



Winning a Game of Inches: Gaining Momentum Through IP
Tuesday, October 5, 2010
Westin Times Square, New York, NY

8:15 a.m. Registration and Continental Breakfast

9:00 a.m. – 9:15 a.m. Welcome/Opening Remarks

9:15 a.m. – 10:30 a.m. How to Fight When You Can't Fight Back

Non Practicing Entities (NPEs), cybersquatters, and *qui tam* plaintiffs continue to hit companies when least expected. What can be done to curtail the impact of these nuisance practices? Furthermore, while the Internet is a powerful medium for companies to promote their products and services, distribute their content, and conduct business, protecting a company's financial and intellectual assets in the online world can be a challenge. In this session, industry leaders will discuss strategies and processes for handling and evaluating IP claims from non-traditional adversaries. Specifically,

- False Marking: Where's the requisite intent to deceive the public? Have recent cases chilled the marking of products, and is such a result more harmful to the public and innovation?
- What strategies can be implemented for evaluating and managing NPE lawsuits directed at core vs. non-core business units?
- When should companies litigate against NPE threats, and when should they walk away?
- What are the most effective measures for defending against NPEs: joint defense groups, venue transfers, reexamination, declaratory judgments, and compulsory licensing
- Cybersquatting and other risks of doing business online

Panelists: **Valerie Boccadoro**, Director, Intellectual Property Counsel, Toys "R" Us, Inc.
Michelle Flores, IP Litigation Practice
Vicki Margolis, Vice President and Chief Counsel - IP and Global Marketing, Kimberly-Clark Corporation
Michael Moore, Vice President and Associate General Counsel, Metro-Goldwyn-Mayer Studios Inc.
Bill Robinson, IP Litigation Practice
Jonathan Spivey, IP Litigation Practice
Michael Springs, Assistant General Counsel, Bank of America

10:30 a.m. – 10:50 a.m. Break





Winning a Game of Inches: *Gaining Momentum Through IP*

10:50 a.m. – 12:05 p.m. **Pushing the Bounds of What's Patentable**

New and converging technology continue to push the bounds of what is patentable. Business method patents may be patent-eligible, but what separates a patentable method from a mere abstract idea or phenomenon of nature? How has *Bilski* and its progeny impacted your patent procurement and enforcement strategy? This panel will examine the debate between having a competitive advantage vs. the greater good and how the following issues are affecting your business:

- Did the Supreme Court provide sufficient guidance to lower courts on the appropriate test for patent-eligibility? Is the “machine or transformation” test appropriate for all technologies?
- The impact of *Bilski* on procurement and enforcement strategies:
 - How to draft patent claims most likely to survive a § 101 challenge
 - How the Supreme Court’s decision will impact litigation tactics
- The repercussions for innovation
- Revised approaches for protecting proprietary methods

Panelists: **Paul Hunter**, Vice Chair, Electronics Practice
Steve Rizzi, Chair, China Practice
James Smith, Associate GC & Chief IP Officer, Baxter Healthcare Corporation
E. Earle Thompson, Chief IP Counsel, SanDisk Corporation
Michael Whitehead, Chief Counsel, IP, The Lincoln Electric Company
Mialeeka Williams, Counsel, The Coca-Cola Company
[Panel Assisted by: Adam Gustafson]

12:10 p.m. – 12:30 p.m. **A Fireside Chat**

Bruce Proctor, General Counsel, Diageo North America and Global IP, Diageo
Mark Diliberti, Vice Chair, Trademark, Copyright & Advertising Practice (Moderator)

12:30 p.m. – 1:00 p.m. **Lunch**



Winning a Game of Inches: *Gaining Momentum Through IP*

1:00 p.m. – 2:15 p.m. **What Does It Mean to Win in IP?**

Winning in IP is not limited to litigation, but also includes developing and/or obtaining a “winning” IP portfolio and maximizing the value of that portfolio. A winning IP portfolio is not necessarily the biggest portfolio. Instead, a winning IP portfolio minimizes litigation or business interruption risk by providing the largest freedom to operate space in the most strategic areas, and the most leverage against actual or potential licensees at the lowest overall cost. In the litigation context, trial lawyers often think of “wins” in terms of jury verdicts. Yet, most companies view a litigation “win” as getting the best possible result, for the lowest overall cost, and with the least amount of inconvenience to the business. Winning also has a strong tie to predictability, both in terms of outcome and in terms of cost. What is your definition of “winning,” in IP, and how are you doing? This panel will discuss the kinds of wins companies are demanding, particularly in this difficult economic climate, as well as practical strategies for “winning” in these various IP contexts:

- Alternative fee arrangements, and strategies to obtain the best possible result at the least possible cost in litigation
- Building a winning patent portfolio and successfully turning it into an asset with an effective licensing and enforcement program
- Protecting your interests and managing cost while keeping customers or suppliers satisfied in joint defense and/or indemnity situations
- Attacking patents without litigation, including reexamination strategies

Panelists: **Meir Blonder**, Chief IP Counsel, Leviton Manufacturing Co.
Cynthia Franecki, Vice-Chair, IP Litigation Practice
C. Edward Polk, IP Litigation Practice
Matthew Revord, SVP, General Counsel & Secretary, Potbelly Sandwich Works
Rafael Rosado, IP Counsel, UTC Fire & Security

2:15 p.m. – 2:35 p.m. **Break**



Winning a Game of Inches: *Gaining Momentum Through IP*

2:35 p.m. – 3:50 p.m. **Protecting Your Brands And Content On The Internet And New Media Applications**

The explosion of online commerce and social networks have dramatically expanded business and marketing opportunities, but companies must also combat additional risk that these opportunities provide. This panel discussion will focus on how to minimize those risks while still maximizing your brands and protecting your proprietary content in various new media platforms. Specifically, the panel will address:

- Use of trademarks through social networking sites—dilution, infringement, and confusion issues
- New advertising trends—opportunities and pitfalls
- Contributory liability of Internet service providers based on unauthorized use of trademarks and copyrights under emerging standards

Panelists: **Heidi Constantine**, Counsel, Metropolitan Life Insurance Company
Mimi Datta, Trademark Attorney, Honeywell International Inc
Jeffrey Kobulnick, Trademark, Copyright & Advertising Practice
Jonathan Moskin, IP Litigation Practice
Stanley Pierre-Louis, VP & Assistant General Counsel, Viacom Inc.
Julius Towers, Trademark & Copyright Counsel, Colgate-Palmolive Company

3:50 p.m. – 5:05 p.m. **Getting The Most Out Of Your IP**

Ever escalating competitive and budgetary pressures command innovative approaches to manage and benefit from IP portfolios. Success demands a comprehensive approach that considers the full IP lifecycle. Drawing the right innovation out of the business and timely realizing IP protection is not only essential to maintaining and enhancing competitiveness in existing markets, but also to succeeding in new markets. Intelligently managing and enforcing the business' IP portfolio is more important than ever in these economic times. This panel will discuss practical approaches to:

- Establishing processes within the business for identifying important and potentially valuable innovation for protection within the IP portfolio
- Implementing creative IP preparation and prosecution strategies to accelerate allowance of essential IP to the business
- Using new strategies for cultivating and optimizing the IP portfolio beyond the core needs of the business and toward revenue generation
- Identifying future trends in IP enforcement legal fee arrangements and bringing the sometimes competing interests of clients, counsel, and





Winning a Game of Inches: *Gaining Momentum Through IP*

financiers into alignment

- Putting the IP portfolio to work for the business through new IP enforcement financing arrangements

Panelists: **Michael Bishop**, General Counsel, AT&T Intellectual Property, Inc.
Kathlyn Card Beckles, Executive Director & Assistant General Counsel IP & Technology Law, JPMorgan Chase Bank, NA
Fernando Borrego, Senior Counsel, BASF Corporation
Vincent Castiglione, General Counsel, Coby Electronics Corporation
Kevin Cranman, General Counsel, Ericsson Television Inc.
Jim Ewing, Vice-Chair, Chemical, Biotech & Pharma Practice
Amar Thakur, IP Litigation Practice
[Panel Assisted by: Michael Kramer]

5:05 p.m. – 5:10 p.m. Closing Remarks

5:10 p.m. – 6:00 p.m. Reception