1994
10TH ANNUAL
INSTITUTE ON INTELLECTUAL PROPERTY LAW

San Luis Hotel, Galveston, Texas
September 29 - October 1, 1994

Co-Sponsored by
Houston Intellectual Property Law Association
AND
University of Houston Law Center
Intellectual Property Program

Generously Underwritten by:
Grant Thornton  KPMG Peat Marwick  Peterson Consulting

HIGHLIGHTS OF THE PROGRAM INCLUDE:

Judge Lourie on Federal Circuit Developments
AIPLA Executive Director Mike Blommer on IP Legislative Proposals and Treaty Negotiations
Prof. Peter Jaszi on Software Copyrights and Reverse Engineering

Debate on Judge-Jury Decisional Allocations in Patent Cases

Panel Discussions on:
Enforcement of Patent Rights Abroad
Software Patent Applications
### THURSDAY, SEPTEMBER 29, 1994

<table>
<thead>
<tr>
<th>Time</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:30</td>
<td>Registration</td>
</tr>
<tr>
<td>2:00-6:00</td>
<td>Special IP Negotiation Workshop (Limit 20 - preregistration required)</td>
</tr>
<tr>
<td></td>
<td>Moderator:</td>
</tr>
<tr>
<td>Afternoon Program</td>
<td>James Smith (Arnold, White &amp; Durkee)</td>
</tr>
<tr>
<td>2:30</td>
<td>How to Preserve Attorney-Client Privilege and Work Product Immunity During Patent Procurement</td>
</tr>
<tr>
<td></td>
<td>Moderator:</td>
</tr>
<tr>
<td>3:00</td>
<td>How to Deal with the Scope of Use Restrictions in Computer Software Licenses</td>
</tr>
<tr>
<td></td>
<td>Moderator:</td>
</tr>
<tr>
<td>3:30</td>
<td>When and how to Franchise a Business</td>
</tr>
<tr>
<td></td>
<td>Moderator:</td>
</tr>
<tr>
<td>4:30</td>
<td>How to Deal with IP Rights as Assets - What Every IP Lawyer Should Know about Intangibles as Assets for Financing Matters</td>
</tr>
<tr>
<td></td>
<td>Moderator:</td>
</tr>
<tr>
<td>5:00</td>
<td>How to Use Digital Technology for Courtroom Presentations</td>
</tr>
<tr>
<td></td>
<td>Moderator:</td>
</tr>
<tr>
<td>6:00</td>
<td>Cocktail Reception, San Luis Hotel</td>
</tr>
<tr>
<td>7:00</td>
<td>Dinner (On Your Own)</td>
</tr>
</tbody>
</table>

### FRIDAY, SEPTEMBER 30, 1994

<table>
<thead>
<tr>
<th>Time</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:30</td>
<td>Continental Breakfast</td>
</tr>
<tr>
<td>8:20</td>
<td>Opening Remarks</td>
</tr>
</tbody>
</table>

#### Morning Program

<table>
<thead>
<tr>
<th>Time</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:30</td>
<td>Recent Developments in IP Legislative Proposals and International Treaty Negotiations</td>
</tr>
<tr>
<td></td>
<td>Moderator:</td>
</tr>
<tr>
<td>9:00</td>
<td>Copyright and Trade Secret Implications of the Information Superhighway</td>
</tr>
<tr>
<td></td>
<td>Moderator:</td>
</tr>
<tr>
<td>9:30</td>
<td>Coffee Break</td>
</tr>
<tr>
<td>9:45</td>
<td>Panel: Enforcement of Patent Rights Abroad</td>
</tr>
<tr>
<td></td>
<td>Panel Moderator: Dean Vance (Shell Oil Co.)</td>
</tr>
<tr>
<td></td>
<td>Europe: Dr. Pagenberg (Bardchle, Pagenberg)</td>
</tr>
<tr>
<td></td>
<td>Akishiko Hara (Mitsui, Yasuda, Wani &amp; Maeda)</td>
</tr>
<tr>
<td></td>
<td>Latin America: Mariano Soni (Budete Soni, Mexico City)</td>
</tr>
<tr>
<td>11:15</td>
<td>Rights in Information: New Causes of Action</td>
</tr>
<tr>
<td></td>
<td>Speaker: Hon. Alan Lourie (U.S. Court of Appeals for the Federal Circuit)</td>
</tr>
<tr>
<td>11:45</td>
<td>Reception and Luncheon</td>
</tr>
</tbody>
</table>

#### Afternoon Program

<table>
<thead>
<tr>
<th>Time</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Moderator:</td>
</tr>
</tbody>
</table>

### SATURDAY, OCTOBER 1, 1994

<table>
<thead>
<tr>
<th>Time</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:15</td>
<td>Continental Breakfast</td>
</tr>
<tr>
<td>8:10</td>
<td>Announcements</td>
</tr>
</tbody>
</table>

#### Morning Program

<table>
<thead>
<tr>
<th>Time</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:15</td>
<td>Ethics Exercise: Three Vignettes on Ethical Issues in IP cases</td>
</tr>
<tr>
<td></td>
<td>Moderator:</td>
</tr>
<tr>
<td>9:15</td>
<td>Recovery of Damages for Trademark and Trade Dress Infringement</td>
</tr>
<tr>
<td>9:45</td>
<td>Coffee Break</td>
</tr>
<tr>
<td>10:00</td>
<td>Discussion: Impact in the Southern District of Texas of the New Amendments to Federal Rules of Civil Procedure</td>
</tr>
<tr>
<td></td>
<td>Discussion Moderator:</td>
</tr>
<tr>
<td>11:00</td>
<td>What is Reasonable Apprehension of a Patent Infringement Suit for Purposes of Declaration Judgment Jurisdiction - When is it Safe to Feel Threatened?</td>
</tr>
<tr>
<td>11:30</td>
<td>Libel in IP Cases - a Public or Private Matter?</td>
</tr>
<tr>
<td>12:00</td>
<td>The Status of Parody in Trademark and Copyright Law</td>
</tr>
</tbody>
</table>

#### FRIDAY MORNING

Spouse Activities: Call Sandy Norris for details (713-827-0442)

#### SATURDAY AFTERNOON

Golf: Call Jim Riley, Paved, Hewitt, et al. for details (713-850-0909)

Tennis: Call Jennifer Sckler, Jenkins & Gilchrist for details (713-991-3300)
BACKGROUND OF PARTICIPANTS

MARGARET ANDERSON
Margaret Anderson is a partner of Browning, Bushman, Anderson & Brookhart. She has received extensive negotiation training at Harvard Law School and has developed a negotiation workshop with emphasis on Intellectual Property.

GORDON ARNOLD
Gordon Arnold is with the Houston Office of Bardelde, Pagenberg, et al. His practice includes all areas of intellectual property and he has published several articles on the subject. He is currently serving as secretary for HIPLA.

GREGORY BEAVES
Gregory Beaves is with the law firm of Gunn & Kuffner with a background in materials science and engineering design. He served one year as Briefing Attorney to Judge Lee Duggan, Jr., Justice of Texas' First Court of Appeals.

MICHAEL BLOMMER
Michael Blommer has been the Executive Director of the American Intellectual Property Law Association since 1979. He is a graduate of the University of Wisconsin Law School and a member of the bar of the District of Columbia.

MEG BOULWARE
Ms. Boulware serves as Chair of the Advisory Board for the Intellectual Property Law Program at the Law Center and is President of the Houston Intellectual Property Law Association. She was named Volunteer of the Year for the School of Theatre at the University of Houston. Ms. Boulware is Secretary of the National Inventor's Hall of Fame.

SAL CASAMASSIMA
Sal Casamassima is General Counsel for Exxon Production Research Company in Houston. The law group he supervises provides a wide array of legal advice, particularly on intellectual property law matters such as patent and copyright issues.

GLENNA CREWS
Glenna England Crews is with the Business Reorganization section of Weil, Gotshal & Manges in the Houston office. Her practice involves intellectual property rights, particularly in the bankruptcy setting.

JEFF DODD
Jeff Dodd is a partner in the Houston office of Mayer, Brown & Platt. He has extensive experience in structuring, negotiations and documentary arrangements relating to software and information transactions.

ED FEIN
Ed Fein is Patent Counsel of the Johnson Space Center. He is a past president of the Houston Intellectual Property Law Association; a past chair of the Intellectual Property Law Section of the State Bar of Texas; and is a member of the Advisory Board of the Intellectual Property Law Program, University of Houston Law Center.

MIKE FLEMING
Mike Fleming is presently an Administrative Judge of the Board of Patent Appeals and Interferences, U.S. Patent and Trademark Office. He is regarded as an expert on the subject of patentability of computer software.

MARK GILBRETH
Mark Gilbreth's 9 years of intellectual property experience include both corporate and private practice. He is co-founder of Gilbreth & Adler where his practice is devoted largely to patent preparation and prosecution.

AKIHIKO HARA
Akihiko Hara is a partner at Mitsui, Yasuda, Wani & Maeda, Tokyo, and is actively engaged intellectual property law practice, including litigation and Japanese Patent Office advisory proceedings. He frequently lectures on licensing, gray market issues and intellectual property infringement litigation.

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

MICHAEL HEIM
Michael Heim is a director of Conley, Rose & Tayon, P.C., specializing in IP litigation and the prosecution of high-tech electrical applications. He is a examiner in the electrical arts.

LES 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.

DAVID HITTNER
U.S. District Judge, Southern District of Texas (Houston). A graduate of NYU Law School, Judge Hittner practiced in Texas from 1967 to 1978, when he was elected a state district judge. He was appointed to the Federal bench in 1986 by President Reagan. He is well known for his efforts to improve civil litigation, e.g., through his chairmanship of the HBA's Attorney's Saturday Morning in Court program. Among many other honors, he received the American College of Trial Lawyers' Gates Award for Improvement of the Litigation Process in the United States.

DAVID HRICIK
David Hricik is with the trial department at Baker & Botts, L.L.P. His intellectual property experience includes assisting with both the trials & appeals in the Exxon v. Lubrizol litigation, as well as other IP disputes. He has also been published on IP issues.

PETER JASZI
Professor Jaszi teaches Copyright and International Copyright at the Washington College of Law of the American University. He is co-author of a standard textbook, Copyright Law, published by Matthew Bender and co-editor of a recent volume of essays about copyright and literary theory, The Construction of Authorship, from Duke University Press. Prof. Jaszi lectures frequently to professional and academic groups here and abroad.

SAM KENT
U.S. District Judge, Southern District of Texas (Galveston). Judge Kent is a UT law graduate, and was in private litigation practice with Royston, Razin until his judicial appointment by President
BACKGROUND OF PARTICIPANTS (cont’d)

Bush in 1990. He is well known for his forward-thinking efforts to improve complex civil litigation practice, e.g., by techniques such as the four-hour deposition limit.

DENISE KETTELBERGER
Dr. Denise Kettelberger is associated with the firm of Pravel, Hewitt, Kimball & Krieger. Her area of practice includes biotechnology-related technologies and she has authored publications relating to biotechnology patent practice.

ALBERT KIMBALL
Albert Kimball Jr., a shareholder in Pravel, Hewitt, Kimball & Krieger, has been lead counsel in federal and state intellectual property litigation, and also expert witness. Al is former president of the Houston Bar Association.

ALAN LOURIE
Judge Lourie was appointed to the Federal Circuit by President Bush in 1990. He holds a Ph.D. in Chemistry and prior to his judicial appointment was the chief patent counsel at SmithKline Beecham Corp. In 1982 and 1984 he was a U.S. delegate to the conference on amending the Paris Convention for the Protection of Intellectual Property.

KEITH LUTSCH
Keith Lutsch is a shareholder with Pravel, Hewitt, Kimball & Krieger. He specializes in computer law, including licensing, and patent prosecution, particularly computer systems.

JOYCE MAZERO
Joyce Mazero is with Locke Purnell Rain Harrell in Dallas. She specializes in franchise law and has published several articles on the subject.

RAY NIMMER
Ray Nimmer is acting Dean at the University of Houston Law Center and of counsel at Weil, Gotshal & Manges. He is the author of The Law of Computer Technology and several other information law publications.

JOHN NORRIS
John Norris is a member of Arnold, White & Durkee, where he recently completed four years of service as managing shareholder. His practice is primarily in patent litigation.

JOCHEN PAGENBERG
Dr. Jochen Pagenberg is a partner in the Munich office of Bardehle, Pagenberg et al with 20 years of practice in IP litigation. He has extensive experience in licensing which includes authoring a 700 page book on licensing in Europe.

SCOTT PARTRIDGE
Scott Partridge is a partner in the Houston office of Baker & Botts. He has had extensive experience in both IP litigation and transactional matters. For seven years he taught intellectual property law at Georgetown University.

MELINDA PATTERSON
Melinda Patterson is with the Houston office of Arnold, White & Durkee. She has Ph.D. from the Graduate School of Biomedical Sciences at the University of Texas Southwestern Medical Center. Her practice involves both patent litigation and prosecution, with emphasis in the biotechnical arts.

BILL RAMAN
Bill Raman is a partner in the Austin office of Arnold, White & Durkee. He has extensive experience in trademark, copyright and related matters, and has spoken on trademark issues, preemption issues and related litigation issues.

JAMES SMITH
James Smith is with the Arnold, White & Durkee Houston office. He is a former law clerk to Paul R. Michel, of the Federal Circuit and specializes in electronic patent matters.

MARIANO SONÍ
Mariano Soní is a partner with Bufete Soní in Mexico city. He has over 20 years experience in IP litigation. He is a member of AIPLA and Asociación Mexicana para la Protección de la Propiedad Industrial.

JEFF TAYON
Jeff Tayon is a director of Conley, Rose & Tayon, specializing in IP litigation. He is the past president of HIPLA, and is a former Examiner in the medical arts and law clerk to Federal Circuit Judge Jack Miller.

D.C. TOEDT
D.C. Toedt is a shareholder of the Houston office of Arnold, White & Durkee. He is chairman of AWD’s patent prosecution practice committee and principal counsel in obtaining numerous software-related patents.

PAUL VAN SLYKE
Paul Van Slyke is a shareholder in Pravel, Hewitt, Kimball & Krieger, and has been litigating IP cases for over 25 years. He has lectured on the subject of trademark and trade dress damage recovery, and has experience in cases where that type of damage recovery was a significant issue.

DEAN VANCE
Dean Vance is Senior Patent Counsel with Shell Oil Company, and is involved in patent litigation, worldwide licensing and asset acquisition/sale. He served with the Royal Dutch Shell Group in The Hague from 1986 to 1988.

PROGRAM ADMINISTRATION

John Norris, Arnold, White & Durkee, Chairman; Prof. Paul Janicke, University of Houston Law Center, Vice-Chairman; Hank Petri, Arnold, White & Durkee, Arrangements; Kimberly Lopez, IIP, Coordinator.

Committee Members:
Margaret Anderson, Gordon Arnold, Meg Boulware, Ed Fein, Mark Gilbreth, Sarah Harris, John Jones, Craig Joyce, Chris Kiers, Bill LaFuze, Ray Nimmer, Scott Partridge, Ken Priem, James Smith, Randy Smith, Jeff Tayon, Dean Vance, Paul Van Slyke, John Vick.

Houston Intellectual Property Law Association: Meg Boulware, President, Paul Van Slyke, President-Elect, Gordon Arnold, Secretary, Mark Gilbreth, Treasurer, Jeff Tayon, Immediate Past President.

Intellectual Property Law Program of the University of Houston Law Center: Prof. Paul Janicke and Prof. Craig Joyce, Co-Directors.
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

Refunds will be granted only if they are requested in writing and postmarked no later than September 7, 1994. 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 Kimberly Lopez of UHIPP, at (713) 743-2180.

WRITTEN MATERIALS
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 15, 1994. After this date, reservations are made on a space available basis only. Telephone Number is (800) 392-5937.

REGISTRATION FORM
INSTITUTE ON INTELLECTUAL PROPERTY LAW • SEPTEMBER 29 - OCTOBER 1, 1994
San Luis Hotel, Galveston, Texas
MAIL REGISTRATION FORM or PROGRAM BOOK REQUEST TO:
Kimberly Lopez, University of Houston Law Center • Houston, TX 77204-6371

Please make check payable to HIPLA or □ VISA □ MasterCard Card #: Exp. Date:

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

II. OTHER EXPENSES (CHECK ALL THAT APPLY)
□ Friday Lunch $30 ea. x (# of reservations) -
□ Friday Spouse’s Tour, includes lunch $35 ea. x (# of reservations) -
□ Friday night Reception and Dinner $45 ea. x (# of reservations) -
□ Golf Saturday Afternoon (24 person limit) $60 ea. x (# of reservations) -
□ Please indicate handicap ( )
□ Tennis Saturday Afternoon $20 ea. x (# of reservations) -

□ YES, please pre-register me for the Thursday afternoon IP Negotiation Workshop. Registration will be confirmed.

HOTEL REGISTRATION FORM
10TH ANNUAL INSTITUTE ON INTELLECTUAL PROPERTY LAW

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

Registrations Must Be Received By September 15, 1994

Single or Double: □ $89 night (all have ocean view)
□ VISA □ American Express □ MasterCard □ Other Card Number: Exp. Date: 

Cardholder’s Name: 

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 WORKSHOP AND SESSIONS

• Thursday afternoon Workshop will focus on IP negotiating skills.
• Thursday afternoon Sessions will include: (1) How to franchise a business; (2) How to deal with IP rights as assets; and (3) How to use digital technology for courtroom presentations.

FRIDAY & SATURDAY SESSIONS

• Eight lectures on topics of current IP interest including Judges Hittner and Kent on the new amendments to Federal Rules of Civil Procedure.
• Special Features:
  (1) Panel on Enforcement of Patent Rights Abroad.
  (2) Debate on Judge-Jury Decisional Allocations in Patent Cases.
  (4) Lunch with Judge Lourie of the Federal Circuit.

RECREATIONAL AND SOCIAL ACTIVITIES

• THURSDAY COCKTAIL RECEPTION: Cocktails and soft drinks will be served at the San Luis Hotel on Thursday evening.
• FRIDAY HAWAIIAN LUAU AT LONE STAR FLIGHT MUSEUM: Take a trip back in time as buses shuttle our program registrants and their guests to the intriguing Lone Star Flight Museum, one of the world's finest collections of 1940s' aircraft. We will enjoy our Hawaiian Luau nestled among the bombers, fighters, and other vintage aircraft. A cash bar will be available. The shuttle buses will return to the San Luis Hotel after dinner.
• SPOUSE TRIP TO HISTORICAL GALVESTON HOMES: Your Friday morning guided tour will include Ashton Villa and the Samuel May Williams' Home. Ashton is the first of Galveston's great Broadway mansions featuring antiques and family heirlooms. Originally constructed in 1839, The Samuel May Williams Home is the oldest restored house on Galveston Island. After lunch at the Wentletrap Restaurant's private Shell Room, 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.
• SATURDAY AFTERNOON RECREATION: Golf and Tennis will be available Saturday afternoon following the program sessions for anyone interested in playing.

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 sessions.

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.

Kimberly Lopez
University of Houston Law Center
Houston, Texas 77204