

Institute of Intellectual Property and Social Justice
at Howard University School of Law

Sixth Annual Intellectual Property Law Seminar

Thursday and Friday
March 5-6, 2009
Washington, DC

- *Enforceability of open source licenses after Jacobsen v. Katzer*
- *Review of In Re Bilski - the potential impact on the value of business method patents.*
- *Come and hear judges, in-house counsels of major corporations, professors, and leading practitioners on significant IP developments.*

Federal Circuit
TRADEMARK *intellectual property*
LICENSING patent
copyright
Domain Names
Doctrine of Equivalents

Presented by:
Institute of Intellectual Property and Social Justice
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Program Sponsors:
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Covington & Burling LLP
Dickstein Shapiro LLP

Sughrue Mion PLLC
Venable LLP
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Registration Information

To register for the IIPJSJ at Howard University School of Law Sixth Annual Intellectual Property Law Seminar, please complete the Registration Form below and send it with your check made payable to "Institute of Intellectual Property and Social Justice" or "IIPJSJ" for the appropriate program fee to Professor Lateef Mtima, Howard University School of Law, 2900 Van Ness Street, N.W., Washington, DC 20008. Credit card payments cannot be accepted.

The program fees are listed below on the Registration Form. Note the substantial savings for registrations received by February 23, 2009.

You may also register online at <http://iipsj.org/CLE/CLE-registration.html>, but payment must be made by check and mailed to the address above.

For more information, contact Professor Lateef Mtima at Imtimallmtima@aol.com or at 202.806.8012.

Registration Form



INSTITUTE OF
**INTELLECTUAL PROPERTY
& SOCIAL JUSTICE**

Name _____

Title _____

Company/Firm Name _____

Street Address _____

City/State/Zip _____

E-Mail _____ Company/Firm Website _____

Business Phone _____ Business Fax _____

My Registration Fee is enclosed

2-Day Program - Before February 23

- \$350 All registrants not listed below
- \$300 HUSL Alumni or multiple registrants from the same organization
- \$200 Non-profit, governmental, public interest lawyers, for full-time academics

2-Day Program - After February 23

- \$450 All registrants not listed below
- \$400 HUSL Alumni or multiple registrants from the same organization
- \$200 Non-profit, governmental, public interest lawyers, for full-time academics

1-Day Program - Before February 23

- \$250 All registrants not listed below
- \$200 HUSL Alumni or multiple registrants from the same organization
- \$100 Non-profit, governmental, public interest lawyers, for full-time academics

1-Day Program - After February 23

- \$350 All registrants not listed below
- \$300 HUSL Alumni or multiple registrants from the same organization
- \$150 Non-profit, governmental, public interest lawyers, for full-time academics

I will attend the March 5 Session

I will attend the March 5 Luncheon

Yes No

I will attend the March 6 Session

I will attend the March 6 Luncheon

Yes No

Signature of Seminar Registrant

Date Submitted

About the Seminar

The Institute of Intellectual Property and Social Justice (IIP SJ) and Finnegan, Henderson, Farabow, Garrett & Dunner, LLP have collaborated to present the Sixth Annual Intellectual Property Law Seminar. The two-day program will be held on the campus of Howard University School of Law at 2900 Van Ness Street, N.W., Washington, DC.

The continuing convergence of the major forms of IP protection has made it essential that IP lawyers stay abreast of important developments in multiple areas of IP practice. Today's patent attorneys keep abreast of relevant changes in the copyright law; copyright attorneys often find knowledge of major developments in trademark jurisprudence invaluable in meeting the needs of their clients.

To meet the evolving needs of today's IP practitioner, we have a two-day program, **making it possible for registrants to attend both programs and earn double the CLE credits.**

Program Highlights

- Case studies from major U.S. corporations
- Updates and overviews of patent, trademark, and copyright case law
- Practical tips and advice on how to avoid the pitfalls in patent prosecution and litigation
- Negotiation strategies in software licensing
- Avoiding litigation under the new Trademark Dilution Statute

Distinguished Guests

Honorable Paul R. Michel, Chief Judge
United States Court of Appeals for the Federal Circuit

Honorable Richard Linn
United States Court of Appeals for the Federal Circuit

Honorable Liam O'Grady
United States District Court for the Eastern District of Virginia

Program Chairs

Lateef Mtima, Professor of Law, Director of IIP SJ
Howard University School of Law

Esther H. Lim, Partner
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

CLE

The seminar has been approved for CLE credit since 2003; 2009 credit applications have been filed for California, Delaware, New York, Ohio, Pennsylvania, and Virginia.

Special Needs

If you have special needs as addressed by the Americans with Disabilities Act, please notify Professor Lateef Mtima at Howard University School of Law, Imtimallmtima@aol.com at least two weeks prior to the seminar.



Howard University School of Law Library

intellectual property

Copyrights and Trademarks - Thursday, March 5, 2009 (Day 1)

Introduction and Welcome: 8:45 - 9:00

Lateef Mtima, Professor of Law,
Director of IIP SJ
Howard University School of Law

Morning Session: 9:00 - 12:20

9:00 - 9:30 Caveat Emptor: Intellectual Property Issues in Mergers & Acquisitions

Daniel C. Glazer, Counsel
Shearman & Sterling LLP

9:30 - 10:30 From Virtual World Use to *Dawn Donut* in the Internet Context: Transferring PTO Insights to Private Practice

Phillip G. Hampton II, Partner
Dickstein, Shapiro, Morin & Ochinsky, LLP
(PTO Assistant Commissioner for Trademarks, 1994-98)

Tashia Bunch, Associate,
Fish & Richardson, P.C.
(PTO Trademark Examining Attorney 2006-08)

10:30 - 11:00 The Power of Digital Forensics in Intellectual Property Cases

Dana J. Lesemann, Managing Director and
Deputy General Counsel
Stroz Friedberg, LLC

Morning Break

11:05 - 11:35 Jacobsen v. Katzer: A New Day for the Open Source License

Victoria Hall, Partner
Law Office of Victoria Hall, Counsel for Plaintiff
Robert Jacobsen

11:35 - 12:20 Advising In-House IP Counsel: The Top Ten IP Challenges and the Role of Outside Counsel in Meeting Them

Mike A. Dillon, Executive Vice President,
General Counsel & Secretary
Sun Microsystems, Inc.

Luncheon Program: 12:20 - 1:45

**Venable LLP Intellectual Property and Social
Justice Symposium** (Buffet Lunch and Symposium
Presentation)

Symposium Presentation (12:55 - 1:40): Where Intellectual Property Theory Meets 'Outsider' Jurisprudence—What African-American Cultural Production Can Teach IP Policy

Professor Kevin J. Greene
Thomas Jefferson School of Law

Introduction by
Professor Spencer Boyer
Howard University School of Law

Afternoon Session: 1:45 - 5:05

1:45 - 2:30 A Case Study of the IP Rights of Retired Professional Athletes: Herbert Anthony Adderley v. the NFL Players Association and PLAYERS INC

Ronald Katz, Partner,
Manatt, Phelps & Phillips, LLP

2:30 - 3:30 New Developments in Metatag/Keyword Use, Fair Use, and Internet Branding: The Trademark Year in Review

David M. Kelly, Partner
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Leigh Ann Lindquist, Partner
Sughrue, Mion, PLLC

Afternoon Break

3:35 - 4:05 Is Copyright Dead? Law and Policy Challenges in a Digital World

John F. Hornick, Partner
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

4:05 - 5:05 IP Ethical Challenges in the Information Age (1 Hour Ethics Credit)

Paul J. Berman, Partner
Charles E. Buffon, Partner
Covington & Burling, LLP

**“A comprehensive program with
one of the most diverse CLE
faculties I have encountered.”**

**“The combination of cutting edge issues
with social justice themes provides
more than the usual CLE instruction—it
adds thought-provoking ideas and
interesting commentary.”**

Patents - Friday, March 6, 2009 (Day 2)

Introduction and Welcome:

8:30 - 8:45

Esther H. Lim, Co-Chair of IIP SJ Conference
Partner, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Steven D. Jamar, Professor of Law, Associate Director of IIP SJ
Howard University School of Law

Morning Session: 8:45 - 12:00

8:45 - 9:15 Key Patent Cases: Year in Review

Thomas L. Irving, Partner
Finnegan, Henderson, Farabow, Garrett & Dunner LLP

9:15 - 10:15 Intellectual Property Rights and Global Climate Change

(1 Hour Ethics Credit)

Moderator: Melody Wu, Associate
Covington & Burling, LLP

Panelists:
Gerard J. Waldron, Staff Director and Chief Counsel
House Select Committee on Energy Independence and Global Warming

Dr. Richard A. Meserve, President of The Carnegie
Institution of Washington
Former Chairman of the United States Nuclear Regulatory Commission

Martin Hansen, Partner
Covington & Burling LLP

Paul J. Berman, Partner and Co-Chair of the
Intellectual Property Group
Covington & Burling, LLP

Morning Break

10:30 - 11:00 The New Era of Design Patents: *Egyptian Goddess* and the Ordinary Observer Test

To be replaced

11:00 - 12:00 Aftermath of *KSR* and Progeny: Where Are We Headed?

Moderator: Raquel Y. Gordon, Esq.
The Law Offices of Raquel Y. Gordon, Esq., LLC

Panelists:
Ankur Shah, Associate General Counsel for
Intellectual Property
Freddie Mac

Mark L. Whitaker, Partner
Howrey LLP

Luncheon Program: 12:00 - 1:30

Keynote Presentation: Views from the Bench on Transfer Motions and Legislative Interventions

Honorable Liam O'Grady
*United States District Court for the Eastern District
of Virginia*

Afternoon Session: 1:30 - 4:45

1:30 - 2:30 *Bilski* and Beyond: Challenges Surrounding Patent Eligible Subject Matter Under 35 U.S.C. § 101

Moderator: Donald R. Dunner, Partner
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Panelists:
Honorable Paul R. Michel, Chief Judge
United States Court of Appeals for the Federal Circuit
Stephen G. Kunin, Partner
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.

2:30 - 3:30 Beware...Consequences in Litigations of Things Said and Done Before the Patent Office

Moderator: Esther H. Lim, Partner
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Panelists:
Honorable Richard Linn
United States Court of Appeals for the Federal Circuit
David Ball, Partner
Weil Gotshal & Manges LLP
Bryan C. Diner, Partner
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Afternoon Break

3:45 - 4:45 Cutting Edge Issues Surrounding Pharmaceuticals and Patents

Moderator: Keisha Hylton-Rodic, Associate
Sterne Kessler Goldstein & Fox

Panelists:
Jennifer M. Hayes, Partner
Sughrue Mion PLLC
Jay Z. Zhang, Senior Vice President of Intellectual Property
Myriad Genetics, Inc.

Directions to the Law School

*Howard University School of Law
2900 Van Ness Street, N.W.
Washington, DC 20008*

Located in the beautiful Northwest district of Washington, DC, near the National Zoo, the Howard University School of Law can be reached by car, taxi, or metro.

If driving, take Connecticut Avenue to Van Ness Street. Turn east on Van Ness Street, and proceed past apartment buildings on both sides of the street. The school is at the end of the cul-de-sac on Van Ness. Parking is limited; Metro is recommended.

Via Metro, take the Red Line to the Van Ness/UDC station. Take the Connecticut Avenue exit. Walk left on Connecticut to Van Ness. Turn left on Van Ness and proceed past apartment buildings on both sides of the street. The Law School buildings face a circle at the end of the cul-de-sac.

For more detailed instructions, see
<http://library.law.howard.edu/Information/location.htm>.

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901 New York Avenue, NW
Washington, DC 20001-4413

