

3rd



legal IQ
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Patent Strategies

March 28-30, 2007

Affinia Manhattan Hotel, New York City



Chairperson:
Robert A. Cote
Partner, Orrick



Keynote Address:
Kevin G. Rivette
VP Intellectual Property Strategy
IBM Technology & Intellectual Property
*Author of "Rembrandts in the Attic -
Unlocking the Hidden Value of Patents"*



Keynote Address:
Wayne P. Sobon
Director of IP, Accenture
Board Member, American Intellectual
Property Association (AIPLA)



**Featuring Judicial Perspectives
from:**
**Honorable Judge Liam
O'Grady**
U.S. Magistrate Judge (Virginia)

**Honorable Judge
Garrett E. Brown**
Chief Judge (New Jersey)

**Attend this
conference to learn
about real-world best
practices for:**

- Patent Reform and its Implications
- Perspectives from the Court
- Anti-Troll Strategies
- The State of Injunction
- E-Discovery: Controlling Costs in Patent Litigation
- Creative IP Litigation Strategies

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3rd Patent Strategies

March 28-30, 2007

Affinia Manhattan Hotel, New York City

Who You Will Meet And Who Should Attend:

- US District Court Judges
- US Magistrate Judge
- Vice Presidents & Chief Patent Counsel
- General, Associate and Senior In-house Counsel
- Chief IP Counsel
- Chiefs of IP
- Directors of IP Development
- Patent Attorneys

Legal IQ would like to hear from you:

Legal IQ is looking to expand its course offerings. Do you have an interesting "story to tell" or a "hot" conference topic idea? If so, please send a short email to lisa.schulman@iqpc.com.

Dear Executives and Legal Professionals:

Patents are the competitive weapon and currency of the new knowledge economy and will continue to rise in prominence as organizations around the world - big and small, and of varying cultures - recognize the great patent forces building around them.

This new patent focus is spreading across virtually every industry sector. Companies are seeking to gain a proprietary market advantage, an exclusive hold over new technology or an opportunity to develop new revenue sources through licensing and IP-funded equity positions.

Patent strategy is no longer simply about defending a company's technology - it is about critical business strategy and maximizing shareholder value.

Understanding and mastering the key IP issues that drive and shape the value and power of patents - and choosing the right IP strategy - are thus crucial components of success in the new knowledge economy. With this reality in mind, the Advisory Committee and IQPC - the event organizers - are pleased to present Patent Strategies 2007.

We are fortunate to have assembled a very distinguished faculty of judges, government officials, in-house counsel, and prominent law firm professionals - all of whom work on the front lines of the new knowledge economy - to discuss these key IP issues and strategies with you and important lessons learned along the way.

We look forward to seeing you in New York City and helping guide your path to the right IP strategy.

Robert A. Cote
Orrick
Conference Chairman

P.S. Maximize your learning experience by attending our highly interactive pre-conference workshops! Refer to page 5 for details. See you in Manhattan!

Earn CLE Credits:

The following is a summary of the CLE requirements as promulgated by the New York State Continuing Legal Education Board

Experienced attorneys (after the first two years of admission to the Bar) must complete 24 hours of accredited continuing legal education during each biennial reporting cycle. 4 credit hours must be in ethics and professionalism. The other credits may be in any combination of the following categories: ethics and professionalism, skills, practice management or areas of professional practice. The biennial reporting cycle is the two year period between the dates of submission of the attorney's registration statement and generally ends on the individual attorney's birthday. Experienced attorneys with more than 24 credit hours in any one reporting cycle may apply up to 6 credit hours to the next biennial reporting cycle. There is no carryover of ethics credits.

IQPC's 3rd Patent Strategies gives you the opportunity to earn up to 26 CLE credits.

Main Conference Day 1

Thursday, March 29, 2007

7:30 Continental Breakfast Reception

8:15 Opening Remarks from the Chairperson



Moderator
Robert A. Cote, Partner
ORRICK

8:30 Keynote Address: Mr. Kevin Rivette



Mr. Kevin G. Rivette is the author of *Rembrandts in the Attic*, which *The New York Times* declared to be the "textbook" on Intellectual Property strategies. Rembrandts has been translated into seven languages including Chinese. Mr. Rivette has also written on this subject for many publications including *CEO* and *Chief Legal Officer* magazines and the *Harvard Business Review*. He has also made numerous TV and radio appearances to discuss the strategic business use of Intellectual Property. In his expert capacity he has provided testimony to the U.S. House Judiciary Subcommittee on Courts, the Internet and Intellectual Property. Further, Mr. Rivette is an executive board of directors member of the non-profit International Intellectual Property Institute (IIPI) based in Washington D.C.



9:15 Judge's Panel: Perspectives from the Court

Judges from different jurisdictions will gather to discuss and answer questions about pressing issues in IP cases.

Eastern Texas and Northern California: Statistics of Success:

- What are the actual numbers and what do they mean?
- Should these districts' methods be the nation's model?

Points for Presenting a Patent Case in Front of a Jury:

- Knowing the decision-makers
- Persuasion Tips



Moderator:
Robert A. Cote, Partner
ORRICK

Panelists:

The Honorable Judge Liam O'Grady
U.S. Magistrate Judge (Virginia)



The Honorable Judge Garrett E. Brown,
Chief Judge (New Jersey)

10:00 Morning Networking Refreshment Break

10:30 Building a Patent Portfolio with Purpose and Value

What is the next step for a company that has great presence but an undersized portfolio?

- Tools for translating legal issues into a market competitive position in order to gain internal support for developing and building a stronger patent portfolio
- Strategies for aligning IP with business goals in light of customers, competitors, and vendors to allow for effective control of business critical information and technology
- Planning ahead to allow for leveraging of patents and/or patent applications beyond licensing
- Offensive and defensive considerations for a portfolio that is being developed



Jubin Dana, Senior Counsel
VISA USA INC.

11:15 Panel Discussion - Is the US Patent System REALLY Broken?

- Protecting innovation in today's knowledge based economy
- Strengthening the USPTO
- Examining the Patent Reform Act
- Making the patent system more predictable, timely and cost effective



Bruce G. Bernstein, General Patent Counsel
INTERDIGITAL

12:00 Roundtable Luncheon

1:00 From Strategy to Execution: Anatomy of a High Tech Assertive Licensing Campaign

Setting up and managing an assertive licensing campaign in the high-tech world is fraught with many challenges. Does the corporate culture support the use of Patents to generate revenue? What steps should you take to ensure success? During this session, participants will be able to expand their knowledge of how to effectively set up, manage and execute an assertive licensing campaign by:

- Viewing portfolio management as a long-term investment
- Understanding key issues and challenges in setting up a successful licensing program
- Knowing how to identify features of valuable patents
- Seeing licensing and litigation as the interface of business and law.



Steve Adam, VP of Patent Intelligence
CHIPWORKS



Mr. John C. Lindgren, Senior Vice President Patent Licensing,
General Counsel and Corporate Secretary MOSAID
TECHNOLOGIES, Former Vice President and Assistant General Counsel, Texas Instruments

1:45 Anti-Troll Strategies

This interactive panel discussion will focus on non-product producing patent holders. Topics will include:

- Defining Patent Trolls
- Patent Trolls versus Infringer: What to do when sued by a Troll
- Patent Troll litigation in the Eastern District of Texas
- What affect do Trolls have on the High-Tech industry?



Moderator:
Mark P. Kesslen, Chair of IP Practice Group
LOWENSTEIN SANDLER PC

Panelists:

Carmen R. Adams, Vice President & Assistant General Counsel
Legal Division, WACHOVIA CORPORATION

2:30 Afternoon Networking Refreshment Break

3:00 Year in Review: Recent Patent Cases and Their Implications

- Recent "Top 10" patent cases:
- Microsoft vs. AT&T (extraterritorial reach of US patent laws)
- KSR v. Teleflex (standard for obviousness)
- LabCorp v. Metabolite (statutory subject matter) and others
- Implications for your business
- Policy changes that affect the day-to-day practice of IP Lawyers
- Congress' status - developments in the law
- Anticipated reform



Moderator:
Kristin H. Neuman
Senior Counsel, PROSKAUER ROSE, LLP



Panelists:
David Cunningham, Senior Patent Counsel
HITACHI AMERICA, LTD.



Marc De Leeuw, Partner
SULLIVAN & CROMWELL LLP

3:45 Litigation: Power Hour Measures for Avoiding Litigation

- How to evade the consistent threat of costly and time-consuming lawsuits
- Pre-litigation resolution approach



Ajay Gambhir, Senior Patent Counsel
BLACK & DECKER

Creative IP Litigation Strategies

- Pre-litigation resolution approach
- Pre-litigation efforts needed to undertake to make sure your case is strong both offensively and defensively
- What to do during litigation



Harlie D. Frost, Vice President and General Counsel,
AT&T LABS, INC.

5:00 End of Day One

Don't miss back-to-back individual speeches focused on litigation! These sessions are followed by a joint Q&A.

Main Conference Day **2**

Friday, March 30, 2007

8:00 Continental Breakfast Reception

8:15 Opening Remarks from the Chairperson



Moderator:
Robert A. Cote, Partner
ORRICK

8:30 Keynote Address: Wayne P. Sobon – Intellectual Property Challenges in Changing Organizations and a Changing World



Mr. Wayne P. Sobon is the Director of Intellectual Property at Accenture. Mr. Sobon is responsible for its intellectual property issues, including its IP program for capturing, protecting and exploiting Accenture's innovations. Mr. Sobon is also a Board Member of the American Intellectual Property Association. His keynote address will include thoughts and observations on the issues organizations face crafting and executing successful intellectual property strategies in a rapidly changing environment.

9:15 Choosing a Patent Litigation Venue

This session will cover:

- The most popular districts
- The factors that appeal to patent holders (time to trial, likelihood of transfer, summary judgments, Markman treatment, patent rules, discovery requirements, jury pool)
- How the districts compare
- Legislative rocket docket proposals
- Advice for defendants



Mike McKool,
Principal, MCKOOL SMITH

10:00 Networking Refreshment Break

10:30 E-Commerce and Business Method Patents:

As the internet and other technologies evolved in the 1990's, new business models and the methods of doing business became very important in the competitive marketplace. To protect such important assets, businesses began to look to patents for protection. In 1998, the US Court of Appeals for the Federal Circuit opened up the gates to business method patents in *State Street Bank v. Signal Financial Group, Inc.* Since then, businesses in every industry have become aggressive in protecting their new business methods. This session will cover topics including:

- What constitutes a business method patent
- The challenges of finding prior art
- Legal requirements for getting business method patents
- Strategies for prosecuting business method patents
- Current USPTO handling of business method patents

Panelists:

Leonardo Renna, Counsel, Intellectual Property
Patents and Technology, MASTERCARD WORLDWIDE



Charles Kwalwasser, Intellectual Property
LEHMAN BROTHERS

11:15 Panel: The Future of Antitrust Allegations in Patent Litigation – Where Does 2006 Leave Us?

This past year saw numerous cases dealing with antitrust issues to a varying degree, beginning with sham litigation allegations in *In re Wellbutrin SR* Antitrust litigation and ending with the FTC's staff report on the Enforcement Perspectives on the Noerr-Pennington Doctrine. In between were enough antitrust questions to cause practitioners and industry leaders alike to ask innumerable questions, including:

- After Schering, will the FTC continue chasing reverse payments, or would tamoxifen be too bitter a pill to swallow?
- Will clopidogrel kill authorized generics?
- With delisting patents disapproved, will brand pharma product hop even more?
- Has the Walker Process claim left the building?
- Is alleging sham litigation the true sham?
- What conduct escapes Noerr immunity?

Take note and participate in a lively discussion as these issues are presented as they apply to the drug industry and beyond, including how they affect your portfolio, market and litigation strategies.



Stephen R. Auten, Patent Attorney - Generics
Sandoz, Inc. - NOVARTIS CORPORATE INTELLECTUAL PROPERTY



John D. Thallemer, Senior Patent Attorney
Sandoz, Inc. - NOVARTIS CORPORATE INTELLECTUAL PROPERTY



William M. Ragland, Jr., Partner, Litigation, Intellectual
Property & Antitrust, HUNTON & WILLIAMS LLP



Donna M. Praiss, Partner, Litigation, Intellectual Property &
Antitrust, HUNTON & WILLIAMS LLP



Esther H. Steinhauer, Counsel, Litigation, Intellectual Property
& Antitrust, HUNTON & WILLIAMS LLP

12:30 Luncheon for Delegates and Speakers

1:30 Patent Portfolio: Basics and Beyond

This talk will cover best practices for patent portfolio development and management. Emphasis will be placed on different stages of the company and portfolio's lifecycle as well as the company's IP strategy. Hear about specific approaches and practices used by Rambus Inc. and American Express to manage their patent portfolios.

Session will also discuss:

- Software tools
- Metrics
- Benchmarking



Erik Oliver, Director of Patent Development
RAMBUS INC.

Maxine Graham, Chief IP Counsel
AMERICAN EXPRESS

2:15 Panel: The State of Injunction

- Microsoft vs. Z4 Technologies,
- eBay vs. MercExchange before the Supreme Court
- How judges are interpreting and deciding similar cases
- What plans should be applied in the courtroom?



Scott D. Baker
Partner, REED SMITH LLP

3:00 Afternoon Networking Refreshment Break

3:30 Current Issues in Damages in IP Litigation

This session will cover:

- How to make effective and dynamic use of your damages expert in patent litigation
- Current issues in patent infringement damage calculations, including:
 - The impact of eBay v. MercExchange
 - Royalty stacking
 - IP holding companies



Christian Tregillis, National Practice Leader
Intellectual Property Services, KROLL

4:15 Use of Different Claim Categories - Business Point of View

Both US statute and case law specify that there are significant differences in how claim categories (method, apparatus and system claims) are interpreted. This has significant impact on how a patent can be used. In this presentation those impacts are analyzed from the business point of view by discussing the following issues:

- Difference in scope of protection
- Difference in infringement analysis
- Difference in determining who is the potential infringer

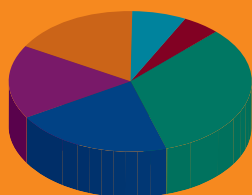


Tommi Lehtinen, Senior IPR Manager
NOKIA INC

5:00 Closing Remarks from the Chair and the End of Conference

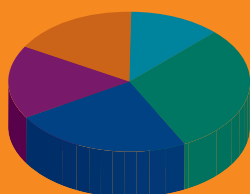
Who You Will Meet:

Job Function



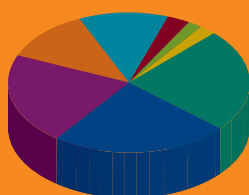
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Attendees from the past two Patent Strategies include:

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Google	TARGUSinfo
Health Canada	The Mathworks
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Special Thanks to our Advisory Board:

On November 1, 2006 Legal IQ held an Advisory Board meeting in order to better develop a framework for an informative agenda that is both timely and topical for today's ever-changing patent and IP landscape.

Participants included:



Steve Adam
VP of Patent Intelligence
CHIPWORKS



William Baker
Counsel
ROPES & GRAY LLP



Kristin Neuman
Senior Counsel
PROSKAUER ROSE LLP



Robert A. Cote
Partner
ORRICK



Paul Ragusa
Partner
BAKER BOTTS LLP



Mark P. Kesslen
Chair of IP Practice Group
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Pre-Conference Workshops

Wednesday, March 28, 2007

A 8:30 am - 11:30 am Patent Valuation

During this workshop, hear from Alex Poltorak of General Patent Corporation who will discuss various valuation methodologies and introduce analytical techniques to value patent portfolios and individual patents; Don Merino of Intellectual Ventures who will talk about Valuing Patents for Acquisition; Paul Lerner, of General Patent Corporation, who will be discussing Valuing Infringed Patents Using Litigation Risk Analysis; and Mike Lasinski who will explain patent portfolio valuation approach developed by Ocean Tomo. Patents have become the currency of the knowledge-based economy. Patent valuation will be discussed in terms of both valuing patents as market monopolies and valuing individual patents in a portfolio.

This in-depth workshop will cover:

- Patent valuation techniques -- a critical review;
- Patent portfolio valuation based on market monopoly;
- A risk-adjusted approach to patent valuation;
- Valuation of individual patents comprising a patent portfolio -- the Patent Matrix approach;
- Patent yield, its definition and its use in strategic IP management decisions;
- Valuing settlement proposals in patent infringement litigation using Litigation Risk Analysis;
- How to value patents offered for sale.

Workshop Leaders:



Donald Merino, Director of Acquisitions
INTELLECTUAL VENTURES



Dr. Alexander Poltorak, PhD, Chairman & CEO
GENERAL PATENT CORPORATION



Paul Lerner, J.D., MBA, General Counsel
GENERAL PATENT CORPORATION



Michael J. Lasinski
Managing Director
Ocean Tomo



Arthur Dresner
Partner
Reed Smith LLP

B 11:30 am - 2:30 pm (working lunch to be served) E-Discovery: Practical Guide to E-Discovery under the Amendments to the Federal Rules of Civil Procedure

Find out more about the new electronic discovery amendments to the Federal Rules of Civil Procedure, which become effective in December 2006. Review the rule changes and accompanying commentary, and learn through practical explanations and examples. Session topics include:

- Preparation and strategy for the newly required initial disclosures, discovery conferences and pretrial conferences
- The importance of "accessibility" of data and procedures for disclosure and protection from undue burden
- New rules on the "form" of production (native formats, tiff, pdf, etc.) including searchable text and metadata
- New "claw back provisions" for inadvertently produced privileged material
- The small safe harbor for data lost due to "routine, good faith, operation" of computer systems, absent "exceptional circumstances"
- Budgeting issues
- Tactical cost-effective document production strategies
- Preservation duties
- Risk management
- Effective litigation holds
- Technology challenges

Workshop Leader:



R. Noel Clinard, Partner, Litigation Support Group
HUNTON & WILLIAMS LLP

C 2:30 pm - 5:30 pm The Patent Jury Trial: Setting the Stage

After all discovery is complete, mediation has failed, and your summary judgment motions lay denied, the road to trial may appear straight ahead, but in fact there are many turns along the way that can set the stage for your success or failure in front a jury. This workshop will provide:

- Overview of the array of tactics available in setting the right stage for a jury trial, including in the Eastern District of Texas;
- Benefits and pitfalls of post-claim construction fall out on claims and defenses-should you file (or seek leave to file) another summary judgment motion; and
- An in-depth discussion about the strategic use of pre-trial papers and motions immediately preceding trial, including:
 - Motions in limine,
 - Motions to bifurcate or phase the trial
 - Daubert challenges to experts
 - Jury instructions
 - Verdict forms
 - Pre-Trial Order
 - Trial Exhibits
 - Demonstrative exhibits
 - Proffers of evidence
 - Objections to preserve the record for appeal
 - Designating deposition transcripts, and other submissions.

Workshop Leaders:



Robert Isackson, Partner
ORRICK



Paul Gupta, Partner
ORRICK

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