per year and involve criminal enterprises. The problem of the piracy and counterfeiting ranges from movies, music, to everyday consumer items. Issues surrounding this area, include the jurisdiction of federal courts and the use of other federal agencies. The panel will discuss some of the proposed solutions to fight the overseas piracy and counterfeiting of U.S. IP which were proposed by Congress, as well as those considered by the ABA-IPL Joint Task Force on Online Piracy and Counterfeiting. Congress is expected to return these issues in the new legislative session, the panel will also review which new procedures might comprise effective long-term and balanced mechanisms to protect IP and preserve innovation and free expression.

#### MODERATOR:

**Chris J. Katopis**, Computing  
Technology Industry  
Association, Washington, DC

#### SPEAKERS:

**James L. Bikoff**, Silverberg,  
Goldman & Bikoff,  
Washington, DC

**Steve Emmert**, Reed  
Elsevier, Washinton, DC

**Hon. Victoria Espinel**, U.S.  
IP Enforcement Coordinator,  
Office of Management and  
Budget, Washington, DC  
(invited)

**Kimberly Parke**,  
Dickstein Shapiro, LLP,  
Washington, DC

## SUNDAY AUGUST 5

8:30 – 10:00 am

TWO CONCURRENT SESSIONS

### Patently Persuasive – Patent Jury Trial Selection and Persuasion

The program will focus on patent trial jury attitudes and advocacy techniques for jury selection, witness preparation and trial to promote a favorable jury impact. The speakers will use their combined jury experience of over 30 years with new nationwide research to explain strategy and recommendations for jury selection and patent jury trials. Speakers will also discuss trial themes and techniques for addressing jury bias and improving case comprehension. Lisko and Bouly are authors of a new ABA-IPL Section book entitled *Patently Persuasive* timed for release in conjunction with this program.

#### MODERATOR:

**Mark K. Dickson**,  
Phase M LLP, San Mateo, CA

#### SPEAKERS:

**Kevin R. Bouly**, Persuasion  
Strategies, A Service of  
Holland & Hart LLP,  
Denver, CO

**Karen Lisko**, Persuasion  
Strategies, A Service of  
Holland & Hart LLP,  
Denver, CO

### Social Media Promotions and the Potential Implications of the Right of Publicity

With the growing popularity and the viral nature of social networking, websites like Facebook, Twitter, Pinterest and Foursquare are becoming popular marketing platforms for the administration of promotions. Coupled with the rapid emergence of new technologies, social media promotions can be fraught with uncertainty and risks. This roundtable discussion, among experienced industry attorneys, will provide insight into the inherent risks associated with social media promotions, and will provide best practice suggestions for mitigation against liability.

#### MODERATOR:

**Terese L. Arenth**,  
Moritt Hock & Hamroff LLP,  
Garden City, NY

#### SPEAKERS:

**William M. Heberer**,  
Moritt Hock & Hamroff LLP,  
Garden City, NY

**Jonathan Jennings**,  
Pattishall, McAuliffe,  
Newbury, Hilliard &  
Geraldson LLP, Chicago, IL

**Alexis E. Payne**, Pattishall,  
McAuliffe, Newbury, Hilliard  
& Geraldson LLP, Chicago, IL

# Section Leadership Meetings & Events

## Thursday, August 2

- 9:00 – 10:00 am** Officers' Meeting
- 10:30 – 11:30 am** CLE Board Meeting
- 10:30 am – 12:00 pm** Membership Board Meeting
- 1:00 – 5:30 pm** Council Meeting
- 6:30 – 9:00 pm** Leadership Dinner at Spiaggia

**Officers, Council, Past Chairs, Division Chairs, Committee Chairs, Vice Chairs and Liaisons**

*(Ticketed Event - \$125; by invitation)*

Spiaggia celebrates world-class Italian cuisine showcasing the finest ingredients presented with simple elegance.

Current Section leaders will receive an invitation under separate cover. Tickets are not available on the website.

*All programs and events will take place at the Swissôtel unless otherwise noted.*

## Friday, August 3

- 8:30 – 11:30 am** Magazine Board Meeting
- 11:30 am – 2:30 pm** Books Board Meeting
- 2:30 – 4:30 pm** Content Advisory Board Meeting

## Saturday, August 4

- 11:30 – 11:45 am** Section Business Meeting with Elections
- 2:00 – 5:00 pm** Various Committee Meetings
- 2:00 – 3:30 pm** Young Lawyers Action Group Meeting
- 3:30 – 5:00 pm** Diversity Action Group Meeting

## Sunday, August 5

- 8:30 – 11:00 am** Leadership Development Session (with breakfast)  
Current and Incoming Division Chairs, Committee Chairs, Vice Chairs and Liaisons
- 11:00 am – 1:00 pm** Divisions Action Planning Sessions

# Leadership & CLE Board

ABA-IPL would like to thank the following individuals for their efforts in making the 2012 ABA Annual Meeting a success:

### Section Chair

**Robert A. Armitage**, Eli Lilly and Company, Indianapolis, IN

### Section Chair-Elect

**Joseph M. Potenza**, Banner & Witcoff, Ltd., Washington, DC

### Section Vice-Chair

**Robert O. Lindefeld**, Nantero Inc., Woburn, MA

### Annual Meeting Program Chairs

**Robert K. Fergan**, Brinks Hofer Gilson & Lione, Ann Arbor, MI

**Nancy Lambert**, Donaldson Company, Minneapolis, MN

### CLE Board Chair

**Kim Jessum**, Philadelphia, PA

### CLE Board Members

**Scott Alter**, Faegre & Benson LLP, Denver, CO

**Amy Benjamin**, Benjamin Law, P.C., New York, NY

**L. Marisa Campbell**, QNX Software, Ottawa, ON, Canada

**Barry Cohen**, Sorin Royer Cooper LLC, King of Prussia, PA

**David Cox**, The Law Offices of David Cox, St. Louis, MO

**Denise W. DeFranco**, Finnegan Henderson Farabow Garrett & Dunner LLP, Boston, MA

**Barry Eagar**, B. Eagar Patent & Trademark Attorneys, Oxenford, Qsld., Australia

**Jay Erstling**, Patterson Thuente Christensen Pedersen, Minneapolis, MN

**Janet Fries**, Drinker Biddle & Reath LLP, Washington, DC

**Nicole Galli**, Benesch Friedlander Coplan & Arnoff LLP, Philadelphia, PA

**Jonathan Hudis**, Oblon Spivak McClelland Maier & Neustadt LLP, Alexandria, VA

**Mary L. Kevlin**, Cowan Liebowitz & Latman PC, New York, NY

**Jeffery A. Lindeman**, J.A. Lindeman & Co., PLLC, McLean, VA

**Susan McGahan**, AT&T Corp., Bedminster, NJ

**Diane Dunn McKay**, Porzio Bromberg & Newman PC, Princeton, NJ

**Paul R. Morico**, Baker Botts LLP, Houston, TX

**David Newman**, Greenberg Traurig LLP, Chicago, IL

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

**Gwilym Roberts**, Kilburn & Strode, London, England

**Neil Smith**, Sheppard Mullin Richter & Hampton LLP, San Francisco, CA

**Donna P. Suchy**, Rockwell Collins, Cedar Rapids, IA

**Mark H. Wittow**, K&L Gates LLP, Seattle, WA

**Nancy Wolff**, Cowan DeBaets Abrahams & Sheppard LLP, New York, NY

# The ABA Annual Meeting...



...is an opportunity to “share your voice and vision” with a community of your colleagues. While you participate in ABA-IPL Section events, you can also experience the variety of ABA-wide activities and programs. For a detailed schedule of ABA events, visit [www.ambar.org/annual](http://www.ambar.org/annual).

## ABA Expo

**August 2 – 4**  
10:00 am – 4:00 pm (till 2:00 pm on August 4)  
*Riverside Center, Purple Level, East Tower, Hyatt Regency Chicago*

The ABA Expo is the world’s largest legal expo with more than 100 providers of legal products and services – a showcase of the latest in communications, legal publishing, computer hardware and software and financial services, all in one convenient place and with today’s law practice in mind.

## Rule of Law Initiative Luncheon Panel

**Saturday, August 4**  
12:00 – 2:00 pm  
*Hyatt Regency Chicago*

The ABA ROLI luncheon panel, entitled Offering Private Sector Expertise to Support the Rule of Law, will have four panelists, who will share their perspectives on how the private sector can assist with promoting the rule of law as well as their respective companies’ experiences supporting the rule of law. Panelists pending.

## Opening Assembly

**Saturday, August 4**  
5:30 – 7:00 pm  
*Symphony Center at 220 South Michigan Ave.*

The Opening Assembly is the traditional “start with a flourish” for the ABA Annual Meeting. This year’s event will take place at the performance home of the Chicago Symphony Orchestra, since 1891.

## President’s Reception

**Saturday, August 4**  
7:00 – 9:00 pm  
*The Art Institute at 111 South Michigan Ave.*

The President’s Reception, immediately following the Opening Assembly, is a wonderful opportunity to network with members of other ABA entities. This ticketed reception is limited to Annual Meeting registrants and their registered guests.

## 22nd Annual Margaret Brent Women Lawyers of Achievement Award Luncheon

**Sunday, August 5**  
12:00 – 2:00 pm  
*Hyatt Regency Chicago*

This award recognizes and celebrates the accomplishments of women lawyers who have excelled in their field and paved the way to success for other women lawyers.

## House of Delegates

**Monday, August 6 & Tuesday, August 7**  
9:00 am – 6:00 pm  
*Hyatt Regency Chicago*

The House of Delegates meeting is a two-day debate over the most important issues facing the legal world and society as a whole. This meeting helps create ABA policy and develops profession-wide models for behavior.

## Pro Bono Publico Awards Luncheon

**Monday, August 6**  
12:00 – 1:30 pm  
*Hyatt Regency Chicago*

At this luncheon the Standing Committee on Pro Bono and Public Service will present several awards to the individuals and institutions in the legal profession to honor those who have shown outstanding commitment to volunteer legal services for the poor and disadvantaged.

For a detailed schedule of ABA events, visit [www.ambar.org/annual](http://www.ambar.org/annual)

## Events & Hotel Locations



# Section Events

## Friday, August 3

**12:30 – 1:30 pm**

### Networking Luncheon

(ticketed event – \$35)  
Swissôtel

Begin the conference by joining the Section for lunch. Take a break from the thought-provoking CLE programming and spend the time conversing with members and sharing perspectives on the current state of patent, trademark and copyright law.

**5:30 – 7:00 pm**

### Welcome Reception

(ticketed event – \$20)  
Swissôtel

Start off the conference with hors d'oeuvres, cocktails and the chance to connect with your IP colleagues in Chicago. The popular welcome reception is an outstanding opportunity for you to network with others on matters of mutual interest and kick-off the conference with some fun!

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## Saturday, August 4

**12:00 – 1:30 pm**

### Mark T. Banner Award Luncheon

(ticketed event – \$65)  
Swissôtel

The luncheon will feature a guest speaker and the annual presentation of the outstanding contribution to IP Law and practice. The award will be presented by Section Chair, Robert A. Armitage.

**5:00 – 6:30 pm**

### ABA-IPL Diversity in IP Law Networking Event

(Complimentary)  
Swissôtel

Join the ABA-IPL Section for this evening reception and enjoyable opportunity to mingle and network with colleagues from diverse backgrounds within our profession.

**7:00 – 10:00 pm**

### Section Celebration

(ticketed event – \$150) *transportation provided*  
Museum of Contemporary Art 220 E. Chicago Ave.

Enjoy a view of the city's dynamic skyline, from the heart of downtown Chicago, at the Museum of Contemporary Art (MCA). The MCA offers exhibitions of the most thought-provoking art created since 1945, providing the opportunity to directly experience the work and ideas of living artists, and understand the historical, social, and cultural context of the art of our time. The museum sets the scene for the Section Celebration, with sights created to feed both body and soul. An open bar, food stations and entertainment will be provided for guests to enjoy an evening of dancing, "singing", and fun! This highly anticipated annual event is not to be missed!

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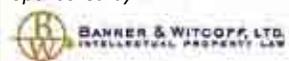


Photo: Michael David Rose, ©MCA Chicago

Photo: James Isberner, ©MCA Chicago

# Registration Information

## Section Event Tickets

For a full description of Section events and programs, visit [www.ambar.org/IPLawAnnual2012](http://www.ambar.org/IPLawAnnual2012). Registration for the ABA Annual Meeting is a prerequisite for attending Section events, CLE programs and meetings. Section event tickets can be purchased only through the ABA registration process. Visit [www.ambar.org/annual](http://www.ambar.org/annual) to register and order tickets. Ticketed events include:

Date	Time	Event Code	Event	Price
Fri, Aug 3	12:30 – 1:30 pm	IPL01	Networking Luncheon at the Swissôtel	\$35
Fri, Aug 3	5:30 – 7:00 pm	IPL02	Welcome Reception at the Swissôtel	\$20
Sat, Aug 4	12:00 – 1:30 pm	IPL03	Mark T. Banner Award Luncheon at the Swissôtel	\$65
Sat, Aug 4	5:00 – 6:30 pm	IPL04	Diversity in IP Law Networking Event at the Swissôtel	FREE
Sat, Aug 4	7:00 – 10:00 pm	IPL05	Section Celebration	\$150

Your badge and pre-ordered tickets will be available with your registration packets onsite at the ABA main registration at Riverside Center, Purple Level, East Tower, Hyatt Regency Chicago, during ABA registration hours. They will NOT be available at the Section's headquarter hotel – Swissôtel. Tickets may also be purchased onsite at the main registration area. Note that ticket availability may be limited and may sell out, so order your tickets in advance. Tickets will not be available at the door of the events.

## Registration Fees

To register, visit the ABA Annual Meeting website at [www.ambar.org/annual](http://www.ambar.org/annual). Housing, registration, tour and event tickets can all be accommodated through online registration. If you do not wish to register online, you may fax the online printable form to (508) 743-9602 or mail to ABA/CDS/Travel Planners, 107 Waterhouse Rd., Bourne, MA 02532.

**The advance registration and housing deadline is Friday, July 6, 2012, 5:00 pm Central Time.**

Member & All Access CLE Badge	\$645 (\$670 onsite)
Member Governance Only & Access to Non-CLE Programs	\$295 (\$320 onsite)
Non-Member & All Access CLE Badge	\$950
Non-Member Governance & Non-CLE Program Registration	\$600
Law Student Member & All-Access CLE Badge	\$75
Law Student Non-Member & All-Access CLE Badge	\$100*
<i>*The additional \$25 fee will be used to enroll the student into the ABA as a law student member. Only law students who attend ABA-approved law schools and have not yet been admitted to the bar are eligible.</i>	
Individual CLE tickets	\$90
Individual CLE tickets for judges and government lawyers	\$35

**Note:** there is no fee for ABA-IPL CLE Roundtables on Fri., Aug. 3 or the Section Open Forum on Sat., Aug. 4 at the Swissôtel, but Annual Meeting registration is a prerequisite and space is limited.

**After July 11, 2012,** registrations will be accepted on site at Riverside Center, Purple Level, East Tower, Hyatt Regency Chicago, during open registration hours of the Annual Meeting. All requests for registration cancellations must be received in writing by August 31, 2012 to receive a refund. Registration fees will be refunded, minus a \$50 processing fee for cancellations, substitutions or transfers. For full housing, cancellation and refund policy

## Registration Information (Continued)

information, visit [www.ambar.org/annual](http://www.ambar.org/annual). Written requests for cancellations prior to August 7, 2012 may be sent by email to [abanet@xpressreg.net](mailto:abanet@xpressreg.net); by fax to (508) 743-9603; or by mail to ABA/CDS, Chicago 2012, 107 Waterhouse Rd., Bourne, MA 02532. After August 7, 2012, written cancellations may be sent by email to [meetingsandtravel@americanbar.org](mailto:meetingsandtravel@americanbar.org) or by fax to (312) 988-6338; or by mail to the ABA Meetings and Travel Department, 321 North Clark Street, 16th Floor, Chicago, IL 60654. Please include your Badge ID number on all correspondence. All cancellations requests must be accompanied by an explanation for cancellation.

Checks and money orders must be drawn on a US bank and in US dollars, made payable to ABA/CDS. For registration and event ticket information, call CDS at (800) 915-9801, Monday through Friday, 9:00 a.m. to 5:00 p.m. EDT. Registration, hotel reservations and requests for tickets cannot be accepted by phone. To make changes to or add additional items to an existing registration, send an email message to [abanet@xpressreg.net](mailto:abanet@xpressreg.net). Please include your CDS Badge ID number on all correspondence.

### Housing

**In order to make your hotel reservation at the ABA negotiated rate, you must first register for the Annual Meeting.** A list of official ABA hotels, rates, amenities and locations can be found at [www.ambar.org/annual](http://www.ambar.org/annual).

The ABA has appointed CDS/Travel Planners as the registration and housing vendor for the 2012 Annual Meeting in Chicago. Reservation requests will be directed to Travel Planners by registering online at [www.ambar.org/annual](http://www.ambar.org/annual). Please indicate your first, second and third hotel choice. If your preferred hotel choices are unavailable, Travel Planners will be happy to place you on a wait-list for one of your choices. Please call Travel Planners at (800) 221-3531 or send an email message to [res@tphousing.com](mailto:res@tphousing.com) stating your wish to be wait-listed. Wait-list reservations will be confirmed on a first-come, first-served basis and as cancellations are received.

CDS/Travel Planners will acknowledge your reservation request in writing within 72-hours (3 business days) of receipt of your ABA registration. Hotels will be confirmed on a first-come, first-served basis. Choice of accommodations will become more limited as the deadline for registration approaches.

A credit card with a valid expiration date (**August 31, 2012 or later**) is required to guarantee your hotel reservation. If an invalid card is provided, we will not be able to reserve a hotel room for you. A customary one night's deposit may be charged to your credit card days before your arrival (depending on hotel policies). Please consult your housing confirmation, which you will receive from CDS/Travel Planners, the official ABA Registration and Housing Bureau, for your hotel's specific policy.

### ABA-IPL Section Hotel

#### Swissôtel

323 East Wacker Drive, Chicago, IL 60601  
Tel. (312) 565-0565

**For housing and hotel specific questions, please call Travel Planners at (800) 221-3531, Monday – Friday, 9:00 a.m. to 7:00 p.m. EDT.**

**The deadline for advance registration and housing is Friday, July 6, 2012, 5:00 pm. Central Time.** This is the deadline to appear in the Advance Registration List. Your registration must be accompanied by a form of payment for the registration fee and any ticketed events, in the form of a credit card, check or money order. Annual Meeting Registration and Housing will continue to be accepted online at [www.ambar.org/annual](http://www.ambar.org/annual) until Wednesday, July 11, 2012. Please note: registrations after July 6, 2012 will not appear in the Advance Registration List. Hotel requests received at CDS/Travel Planners will continue to be processed up until Wednesday, July 11, 2012 based on availability.

### Air Travel

ABA NEGOTIATED AIRFARE DISCOUNTS – AVAILABLE ONLINE! With ABA Orbitz for Business, you can automatically obtain ABA negotiated airfare discounts for travel to the Annual Meeting. Reservations with ABA Orbitz for Business can be made online or offline. For offline reservations, call (877) 222-4185. ABA Orbitz for Business is available online at [www.ambar.org/annual](http://www.ambar.org/annual). ABA airfare discounts may also be obtained by purchasing your tickets under the ABA Discount Codes directly from the airline or through your travel agent. American Airlines: (800) 433-1790; ABA Discount Code: A7112TT; Discount NOT available at [www.aa.com](http://www.aa.com). United Airlines: (800) 426-1122; Agreement Code: 648816; Z Code: ZMVB. Discount available at [www.united.com](http://www.united.com). Virgin America Airlines; ABA Discount Code: VXABA; Discount available at [www.virginamerica.com](http://www.virginamerica.com).

### Special Rates from Hertz

Special car rental rates are available for the ABA Annual Meeting in Chicago. Advance reservations can be easily made by calling the Hertz toll-free Convention Desk at (800) 654-2240. Be sure to inform the rental agent that you are a member of the ABA and that you are booking with the following identification number: CV#03M40019. With Hertz, you not only get a low rate, you also get the great services that make Hertz #1, including Computerized Driving Directions, Emergency Road Service, Express Return, the Hertz #1 Club and an opportunity to join Hertz #1 Club Gold Service.

### CLE Information

Purchasing CLE at the 2012 Annual Meeting is easy. Attendees can register for the meeting and purchase a CLE All-Access Badge. This badge can be used for admittance to the ABA Expo, governance meetings, Non-CLE Programs and ALL CLE programs at the Annual Meeting, including those in the ABA CLE Centre and at the satellite hotels. If you purchase a CLE All-Access Badge, purchasing individual CLE program tickets is NOT necessary. **To purchase the CLE All-Access Badge or individual program tickets, please visit the Annual Meeting web site at [www.ambar.org/annual](http://www.ambar.org/annual).**

Members whose primary focus at the Annual Meeting is governance, and who may only be able to attend a few CLE programs, can register for the Annual Meeting for a low fee which includes admittance to the ABA Expo, all governance and non-CLE programs, and can purchase individual CLE program tickets. Discounted CLE program tickets will be available to registered government lawyers and judges. Law Student registrants will be admitted to all CLE programs at no additional charge. Admittance to each CLE program will require one individual program ticket OR the CLE All-Access Badge.

**The Section of Intellectual Property Law programs at the ABA Annual Meeting will take place at the Swissôtel and the Hyatt Regency Chicago.** The main CLE programs will provide 1.5 hours of CLE credit each, and the CLE Roundtables will provide 1.0 hour of credit each. *Only the main CLE programs will require an All-Access CLE Badge or individual tickets for entrance.* In addition, there are many other programs offered by other ABA Sections, Divisions and entities to select from for additional CLE credit. Visit [www.ambar.org/annual](http://www.ambar.org/annual) for a complete list of CLE programs available.

ABA programs ordinarily receive CLE credit in AK, AL, AR, AZ, CA, CO, DE, FL, GA, GU, HI, IA, ID, IL, IN, KS, KY, LA, ME, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, VI, WA, WI, WV, and WY. These states sometimes do not approve a program for credit before the program occurs. 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 complete the computer attendance card provided with your registration packet onsite. 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 for each program and have it signed by ABA authorized personnel.

You may contact the ABA Service Center toll free at (800) 285-2221 or the meetings 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.



321 North Clark Street  
Chicago, IL 60654

## ABA Annual Meeting | Chicago



August 2-7 | 2012

[www.ambar.org/IPLawAnnual2012](http://www.ambar.org/IPLawAnnual2012)

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