1993
9TH ANNUAL
INTELLECTUAL PROPERTY LAW INSTITUTE

San Luis Hotel, Galveston, Texas
September 30 - October 2, 1993

Co-Sponsored by

Houston Intellectual Property Law Association

and

University of Houston Law Center

Intellectual Property Program

Generously Underwritten by:

Arthur Andersen & Co.
Grant Thornton
KPMG Peat Marwick

Peterson Consulting
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THE PROGRAM HAS BEEN DESIGNED TO PROVIDE:

Don Dunner on Effective Advocacy Before the Federal Circuit

New Thinking on Venture Capital for High-Technology Enterprises

Copyright Update: Fair Use After Texaco; Data Compilations After Feist

PANEL DISCUSSIONS ON:
Expanding Role of In-House Counsel in Litigation
Interaction of Lawyers and Accountants on Financial Issues

BREAKOUT SESSIONS ON:
Overview of IP Law for Beginners and Non-IP Lawyers
Drafting of Opinion Letters
Handling Reissues and Reexaminations
2:00 Registration
2:30-5:00 Overview of IP Law for New and Non-IP Lawyers
2:30 Patents
3:05 Trade Secrets
3:40 Copyrights
4:20 Trademarks and Unfair Competition
2:30-4:00 Workshop: Drafting IP Opinions
4:15-5:45 Workshop: Handling Reissues and Reexaminations
6:00 Cocktail Reception, San Luis Hotel
7:00 Dinner (on your own)

FRIDAY, OCTOBER 1, 1993
7:30 Continental Breakfast
8:20 Opening Remarks
8:30 IP Statutory Update
9:00 Effective Advocacy
9:30 Coffee Break
9:45 Proving Likelihood of Confusion in the Fifth Circuit
10:15 Fair Use After Texaco, and The Copyright Clearance Center
10:45 Experimental Use Exception to Patent Infringement
11:15 Alternatives to Patents in Protecting Intellectual Workproducts
11:45 Reception and Luncheon

Afternoon Program
1:15 Doctrine of Equivalents and Its Impact On "Designing Around"
1:45 Extraordinary Remedies in Trademark and Copyright Cases
2:15 Ripples In the Wake of Feist

2:45 Coffee Break
3:00 Panel: Interaction of Lawyers and Accountants on Financial Issues

2:45 Coffee Break
3:00 Panel: Interaction of Lawyers and Accountants on Financial Issues

SATURDAY, OCT. 2
7:15 Continental Breakfast
8:10 Announcements
8:15 Ten Commandments of Persuading Patent Juries
8:45 How To Win Intellectual Property Trials
9:15 Is It A Trademark License, Franchise, or Business Opportunity?
9:45 Coffee Break
10:00 Panel: The Expanding Role of In-House Counsel in Litigation Slyke (Pavel, Hewitt); Allen Management and Cost Control Lackey, General Counsel, (Shell Oil Co.); Jeff Pendergraft, General Counsel, (Lyondell Petrochemical Co.); Bill Fargo (General Counsel, Compaq Computer Corp.); Howard Rudge (General Counsel, Conoco Inc.); David Garten (NL Industries Inc.)
11:30 Overview of ITC Practice Relating to IP Rights
12:00 Computer Law Update

SATURDAY AFTERNOON
Golf: Call Jim Riley, Pavel, Hewitt, Kimball & Krieger for details (713-850-0909)
Tennis: Call Jennifer Sickler, Jenkins & Gilchrist for details (713-951-3300)

Friday AM Spouse Activities:
Call Karen Van Slyke for details (713-850-0873)
BACKGROUND OF PARTICIPANTS

TOM ADOLPH
Mr. Adolph is an IP partner with Baker & Botts, Houston. He is Regional Director of the International Computer and Technology Law Committee of the International Bar Association, and serves on two AIPLA committees.

BILL BARBER
Bill Barber is an associate with Arnold, White & Durkee’s Austin office. His practice has involved extensive trademark litigation, particularly in the Fifth Circuit.

NORMAN BLACK
As Chief Judge of the U.S. District Court for the Southern District of Texas, Judge Black presides over one of the most active IP districts in the United States. He is a frequent lecturer on patent litigation topics.

WALT BRATIC
Walter Bratic is a partner in the Houston office of Price Waterhouse. He has extensive IP experience, including matters relating to licensing, determination of reasonable royalties, calculation of lost profits, antitrust issues as well as valuation of intellectual property.

TIM COOK
Mr. Cook is with the Houston IP firm of Gun & Kuffner, where he practices in both the prosecution and litigation areas, primarily in the electrical and mechanical arts.

WALT CUNNINGHAM
Walter Cunningham is a physicist who began his career as a Marine Corps fighter pilot and holds the rank of Colonel, USMCR-Retired. He was one of NASA’s first civilian astronauts and the pilot of Apollo 7 - the first manned flight of the Apollo program. He is currently the Managing General Partner of The Genesis Fund, a $16 million venture capital pool with a portfolio of 20 start-up and early stage companies.

PAUL DeVERTER
Paul DeVerter has been an IP lawyer with Fulbright & Jaworski since 1959. He practices primarily in unfair competition and trademark law. He has handled both trademark counterfeit raids and computer software raids.

RICHARD DOMERCQ
As a partner in Grant Thornton’s Houston office, Mr. Domercq directs a practice group which performs damage analyses and accounting investigations in business litigation matters, including intellectual property disputes. He is a CPA and graduate of MIT with degrees in electrical engineering and management.

DON DUNNER
Mr. Dunner is a partner in the Washington D.C. firm of Finnegan, Henderson, Farabow, Garrett & Dunner. He is a past President of AIPLA and is a Council Member of the IP Law Section of ABA. He was Chairman of the Advisory Committee of the Federal Circuit Court of Appeals from 1982 to 1992. Mr Dunner is a co-author of Court of Appeals for the Federal Circuit: Practice and Procedure.

BARBARA DUGANIER
Ms. Duganier is Partner-in-Charge of Arthur Andersen’s Houston Litigation Services Practice, and has served as a consulting and testifying expert on damages in numerous cases. She is a CPA and a Certified Fraud Examiner.

BILL FARFO
Bill Fargo is Vice President and General Counsel of Compaq Computer Corp. He was previously with Texas Instruments, and in both capacities dealt with large-scale litigation in the IP area.

DAVID GARTEN
Graduated from Yale Law School in 1977. After a clerkship with Judge Anthony Kennedy, then on the Court of Appeals for the Ninth Circuit, he joined Kirkland & Ellis in Chicago. In 1990 he became Vice President and General Counsel of NL Industries, Inc. in Houston.

MARK GILBRETH
J. Mark Gilbreth is a member of the Jenkins & Gilchrist Intellectual Property Section in Houston, and received a B.S.Ch.E. from the University of Arkansas and a J.D. from the University of Tulsa.

SARAH T. HARRIS
Sarah Harris has been associated with the law firm of Vaden, Eickenroth, Thompson, Boulware & Feather for two years. Her practice is concentrated in the area of patent and trademark prosecution.

TIM HEADLEY
Tim Headley is an attorney with Baker and Botts. He is the co-author of several IP publications including “Jury Trials in Patent Cases”.

LESTER HEWITT
Les Hewitt is a shareholder in Pravel, Hewitt, Kimball & Krieger. He is actively involved in all phases of intellectual property litigation and problem-solving. He is a Past-President of HIPLA.

PAUL JANICKE
Prof. Janicke is Co-Director, with Associate Dean Craig Joyce, of the Intellectual Property Program at the University of Houston Law Center, and is Of Counsel to Arnold, White & Durkee.

CRAIG JOYCE
Dean Joyce is Associate Dean of the University of Houston Law Center, and Co-director of the Intellectual Property Program there. He is a leading copyright authority, and he co-authored the leading article cited by the Supreme Court in Feist.

IRENE KOSTURAKIS

PAUL KATZ
Paul Katz is with the IP section of Honigman Miller Schwartz & Cohn in Houston. Formerly a practicing electrical engineer, his practice concentrates in electronic patent matters.

ALLEN LACKLEY
Mr. Lackey is Vice-President and General Counsel of Shell Oil Co. He has been active in the development of in-house litigation capabilities at Shell, and has had a managerial role in numerous IP litigations.

BILL LaFUZE
Bill LaFuze is a partner in the Houston office of Vinson & Elkins, is very active in national and local bar work, and is the current President of AIPLA. His practice is primarily in patent litigation.

ROSS LAGUZZA
Dr. Ross Laguzzia is Managing Partner of DecisionQuest, a leading trial consulting firm. He has consulted with attorneys on over 500 trials in 36 states and Puerto Rico. He specializes in complex litigation.

GREG MAAG
Greg Maag, a director with Conley, Rose
and Tayon, specializes in IP litigation and franchising. He has extensive experience in franchise structuring, disclosure law compliance, and in operational issues.

**RAUL MONTES**
Raul Montes is a patent attorney for Exxon Exploration Company.

**KIM MULLER**
Mr. Muller is a senior trademark attorney with Shell Oil Co., and is involved in both prosecution and litigation in the trademark and copyright areas. A frequent lecturer on IP law topics, he is a past Secretary of HIPLA.

**PHILLIP EDWARD PAGE**
Phillip Edward Page is professor of law at South Texas College of Law, where he has taught various intellectual property courses since joining the faculty in 1984.

**RAY PATTERTON**
Prof. Patterson is Pope Brock Professor of Law at the University of Georgia, and specializes in copyright. He is the author of influential copyright articles and two books on copyright.

**JEFF PENGERGRAFT**

**JEFFREY PYLE**
Jeff Pyle has been an associate with Vaden, Eickenroth since 1989. His practice has involved all aspects of IP law, including patent prosecution and litigation.

**RANDALL RADER**
Judge Rader is an Associate Judge of the Federal Circuit Court of Appeals.

**RICHARD REDANO**
Richard Redano practices IP law with Rosenblatt & Associates, Houston. His practice is devoted largely to litigation in the areas of unfair competition, copyright, and trade secrets.

**HOWARD RUDGE**
Howard J. Rudge is senior vice president and general counsel of Conoco and vice president and assistant general counsel of the DuPont Company. He is a member of the Houston, Virginia, and District of Columbia Bar Associations. He currently serves on the board of Directors of the Houston Bar Foundation.

**JENNIFER SICKLER**
Ms. Sickler is an IP lawyer with Jenkens & Gilchrist in Houston. She is a former law clerk for Houston Federal District Judge Simeon Lake. Her practice has emphasized trade secret litigation.

**JEFF TAYON**
Jeff Tayon is a director of Conley, Rose & Tayon, specializing in IP litigation. He is the current President of HIPLA, and is a former Examiner in the medical arts and Law Clerk to Federal Circuit Judge Jack Miller.

**J.B. THOMPSON**
J.B. Thompson is a partner in Vaden, Eickenroth, Thompson, Boulware & Feather. He has over thirty years' experience in intellectual property law practice.

**FRANK VADEN**
Frank Vaden is founding partner of Vaden, Eickenroth, Thompson, Boulware & Feather. He has counselled clients on IP matters for over 30 years. He now spends a significant amount of his time as an expert witness in patent litigation and in mediation of patent disputes.

**PAUL VAN SLYKE**
Paul Van Slyke is a shareholder in Pravel, Hewitt, Kimball & Krieger, and has been litigating IP cases for over 25 years. In addition to teaching law-school courses, he is a frequent lecturer and writer on IP topics and has served as an expert witness in patent and trademark cases.

**HERB WARNER**
Mr. Warner, Partner-in-charge of KPMG Peat Marwick's Southwest Litigation Services Group, has provided attorneys financial, accounting, and economic analyses of claims ranging from thousands to billions of dollars.

**STEPHEN WILLIS**
Stephen I. Willis is an executive vice president of Peterson Consulting Limited Partnership having firmwide responsibility for the intellectual property consulting practice. Mr. Willis has substantial experience in the determination and evaluation of lost profits, reasonable royalty and prejudgment interest in connection with IP litigation.

**RUSSELL WONG**
Russell Wong is a member of the Houston office of Arnold, White & Durkee, where his practice is concentrated in the area of patent litigation.

**PROGRAM ADMINISTRATION**
Paul Van Slyke, Pravel, Hewitt, Kimball & Krieger, Chairman; Prof. Paul Janicke, University of Houston Law Center, Vice-Chairman; Randy Smith, Pravel, Hewitt, Kimball & Krieger, Arrangements; Karen Van Slyke, Spouse Tour; Kimberly Lopez, IPP, Coordinator.

**Committee Members:**
Margaret Anderson, Meg Boulware, Marc Delflache, Mark Gilbreth, Alan Gordon, Tim Headley, Mike Heim, Dean Craig Joyce, Irene Kosturakis, Ken Kuffner, Kim Muller, Prof. Ray Nimmer, Jeff Tayon, Frank Vaden.
**REGISTRATION INFORMATION**

**REGISTER IN ADVANCE**

Fees:
- $275.00.......................... HIPLA members up to September 1
- $325.00.......................... Non-HIPLA members up to September 1
- $350.00.......................... HIPLA members after September 1
- $400.00.......................... Non-HIPLA member after September 1

Extensive articles on the presentations 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 7, 1993. After this date, reservations are made on a space available basis only. Telephone Number is (800) 392-5937.

**REGISTRATION FORM**

**INTELLECTUAL PROPERTY LAW INSTITUTE • SEPTEMBER 30 - OCTOBER 2, 1993**
San Luis Hotel, Galveston, Texas

MAIL REGISTRATION FORM or Program BOOK REQUEST TO:
Kimberly Lopez, University of Houston Law Center • Houston, TX 77204-6371

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**I. REGISTRATION FEES (CHECK ONE)**

- $275 HIPLA members up to Sept. 1 (book incl.)
- $325 Non-HIPLA members up to Sept. 1 (book incl.)
- $350 HIPLA members after Sept. 1 (book incl.)
- $400 Non-HIPLA members after Sept. 1 (book incl.)
- $ 35 Limited Student Enrollment (lunch not incl.)
- $ 75 Program Book only (will not attend seminar)

**AMOUNT**

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**II. OTHER EXPENSES (CHECK ALL THAT APPLY)**

- $30 ea. x (# of reservations)
- $35 ea. x (# of reservations)
- $45 ea. x (# of reservations)
- $60 ea. x (# of reservations)
- $20 ea. x (# of reservations)

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**HOTEL REGISTRATION FORM**

9TH ANNUAL INTELLECTUAL PROPERTY LAW INSTITUTE

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

Single or Double: $87 night (all have ocean view)

- VISA
- American Express
- MasterCard
- Other

Cardholder’s Name: ____________________________ Card Number: ____________ Exp. Date: ____________

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
AND IP OVERVIEW
• Thursday afternoon workshops on: (1) Drafting IP Opinions; (2) Handling Reissues and Reexaminations.
• Thursday afternoon Overview of IP: introductory discussions for new and non-IP lawyers.

FRIDAY & SATURDAY SESSIONS
• Sixteen lectures on topics of current IP interest.
• Special Features:
  (1) Panel on Interaction of Lawyers and Accountants on Financial Issues
  (2) Panel on The Expanding Role of In-House Counsel in Litigation.
  (3) Lunch with Judge Randall Rader of the Federal Circuit.

RECREATIONAL AND SOCIAL ACTIVITIES
• COCKTAIL RECEPTION: Cocktails and soft drinks will be served at the San Luis Hotel on Friday evening.
• TOUR OF ELISSA: The three-masted sailing ship Elissa will be open for a private showing to our Program registrants and their guests 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 pm. Return at 10:00 pm.
• SPouse TRIP TO MOODY GARDENS: Begins Friday morning at the 3-D IMAX Theater (one of only three in the world). The award-winning film The Last Buffalo becomes incredibly realistic as images seem to leap from a six-story-tall screen. Then experience the rain forests of Africa, Asia, and South America in the ten-story-tall glass pyramid. After lunch at the waterfront Garden Restaurant, the group will be returned to the San Luis Hotel. Those wishing to shop will be deposited at the Strand, but must arrange their own transportation back to the hotel. Total Cost: $35.00.

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 3.0 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 Seawall. Proceed south (turn right) on Seawall Boulevard to 5222 Seawall Boulevard. Telephone number: 800-392-5937; Houston 713-280-3924.

Kimberly Lopez
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Houston, Texas 77204