



What's Your Next Move: IP in the New Business Reality
Tuesday, October 6, 2009
Westin Times Square, New York, NY

8:15 a.m. Registration and Continental Breakfast

8:45 a.m. – 9:00 a.m. Welcome/Opening Remarks
Sharon Barner, Chair, IP Practice

9:00 a.m. – 10:15 a.m. Innovation in a Changing Economy: Ways to Maximize the Value of Your IP

In a tightening economy, maximizing the value of IP assets such as patents, copyrights and trademarks becomes critical as other types of assets lose value and available funds for innovation, marketing, development and enforcement decrease. This panel will discuss ways to strengthen IP assets and maximize their value.

- Making the case for continuing innovation, marketing, development and enforcement efforts in an economic downturn, including prioritizing for which patents, trademarks and/or copyrights protection should be sought and when
- Using patent re-examination as a proactive tool to strengthen your existing patent portfolio or challenge competitors' patents
- Reducing or expanding your current IP portfolio, and the practical business and legal pros and cons of both strategies

Panelists: **Rebecca Gibbs**, Chief Intellectual Property Counsel, American Eagle Outfitters, Inc.

Jeff Greene, Chair, Trademark, Copyright & Advertising Practice

Michael Sapherstein, In-House Counsel, Marvel Entertainment, Inc.

Michelle Simkin, Chair, Biotechnology & Pharmaceutical Practice

Michael Whitehead, Chief Counsel, Intellectual Property, The Lincoln Electric Company

[Panel Assisted by: Mary Calkins, Senior Counsel, Foley]

10:15 a.m. – 10:30 a.m. Break

10:30 a.m. – 11:45 p.m. Managing Smarter Not Harder

This panel will consider and evaluate strategies for controlling the legal costs of IP disputes in today's economy, from developing and managing cases according





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to realistic case budgets to using creative or alternative billing and budgeting techniques to employing automated tools for tracking legal expenses and assessing performance.

- Crafting a realistic case budget that is built upon each case's specific strategy and client objectives, and then working within that budget as the case moves forward
- Outsourcing as a means of reducing costs, in all potential forms – third-party vendors, contract attorneys, sharing case responsibility with other parties and their counsel, etc.
- Using creative billing and budgeting techniques – hourly rate discounts, “not to exceed monthly budget” fee arrangements, etc.
- Choosing alternative fee/billing arrangements – contingency fee arrangements, blended rate agreements, “success kickers,” and other risk-sharing mechanisms
- Utilizing automated and “real-time” tools for tracking and approving legal expenses and assessing performance

Panelists: **Alexander Arato**, Vice President, Associate General Counsel, CA, Inc.
Vanessa Cooper, Associate General Counsel, IP & Privacy, Kaplan, Inc.
John Gutkoski, IP Litigation Practice
David Kleinfeld, IP Litigation Practice
Jo Osborn, VP & Assistant General Counsel, TreeHouse Foods, Inc.
J. Bruce Schelkopf, Chief Counsel, Global IP, Cummins Inc.
[Panel Assisted by: Gina Bibby, Associate, Foley]

11:45 p.m. – 12:10 p.m. Lunch Served

12:10 p.m. – 1:25 p.m. IP Czar: Challenges and Opportunities

Under the PRO-IP Bill, the new IP Enforcement Coordinator (IP Czar) will be tasked with drafting a joint strategic plan for combating infringement and counterfeiting, including cooperation with foreign government agencies. Once the IP Czar is confirmed, the National Intellectual Property Law Enforcement Coordination Council (NIPLECC) would be abolished and replaced with another interagency advisory committee under the control of the IP Czar.

The IP Czar, a position opposed by some government agencies but supported



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by industry, will have an uphill battle in becoming effective. We all want to see this position be successful. This panel, moderated by former Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO) will discuss:

- *How* will the IP Czar be most successful, especially in light of the challenges of coordinating multiple agencies?
- *What* are the biggest opportunities to reduce counterfeiting and piracy?
- *Where* in the world should we most focus on a strategic and efficiency basis?

Panelists: **Gary Bender**, Head of Intellectual Asset Management & Strategy, Visa, Inc.
Mitchell Bompey, Executive Director, Legal and Compliance, Morgan Stanley
Jon Dudas, former Under Secretary of Commerce for Intellectual Property and Director of the USPTO, IP Litigation Practice
Stanley Pierre-Louis, Vice President and Associate General Counsel, Viacom Inc.
Thea Winarsky, Associate General Counsel, Coach, Inc.
[Panel Assisted by: Nicole Gage, Senior Counsel, Foley]

1:25 p.m. – 1:40 p.m. Break

1:40 p.m. – 2:55 p.m. New Day, New Target: Changing Venue and Methods for IP Litigation

Providing cost-effective strategies to manage IP litigation in today's environment requires consideration of many new developments in IP law, as well as recent trends in business and legal practices. The following important considerations will be discussed:

- Impact of Recent District Court Cases on Plaintiff's Choice of Venue for Patent Lawsuits
- Recent Trends and Considerations in Identifying "Patent-Friendly" Districts, Including Statistics on Delays and Outcomes
- Potential Fallout of the Patent Reform Act on the Popularity of "Patent-Friendly" Districts for Patent Infringement Actions
- Anticipated Rise in Multi-Respondent ITC Cases Following Recent Rulings Broadening the Limits on the Number of Respondents
- Growing Trend of Multi-Defendant Patent Cases and Developing Cost-Effective



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Joint Defense and Collaboration Strategies

- Impact of Recent Case Law, and Trends, in Naming End-Users, Retailers and Customers and How to Manage Indemnification Issues and Respond in Litigation
- Recent Trends and Considerations in Use of Reexamination Filings During, or in Anticipation of, Litigation

Panelists: **Matt Lowrie**, IP Litigation Practice
Debbie Nye, IP Litigation Practice
David Schuler, Intellectual Property Counsel, Noise Reduction Technology Group, Bose Corporation
James Smith, Chief Intellectual Property Counsel, Baxter International, Inc
Michael Springs, Assistant General Counsel, Bank of America Corporation
[Panel Assisted by: Scott Kaspar, Associate, Foley]

2:55 p.m. – 3:05 p.m. Break

3:05 p.m. – 4:20 p.m. Global IP Footprint: Developing Value From Your IP in a Changing Global Landscape

The global marketplace is fiercely competitive, perhaps even more so under the strains of economic challenge. IP owners must be aware of and proactively address potential issues that may negatively impact their IP rights, as well as prioritize resources to maximize international IP rights protection to get the most "bang for your buck".

This panel, a lessons learned discussion, will focus on:

- The important foreign jurisdictions where your Company is able to enforce its IP rights
- China's emergence as the most active patent litigation jurisdiction in the world since 2006
- Using strategic license and development IP agreements to expand your global IP footprint
- Impact of the Web on global IP acquisition, protection, and enforcement
- The importance of implementing processes to create cost efficiencies in IP management



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Panelists: **Keith Hunt**, Legal Counsel, Labatt Breweries of Canada
Monique Cheng Joe, Senior Counsel – Trademarks, NBC Universal, Inc.
Jonathan Moss, Vice President, Legal Counsel & Director of Real Estate, Gucci
Andy Rawlins, Chair, Mechanical and Electromechanical Practice
Mialeeka “Mia” Williams, Counsel, The Coca-Cola Company
Yan Zhao, Electronics Practice
[Panel Assisted by: Heidi Belongia, Senior Counsel, Foley]

4:20 p.m. – 5:40 p.m. What IP Issues Keep General Counsel Up At Night?

The issues that can cause general counsel the most worry are the things they cannot control. Unanticipated problems and unexpected actions of outside counsel make a difficult job tougher and the volatile economy has only made things worse. This panel will provide lessons from the trenches and discuss some of the current issues that keep the panelists awake at night.

- How to maximize IP rights in the face of a shrinking economy?
- How to prepare for the unexpected IP lawsuit?
- How to avoid the headaches of electronic discovery?
- How to deal when a licensor or licensee goes bankrupt?
- How to reduce the chances of departing employees stealing trade secrets?
- How to successfully partner with outside counsel?

Panelists: **Kevin Cranman**, General Counsel, TANDBERG Television
Jeanne Gills, Vice Chair, IP Litigation Practice
Mary Ann Hynes, Vice President, General Counsel, Corporate Secretary and Chief Compliance Officer, Corn Products International
Barbara Kolsun, General Counsel, Stuart Weitzman LLC
Gail Lione, Executive Vice President, General Counsel and Secretary, Harley-Davidson, Inc.
J. Michael Prairie, Jr., General Counsel and Secretary, Nitto Americas, Inc.
Marya Rose, Vice President – General Counsel and Corporate Secretary, Cummins Inc.
Gary Schmidt, Senior VP & General Counsel, Alberto-Culver Company
Jeff Simmons, IP Litigation Practice
[Panel Assisted by: Kadie Jelenchick, Associate, Foley]

5:40 p.m. – 5:45 p.m. Closing Remarks



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Larry L. Shatzer, Chair, IP Litigation Practice

5:45 p.m. – 6:45 p.m. Reception