

The 2010 Midwest

# Intellectual Property Institute

You'll be completely updated in all major areas  
of IP law and litigation!

Thursday & Friday, September 23 & 24, 2010  
Minnesota CLE Conference Center  
Seventh Street & Nicollet Mall, Third Floor City Center, Minneapolis

31 NEW SESSIONS  
FEATURING INSIGHTS  
FROM AN ALL-STAR  
FACULTY INCLUDING:

**Charles A. Pearson**

Director of the Offices of  
Patent Cooperation Treaty Legal  
Administration and Petitions  
USPTO  
Washington D.C.

**Beth Chapman**

Former TTAB Judge  
Oblon, Spivak, McClelland,  
Maier & Neustadt, L.L.P.  
Alexandria, Virginia

**Ronald Crawford**

Former IP Legal Advisor,  
Arsenal Football Club  
Novagraaf Group  
London, England

**Aparna M. Dave**

Wells Fargo & Company  
Houston, Texas

**Edward Han**

Howrey LLP  
Washington D.C.

**Jackie Hutter**

The Hutter Group  
Decatur, Georgia

**J. Michael Jakes**

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

**Nina Meierding**

Negotiation and Mediation Training  
Bainbridge Island, Washington

**Dan Poliak**

Adobe Systems Incorporated  
Seattle, Washington

**Stacy A. Schultz**

Gibson, Dunn and Crutcher  
Los Angeles, California

**Steve Tapia**

Microsoft  
Redmond, Washington

**Michael Wagner**

LitiNomics  
Mountain View, California

**Peter C. Welch**

Take-Two Interactive Software, Inc.  
New York City, New York

**Plus federal and state court judges:**

Honorable Donovan W. Frank, Honorable Robert H. Lynn (Ret.),  
Honorable Janet N. Poston and Honorable James M. Rosenbaum

**In-house counsel** from 3M, American Medical Systems,  
Best Buy, Boston Scientific, DataCard Corporation, General Mills,  
Mayo Clinic, Medtronic, St. Jude Medical, Thomson Reuters,  
University of Minnesota, and Wells Fargo

**And many more**

# World-class intellectual property education tackling today's most important issues.

**From Social Networking to Patent Damages, from Contract Terms to Budgeting and Billing, and So Much More – The Institute Keeps You on Top of the Latest Developments, Strategies and Trends.**

The Institute is the easiest way to make sure that you know about all the new developments in all major areas of IP law and litigation, whether it's new cases, new legislation or new regulations. You'll get current, practical information and analysis through session presentations, Q & A with the faculty, discussions with colleagues between sessions, and the outstanding written resources.

**4 Judges PLUS the Director of the Offices of PCT Legal Administration and Petitions PLUS Experienced IP In-House and Outside Counsel from Around the Country and Internationally EQUALS A Talented Faculty All Preparing to Deliver Practical, Timely Education.**

You'll learn from, and can compare your practices with, experienced attorneys from private practice and IP-intensive industries. This year's faculty also includes 4 judges as well as a representative from the USPTO. You'll hear from senior in-house IP counsel from:

**3M**  
**Adobe Systems**  
**American Medical Systems**  
**Best Buy**  
**Boston Scientific**  
**DataCard Corporation**  
**General Mills**  
**Mayo Clinic**

**Medtronic**  
**Microsoft**  
**St. Jude Medical**  
**Take-Two Interactive Software**  
**Thomson Reuters**  
**University of Minnesota**  
**Wells Fargo**

**We Let You Create the Program that Best Meets Your Needs – You Choose from 31 Sessions.**

Everyone comes with differing education needs. That's why we've created a conference that lets you choose the sessions most relevant and important to you. From start to finish, your custom-tailored Institute schedule promises to be jam-packed with topics you care about.

With so many sessions to choose from, we help guide you to relevant programming by labeling tracks such as "Patent," "Trademark/Copyright," and "In-House Counsel." But you're the boss – feel free to select sessions from any track at the Institute. For instance, maybe you aren't an in-house counsel, but there's a session in that track that could prove helpful to your advisory practice. Or, you're an experienced trademark practitioner, but find that you'd like to take some "patent" sessions to expand your knowledge base. Go for it! In addition, you'll receive materials from every session – both those you attend and those you do not – all in the 250-page Midwest IP Institute Course Manual and the 2010 edition of THE IP BOOK.

**The Conference Will Provide You with New Tools and New Energy.**

A worthwhile conference provides you with new information, new ideas, new resources and new energy to do the tasks you need to do. We are confident that the Midwest IP Institute will deliver those benefits to attendees. You will leave the Midwest IP Institute with additional insights, knowledge and practice tips that you can use to be an even better practitioner. You also will leave with one-of-a-kind reference resources to save you time and research dollars throughout the year.

**The New 2010 IP Book – A Quick and Easy One-Stop Update.**



In addition to helpful update sessions, we provide every attendee with the 13-chapter 2010 edition of THE IP BOOK, a bound collection of updates on case law and emerging issues in all major areas of intellectual property law.

- CHAPTER 1. **Federal Circuit Year in Review – The Court Shifts Gears**
- CHAPTER 2. ***Bilski***
- CHAPTER 3. **Design Protection Update: Issues Relating to Design Protection After *Egyptian Goddess***
- CHAPTER 4. **Developments in the Law of Patent Remedies**
- CHAPTER 5. **Update on the Written Description Requirement after *Ariad***
- CHAPTER 6. **False Patent Marking Claims after *Forest Group v. Bon Tool***
- CHAPTER 7. **Copyright Year in Review**
- CHAPTER 8. **Google, Fairness and the Battle of the Books**
- CHAPTER 9. **Trade Secret Year in Review**
- CHAPTER 10. **Top Ten Trademark Decisions of 2009–2010**
- CHAPTER 11. **Keyword Advertising**
- CHAPTER 12. **Top Ten TTAB Decisions of 2009–2010**
- CHAPTER 13. **Top Ten UDRP Decisions of 2009–2010**

## Dozens of New Sessions for Prosecutors, Advisors, and Litigators

We have designed dozens of new sessions for this year's Institute including these sessions:

- Behind the Scenes of the *Bilski* Case
- IP Due Diligence in Mergers and Acquisitions
- How Judges View Your Actions to Protect Trade Secrets
- Crafting IP Language in Contracts
- Delivering Value in IP Litigation and Other IP Matters
- False Patent Marking
- Patent Licensing and Portfolio Management
- The Tension Between Trademark Attorneys and Marketers over Trademark Use
- Social Networking Policies: Insights from an Industry Leader
- Overcoming Impasse in IP Negotiations
- The Mouse, the Artist, the Superheroes and Their Lawyers: A Litigation Story
- How Patent Prosecutors and In-House Counsel Can Provide Work Product Better Aligned with Clients' Business Needs
- The Strategic Use of Reissue in Patent Prosecution
- Big Verdicts Under Scrutiny: Taking a Hard Look at the Damages Case
- Developing Brand Loyalty While Protecting Your Brand
- Strategic Approaches for Dealing with the Pitfalls of Joint Inventorship, Ownership of Intellectual Property Rights and Other Hot Trends
- Identifying and Responding to Negotiation Tactics
- Copyright Challenges in Social Media
- The Intersection of IP Rights and the First Amendment in Video Games: An Examination of Trademark, Right of Publicity, and Copyright Claims in Video Games
- When, Why, and How to Strategically Leverage Accelerated Examination

*And many more!*

### All Materials Come on a Fully Searchable CD-Rom.

You'll receive the entire 250-page Midwest IP Institute *Course Manual* – plus, electronic versions of the 2010, 2009, and 2008 editions of THE IP BOOK – on a fully searchable CD-Rom. In addition, at each session you attend, you'll receive a set of materials in hard-copy form so that you can follow along. It's the best of both worlds!

### And You'll Enjoy High-Quality Conference Amenities, a Chance to Win 1 of 3 Apple iPads and a Can't-Miss Networking Opportunity!

The Institute includes amenities to make the entire conference a comfortable, enjoyable affair – breakfast each morning, snacks and beverages during breaks, a chance to win 1 of 3 Apple iPads, a five-star reception with gourmet hors d'oeuvres and more. It's a fun and relaxed conference setting in which to network. You'll have plenty of time to visit with friends, clients, potential clients and other colleagues throughout the two days.

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## Morning Plenary Sessions

8:00 – 8:30 a.m.

CHECK-IN & CONTINENTAL BREAKFAST

8:30 – 8:40 a.m.

WELCOME & INTRODUCTION

8:40 – 9:10 a.m.

### Judge Rosenbaum on “Intellectual Property Law and Practice” – Observations, Recommendations and Predictions

With his well-known wit and candor, Judge James M. Rosenbaum serves up some “food for thought” for the intellectual property lawyer. Reflecting on intellectual property trials over his 25 years on the federal bench, he offers advice for both the IP litigator and the IP adviser.

– *Hon. James M. Rosenbaum*

9:10 – 10:00 a.m.

### The U.S. Patent and Trademark Office: Update on the New Administration’s Initiatives

The Director of the Office of Patent Cooperation Treaty (PCT) Legal Administration at the USPTO comments on the new administration’s workload, goals and initiatives relating to both patents and trademarks. He will also offer his thoughts on the wide range of domestic and international intellectual property issues that confront the USPTO; including PCT reform, the Patent Prosecution Highway and the Three Track Initiative.

– *Charles A. Pearson*

10:00 – 10:45 a.m.

### Strategic Negotiation: Overcoming Impasse in Negotiations

Impasse can occur for many different reasons, and you can’t move past it unless you know where it’s coming from. In her trademark high-energy style, national negotiations expert Nina Meierding will explore common sources of impasse in negotiations and identify specific techniques that we can use to break deadlocks and revive stalled negotiations.

– *Nina Meierding*

10:45 – 11:00 a.m.

BREAK

## 11:00 – 12:00 p.m. Breakout Session A

### Patent

#### 1. The Year in Patent Law: *Bilski*, the CAFC, USPTO Rule Changes and More

Patent attorneys John Dragseth and Michael Jakes review significant legal developments over the past year, with a focus on the latest CAFC decisions and trends, plus a review of recent rule changes at the PTO.

– *John A. Dragseth & J. Michael Jakes*

### Trademark & Copyright

#### 2. The Year in Trademark Law: Fraud, Distinctiveness, The Stevens Act and Other Hot Trademark Developments

Trademark attorneys Stephen Baird and Paul Mussell will analyze the practical implications of this year’s most significant trademark decisions; including *American Eagle Outfitters, Inc. v. Lyle & Scott Ltd.* and *In re Bose Corporation*, plus *Victoria’s Secret v. Mosely* and *Tiffany Inc. v. eBay* revisited. They will also discuss *National Pork Board et. al v. Supreme Lobster & Seafood Co.*, only the second TTAB decision to find dilution since the federal dilution statute was enacted in 1999.

– *Stephen R. Baird & Paul W. Mussell*

### Business of IP

#### 3. Strategic Approaches for Dealing with the Pitfalls of Joint Invention, Ownership of Intellectual Property Rights and Other Hot Trends

This group of experts will examine the hot issues that face in-house intellectual property counsel and how they navigate the mine fields including: Strategic approaches for dealing with the pitfalls of joint invention and ownership; recent trends in third-party research/clinical and non-disclosure agreements; issues associated with physicians as inventors and consultants; marking – to mark or not to mark.

– *Irene Eckert, Jeffrey J. Hohenshell & Gregory L. Koeller*  
– *Barbara A. Wrigley, moderator*

### In-House Counsel

#### 4. Trade Secrets – A Judicial View of What Counts if the Trade Secret Matters You’re Handling End Up in Court

A session tailored for in-house counsel to provide valuable insight into effective measures that in-house counsel can recommend to their clients either to protect trade secrets or to guard against potential claims of misappropriation. That insight will come via “lessons to be learned” from litigation in the trade secret arena. Your panelists are distinguished judges who have handled such cases, and they will share their perspectives as to what really counts when a trade secret dispute lands in court.

– *Hon. Donovan W. Frank, Hon. Robert H. Lynn (Ret.) & Hon. Janet N. Poston*  
– *Keith S. Moheban, moderator*

## 1:15 – 2:15 p.m. Breakout Session B

#### 5. When, Why, and How to Strategically Leverage Accelerated Examination

The USPTO’s new Accelerated Examination (AE) program has a sufficient track-record to prove it can be a powerful vehicle for ensuring speedy prosecution, high quality patents, validating investment and bestowing numerous benefits to patent portfolios. This “best practices” discussion will address: Leveraging AE to swiftly obtain high-quality examination and issued patents while reducing prosecution costs; Overcoming challenges to pre-examination search reports and examination support document requirements; Evaluating circumstances when AE can serve as a patentability test; Designing and implementing an effective AE plan into existing corporate patent programs; Identifying industries and product areas that benefit most from the AE program.

– *Christopher R. Hilberg*

#### 6. The Intersection of IP Rights and the First Amendment in Video Games: An Examination of Trademark, Right of Publicity, and Copyright Claims in Video Games

The video game industry is a multi-billion dollar industry. With the increased popularity of video games, litigation involving IP rights and video games is on the rise. Vice-President and Associate General Counsel for Take-Two Interactive Software, Peter Welch, and local expert, Joel Leviton, discuss how trademark, right of publicity, and copyright issues arise in video game development, and share their strategies for approaching and resolving these issues.

– *Joel D. Leviton & Peter C. Welch*

#### 7. IP Issues in Contracts: Getting Beyond the Boilerplate

Negotiating IP provisions in commercial contracts often amounts to an exchange of one-sided boilerplate provisions, followed by protracted argument over conceptual issues. This session will focus on crafting and negotiating IP provisions that reflect the parties’ underlying business objectives, and provide practical advice on separating the important from the unimportant when negotiating IP rights under business agreements.

– *Stacy A. Schultz*

#### 8. Delivering Value in IP Litigation and Other IP Matters

Even as IP litigation and other IP matters are becoming more critical to companies’ success, legal department budgets are becoming more constrained. In this session, Todd Messal of Boston Scientific Corporation and Ed Han of Howrey LLP will explore – from the perspective of both in-house and outside counsel – approaches to improving the cost-effectiveness of IP representation, the predictability of legal spend, and the alignment of clients’ and law firms’ interests. Topics will range from alternatives to the billable hour to litigation budgeting.

– *Edward Han & Todd Messal*

2:30 – 3:30 p.m.  
Breakout Session C

**9. Behind the Scenes of the *Bilski* Case and What It Means for Patentability of Business Methods**

Having served as counsel for the petitioners in the Supreme Court, Mr. Jakes will discuss the certiorari process, the successful cert petition he filed, why the Court granted it, the extensive amicus participation in the case, and the oral argument. He will also give his insights into the decision itself, and will conclude by sharing his views about what the Federal Circuit and district courts may do next and where the law on patentable subject matter may be headed.

– *J. Michael Jakes*

**10. The Tension Between Trademark Attorneys and Marketers over Trademark Use**

To prevent a mark from becoming generic, many attorneys stress the formulaic rules that companies should follow to safeguard marks. Marketers, however, take a different view. They attempt to creatively imprint their brands into the public's consciousness, and even choose particular marks precisely because the public is likely to adopt them and use them in a colloquial way. With the escalating use of the Internet and social media and the increased sophistication of consumers, are the rules about proper use of trademarks still applicable, are these rules outdated, or is there a middle ground that respects marketers' creativity while preserving legal protection of the brand? In this session, a marketing expert, an in-house trademark counsel, an outside counsel, and former Trademark Trial and Appeal Board judge will discuss the relationship between innovative marketing and traditional trademark principles, and share advice for trademark attorneys and marketers navigating these waters.

– *Beth Chapman, Gregory P. Kaihoi & William Lozito*  
– *Dean R. Karau, moderator*

**11. How Patent Prosecutors and In-House Counsel Can Provide Work Product Better Aligned with Clients' Business Needs**

The way your clients think about IP is changing. Is the way you counsel them changing, too? In an interview-style presentation, you'll hear from Jackie Hutter – an IP strategy consultant and self-described “recovering patent attorney” with 15 years of IP counseling experience. She will provide attendees with concrete advice on how to help clients create value from their patents and other IP and intangible assets. Topics include: how clients' views of IP and intangible assets are changing and ways both inside and outside counsel can stay relevant to clients today; what you can do to help clients obtain meaningful patents at reduced cost; how to really understand clients' business goals and how to help make those happen; and how to help clients monetize their patents.

– *Jackie Hutter*  
– *Edna Vassilovski, moderator*

**12. Social Networking Policies – Insights from an Industry Leader**

Dan Goldman is the chair of Mayo Clinic's business law practice group and legal advisor for its industry-leading social media efforts. Mr. Goldman will discuss how to develop and effectively implement a corporate policy that maximizes potential rewards and helps mitigate the legal and branding risks associated with social media.

– *Daniel S. Goldman*

3:45 – 4:45 p.m.  
Breakout Session D

**13. Effective Patent Application Drafting and Prosecution in Light of Recent Developments**

Many pitfalls resulting from recent changes and developments in the patent law await the unwary patent practitioner. Practical and effective patent application drafting and prosecution tips and techniques are presented to avoid these pitfalls, reduce client costs, secure early allowance, and create favorable file histories.

– *Thomas Woods*

**14. Trademarks and Social Media: Practical Responses to Emerging Issues**

It is not business as usual in the Web 2.0 environment. The explosion of Twitter, Facebook and other social networking websites has increased the threat of online trademark misuse and infringement for businesses. What can businesses and counsel do to proactively protect brands from infringement by social networking website users and misuse by employees, agencies, and street teams? How should businesses respond when they detect misuse or alleged trademark infringement by a user of Twitter or Facebook? This session will review these and other key issues confronting trademark owners.

– *Paul W. Mussell*

**15. Academic Technology Licensing – Bayh-Dole and Beyond**

American universities are spending billions of dollars each year to create marketable inventions and discoveries, many of which may be licensed to your clients. But negotiating with universities can be fraught with misunderstandings and frustrations. University licensing practices and goals differ markedly from those of other business entities. This session will explain how universities approach technology licensing. Learn how to better counsel your business clients on what to expect in negotiations with university technology licensing offices and how to more effectively negotiate licensing agreements with universities.

– *Gregory C. Brown*

**16. False Patent Marking Claims After *Bon Tool*: Patent Marking “Trolls” or Guardians of the Patent System?**

A diverse panel will discuss the pros and cons of the Federal Circuit's recent *Forest Group v. Bon Tool* decision and resulting flood of new false patent marking lawsuits. The discussion will include strategies for handling as well as avoiding such claims.

– *Thomas F. Cotter, Eran Kahana & Michael M. Lafeber*

4:45 – 5:45 P.M.

**FIVE-STAR RECEPTION**

JOIN YOUR COLLEAGUES FOR:

- ★ Gourmet hors d'oeuvres
- ★ Fine wines
- ★ Local beers
- ★ Networking in a relaxed setting
- ★ A chance to win a great prize!

**REGISTER FOR A CHANCE TO WIN!**

Register for a chance to win one of three Apple iPads! The prize drawing will take place at the reception on Thursday, September 23, and you must be present at the reception during the prize drawing to win. Any person may receive an entry slip on Thursday, September 23, at the Institute registration desk until the reception begins at 4:45 p.m. Registration for the 2010 Midwest IP Institute is *not* required. The following individuals are not eligible to win: Institute faculty, planners and IP Book authors; employees of Minnesota CLE, and the Minnesota State Bar Association, as well as family members of those employees.



**SPECIAL THANKS TO OUR SPONSORING FIRMS FOR MAKING THE RECEPTION A TRULY FIVE-STAR AFFAIR.**

## Morning Plenary Sessions

8:15 – 8:50 a.m.

CONTINENTAL BREAKFAST

8:50 – 9:00 a.m.

WELCOME & INTRODUCTION

9:00 – 10:00 a.m.

### Senior IP Counsel on Managing the Protection of Intellectual Property

A panel of senior IP counsel from Microsoft, Adobe Systems and the Novagraaf Group (formerly with the Arsenal Football Club) share their insights on a wide range of current issues; including budgeting, controlling IP enforcement costs, managing social networking both as a marketing tool and use by employees, working with outside counsel, and prioritizing IP work.

- *Ronald Crawford, Dan Poliak & Steve Tapia*
- *Kevin H. Rhodes, moderator*

10:00 – 11:00 a.m.

### IP Ethics: Real-World Scenarios and How to Handle Them

#### 1.0 ethics credit applied for

An entertaining, relevant ethics session for IP Institute attendees. A seasoned ethics attorney and two experienced lawyers who handle IP matters discuss realistic hypotheticals – the right answers, the wrong answers, and how to handle the grey areas in between.

- *David A. Allgeyer & Sara A. Poulos*
- *Eric T. Cooperstein, moderator*

11:00 – 11:15 a.m.

BREAK

## 11:15 – 12:15 p.m. Breakout Session E

### Patent

#### 17. Big Verdicts Under Scrutiny: Taking a Hard Look at the Damages Case

Recent decisions of the Federal Circuit and in the district courts have reversed damages awards large and small when the courts have found that the patentee failed to tie the damages calculation sufficiently closely to proof of the economic contribution of the claimed invention. This session will examine trends in the recent decisions, review the shortcomings found by the courts, and include discussion of techniques to evaluate the sufficiency of the damages analysis in light of the decisions.

- *Jake M. Holdreith & Michael Wagner*

### Trademark & Copyright

#### 18. The Year in Copyright Law – Illegal Downloading, Fair Use, and the DMCA

Copyright law experts Cal Litsey and Donna Gies discuss the practical implications of recent copyright developments, including the decisions in *Reed Elsevier, Inc. v. Muchnick*, *Viacom Int'l Inc. v. YouTube Inc.*, *Salinger v. Colting*, and more.

- *Donna H. Gies & Calvin L. Litsey*

### In-House Counsel

#### 19. Developing Brand Loyalty While Protecting Your Brand: Strategies for In-House Counsel

Corporate counsel representing Best Buy, Adobe Systems and the Novagraaf Group discuss a range of initiatives that they and other companies are undertaking to enhance brand loyalty, including engaging customers on social networking sites, incentive programs, non-traditional advertising, co-branding efforts, contests and other promotions. What are the risks inherent in such efforts? Is it possible to pursue these initiatives and still protect the company's image and intellectual property? Attend this session for answers to these questions and your own.

- *Ronald Crawford & Dan Poliak*
- *Caldwell Camero, moderator*

### Negotiation

#### 20. Strategic Negotiation: Identifying and Responding to Negotiation Tactics

Tactics are intentional behaviors designed to manipulate the other party's (or their attorney's) emotions and behavior. National negotiations expert Nina Meierding will examine specific negotiation tactics and possible responses that can effectively expose and neutralize them.

- *Nina Meierding*

## 1:15 – 2:15 p.m. Breakout Session F

#### 21. The Strategic Use of Reissue in Patent Prosecution

Reissue is a valuable tool for the patent prosecutor as it allows a patentee to correct a wide variety of errors in a patent. But, there are limits to the types of errors that are correctable through reissue. Attend this session for an in-depth discussion on the benefits, limitations, and strategic use of reissue.

- *Devan V. Padmanabhan*

#### 22. The Mouse, the Artist, the Superheroes and Their Lawyers: A Litigation Story

Pow! Wham! This session covers the latest high profile copyright fight involving serial litigants Walt Disney Company and Marvel Comics. In the latest episode, Disney and Marvel battle the heirs of Marvel comic book artist, Jack Kirby, for custody of Thor, the Hulk, Ironman and the Fantastic Four. This session will cover work for hire, claw back rights, licensing due diligence and a host of copyright issues in the context of what might be the most significant copyright case in Hollywood history.

- *Felicia J. Boyd & Rita A. O'Keeffe*

#### 23. IP Due Diligence in Mergers & Acquisitions – Including What to Do about a Target Company's Use of Open Source Software

A practical overview of the critical issues to consider when conducting intellectual property diligence on a target's IP portfolio. Topics will include trademark, copyright, domain name, licensing, patent diligence and more. Special focus will be given to open source matters – how to evaluate the software assets of companies that your client may acquire to identify open-source software and manage any remediation effort that is necessary.

- *Steve Tapia & James L. Young*

#### 24. Elimination of Bias: The Impact of Culture on Negotiation

##### 2-hour session 2.0 elimination of bias credits applied for

In this highly interactive two-hour work workshop, Nina Meierding will explore how we as attorneys can better understand and communicate with clients whose backgrounds are different from our own. This program discusses the impact of issues such as styles of communication, approaches to risk, attitudes about time and processing, attitudes about fairness, and "when is a deal a deal."

- *Nina Meierding*

12:15 – 1:15 p.m.  
Lunch – on your own

## 25. The Next Generation of Freedom-to-Operate

In a crowded patent landscape, does performing a comprehensive Freedom-To-Operate (FTO) analysis become cost-prohibitive for start-up companies with limited funding? Can venture capitalists perform more efficient and effective FTO during due diligence? Can your investment in FTO legal analysis be reused or leveraged for other strategic purposes? Learn not only about the fundamentals of FTO, but explore how FTO can be fundamentally reshaped to maximize its value.

— *Gregory W. Smock*

## 26. Copyright 2015: Is Social Media the End of Traditional Copyright?

We live in a world where users demand your work in multiple formats for use on multiple form factors for free and usually can find it. YouTube, Pandora, Flickr, Facebook, MySpace, Hulu and the various search engines all threaten to make a copyright owner's ability to control first publication, distribution and reproduction of a work illusory. So, how do we keep incentives for creators to create? What should be protected and how do we do it? This session will examine the challenges to copyright made by social media and other recent innovations and discuss what copyright protection could and should look like in 2015 and beyond.

— *Steve Tapia*

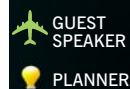
*Attendees focusing on today's in-house counsel track will enjoy one of the following sessions:*

## 25. The Next Generation of Freedom-to-Operate


or


## 26. Copyright 2015: Is Social Media the End of Traditional Copyright?


**Elimination of Bias:  
The Impact of Culture on Negotiation**  
*continued*




# FACULTY & PLANNERS


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 **Beth Chapman**  
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Former IP Legal Advisor,  
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Novagraaf Group  
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 **Aparna M. Dave**  
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Eagan


 **Daniel S. Goldman**  
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
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
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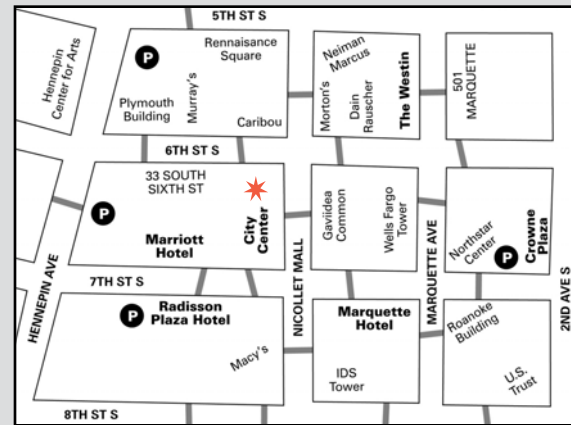
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