

THE BEVERLY HILLS HOTEL
BEVERLY HILLS, CALIFORNIA

TUESDAY
MARCH 22, 2011

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USC GOULD SCHOOL OF LAW 2011 INTELLECTUAL PROPERTY INSTITUTE

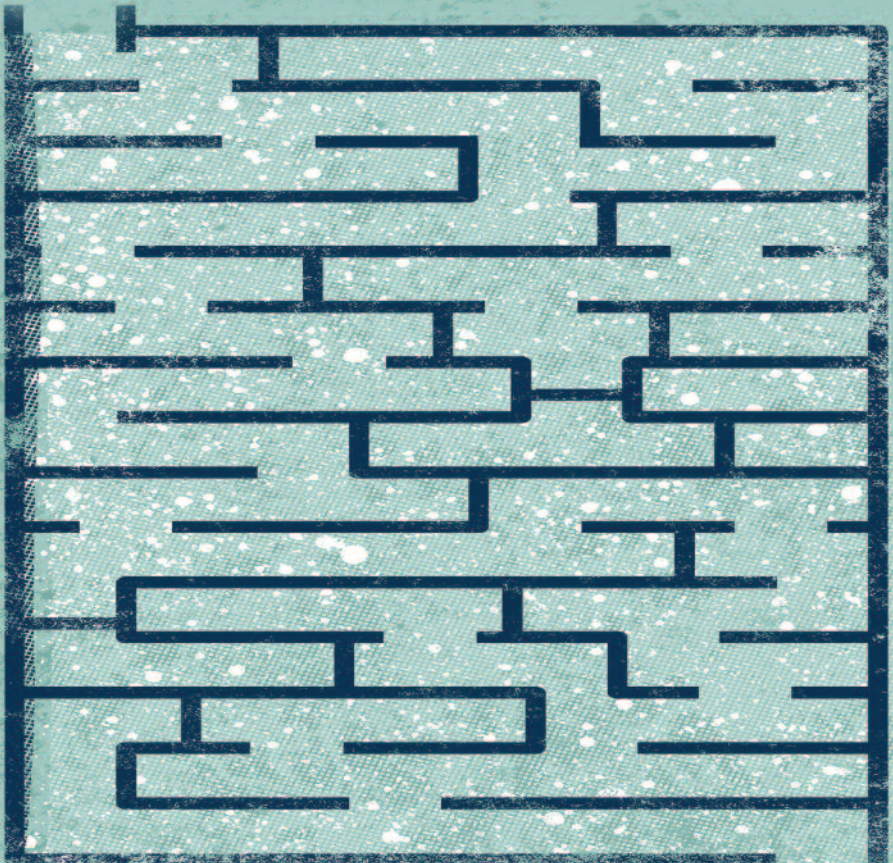
IPI11

FEDERAL OFFICIALS: U.S. IP Enforcement Coordinator Victoria A. Espinel and
U.S. PTO Director David J. Kappos

FEDERAL JUDGES: Hon. Haldane Robert Mayer (Fed. Cir.), Hon. Kathleen O'Malley
(Fed. Cir.), Hon. Kim McLane Wardlaw (9th Cir.), Hon. Jeremy D. Fogel (N.D. Cal.),
Hon. A. Howard Matz (C.D. Cal.), and Hon. T. John Ward (E.D. Tex.)

PROMINENT ACADEMICS: Professors Goldman, Lemley, Lerner, McCarthy, Moffat,
Nimmer, and Samuelson

Navigate the Maze



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Sophisticated

USC Law IP Institutes are renowned both for their practicality and for their high-level academic discussion. The 2011 Institute continues this dedication to keeping decision-makers and their advisors at the forefront of emerging issues and best practices in patent, copyright, trademark, and related fields.

Unique

No other IP conference features such spectacular speakers and panels, including:

- IP Commerce Under Secretary and U.S. PTO Director David J. Kappos on the future of IP
- U.S. Intellectual Property Enforcement Coordinator Victoria A. Espinel on IP enforcement
- Federal Circuit Judges Haldane Robert Mayer and Kathleen O'Malley on practice at the Federal Circuit today
- Northern District of California Judge Jeremy D. Fogel, Central District of California Judge A. Howard Matz and Ninth Circuit Judge Kim McLane Wardlaw on copyright and trademark litigation
- Eastern District of Texas Judge T. John Ward on reasonable royalty patent damages
- An IP year in review with Professors Lemley, McCarthy and Nimmer

Can't-Miss Networking

Five networking breaks, including a hosted cocktail reception, allow you to mix and mingle informally with the speakers and your peers. This is your opportunity to get creative ideas, real-world proven solutions and up-to-the-minute information on crucial IP challenges from the experts.

Limited Enrollment

Don't miss *the* event for IP professionals: past Institutes sold out, so register early.



testimonial

Of all the dozens of IP conferences I participated in during 22 years on the Federal Circuit, none exceeded the quality, camaraderie, or convenience of the USC Law IP Institute. In short, it is a "do not miss" event. Although forward looking and policy oriented, it is still intensely practical. In the language of patent law, the content of this conference, year in and year out, is "new, useful, and nonobvious."

Paul R. Michel
Federal Circuit Chief Judge (ret.)

quick program guide

TUESDAY
MARCH 22

TAILORED TO YOUR NEEDS

CHOOSE BETWEEN THE FOLLOWING AFTERNOON TRACKS:

TRACK A – Copyright Track

TRACK B – Patent Track

TRACK C – Trademark Track

7:30 AM

Registration and Continental Breakfast
The Beverly Hills Hotel, Beverly Hills, California

8:30 AM

Welcome and Introductions

8:35 AM

U.S. Intellectual Property Enforcement: A View from the Top
U.S. Intellectual Property Enforcement Coordinator
Victoria A. Espinel

9:05 AM

The Federal Circuit: A Dialogue with a former Chief Judge and the Court's
Newest Member

9:45 AM

Networking Break

10:00 AM

An IP Year in Review: Patent Law, Trademark Law and Right of Publicity,
and Copyright Law

12:00 PM

Luncheon and Keynote Address:
Under Secretary of Commerce for Intellectual Property
Director, U.S. Patent and Trademark Office
David J. Kappos

1:30 PM

Breakout Session 1A – Copyright Track
ISP Liability: *Viacom v. YouTube* and Beyond

Breakout Session 1B – Patent Track
Hot Issues in Reasonable Royalty Patent Damages

Breakout Session 1C – Trademark Track
The Intersection of Trademark and Copyright and the Right of Publicity

2:40 PM

Networking Dessert Break

3:00 PM

Breakout Session 2A – Copyright Track
Remedies for Copyright Infringement

Breakout Session 2B – Patent Track
Monetizing Patent Portfolios (and Related Defense Considerations)

Breakout Session 2C – Trademark Track
Hot Topics in Trademark and New Media

4:10 PM

Passing Period

4:15 PM

Breakout Session 3A – Copyright & Trademark Track
Copyright and Trademark Litigation: The View from the Bench

Breakout Session 3B – Patent Track
Managing Concurrent Patent Litigation and Reexamination

5:25 PM

Networking Reception – Meet the Speakers at our Hosted Reception!
Sponsored in part by Wilmer Cutler Pickering Hale and Dorr LLP.

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We gratefully acknowledge the sponsors of the 2011 Institute:

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continuing education credits

Lawyers. Minimum Continuing Legal Education (MCLE): USC Gould School of Law certifies that this activity qualifies for minimum continuing legal education credit in the amount of 7.5 hours. The USC Gould School of Law is a State of California approved MCLE provider. This event may meet the requirements for continuing legal education credits in other states. Please check with the State Bar Association or Supreme Court in the state in which you are seeking continuing legal education credits to see if this program is eligible.

Accountants. Continuing Professional Education (CPE): This program meets the guidelines set by the California State Board of Accountancy in the amount of 6.5 hours.

keynote speakers



VICTORIA A. ESPINEL
U.S. INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR

VICTORIA A. ESPINEL serves in the Executive Office of the President as the first United States Intellectual Property Enforcement Coordinator. She was nominated by President Barack Obama in September 2009 and was confirmed by the Senate in December 2009. In this capacity, she is charged with developing and implementing the Administration's overall strategy for enforcement of intellectual property.

From 2007 to 2009, Ms. Espinel was a professor at the George Mason University School of Law, teaching intellectual property and international trade. While at George Mason, she acted as an advisor on intellectual property issues to the staff of the Senate Judiciary Committee, Senate Finance Committee, House Judiciary Committee and House Ways and Means Committee. She also served as an advisor to Romulus Global Issues Management and as a member of the Brain Trust of the Global Innovation Forum.

In 2001, Ms. Espinel joined the Office of the U.S. Trade Representative as the senior counsel for intellectual property issues. In 2005, Ms. Espinel was asked to serve as the first Assistant United States Trade Representative for Intellectual Property and Innovation at the Office of the U.S. Trade Representative, creating the office of Intellectual Property and Innovation and serving as the chief U.S. trade negotiator for intellectual property and innovation.

She holds an LLM from the London School of Economics, a J.D. from Georgetown University Law School, and a B.S. in Foreign Service from Georgetown University's School of Foreign Service.



DAVID J. KAPPOS
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

DAVID J. KAPPOS serves as the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office. In this role, he advises the President, the Secretary of Commerce, and the Administration on intellectual property matters.

Over a 21-year career in intellectual property, Mr. Kappos has seen all sides of the IP system and its impact on innovation globally. Mr. Kappos directs an office that provides incentives to encourage technological advancement and helps entrepreneurs and businesses of all sizes protect their investments, promote their goods and services and safeguard against deception in the marketplace. The Office is taking steps to deal with patent application backlogs, long waiting periods for patent review, information technology systems that are regarded as outdated and an application process in need of reform.

Mr. Kappos has served on the Board of Directors of the American Intellectual Property Law Association, the Intellectual Property Owners Association, and the International Intellectual Property Society. Mr. Kappos received a B.S. degree in electrical and computer engineering from the University of California, Davis, and a J.D. degree from the University of California, Berkeley.

IPI 11

TUESDAY, MARCH 22, 2011

8:30 AM

Welcome and Introductions

Charles S. Barquist

Institute Chair

Morrison & Foerster LLP

Leeanna Izuel

Institute Executive Director

Assistant Dean

Continuing Legal Education

USC Gould School of Law

8:35 AM

U.S. Intellectual Property Enforcement:

A View from the Top

U.S. Intellectual Property Enforcement Coordinator

Victoria Espinel has a mandate from the President and Congress to develop and implement a comprehensive, unified approach to IP enforcement for the U.S. government. Don't miss this morning session where she will discuss her challenges and progress to date, including the Joint Strategic Plan on Intellectual Property Enforcement she issued in June 2010.

Victoria A. Espinel

U.S. Intellectual Property

Enforcement Coordinator

Executive Office of the President

Washington, D.C.

9:05 AM

The Federal Circuit: A Dialogue with a former Chief Judge and the Court's Newest Member

This panel will bring various perspectives to a discussion of practice at the Federal Circuit today. Judge Mayer, a former Chief Judge, has served on the Court for much of its existence. Judge O'Malley recently joined the Court, but brings many years of experience as a District Court Judge. Veteran appellate advocate Don Dunner will moderate a conversation addressing questions about effective advocacy at the Court, including selection of issues for appeal, pitfalls in oral argument, petitions for rehearing and rehearing *en banc*, and the role of amicus briefs. Other topics include the impact of the increasing role of the Supreme Court in patent law, and the respective roles of the Court of Appeals and the District Courts in claim construction.

MODERATOR

Donald R. Dunner

Finnegan, Henderson, Farabow,

Garrett & Dunner, LLP

Washington, D.C.

SPEAKERS

Hon. Haldane Robert Mayer

United States Court of Appeals

for the Federal Circuit

Washington, D.C.

Hon. Kathleen O'Malley

United States Court of Appeals

for the Federal Circuit

Washington, D.C.

9:45 AM Networking Break

10:00 AM

An IP Year in Review: Patent Law, Trademark Law and Right of Publicity, and Copyright Law

In this popular session, the top scholars in patent, trademark and right of publicity, and copyright return to highlight and explain the most significant developments in IP law of the past year.

MODERATOR

Wayne M. Barsky
Gibson, Dunn & Crutcher LLP

SPEAKERS

Professor Mark A. Lemley
William H. Neukom
Professor of Law
Director, Stanford Program in Law,
Science and Technology
Stanford Law School
Durie Tangri LLP
Stanford, CA

Professor J. Thomas McCarthy
Senior Professor of Law
Founding Director, McCarthy
Institute for IP & Technology Law
University of San Francisco
School of Law
Of Counsel, Morrison & Foerster LLP
San Francisco, CA

Professor David Nimmer
Professor from Practice
UCLA School of Law
Of Counsel, Irell & Manella LLP

12:00 PM

Luncheon and Keynote Address

Director Kappos will speak about the importance of IP to innovation and the future of the world's economies. His focus will be the U.S. PTO's role in fostering innovation, the challenges facing the Office, and solutions for the future. Director Kappos will also comment on the state of the IP system and current trends in the law.

KEYNOTE SPEAKER

David J. Kappos
Under Secretary of Commerce
for Intellectual Property
Director
U.S. Patent and Trademark Office
Alexandria, VA

continued>>>

UPCOMING USC LAW PROGRAMS

REAL ESTATE LAW AND BUSINESS

March 2, 2011 – Jonathan Town Club – Los Angeles, California

ENTERTAINMENT LAW AND BUSINESS

October 22, 2011 – USC University Park Campus – Los Angeles, California

1:30 PM

**COPYRIGHT TRACK
BREAKOUT 1A**

ISP Liability: *Viacom v. YouTube* and Beyond

Viacom and related cases are attempting to answer one of the most important questions in 21st Century copyright law: to what extent should ISPs be required to help reduce copyright infringement? Counsel in the important *Viacom* and *Veoh* cases will discuss how this difficult issue is being handled by the U.S. courts. The issue is also very hot in the E.U., and our European panelist will describe how it is being addressed in the E.U. member states. The differences are interesting and instructive.

MODERATOR

Jeremy N. Williams
Senior Vice President
Deputy General Counsel
Warner Bros. Entertainment Inc.

SPEAKERS

Jennifer A. Golinveaux
Winston & Strawn LLP
San Francisco, CA

Jan Bernd Nordemann
Honorary Professor of Law
Humboldt University
Attorney
Boehmert & Boehmert
Berlin, Germany

Stanley Pierre-Louis
Vice President
Associate General Counsel
Intellectual Property &
Content Protection
Viacom Inc.
New York, NY

**PATENT TRACK
BREAKOUT 1B**

**Hot Issues in Reasonable Royalty
Patent Damages**

In the face of public perception of runaway damages verdicts, the Federal courts are reviewing damages experts' opinions and reasonable royalty verdicts with increased frequency and vigor. Will damages experts' application of the entire market value rule, and use of "comparable" license agreements and methods of apportionment (or lack thereof) stand up to the heightened scrutiny of the courts? Recent case law has raised a number of unanswered questions about these and other damages issues, and have contributed to debate over patent reform proposals. This distinguished panel of lawyers, damages experts, and a prominent Federal judge will engage in a lively and provocative debate on these "hot" issues in patent damages.

SPEAKERS

Edward G. Poplawski
Sidley Austin LLP

George G. Strong, Jr.
Managing Director
General Counsel
Cornerstone Research

Christian Tregillis
Managing Director
LECG, LLC

Hon. T. John Ward
United States District Court (E.D. Tex.)
Marshall, TX

Karen Vogel Weil
Knobbe Martens Olson & Bear LLP

TRADEMARK TRACK

BREAKOUT 1C

The Intersection of Trademark and Copyright and the Right of Publicity

Absent a further extension of the term of copyright, the coming years could see a number of well-known artistic works falling into the public domain. Trademark law will likely be employed in an effort to prevent use of such works by others. Similarly, celebrities are increasingly relying on the false endorsement provisions of the Lanham Act to protect and/or extend rights of publicity that may not exist under state law. This panel will consider whether and to what extent various areas of intellectual property law can – and should – be used to provide protection “to infinity and beyond” for artistic works, celebrity personas, and other valuable commodities.

MODERATOR

Rollin A. Ranson
Sidley Austin LLP

SPEAKERS

Brent H. Blakely
Blakely Law Group

Jeremy A. Kaufman
Senior Counsel
Fox Group Legal

Clark W. Lackert
Dickstein Shapiro LLP
New York, NY

Viva R. Moffat
Assistant Professor
University of Denver
Sturm College of Law
Denver, CO

2:40 PM Networking Dessert Break

3:00 PM

COPYRIGHT TRACK

BREAKOUT 2A

Remedies for Copyright Infringement

When Congress first enacted the Copyright Act of 1976, the provisions governing remedies for copyright infringement seemed among the least controversial portions of the Act. Upon proof of infringement, irreparable harm was presumed, making injunctive relief virtually automatic: a prevailing plaintiff could elect statutory damages. Times have changed. In the wake of the Supreme Court's opinion in *eBay Inc. v. MercExchange, L.L.C.*, the question has arisen whether harm can ever be presumed for purposes of injunctive relief. And, defendants and some commentators have recently challenged the constitutionality of statutory damage awards. After framing the issues, the panelists, who have decidedly different perspectives, will engage in a lively debate about the proper application of the law regarding remedies for copyright infringement.

MODERATOR

Robert H. Rotstein
Mitchell Silberberg & Knupp LLP

SPEAKERS

Paul K. Meyer
President
TM Financial Forensics, LLC
San Francisco, CA

Pamela Samuelson
Richard M. Sherman Distinguished
Professor of Law
Director, Berkeley Center for
Law & Technology
UC Berkeley School of Law
Berkeley, CA

Benjamin S. Sheffner
Senior Counsel, Legal Affairs
NBC Universal Television Group

continued>>>

PATENT TRACK

BREAKOUT 2B

Monetizing Patent Portfolios (and Related Defense Considerations)

Patents are assets. But monetizing them is notoriously difficult, expensive and risky. What are the risks of monetizing patents for practicing entities? How can practicing entities monetize their patent assets without jeopardizing their core businesses? What is the most effective way to deal with NPE lawsuits? How do you determine what a patent is worth, and how to maximize the revenue from a portfolio? What are the best ways to monetize a large portfolio? Hear debate and discussion on these issues and more from two leading patent monetization experts, the chief patent counsel for an industry leader, and leading practitioners.

MODERATOR

Marc A. Fenster

Russ August & Kabat

SPEAKERS

James M. Hall

Squire, Sanders & Dempsey L.L.P.
Palo Alto, CA

Robert L. "Chip" Harris

Director and President
Acacia Technologies LLC

Richard J. "Chip" Lutton, Jr.

Chief Patent Counsel
Apple Inc.
Cupertino, CA

Erich Spangenberg

Chairman and Founder
IP Navigation Group, LLC
Dallas, TX

Bob Steinberg

Latham & Watkins LLP

TRADEMARK TRACK

BREAKOUT 2C

Hot Topics in Trademark and New Media

As new media continues to evolve, the law is struggling to keep pace. In some cases, parties and courts are applying old rules to new situations; in other cases, they are engaging in what some have referred to pejoratively as "internet exceptionalism."

This panel will explore recent developments in trademark law and new media from a variety of perspectives, including brand owners and champions of the internet. Among the topics that will be covered are: use and abuse of trademarks on websites, in domain names and search engines; promoting and protecting brands in social media; the doctrine of initial interest confusion as internet users become more sophisticated; trademarks in the virtual world; and an update on keywords in advertising.

MODERATOR

Steven D. Atlee

Winston & Strawn LLP

SPEAKERS

Laura H. Covington

Associate General Counsel
Global Brand and Trademarks
Yahoo! Inc.
Sunnyvale, CA

Eric Goldman

Associate Professor
Santa Clara University School of Law

Paul Loving

Sports Marketing Counsel
adidas America, Inc.
Portland, OR

4:10 PM Passing Period

contact information

USC Gould School of Law – Continuing Legal Education
1149 South Hill Street, Suite 340, Los Angeles, CA 90015

Telephone: 213-743-1772

Facsimile: 213-743-1830

Email: cle@law.usc.edu

Our office hours are 9:00 AM to 5:00 PM Pacific time.

Visit our website at <http://law.usc.edu/cle>



4:15 PM

COPYRIGHT & TRADEMARK TRACK

BREAKOUT 3A

Copyright and Trademark Litigation:

The View from the Bench

Contemporary copyright and trademark disputes present cutting-edge legal issues in the context of fiercely-contested litigation. This panel will include three judges with deep experience overseeing such litigation at both the trial and appellate levels. The panel will discuss the variety of issues that confront

Federal judges in high-stakes copyright and trademark litigation, including important procedural issues, such as motions for preliminary injunction and summary judgment, and the substantive task of interpreting and applying the statutes and cases that govern these critical areas of the law.

Questions for the Judges?

Email your questions to cle@law.usc.edu, and we will share them with the Judges before the Institute.

MODERATOR

Kelly M. Klaus

Munger, Tolles & Olson LLP

SPEAKERS

Hon. Jeremy D. Fogel

United States District Court (N.D. Cal.)
San Jose, CA

Hon. A. Howard Matz

United States District Court (C.D. Cal.)

Hon. Kim McLane Wardlaw

United States Court of Appeals
for the Ninth Circuit

PATENT TRACK

BREAKOUT 3B

**Managing Concurrent Patent Litigation
and Reexamination**

Many patent infringement actions involve one or more copending reexamination proceedings. The positions taken and findings made in the reexamination proceeding can have a significant, sometimes dispositive, impact on the infringement action. *Markman* rulings and patent owner

admissions during litigation similarly can have a major impact on reexamination proceedings. The

interplay between the proceedings has many additional facets including potential stays of the district court action, entitlement to injunctive relief, willfulness determinations, inequitable conduct, intervening rights, and potential nullification of district court judgments. The panel features Jessica

Harrison, a Supervisory Patent Examiner in the U.S. PTO's Central Reexamination Unit, and attorneys with expertise in the strategic interplay of patent litigation and patent reexamination.

MODERATOR

Greg H. Gardella

Irell & Manella LLP

SPEAKERS

Mark A. Flagel

Latham & Watkins LLP

Jessica Harrison

Supervisory Patent Examiner
Central Reexamination Unit
U.S. Patent and Trademark Office
Alexandria, VA

Rachel Krevans

Morrison & Foerster LLP
San Francisco, CA

Anup Tikku

Senior Patent Litigation Counsel
eBay Inc.
San Jose, CA

5:25 PM

Networking Reception

Meet the Institute speakers at our hosted cocktail reception, sponsored in part by Wilmer Cutler Pickering Hale and Dorr LLP.

WILMERHALE® 

adjournment<<<

executive committee

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Leeanna Izuel

Institute Executive Director

USC Gould School of Law

Robert G. Badal

Wilmer Cutler Pickering Hale and Dorr LLP

Wayne M. Barsky

Gibson, Dunn & Crutcher LLP

Morgan Chu

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Mark A. Flagel

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Edward G. Poplawski

Sidley Austin LLP

Michael A. Tomasulo

Dickstein Shapiro LLP

Jeremy N. Williams

Warner Bros. Entertainment Inc.

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Paul Hastings

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Nathan Associates Inc.

Karl M. Manheim

Loyola Law School

Constantine Marantidis

Christie, Parker & Hale, LLP

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Brett L. Reed

Competition Economics LLC

Robert F. Scoular

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Hon. Ann C. Williams

United States Court of Appeals for the Seventh Circuit

Jeremy N. Williams

Warner Bros. Entertainment Inc.

Mark P. Wine

Orrick, Herrington & Sutcliffe LLP

Stephen A. Yamaguchi

University of Southern California



frequently asked questions

Registration

The Registration fees are outlined on the inside back cover of this brochure. Your fee includes all Institute sessions, the Institute luncheon, all refreshment breaks, the cocktail reception, and a copy of the Institute Syllabus (a volume of outlines, articles, forms and practical information prepared by our speakers) in print or CD-ROM format.

Badge Pick-Up

All badges will be held at Will Call, which opens at 7:30 AM on the morning of the Institute and is located downstairs in the Crystal Foyer of the Hotel. No badges will be mailed.

Refunds

Any request for refunds must be in writing and postmarked, emailed, or faxed no later than **March 4, 2011**. All requests will be processed following the Institute. Refund requests may be submitted by:

Mail:

USC Gould School of Law
CLE – IPI Refunds
1149 South Hill Street, Suite 340
Los Angeles, CA 90015

Fax: (213) 743-1830

Email: cle@law.usc.edu

All refund requests must be accompanied by the registrant's Social Security number (or Federal Tax Identification number for a firm or corporation). A processing fee of \$100 (\$25 for student registrations) will be deducted from all refunds.

Dietary/Access Requirements

Please contact the USC Gould School of Law Continuing Legal Education Office at **(213) 743-1772** or cle@law.usc.edu for assistance with any dietary or access needs.

Dress Code

The dress code for the Institute is business attire.

Location, Parking and Hotel

The Institute will be held at:

The Beverly Hills Hotel

9641 Sunset Boulevard
Beverly Hills, California 90210
Information: (310) 276-2251
www.beverlyhillshotel.com

We have reserved a limited number of rooms at the Hotel at a discounted rate. To take advantage of the discounted rate, contact Wendy Wiley at the USC Law Continuing Legal Education Office at (213) 743-1772 or email us at cle@law.usc.edu by February 18, 2011.

Discounted parking for the Institute is available at the Hotel valet at a rate of \$14 per day. Your valet ticket will be color-coded to reflect this discounted rate. No stamp is necessary.

Syllabus

A Syllabus of up-to-date analyses and practical materials prepared by our speakers will be distributed to registrants at the Institute. Subject to availability, additional copies of the Syllabus may be purchased after the Institute for \$150 each (print format) or \$60 each (CD-ROM format).

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