

# 16TH ANNUAL INSTITUTE ON INTELLECTUAL PROPERTY LAW

The Hotel Galvez, Galveston, Texas • October 5 – 7, 2000

## PROGRAM

### THURSDAY, OCTOBER 5, 2000

#### Afternoon Program

- 1:30 Registration  
Moderator *Paul Janicke*
- 2:00 Opening Remarks *Karen Tripp, Program Chair*
- 2:15 Patent Law Update—Recent Cases *Professor Paul Janicke*
- 2:45 Patent Law Update—  
Perils of Claim Drafting  
and Naming Inventors *Dale L. Carlson, William R.  
Gustavson, Leland D. Schultz*  
Moderator: *Paul Janicke*
- 3:45 Trademark Law Update—  
Including a Review of the  
Performance Based Office *Kim Muller (moderator and  
panelist), Bill Barber,  
Dee Ann Weldon-Wilson*
- 4:30 Trade Dress: *Theodore H. Davis, Jr.*  
*Wal-Mart v. Samara Bros.*  
And Other Stories
- 5:00 *Daubert* Implications *J. Donald Fancher, Alan Ratliff*  
For IP Experts  
Moderator: *J. Mark Gilbreth*
- 5:30 Adjourn
- 5:45-7:30 Welcome Reception (by the pool)  
Sponsored by: **THE WEST GROUP**, NEW YORK, NEW YORK
- Dinner (On Your Own)
- 9:00-10:45 Dessert Reception—Champagne, Chocolate & Caricatures  
Sponsored by: **RDK DESIGN**, HOUSTON, TEXAS

### FRIDAY, OCTOBER 6, 2000

#### Morning Program

- 7:15 Continental Breakfast  
Moderator *Karen Tripp*
- 8:00 Opening Remarks *Karen Tripp, Program Chair*
- 8:15 Role of IP Counsel in Corporate  
Mergers & Acquisitions *Pamela Simonon, Russ Stolle*  
Moderator: *Jack C. Goldstein*
- 9:15 Managing an IP Portfolio—  
A Legal Perspective *Elizabeth W. Layman*
- 10:15 Break
- 10:30 Ethical Considerations in  
Multidisciplinary Practice—  
Point/Counterpoint (**Ethics**) *Tom Paterson, Susan Stone,  
W. Todd Huskinson, J. Donald  
Fancher, Alan Ratliff, Roger D.  
Carlile, Bryan Benoit,  
Lawrence J. Fox*  
Moderator: *Professor Robert  
Schurwerk*
- Noon Luncheon and Keynote Speaker *Christine Hearst Schwarzman*  
Intellectual Property and the Web...What Lies Ahead  
Sponsored by: **IPNETWORK.COM**, NEW YORK, NEW YORK

#### Afternoon Program

- Moderator: *Margaret Anderson*
- 1:00 Hot Topics At The Patent Office *Nicholas P. Godici*
- 1:30 Hot Topics At The Trademark  
Office *Anne H. Chasser*
- 2:00 Methods of Doing Business—  
The Internet and Beyond—An Update *Donald R. Dunner*
- 2:30 Current Trends in Copyright *Marybeth Peters*
- 3:15 Break
- 3:30 Global Acquisition and  
Enforcement of IP Rights *Sal Casamassima, Alan Mitchell*
- 4:30 The National Patent Board—  
What, When, Where, Why & How *Eric Dobrusin*
- 5:00 The Departing Employee  
And "Inevitable Disclosure"  
*Tim Shen, Anita Kadala,  
Scott Partridge,  
Carmen Cavazos Pratt*  
Moderator: *Mark Harwell*
- 6:00 Adjourn
- 6:45-7:30 Reception at the Hotel Galvez  
Sponsored by: **PROGRAM UNDERWRITERS**
- 7:30-9:30 Dinner at the Hotel Galvez

### SATURDAY, OCTOBER 7, 2000

#### Morning Program

- 7:15 Continental Breakfast  
Moderator *Linda Stokley*
- 8:00 Opening Remarks *Karen Tripp, Program Chair*
- 8:15 Internet Update *Tim Headley*
- 9:15 Antitrust Issues Affecting IP *Debra Valentine*
- 9:45 Advising Clients on Emerging  
Trends In IP Valuation,  
Damages & E-Commerce *Philip Innes, Bryan Benoit,  
Karyl M. Misrock*  
Moderator: *J. Mark Gilbreth*
- 10:30 Break
- 10:45 Law of Inequitable Conduct  
and Related Ethical Obligations  
(**Ethics**) *Willem G. Schuurman*
- 11:15 Legal Ethics—A Judicial  
Perspective  
(**Ethics**) *Hon. Greg Abbott, Hon. Harvey  
Brown, Hon. Melinda Hammon,  
Hon. Edith Jones*  
Moderator: *Lee Kaplan*

### **JUSTICE GREG ABBOTT**

served as Judge of the 129th State District Court in Houston prior to becoming Associate Justice of the Texas Supreme Court in 1995.

### **MARGARET ANDERSON**

is a seasoned intellectual property attorney and a consultant and teacher of interactional skills, including negotiation, cross-cultural communication, and cross-gender communication.

### **BILL BARBER**

is a partner in the Austin office of Fulbright & Jaworski. His practice is devoted primarily to trademark litigation.

### **BRYAN BENOIT**

is a partner in the Intellectual Property practice of PriceWaterhouseCoopers in Houston. Among many other activities, he has experience as an expert witness and the valuation of intellectual property and writes extensively on intellectual property issues.

### **JUDGE HARVEY BROWN**

was a litigation partner with Sewell & Riggs before becoming Judge of the 152nd State District Court in 1995. He is an adjunct professor of law at the University of Houston Law Center and speaks regularly at seminars on continuing legal education.

### **ROGER CARLILE**

is the National Partner in Charge of KPMG LLP's Intellectual Property Services Practice. He has provided a variety of services relating to IP including auditing, accounting and consulting services. His experience includes assisting in matters involving patents, copyrights, trademarks, trade secrets and trade dress.

### **DALE CARLSON**

is a Partner and Co-Chair of the Patent Practice Group at Wiggin & Dana, and Adjunct Professor for IP at Quinnipiac University School of Law.

### **SAL CASAMASSIMA**

is the chief IP counsel for ExxonMobil Upstream Research Company. In that position he is responsible for managing the IP program covering ExxonMobil's

worldwide exploration and production technology.

### **ANNE CHASSER**

is the United States Commissioner for Trademarks. She is an expert in the business and economics of trademarks and a past president of INTA.

### **THEODORE DAVIS, JR.**

is a partner in the Atlanta office of Kilpatrick Stockton, where he practices trademark and unfair competition law. He was lead counsel on INTA's amicus brief before the Supreme Court in *Walmart Stores, Inc. v. Samara Bros.*

### **ERIC DOBRUSIN**

is the Executive Director of the National Patent Board, an organization established to provide effective and efficient alternate dispute resolution for patent infringement cases. A former litigation partner in Harness, Dickey & Pierce, he is the author of *Patent Litigation Procedure*.

### **DONALD DUNNER**

a partner in Finnegan, Henderson, Farabow, Garrett & Dunner in Washington, is well known for his appellate advocacy of patent cases before the Federal Circuit. He is a past president of AIPLA and past chair of the ABA IP Section.

### **J. DONALD FANCHER**

is a partner in the Houston office of Deloitte & Touche, where he serves as Practice Leader for the Financial Advisory Services practice.

### **LAWRENCE J. FOX**

is a partner and former Managing Partner in the Philadelphia firm of Drinker Biddle & Reath, where he specializes in corporate and securities litigation. He is a member of the ABA Commission on the Evaluation of the Rules of Professional Conduct.

### **J. J. (MARK) GILBRETH**

of Bilbreth & Associates, focuses 15 years of IP experience on preparation and prosecution of patent and trademark applications. Active in HIPLA, he has chaired a number of committees, served as Treasurer and Secretary, and helped plan a number of Institutes. Since 1993 Mark has taught patent law at South Texas College of Law.

### **NICHOLAS GODICI**

is the United States Commissioner for Patents, a position in which he supervises the entire patent examination process and oversees a staff of over 4,000 employees.

### **JACK C. GOLDSTEIN**

is a past president of AIPLA, the Federal Circuit Bar Association, and HIPLA, and past chairs of the ABA IPL Section and the Texas State Bar IPL Section. He was for many years a shareholder of Arnold, White & Durkee and most recently was President of The Whitaker Corp. He is currently the Treasurer General of the AIPPI and a delegate to the ABA House of Delegates.

### **WILLIAM GUSTAVSON**

has practiced IP law in Dallas for over twenty years. His practice concentrates on patent prosecution, but he has been involved in patent, trademark, and copyright litigation and patent interference matters. He is a partner in Thompson & Gustavson, L.L.P.

### **JUDGE MELINDA HARMON**

has been a Federal district judge in Houston since 1989. Following law school and clerking for Judge Singleton, she worked at Exxon as a litigation attorney.

### **MARK HARWELL**

is a partner in the Houston firm of Cotham, Harwell & Evans, where his practice is primarily in civil litigation and bankruptcy.

### **TIM HEADLEY**

is a partner in the Houston office of Haynes and Boone, LLP, where he specializes in intellectual property litigation, focusing on patent, trademark, copyright, and trade secret litigation. He is currently President of HIPLA.

### **W. TODD HUSKINSON**

of Arthur Andersen's Houston office, is Partner in Charge of the Knowledge Service Group in the Business Consulting Practice for the Southwest Region.

### **PHILIP INNES**

is a CPA with Arthur Andersen's Houston office. He has experience in valuation, licensing, and litigation consulting in the IP field.

### **PAUL JANICKE**

is Associate Professor of Law and Co-Director of the Institute for Intellectual Property & Information Law at the University of Houston Law Center. He was until 1992 a member of Arnold, White & Durkee, with a practice predominantly in patent litigation.

#### **JUDGE EDITH JONES**

has been a judge of the U.S. Court of Appeals for the Fifth Circuit since 1985. Before that she was a litigation partner with Andrews, Kurth.

#### **ANITA KADALA**

is a partner in Tobor, Goldstein & Healey, where her practice is oriented toward intellectual property litigation. She is a frequent speaker on internet issues.

#### **LEE KAPLAN**

is a partner in Smyser Kaplan & Veselka and has an extensive litigation background. He is board certified in civil trial law.

#### **ELIZABETH W. LAYMAN**

founder of Waterhouse Consulting LLC (legal and business Intellectual Property portfolio management), was formerly Chief Patent Counsel for a Houston oil-services company. She has also served as Computer Engineering Manager for Texas Instruments, Business Manager for Xerox Software and Site Manager for Navy Coastal Systems Laboratory.

#### **KARYL MISRACK**

is a Partner in KPMG LLP's Forensic & Litigation Services Practice in the Houston Office. She has fifteen years of experience providing a variety of audit, accounting, tax, litigation, valuation, and other financial consulting services. Ms. Misrack's intellectual property experience includes valuation analyses in trademark and patent infringement matters, as well as theft of trade secrets. She has also been involved in valuations of patents, trademarks, and trade secrets for acquisition, tax, and strategic planning purposes.

#### **ALAN MITCHELL**

is a partner of Hoffmann – Eitle (Munich and London), with a masters degree in Engineering Science from Oxford University. As a European Patent Attorney, he has extensive experience in practice before the EPO, especially in conducting oral

proceedings before the Opposition Divisions and Boards of Appeal.

#### **KIM MULLER**

is Senior Counsel for Shell Oil Company, Houston, Texas. He is past Chair of the State Bar of Texas IP Section and is currently President of the International Trademark Association. He is a former Secretary of HIPLA.

#### **SCOTT PARTRIDGE**

chairs the Intellectual Property and Technology department of Baker & Botts, Houston and co-chairs the department in Washington, D.C. A former PTO examiner and later a legislative specialist for the PTO, he has extensive governmental and private-practice experience in all aspects of intellectual property law.

#### **THOMAS PATERSON**

is a partner with the Houston firm of Susman Godfrey. A Ph.D. economist, his practice has centered on complex civil litigation.

#### **MARYBETH PETERS**

is the United States Register of Copyrights, a post she has held since 1994. Prior to that she was Policy Planning Adviser to the Register. A graduate of the George Washington University Law School, she is a frequent speaker on copyright issues and author of THE GENERAL GUIDE TO THE COPYRIGHT ACT OF 1976.

#### **CARMEN CAVAZOS PRATT**

is in the Labor and Employment Law Practice Group of Haynes and Boone. She has had significant trial experience in state and federal courts, and her legal expertise covers a broad spectrum of employment issues.

#### **ALAN RATLIFF**

is a partner at Ernst & Young's Houston office, where his work involves litigation services and damage calculations. He previously was an attorney with Weil, Gotshal & Manges.

#### **LELAND SCHULTZ, ESQ.**

is Senior Director of Intellectual Property of Seagate Technologies and recent past Director of Intellectual Property at Universal Instruments Corporation in Binghamton, New York. He received his

J.D. from South Texas College of Law, a B.M.E. and a M.S. in the Management of Technology from the University of Minnesota.

#### **WILLEM SCHUURMAN**

is a partner in the Austin office of Vinson & Elkins. His practice is primarily in the area of patent litigation.

#### **PROF. ROBERT SCHUWERK**

has taught on the faculty of the University of Houston Law Center since 1982. He is an expert in professional responsibility and a drafter of the Texas attorney disciplinary rules.

#### **CHRISTINE HEARST SCHWARZMAN**

is founder, chairman and chief executive officer of IPnetwork.com. She practiced intellectual property law with Cowan, Liebowitz & Latman and was a broadcast journalist before founding IPnetwork, a comprehensive website for intellectual property transactions.

#### **TIM SHEN**

is Senior Counsel with BMC Software in Houston. In addition to intellectual property, he handles e-commerce and international matters for the company.

#### **PAMELA SIMONTON**

Vice President of Corporate Technology Development, joined Exelixis in April 2000 from Bayer, where she most recently served as Vice President, Licensing and Acquisitions for Bayer's Pharmaceutical Division, responsible for in-licensing and out-licensing multimillion dollar product and technology opportunities. Prior to her most recent position with Bayer, she was the Vice President of Patents and Licensing for the Pharmaceutical Division, North America. She was previously employed by Amgen, Inc., as Patent Counsel.

#### **LINDA STOKLEY**

is presently Intellectual Property Counsel to Chevron Chemical Company, LLC. Linda practiced intellectual property law with Arnold White & Durkee from 1993 to 1998. She graduated from South Texas College of Law magna cum laude and served as an assistant articles editor on the South Texas Law Review.

#### **RUSS STOLLE**

has been Chief Patent and Licensing Counsel of Huntsman Corporation since 1994. Prior to joining Huntsman, he was an attorney with Texaco and Baker & Botts.

**SUSAN STONE**

is a partner with Fulbright & Jaworksi's Houston office, where her practice involved international business transactions. She is Assistant Secretary of the ABA and member of its Council.

**KAREN TRIPP**

started her own law firm in 1998. Previously, she was a shareholder and head of the IP section for the Houston office of Winstead Sechrest & Minick and before that was a shareholder of Arnold, White & Durkee. She is currently editor of the Intellectual Property Law Review published by the West Group.

**DEBRA VALENTINE**

is General Counsel for the Federal Trade Commission. She has a strong background in antitrust law and oversaw the FTC staff's dealings with competition authorities around the world. She has represented the FTC in multilateral organizations such as the World Trade Organization.

**DEE ANN WELDON-WILSON**

is Counsel with ExxonMobil Corp., responsible for Exxon's trademark matters worldwide. Before joining Exxon in 1990, she was a trademark attorney with The Southland Corp. and prior to that was associated with the law firm of Fitch, Even, Tabin and Flannery in Chicago. She is a well recognized speaker on trademark law and is active in several professional organizations, including the International Trademark Association, for which she serves on the Board of Directors.

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**Houston Intellectual Property Law Association:** Tim Headley, *President*; Sharon Israel, *President-Elect*; Craig Lundell, *Secretary*; Lou Brucculeri, *Treasurer*; Jim Repass, *Immediate Past President*.

**University of Houston Law Center:** Prof. Paul Janicke, Prof. Craig Joyce, and Prof. Raymond T. Nimmer, *Co-Directors of the University of Houston Law Center Institute for Intellectual Property and Information Law*.

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**PROGRAM ADMINISTRATION**

Karen Tripp, *Chairman*; Professor Paul Janicke, *Vice-Chairman*; Sinee Bielamowicz, Michelle Baxter and Kristi Barr, *Program Coordinators*.

***Committee Members:***

Margaret Anderson, Sal Casamassima, David Clonts, Tim Cook, Mark Gilbreth, Jack Goldstein, Elizabeth Hall, Tim Headley, Paul Janicke, Jeffrey Johnson, Anita Kadala, Elizabeth Layman, Mitch Lukin, Kim Muller, Linda Stokley Karen Tripp.

# REGISTRATION INFORMATION

## REGISTER IN ADVANCE

Fees:  
 \$375.00.....HIPLA members up to August 21  
 \$425.00.....Non-HIPLA members up to August 21  
 \$450.00.....HIPLA members after August 21  
 \$500.00.....Non-HIPLA members after August 21

Refunds will be granted only if they are requested in writing and postmarked no later than September 8, 2000. If you do not attend the program and do not request a refund, you will be mailed the written materials.

### QUESTIONS?

If you have any questions about the program, please call the UH Intellectual Property Program at 713-743-2180.

## WRITTEN MATERIALS

Extensive articles on the presentations will be bound as a Program book, included in the registration fee, and handed out during registration.

## HOTEL ACCOMMODATIONS

Please communicate directly with The Hotel Galvez to reserve a room. A registration form is included in this brochure for The Hotel Galvez. The deadline for making your reservation at the discounted rate for conference attendees (please indicate you are attending the HIPLA/UH Fall Institute to receive the conference rate) is September 8, 2000. After this date, reservations will be made on a rate and space available basis only. Telephone: 409-765-7721 or 281-480-2640.

## REGISTRATION FORM

MAIL TO:

IPIL, UNIVERSITY OF HOUSTON LAW CENTER • HOUSTON, TX 77204-6371

**Please make check payable to HIPLA or use**

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NAME
AFFILIATION
ADDRESS
CITY/STATE/ZIP
PHONE NUMBER
FAX NUMBER
SPOUSE/GUEST NAME (If Attending)
SIGNATURE OF CARDHOLDER

<u>I. REGISTRATION FEES</u> (CHECK ONE)	<u>AMOUNT</u>
<input type="checkbox"/> \$375 HIPLA members up to Aug. 21 (book included)	_____
<input type="checkbox"/> \$425 Non-HIPLA members up to Aug. 21 (book included)	_____
<input type="checkbox"/> \$450 HIPLA members after Aug. 21 (book included)	_____
<input type="checkbox"/> \$500 Non-HIPLA members after Aug. 21 (book included)	_____
<input type="checkbox"/> \$35 Limited Student Enrollment (lunch not included)	_____
<input type="checkbox"/> \$135 Program Book only (will not attend)	_____
<u>II. OTHER EXPENSES</u> (CHECK ALL THAT APPLY)	
<input type="checkbox"/> Friday Lunch Complimentary ____ (# of reservations) =	_____
<input type="checkbox"/> Friday Night Dinner \$35 ea. x ____ (# of reservations) =	_____

## HOTEL REGISTRATION FORM

**16TH ANNUAL HIPLA/UH INSTITUTE ON INTELLECTUAL PROPERTY LAW**

*Mail Hotel Registration to:*

*All Registrations Must Be Received By September 8, 2000*

**The Hotel Galvez, A Wyndham Grand Heritage Hotel**

**To Be Assured of Discounted Rate**

2024 Seawall Boulevard, Galveston, Texas 77550

1 Single:  \$129 night

2 Double:  \$129

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Cardholder's Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Arrival Date: \_\_\_\_\_ Departure Date: \_\_\_\_\_

Name: \_\_\_\_\_ Roommate: \_\_\_\_\_

Company/Organization: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

**ANY CANCELLATIONS MUST BE RECEIVED AT LEAST 48 HOURS PRIOR TO ARRIVAL DATE.**

*All requests subject to availability. Reservations will be considered tentative unless guaranteed by first night's deposit or major credit card.*