PROGRAM HIGHLIGHTS

Luncheon with Eleventh Circuit Judge Stanley Birch, Jr.

The Impact of *Hilton Davis* on Patent Practitioners

Panel on Insurance Coverage Relating to Intellectual Property

Panel on Scope of Copyright Protection for Computer Software

Panel on Malpractice: Pitfalls for the Unwary

Panel on Ethics: Ethics and the Practice of IP Law

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In studying the history of the human mind one is impressed again and again by the fact that the growth of the mind is the widening of the range of consciousness, and that each step forward has been a most painful and laborious achievement. Ask those who have tried to introduce a new idea!

*Carl Jung*
## 13th Annual Institute on Intellectual Property Law

**The Tremont House, Galveston, Texas • September 25 - 27, 1997**

### Program

#### THURSDAY, SEPTEMBER 25, 1997

**Afternoon Program**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Speaker(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:00</td>
<td>Registration</td>
<td></td>
</tr>
<tr>
<td>1:45</td>
<td>Opening Remarks</td>
<td>Jim Repass, Chairman</td>
</tr>
<tr>
<td>2:15</td>
<td>File Wrapper Estoppel: Proper Application and Respective Roles of Judge &amp; Jury in Deciding Estoppel</td>
<td>Mike Heim</td>
</tr>
<tr>
<td>2:45</td>
<td>Copyright Ownership — Photographs, Architectural Drawings, Computer Software</td>
<td>Al Payne</td>
</tr>
<tr>
<td>3:45</td>
<td>Break</td>
<td></td>
</tr>
<tr>
<td>4:00</td>
<td>Panel: Ethics Vignettes — Ethics and the Practice of Intellectual Property Law</td>
<td>Mark Gilbreth, Sarah Harris, Gregory Beavers, Margaret Kirick</td>
</tr>
<tr>
<td>5:00</td>
<td>Section 112, Paragraph 6: Past, Present and Future</td>
<td>Thomas Miller</td>
</tr>
<tr>
<td>6:00</td>
<td>Cocktail Reception</td>
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<tr>
<td>7:00</td>
<td>Dinner (On Your Own)</td>
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</tr>
</tbody>
</table>

#### FRIDAY, SEPTEMBER 26, 1997

**Morning Program**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Speaker(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:30</td>
<td>Continental Breakfast</td>
<td></td>
</tr>
<tr>
<td>8:45</td>
<td>Opening Remarks</td>
<td>Jim Repass, Chairman</td>
</tr>
<tr>
<td>8:30</td>
<td>Hilton-Davis</td>
<td>Bill Pravel</td>
</tr>
<tr>
<td>9:00</td>
<td>State Immunity/Against Intellectual Property Claims</td>
<td>Ken Kuffer</td>
</tr>
<tr>
<td>9:30</td>
<td>Break</td>
<td></td>
</tr>
<tr>
<td>9:45</td>
<td>Libel in Cyberspace</td>
<td>Don Tomlinson, Robert Wiley</td>
</tr>
<tr>
<td>10:45</td>
<td>Panel: Emerging Insurance Coverage Related to Intellectual Property</td>
<td>Richard Antognini, Edward Joyce, Joby Hughes</td>
</tr>
<tr>
<td>12:00</td>
<td>Luncheon (Tremont House)</td>
<td>Judge Stanley Birch, Jr.</td>
</tr>
</tbody>
</table>

### Afternoon Program

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Speaker(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:30</td>
<td>Claim Construction is a Question of Law, Reviewed De Novo on Appeal — True or False?</td>
<td>Donald Dunner</td>
</tr>
<tr>
<td>2:00</td>
<td>Patent Damages, Particularly Conveyed Sales in Light of Rite-Hite</td>
<td>Paul Krieger</td>
</tr>
<tr>
<td>2:30</td>
<td>Copyright Damages</td>
<td>Doug Y'Barbo</td>
</tr>
<tr>
<td>3:00</td>
<td>Break</td>
<td></td>
</tr>
<tr>
<td>3:15</td>
<td>The Antitrust and Other Legal Ramifications of Standard Setting</td>
<td>David Healey</td>
</tr>
<tr>
<td>3:45</td>
<td>Panel: Scope of Copyright Protection for Computer Software</td>
<td>Lori Lesser, D.C. Toedt</td>
</tr>
<tr>
<td>6:00</td>
<td>Evening Social (Dinner at Railroad Museum)</td>
<td></td>
</tr>
</tbody>
</table>

#### SATURDAY, SEPTEMBER 27, 1997

**Morning Program**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Speaker(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:30</td>
<td>Developments in obtaining and enforcing intellectual property rights in Europe and Japan</td>
<td>John Pegram</td>
</tr>
<tr>
<td>9:00</td>
<td>An Elvis by any other name... Protecting the name, image, and likeness of the famous and the not so famous</td>
<td>Suzanne Tomkies</td>
</tr>
<tr>
<td>9:30</td>
<td>Break</td>
<td></td>
</tr>
<tr>
<td>9:45</td>
<td>Panel: Malpractice Pitfalls for the Unwary</td>
<td>Sandra Haberman, Jett Hanna, David Beck, Thomas Bousquet</td>
</tr>
<tr>
<td></td>
<td>Moderator: Les Hewitt</td>
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</tbody>
</table>
**BACKGROUND OF PARTICIPANTS**

**RICHARD ANTOGNINI**

Richard Antognini is a partner in the Sacramento, California office of Lewis, D’Amato, Brisbois & Bisgaard, where he specializes in analyzing coverage for intellectual property cases. He received his J.D. in 1977 from the University of California, Hastings College of Law.

**MARK GILBRETH**

Mark Gilbreth is a founding shareholder of the Houston firm of Gilbreth & Strozier, with twelve years intellectual property experience. Additionally, he is an adjunct professor at South Texas College of Law.

**SANDRA HABERMAN**

Sandra Haberman is Vice-President of PilotLegis RPG in Santa Ana, California. Since joining PilotLegis, she has conducted over 60 law firm risk management reviews.

**JETT HANNA**

Jett Hanna has served as Vice President for Underwriting and Administration for Texas Lawyers’ Insurance Exchange for the past two years. Mr. Hanna received his B.B.A. Summa Cum Laude in Management Science and Computers from Southern Methodist University in 1980, and his J.D. from the University of Texas School of Law in 1983.

**DAVID BECK**

David Beck is a partner in the firm Beck, Redden & Seck. He is an expert in lawyer liability issues.

**STANLEY F. BIRCH, JR.**

Judge Stanley Birch, Jr., is a United States Circuit Judge for the Eleventh Circuit. He is a graduate of the University of Virginia and of Emory University Law School (J.D. and L.L.M. degrees), and was in private practice in Gainesville and Atlanta, Georgia, until appointed to the Eleventh Circuit by President Bush in 1990.

**DAVID HEALY**

David Healy is with the Houston office of Arnold, White & Durkee. He specializes in antitrust cases.

**THOMAS G. BOUSQUET**

Tom Bousquet graduated from Texas Law School in 1958. He is certified in Civil Trial Law and is Special Assistant Disciplinary Counsel to the Texas Commission for Lawyer Discipline.

**DONALD DUNNER**

Donald Dunner is in the Washington firm of Finnegan, Henderson, Farabow, Garrett & Dunner, specializing in patent law. Mr. Dunner is a past president of AIPLA.

**MIKE HEIM**

Mike Heim is a partner in the Houston office of Conley, Rose & Tayon, and is President-Elect of HIPLA. Mr. Heim is a former Patent Examiner and a frequent author and speaker on intellectual property issues.

**ROGER FULGHUM**

Roger Fulghum is with the Houston office of Baker & Botts, where his efforts are devoted largely to commercial software issues.

**LESLEY HEWITT**

Les Hewitt is a partner in the firm Pravel, Hewitt, Kimball & Krieger and is an adjunct faculty member with the University of Houston Law Center.

**MARK GILBRETH**

Mark Gilbreth is a founding shareholder of the Houston firm of Gilbreth & Strozier, with twelve years intellectual property experience. Additionally, he is an adjunct professor at South Texas College of Law.

**DAVID HRICIK**

David Hricik is Special Counsel in the Austin office of Baker & Botts, LLP. He has written and lectured extensively on legal, ethical and intellectual property issues.

**JOBY HUGHES**

Joby Hughes is the founder and president of Litigation Risk Management, Inc. Mr. Hughes practices litigation and licensing.

**SHARON ISRAEL**

Sharon Israel is a member of the firm Fish & Richardson. Ms. Israel is formerly a law clerk to Judge Lourie of the Federal Circuit and practices litigation, prosecution, and licensing.

**PAUL JANICKE**

Paul Janicke is Associate Professor of Law and Director of the IP Program at the University of Houston Law Center. He was until 1992 a member of Arnold, White & Durkee, with a practice predominantly in patent litigation.

**JOHN WILSON JONES**

John Wilson Jones is a partner in the Intellectual Property and Technical Section of Sidell, Sapp, Zivley, Hill & LaBoon. His practice is presently focused on patent, trademark, and trade secret litigation and licensing.

**CRAIG JOYCE**

Craig Joyce is Associate Dean for Graduate Studies & Special Programs at the University of Houston Law Center. Professor Joyce is a leading scholar in copyright law.

**EDWARD JOYCE**

Edward Joyce is a member of Anderson, Kill & Olick, P.C. Mr. Joyce is an expert in the insurance coverage area of law and is a frequent lecturer on insurance coverage matters.
BACKGROUND OF PARTICIPANTS (cont'd)

MARGARET KIRICK
Margaret Kirick is in the IP Section of Pennzoil Company.

PAUL KRIEGER
Paul Krieger is a member of Pravel, Hewitt, Kimball & Krieger and an adjunct faculty member at the University of Houston Law Center. He has authored many articles on topics ranging from trademark issues to patent litigation and licensing.

KENNETH KUFFNER
Kenneth Kuffner heads Kuffner & Associates in Houston. He is a frequent lecturer on patent law topics and is one of the founders of the HIPLA fall institute series.

LORI LESSER

ROBERT LYTLE
Robert Lytle is an associate with Arnold, White & Durkee. He also teaches intellectual property law as an Adjunct Professor at local law schools.

THOMAS MILLER
Thomas Miller is a partner with Arnold, White & Durkee. His expertise is complex patent litigation. He has handled numerous litigations for clients in the semiconductor and electronics industries.

PETER MIMS
Peter Mims is a partner in Vinson & Elkins, L.L.P. Mr. Mims has co-authored many papers on a variety of intellectual property subjects, including patent litigation and non-competition agreements.

AL PAYNE
Al Payne is a partner in Sroufe, Payne & Lundeen, L.L.P.

JOHN PEGRAM
John Pegram is a partner in Fish & Richardson's New York office. He is a frequent lecturer on patent law topics.

BILL PRAVEL
Bill Pravel is the founding partner of Pravel, Hewitt, Kimball & Krieger. Mr. Pravel practices in all areas of intellectual property law and is a former AIPLA president.

JIM REPASS
Jim Repass is a partner in Fulbright & Jaworski's Houston office. He focuses his practice on intellectual property litigation, with an emphasis on patents, copyright, trade secrets and trademarks.

D.C. TOEDT
D.C. Toedt is a partner in Arnold, White & Durkee, PC, in the Houston office. Mr. Toedt practices in patent law relating to software- and telecommunications-based technologies.

SUZANNE TOMKIES
Suzanne Tomkies is a sole practitioner specializing in trademark, copyright, and general civil litigation.

DON TOMLINSON
Don Tomlinson is a Professor of Mass Communications at Texas A&M University and an Adjunct Professor at the University of Houston Law Center, where he received an L.L.M. in Intellectual Property Law.

CHARLES WALKER, JR.
Charles Walker is an associate with Fulbright & Jaworski, L.L.P. Mr. Walker is developing a practice in intellectual property matters. He is a graduate of Rice University and the University of Texas Law School.

ROBERT WILEY
Robert Wiley is a partner with the firm, Lidell, Sapp, Zivley, Hill & LaBoon, L.L.P. He is an expert on defamation cases.

DOUG Y'BARBO
Doug Y'Barbo graduated from M.I.T. with an M.S. in Chemical Engineering in 1992. In 1995, he received a J.D. from the University of Chicago. Mr. Y'Barbo is an Associate in the Intellectual Property and Technology section at the Houston Office of Fulbright & Jaworski.

Houston Intellectual Property Law Association: Mike Sutton, President; Mike Heim, President-Elect; Todd Patterson, Secretary; Denise Wolfs, Treasurer; John Norris, Immediate Past President.

University of Houston Law Center: Paul Janicke, Director of the Intellectual Property Program; Craig Joyce, Associate Dean for Graduate Studies & Special Programs; Raymond T. Nimmer, Leonard Childs Professor of Law.

PROGRAM ADMINISTRATION
Jim Repass, Chairman; Professor Paul Janicke, Vice-Chairman; Kristi Barr, Legal Assistant, and Andre' Washington, Program Coordinator.

Committee Members:
REGISTRATION INFORMATION

REGISTER IN ADVANCE

Fees:
$275.00 HIPLA members up to August 15
$325.00 Non-HIPLA members up to August 15
$350.00 HIPLA members after August 15
$400.00 Non-HIPLA member after August 15

Refunds will be granted only if they are requested in writing and postmarked no later than September 4, 1997. 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 Intellectual Property Program at 713-743-2180.

REGISTRATION FORM

INSTITUTE ON INTELLECTUAL PROPERTY LAW • SEPTEMBER 25 - 27, 1997
The Tremont House, Galveston, Texas

MAIL REGISTRATION FORM or PROGRAM BOOK REQUEST to:
Intellectual Property Program, University of Houston Law Center • Houston, TX 77204-6371

Please make check payable to HIPLA or use

☐ VISA ☐ MasterCard Card #: ____________________________ Exp. Date: ________

I. REGISTRATION FEES (CHECK ONE) AMOUNT

☐ $275 HIPLA members up to Aug. 15 (book included) $275.00

☐ $325 Non-HIPLA members up to Aug. 15 (book included) $325.00

☐ $350 HIPLA members after Sept. 1 (book included) $350.00

☐ $400 Non-HIPLA members after Aug. 15 (book included) $400.00

☐ $35 Limited Student Enrollment (lunch not included) $35.00

☐ $75 Program Book only (will not attend) $75.00

II. OTHER EXPENSES (CHECK ALL THAT APPLY)

☐ Friday Lunch $30 ea. x __________(# of reservations) = ______

☐ Friday Night Dinner $45 ea. x __________(# of reservations) = ______

HOTEL REGISTRATION FORM

13TH ANNUAL INSTITUTE ON INTELLECTUAL PROPERTY LAW

Mail Hotel Registration to: All Registrations Must Be Received By September 4, 1997
The Tremont House
2300 Ships Mechanic Row, Galveston Island, Texas 77550-1520
800-874-2300

Single, Double, Triple or Quads: ☐ $98 night Suite: ☐ $200 VIP Suite ☐ $300

☐ 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 HOURS 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.
Casual attire is encouraged for all aspects of the program.

THURSDAY SESSIONS

• Thursday afternoon sessions will include: File Wrapper Estoppel; Copyright Ownership; Design Patent Development; How to Avoid Errors in Writing Patent Applications.
• Thursday afternoon panel: Ethics Vignettes—Ethics and the Practice of Intellectual Property Law.

FRIDAY & SATURDAY SESSIONS

• Eight lectures on topics of current IP interest, Patent Damages, and First Amendment Rights in Cyberspace.
• Panel on Insurance Coverage Relating to IP Claims.
• Panel on Scope of Copyright Protection.
• Panel on Malpractice Pitfalls for the Unwary.
• Lunch with Judge Birch.

MINIMUM CONTINUING LEGAL EDUCATION

Approval for State Bar of Texas CLE credit for 8.5 hours for the Friday-Saturday sessions, and 4 hours for the Thursday sessions, is pending. 1 hour of ethics is included in the program.

RECREATIONAL AND SOCIAL ACTIVITIES

• THURSDAY COCKTAIL RECEPTION:
Cocktails and soft drinks will be served at the Tremont House on Thursday evening.

• FRIDAY LUNCHEON:
The Tremont House will be the setting for a luncheon with Judge Stanley F. Birch, Jr., of the U.S. Court of Appeals for the 11th Circuit.

• FRIDAY DINNER:
The setting for dinner Friday night will be Galveston Island's famous five-acre Railroad Museum. Walk through vintage Pullman sleeper cars from the 1920s and inspect the steam locomotives and cabooses, mail car and box cars. Wait for a train in the Santa Fe Station, an authentic station filled with sculptures depicting travelers past. Visitors will dine aboard a streamlined diner from the 1940s.

LOCATION


University of Houston Law Center
Intellectual Property Program
Houston, Texas 77204-6371