1992
8TH ANNUAL
INTELLECTUAL PROPERTY LAW PROGRAM
San Luis Hotel, Galveston, Texas
September 24 - 26, 1992

Co-Sponsored by
HOUSTON INTELLECTUAL PROPERTY LAW ASSOCIATION
AND
UNIVERSITY OF HOUSTON LAW CENTER
INTELLECTUAL PROPERTY LAW INSTITUTE

THE PROGRAM HAS BEEN DESIGNED TO PROVIDE:

- Comprehensive updates in all phases of PTC Practice, including Trade Dress
  after the Supreme Court ruling in Taco Cabana
- PTO Status report from Acting Commissioner Comer
- Timely guidance from the Federal bench on new local rules spawned by civil justice reform,
  and heightened sensitivity under Rule 71

Breakout sessions on: Drafting and Prosecuting computer-related patent applications;
data-base searching techniques for IP lawyers; use of ADR in IP disputes;
drafting technology-transfer agreements
THURSDAY, SEPTEMBER 24, 1992

2:00 pm Registration

2:30 - 4:00 Drafting and Prosecuting the Computer Related Patent Application
D.C. Toedt, Arnold, White & Durkee

What Every Intellectual Property Attorney Should Hear About Data Base Searching
Mike Feider and Carol Cavender, The Dow Chemical Company

4:15 - 5:45 How to Represent Your Client, And Ethics, in Mediation
Tom Arnold, Arnold, White & Durkee
Margaret Anderson, Browning, Bushman Anderson & Brookhart

How to Draft a Technology Transfer Agreement
Sam Crocker, Baylor College of Medicine

6:00 Cocktail Reception, San Luis Hotel

7:00 Dinner (on your own)

FRIDAY, SEPTEMBER 25, 1992

7:30 am Continental Breakfast

8:20 Opening Remarks and Announcements
William L. LaFuze, Program Chairman
Moderator Ronald O. Bliss, Fullbright & Jaworski

8:30 Recent Developments in Copyright Law
Craig Joyce, University of Houston Law Center

9:00 Important Developments in Trade Secret Law
Otto Meyers, Shell Oil Company

9:35 Coffee Break

Ed Fioritto, Dresser Industries, Inc.

10:15 The Corporate Viewpoint on Controlling Litigation Costs
Carl Rowold, Baker Hughes, Inc.

10:45 Obtaining and Keeping the Earliest Possible Filing Date
Frank Vaden, Vaden Eickenroth, Thompson, et al.

11:15 An Update on Rule 11
Judge Norman Black, U.S. District Judge, Southern District of Texas

11:45 - 1:15 Reception and Luncheon
Speaker: Judge S. Jay Flager, U.S. Court of Appeals for the Federal Circuit
Moderator Margaret A. Boulware, Vaden, Eickenroth

1:15 Jury Selection
Robert Hirschhorn, Charles H. De La Garza, Arnold, White & Durkee

1:45 The New Local Rules Spawned by the Civil Justice Reform Act
Judge Nancy Pecht, Magistrate, Southern District of Texas

2:15 The PTO's Amended Rule 56
Jack Goldstein, Arnold, White & Durkee

2:45 Coffee Break

3:00 Attorney Opinions, Silverado and Waiver of the Attorney-Client Privilege
Alan McClure, Baker & Botts

3:30 From Hughes Aircraft to Malta: The Pendulum Has Swung on the Doctrine of Equivalents
Mike Heim, Conley Rose & Tayon

4:00 Liability of Officers and Directors in Patent Infringement Cases
Elton Dry, Pravel, Gambrell, Hewitt, et al.

4:30 Preliminary Injuctions in Patent Cases
Bryan Medlock, Richards, Medlock, et al.

6:00 - 10:00 Cocktail Reception and Cruise Tour of Sailing Vessel "Elissa;" Cruise of Galveston Harbor on Paddlewheel Steamer "Colonel," with dinner

SATURDAY, SEPTEMBER 26, 1992

7:15 am Continental Breakfast

8:10 Announcements
William L. LaFuze, Program Chairman
Moderator John R. Kirk, Kirk & Lindsay

8:15 A Status Report From the U.S. Patent and Trademark Office
Douglas B. Comer, Acting Assistant Secretary of Commerce and Commissioner of Patents and Trademarks

8:45 An Update on Covenants Not to Compete
Bill LaFuze, Vinson & Elkins

9:15 Assignor Estoppel and Its Implications
Rita Irani, Pravel, Gambrell, Hewitt, et al.

9:45 Coffee Break

10:00 Proving Damages in Patent Infringement Cases
Paul Janicke, University of Houston Law Center

10:30 Licensing and Misuse
Doug Baldwin, Shell Oil Company

11:00 Secondary Meaning in Trade Dress Cases — Taco Cabana v. Two Pesos

11:30 First to File and Related Issues Including Prior User Rights
Gary Griswold, 3M Company

SATURDAY (P.M.)

Golf

Tennis
MARGARET E. ANDERSON
Margaret E. Anderson, Browning, Buhman, Anderson, and Brookhart, is a practicing I.P. attorney and Harvard-trained mediator and gives negotiation training courses. She holds a B.A. in mathematics, summa cum laude, from the University of St. Thomas, and a J.D., magna cum laude, from South Texas College of Law, and has held several offices in HIPLA and IPLS of Texas Bar.

TOM ARNOLD

DOUGLAS BALDWIN
Douglas Baldwin, Assistant General Counsel, Intellectual Property, Shell Oil Company, received his Chemical Engineering degree from the University of Florida and J.D. from the University of Houston. He is a fellow of the Texas Bar Foundation and active in the IPL Section of the State Bar of Texas. He has been a research engineer, manager of licensing and patent counsel and Shell.

JUDGE NORMAN W. BLACK
Judge Norman W. Black, United States District Court, S.D. Texas, received his B.B.A. and L.L.B. degrees from the University of Texas. Served in U.S. military Military Police Corps. Formerly law clerk to U.S. District Judge Ben C. Connolly, became U.S. Magistrate in 1976. U.S. District Judge 1979. Adjunct Professor at South Texas College of Law, he has been the recipient of both the Teachers' and Professors' Excellence Award. Member, Houston Philosophical Society, Houston Bar Association and Federal Bar Association.

CAROL J. CAVENDER
Carol J. Cavender, a Senior Attorney for The Dow Chemical Company, Freeport, Texas, received her B.S. in Chemistry from the University of Houston, a M.L.S. in library and information science and a Ph.D. in Chemistry from Indiana University, and a J.D. from the National Law Center at George Washington University. Before becoming an attorney, she was active in patent information and continues that interest as Vice Chairperson of the AIPLA Information Retrieval Committee.

DOUGLAS B. COMER
Douglas B. Comer, Deputy Assistant Secretary and Deputy Commissioner of Patents and Trademarks, U.S. Department of Commerce. Since May 1, 1992, he has served as Acting Commissioner of Patents and Trademarks. Formerly legislative counsel with law firm of Wain, Gump, et al. in Washington, D.C. Served as Assistant U.S. Attorney for District of Kansas from 1976 until 1981. Served as chief Counsel and Staff Director for Senate Judiciary Committee on Courts under Senator Robert Dole, Chairman.

SAMUEL S. CROCKER
Samuel S. Crocker is Vice President for Legal Affairs at Baylor College of Medicine and serves as counsel to BCM Technologies, Baylor's wholly-owned venture capital subsidiary. He is a graduate of Williams College and the University of Texas College of Law. He is a frequent lecturer on the commercialization of technology by non-profit institutions.

CHARLES H. DE LA GARZA
"Chaz" De La Garza is a senior litigator and member of the board of directors of Arnold, White & Durkee. He holds a bachelor's degree in Chemical Engineering from Lamar University, and a law degree from South Texas College of Law, where he served on the Law Journal staff. He is currently representing Intel in the prolonged trial against AMD on IP rights to various semiconductor chips.

N. ELTON DRY
N. Elton Dry, Pravel, Gambrell, Hewitt, Kimball & Krieger, received his B.S. in Chemistry from Centenary College of Louisiana and his J.D. from Louisiana State University. He has been Patent Counsel for Petro-Tex Chemical Corp. and License Counsel for Exxon Chemical before entering private practice. He is currently a Trustee of the Licensing Executives Society (USA and Canada) and Adjunct Professor at the University of Houston School of Law. He currently specializes in IP litigation.

MICHAEL S. FEIDER
Michael S. Feider, Manager of Patent Information for The Dow Chemical Company, Midland, MI. He received a B.A. in Chemistry from Drake University, a M.S. in Biochemistry from Iowa State University, and an A.M.S. (Library and Information Science) from the University of Michigan. He has 15 years experience in patent searching, and served as the first chairman of the Patent Information Users Group.

EDWARD G. FIORITO
Edward G. Fiorito, Patent Counsel for Dresser Industries, Inc. Former Chairman of IPLS Texas Bar and Science and Technology Section of the ABA. Member of U.S. Delegation to WIPO Diplomatic Conference on Harmonization at The Hague, 1991; Alternate Member, Secretary of Commerce Advisory Commission on Patent Law Reform; Chairman of CLE programs for IPLS of the Texas Bar, PTC Section of the ABA, and National Institute of the ABA. He has been a speaker at previous HIPLA and IPLS Texas Bar CLE programs, published numerous papers and provided opinion testimony in patent litigation.

JAMES B. GAMBRELL, III
James B. Gambrell, III, Pravel, Gambrell, Hewitt, Kimball & Krieger, received his B.S. in Mechanical Engineering from the University of Texas at Austin, his M.A. in Economics from Columbia University, and his L.L.B. from New York University. He was a Professor of Law for a number of years at New York University and the University of Houston. He has written numerous articles on intellectual property subjects, as well as studies prepared for the Commission on the Revision of the Federal Court Appellate System and The Department of Energy. He is the recipient of the 1979 Patent Prize awarded by Patent Resources Group for enduring works in patent law and is listed in Who's Who in America.

JACK C. GOLDSSTEIN
Jack C. Goldstein received a B.S.M.E. from Purdue University where he was a member of Pi Tau Sigma National Mechanical Engineering Honorary Fraternity and a J.D. with Honors from George Washington University where he was a member of the Law Review and Order of the Coif. Before joining Arnold, White & Durkee in Houston, he was a law clerk to now retired Federal Circuit Judge Phillip B. Baldwin, aPatent Advisor in the Office of Naval Research, and Patent Examiner in the PTO. He is the current Chair-Elect of the ABA PTC Section; a past President of the AIPLA, HIPLA, and the Federal Circuit Bar Association; and a past Chair of the State Bar of Texas IPL Section.

GARY L. GRISWOLD
Gary L. Griswold is Chief Intellectual Property Counsel of Minnesota Mining and Manufacturing Company (3M). He has a B.S. in Chemical Engineering from Iowa State University, an M.S. in Industrial Administration from Purdue University, and a J.D. with Honors from the University of Maryland. He has practiced IP law at 3M and E. I. du Pont de Nemours and Co. for a total of 18 years. He is a past Chairman of the Licensing Executives Society, past Subcommittee Chairman of Committees 403 and 404 of the ABA PTC Section, and present Chairman of the AIPLA Harmonization Committee.

MICHAEL F. HEIM
Michael F. Heim, Conley, Rose & Tayson, received his J.D. with honors from George Washington University and his B.S.E.E. from the University of Missouri. He served
BACKGROUND OF PARTICIPANTS (cont’d)

for three years as a Patent Examiner specializing in electrical communication and computer art, and currently specializes in IP litigation and protection of inventions in high-technology electrical arts. He is a frequent writer and speaker on IP law topics.

ROBERT HIRSCHHORN

Robert Hirschhorn is a Galveston criminal lawyer and jury-selection expert. He was married to, and a professional partner with, Cathy Bennett until her tragic death in June after a long fight with cancer. Robert has served as jury advisor in several well known cases, including the intermittent windshield wiper case against Ford in 1990 and the Intel trial against AMD earlier this year.

RITA M. IRANI

Rita M. Irani, Pravrl, Gambrell, Hewitt, Kimball & Krieger, received her B.S. in Physics from Carnegie Mellon University and her J.D. cum laude from Duquesne University. She has written on patent litigation issues including patent venue (IPOS) and bifurcation of infringement and validity issues (AIPLA Quarterly Journal), and is a member of the Trademark Reporter* Editorial Board.

PAUL JANICKE

Paul Janicke is Co-Director of the Intellectual Property Law Institute at U. of H. Law Center, and Institute Professor of Patent Law. He holds a JD from NYU and an LL.M. in patent and trade regulation law from George Washington University. He practiced patent litigation for 20 years with Arnold, White & Durkee, before joining the U. of H. faculty last January.

CRAIG JOYCE

Craig Joyce is a nationally known authority on copyright law and is a Professor of Law at U. of H., where he also Co-Director of the Intellectual Property Law Institute. His writings in the copyright area are often cited by the U.S. Supreme Court. He honors history and jurisprudence degrees from Dartmouth and Oxford, and a law degree from Stanford.

WILLIAM L. LAFUZE

William L. LaFuze, Vinson & Elkins, received his B.S. in Physics from the University of Texas; M.S. in Systems Engineering from SMU and J.D. from the University of Texas. He is past Chairman of IFLS of the State Bar of Texas, past President of HIPLA and current President-Elect of AIPLA; is a Fellow of the Texas and Houston Bar Associations; and serves as a Director of the National Inventors Hall of Fame and the National Council of Intellectual Property Law Associations. He is a frequent lecturer and author of numerous articles dealing with IP law and commercial litigation.

C. ALAN MCCURLE

C. Alan McClure, Baker & Botts, received his B.S. and M.S. degrees in Physics from Texas Tech University, and his law degree from South Texas College of Law. Prior to attending law school, he served in the Naval Nuclear Power Training Unit as an Engineering Division Officer of the U.S. Navy. His background includes extensive electrical and mechanical patent prosecution, trademark prosecution and litigation, and most recently, the licensing of oil exploration and production technology for Shell Oil Company. He is a member of the Houston, Texas and American Bar Associations and the HIPLA.

V. BRYAN MEDLOCK, JR.

V. Bryan Medlock, Jr., Richards, Medlock & Andrews, received his B.S. in Chemical Engineering and his L.L.B. from the University of Oklahoma. He is a member and past chairman of the ABA PTC Section, and is a member of the AIPLA, the Texas Bar Association, the Dallas Bar Association, and the Southwestern Legal Foundation.

OTTO O’MEYERS, III

Otto O’Meyers, III, Shell Oil Company, received a B.S. in Chemistry from Grambling St. University and his J.D. from Temple University School of Law. He has held positions as a research chemist and engineer with Dow Chemical Company and Wytch-Ayerst Laboratories. He is a former patent attorney with Seidel, Gonda, Lavorgna & Monaco of Houston, and most recently, the licensing of oil exploration and production technology for Shell Oil Company.

JUDGE NANCY K. PECHT

Nancy K. Pecht, U.S. Magistrate Judge, Southern District of Texas, graduated Phi Beta Kappa from the University of Cincinnati and received her J.D. from the University of Cincinnati College of Law. She has served as an Assistant Attorney General, State of Ohio; Assistant Attorney General; State of Texas Environmental Protection Division; Assistant United States Attorney, Southern District of Texas, Civil Division and Criminal Division; Tax Prosecution Unit. She is President of the Federal Bar Association.

CARL A. ROWOLD

Carl A. Rowold, Chief Patent Counsel, Baker Hughes Incorporated, former Patent Examiner, received his B.S.M.E. from the Univ. of Missouri at Rolla, his M.B.A. from George Washington Univ. and his J.D. from Georgetown Univ.

D. C. TOEDT, III


FRANK S. VADEN, III

Frank S. Vaden, III, Vaden, Eickenroth, Thompson, Boulware & Feather, L.L.P., received a B.S.E.E. and a B.S.I.E from Texas A&M University and his J.D. from SMU. He is a past President of HIPLA and past Chairman of IFLS of State Bar of Texas, and served as Chair for the 1990 HIPLA Institute. He is a frequent speaker at HIPLA and PDP programs.

PROGRAM ADMINISTRATION

William L. LaFuze, Vinson & Elkins, Chairman; Prof. Paul Janicke, Intellectual Property Law Institute, University of Houston Law Center, Vice-Chairman.

COMMITTEE MEMBERS

Douglas Baldwin; Margaret Anderson; Ronald Bliss; Margaret Boulware; James Burdett; Harold Delhommer; Harvey Dunn; Edward Fein; Jack Goldstein; Craig Joyce; John Kirk; Guy McClung; Alan McClure; Bill Pravel; David Rose; Carl Rowold; Sue Shaper; Alan Thielie; D.C. Toedt.
REGISTRATION INFORMATION

REGISTER IN ADVANCE

Fees:
$250.00 .................................. HIPLA members prior to September 1
$275.00 .................................. Non-HIPLA members prior to September 1
$295.00 .................................. After September 15 for all registrants

REFUNDS

Refunds will be granted only if they are requested in writing and postmarked no later than September 8, 1992. If you do not attend the program and do not request a refund, you will be mailed the written materials.

QUESTIONS?

If you have any questions about the Program, please call the Prof. Paul Janicke, at (713) 743-2164.

WRITTEN MATERIALS

Extensive articles on each presentation will be bound as a Program book and included in the registration fee and handed out during registration.

HOTEL ACCOMMODATIONS

You must communicate directly with the San Luis Hotel in order to reserve a room. A registration form is included in this brochure which should be completed and mailed to the San Luis Hotel. The deadline for making your reservation is September 1, 1992. After this date, reservations are made on a space available basis only. Telephone Number is (800) 392-5937.

REGISTRATION FORM

INTELLECTUAL PROPERTY LAW PROGRAM • SEPTEMBER 24 - 26, 1992
San Luis Hotel, Galveston, Texas

MAIL REGISTRATION FORM or Program BOOK REQUEST TO:
Prof. Paul Janicke, University of Houston Law Center • Houston, TX 77204

I. REGISTRATION FEES (CHECK ONE)

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<td>$250.00 HIPLA members prior to Sept. 1 (book incl.)</td>
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<td>$275.00 Non-HIPLA members prior to Sept. 1 (book incl.)</td>
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<td>$295 After Sept. 1, all registrants (book incl.)</td>
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<td>$35 Limited Student Enrollment (lunch not incl.)</td>
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<td>$75 Program Book only (will not attend seminar)</td>
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II. Other Expenses (Check all that apply)

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<td>Friday Spouse’s Tour, includes lunch</td>
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<td>Golf Saturday Afternoon (24 person limit)</td>
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<td>Tennis Saturday Afternoon</td>
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TOTAL =

(Make Check Payable to Houston Intellectual Property Law Association)

HOTEL REGISTRATION FORM

8TH ANNUAL INTELLECTUAL PROPERTY LAW PROGRAM

Mail Hotel Registration to:
San Luis Hotel
5222 Seawall Blvd.,
Galveston Island, Texas 77550
(800) 392-5937

Registrations Must Be Received By September 1, 1992

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Arrival Date: ________________________________
Departure Date: ________________________________

Name: ________________________________
Roommate: ________________________________

Company/Organization: ________________________________
Phone: ________________________________

Address: ________________________________
City/State/Zip: ________________________________

ANY CANCELLATIONS MUST BE RECEIVED AT LEAST 24 HRS PRIOR TO ARRIVAL DATE

All requests subject to availability. Reservations will be considered tentative unless guaranteed by first night’s deposit or major credit card.
SUMMARY OF THE PROGRAM

Casual Attire is encouraged for all aspects of the Program.

THURSDAY WORKSHOPS
• Four separate workshops are provided on Thursday afternoon starting at 2:30 directed to current issues for the practitioner of intellectual property law.

FRIDAY & SATURDAY SESSIONS
• Twenty-one separate lectures will be presented, starting Friday morning.
• Special Features:
  (1) Lunch with Judge Plager of the Federal Circuit.
  (2) Discussions with Federal judges, including an update on Rule 11 (Judge Black) and an analysis of new local rules following the Civil Justice Reform Act (Judge Pecht.)
  (3) Special address by Acting Commissioner Douglas Comer on the state of the PTO.
  (4) Tutorial insight on jury trials from jury consultant Robert Hirschhorn, husband and partner of recently deceased Cathy Bennett, jury advisor in William Kennedy Smith case and many patent cases.
  (5) Practice updates on current developments, including the Taco Cabana trade dress case recently decided by the U.S. Supreme Court.

RECREATIONAL AND SOCIAL ACTIVITIES
• Cocktail Reception: Cocktails and soft drinks will be served at the San Luis Hotel on Friday evening. Beer, wine and soft drinks will be served. Boarding begins at 6:00 pm (No high heels allowed.)
• Dinner Aboard Colonel: The Victorian-style paddlewheel steamer Colonel, berthed next door to Elissa, will be our dinner cruise ship Friday night. It features an open-air promenade, dancing to live music, and dining in the air-conditioned dining room. A pay bar will be available. Boarding begins at 7:00 pm, with underway time at 8:00. Return at 10:00.
• Spouse Tour: Begin with a driving tour of historic Galveston Island Friday morning with a stop at the magnificently restored Moody Mansion, giving you a glimpse of early Galveston in the 1900's. Gourmet lunch served at the Virginia Point Inn, a fine bed and breakfast inn known for its fine cuisine. Group will be accompanied by a professional tour guide who will share some of the shopping secrets of the Strand and Old Galveston. Those wishing to shop the Strand will be dropped off and will need to arrange their own return transportation to the hotel. Total price: $45.00.

MINIMUM CONTINUING LEGAL EDUCATION
This program is pending approval for Minimum Continuing Legal Education credit by the State Bar of Texas. The Friday and Saturday portions will be 10.0 hours with an additional 2.0 hours for the Thursday workshops.

LOCATION
The San Luis Hotel is located in Galveston, Texas, on Seawall Boulevard. From Houston, take I-45 South to the Seawall. Proceed south (turn right) on Seawall Boulevard to 5222 Seawall Boulevard. Telephone number: 800 - 392-5937; Houston 713-280-3924.