

Houston Business and Tax Law Journal Presents:



## PATENTS ON TAX STRATEGIES Protecting Innovation or Inhibiting Advice?

Tuesday, October 16, 2007

Reception  
3:30 – 5:00 PM  
Frankel Room

Symposium  
5:00 – 6:30 PM  
Krost Hall

1 Hour of CLE Credit for Attorneys & 3Ls  
1 Hour of CPE Credit for Accountants  
*Complimentary Registration*

### Speakers:

E. Daniel Leightman, Gardere Wynne Sewell, Partner, Tax Group – *Keynote Speaker, Taxation*  
Charles F. Wieland, III, Buchanan Ingersoll & Rooney, Partner, Intellectual Property Group – *Keynote Speaker, Patents*  
Dean Raymond T. Nimmer, University of Houston Law Center, Leonard H. Childs Professor of Law - *Moderator*

*Parking will be provided for professionals from the accounting and legal communities registered for CLE or CPE credit.*

This symposium was made possible by generous support from:



A PodCast of this symposium will be available at [www.hbtj.org](http://www.hbtj.org)  
Transcripts and articles will be available in a Special Symposium Issue of the Houston Business & Tax Law Journal  
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# PATENTS ON TAX STRATEGIES

## Protecting Innovation or Inhibiting Advice?

### Speaker Biographies

*(in order of appearance)*

#### Dean Raymond T. Nimmer

University of Houston Law Center, Leonard H. Childs Professor of Law  
Houston, Texas  
*Moderator*



*Dean Nimmer* is currently the Dean and co-director of the Houston Intellectual Property and Information Law Institute. He has also served as the Fulbright Distinguished Chair of International Commercial Law at Universidad Catholica in Lisbon. Professor Nimmer is a consultant to the National Science Foundation and the Office of the Legal Advisor of the U.S. State Department. In addition to his expertise in technology issues, he is an expert in areas of business law. He was the co-Reporter to the Drafting Committee on Revision of U.C.C. Article 2 and the reporter for the Uniform Computer Information Transactions Act (UCITA).

Professor Nimmer is the author of over twenty books and numerous articles, including a three-volume treatise on Information Law, a multi-volume book on the Law of Computer Technology, a treatise on Modern Licensing Law, and a four volume treatise on Commercial Asset Based Financing. He is a member of the American Law Institute, the Texas Bar Foundation, and the American College of Commercial Finance Attorneys, and a frequent speaker at programs in the U.S. and abroad in the areas of intellectual property, business and technology law.

#### Charles F. Wieland, III

Buchanan Ingersoll & Rooney, Partner, Intellectual Property Group  
Alexandria, Virginia  
*Keynote Speaker, Patents*



*Charles (Chad) F. Wieland III* focuses his practice on designing IP strategies for startup and mature companies, patent drafting, acquisition and licensing, and patent litigation. He is a former patent examiner for the U.S. Patent and Trademark Office. In 18 years of private practice, he has represented companies and individuals in a broad array of technologies and business methods. He is a frequent author and speaker on IP related topics including the patenting of tax strategies. He co-authored with well-know tax attorney Richard Marshall "Tax Strategy Patents - Policy and Practical Considerations," *Compensation Planning Journal*, Vol. 35, No. 5, May 4, 2007.



## E. Daniel Leightman

Gardere Wynne Sewell, Partner, Tax Group  
Houston, Texas  
*Keynote Speaker, Taxation*



*E. Daniel Leightman* is a partner in the Tax Group of Gardere Wynne Sewell in Houston, Texas. He recently retired as Vice President, Taxes at Cooper Industries, Ltd., a worldwide manufacturer of electrical equipment, tools, and various other products. Previously, Mr. Leightman was Director of Taxes at Intel Corporation, a manufacturer of semi-conductors and Director of Taxes at Parsons Corporation, an international engineering firm. Dan is a graduate of the University of Texas Law School, received his L.L.M. in taxation at Boston University, and is a graduate of the Harvard Advanced Management Program.

Dan is a past President of the Houston Chapter of Tax Executives Institute, past Vice President of TEI's Region VIII, and served on TEI's National Board of Directors for 10 years. Dan was an active member of TEI's International Tax Committee. Dan served on the advisory committee for Internal Revenue Service International - George Washington University Annual Tax Institute for three years. Dan is currently serving as Treasurer of the Tax Section of the Houston Bar Association.

Dan is a frequent speaker at many tax conferences and seminars. His topics have included mergers and acquisitions, financial products, foreign currency, international joint ventures, foreign tax credit optimization, and management of worldwide effective tax rate. He has developed programs for CITE on multiple international topics as well as *Mergers & Acquisitions*, *Captive Insurance Companies*, *Structured Financial Products*, and other topics.

Dan is an Adjunct Professor of Law at the University of Houston Law Center teaching courses in International Tax, Business Planning, Taxation of Financial Products and Tax Accounting.

### Topic Summary



A United States Patent recognizes inventions that are both new and useful, and it is a badge of honor for any inventor. The U.S. Patent and Trademark Office extended patent protections to business methods in 1998, and issued its first patent on a tax-saving strategy in 2003. Like all patent holders, "inventors" of tax strategies can turn to the courts for infringement remedies. But do they merit these protections?

Some critics of tax patents argue that taxpayers should not pay a royalty in pursuit of lower tax bills. Others condemn patented tax strategies for failing to meet the "new and non-obvious" standard required by patent law. Many accountants and tax lawyers contend that tax patents foster conflicts of interest and inhibit the free flow of tax advice between advisor and client.

Proponents of tax patents counter that sophisticated tax strategies are worthy of patent protection because they involve esoteric investment vehicles that are not available to average taxpayers.

Patents on tax strategies force us to question the fundamental terms common to patent law, including "invention," "useful art," and "business method." As the controversy grows, tax patents may prompt new investigations into the proper role of patents in the Age of Information.

