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# 2011 Intellectual Property Law Spring Seminar

PRESENTED BY:

The Intellectual Property  
Law Section of the State  
Bar of Michigan

IN COOPERATION WITH:

**THE INSTITUTE OF CONTINUING LEGAL EDUCATION**

LEVEL: INTERMEDIATE

CLE: 5.25

MARCH 28, 2011

KELLOGG HOTEL & CONFERENCE CENTER,  
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## Stay Up to Date with the Latest Changes in IP Practice

### Hot Topics You Don't Want to Miss:

View from the USPTO: Current Issues in Patent  
& Trademark Laws

Understand Patent Damages

Trademark Dilution and Internet Surveys

Non-Disclosure Agreements in Patent Litigation

Impact of Social Media on IP Law

### FEATURED SPEAKERS



**Robert L. Stoll**  
Commissioner for Patents  
United States Patent and  
Trademark Office  
*Alexandria, VA*



**Andrew Lawrence**  
United States Patent and  
Trademark Office  
*Alexandria, VA*

## Stay Current with the Latest Changes in IP Practice

### Benefits of Attending:

- Hear United States Patent and Trademark Office experts' perspective on recent initiatives and how they'll impact IP practice
- Explore the latest inequitable conduct developments from an administrative law judge of the US International Trade Commission
- Manage the risks presented by increased usage of trademarks and copyrights on social media sites
- Protect yourself and your clients from the onslaught of false patent marking cases
- Understand how to use internet surveys to evaluate the extent of trademark dilution
- Bolster patent infringement cases with effectively drafted non-disclosure agreements
- Handle TTAB cases effectively and efficiently with a firm grasp of the procedural rules

**March 28, 9:00am–4:15pm**

Moderators: Anna M. Budde, Harness Dickey & Pierce PLC, Troy; Kristen Isaacson Spano, Miller Canfield Paddock and Stone PLC, Detroit

	TRACK ONE	TRACK TWO	
9:00am	<b>View from the USPTO: Current Issues in Patent Law</b> Straight from the front lines, USPTO staff will highlight some of the hottest topics in patent law practice and give practical advice on how those changes will impact working with the USPTO. <i>Robert L. Stoll, Commissioner for Patents, United States Patent and Trademark Office, Alexandria, VA</i>	<b>View from the USPTO: Current Issues in Trademark Law</b> An expert from the USPTO will review recent developments and offer insight on trademark law practice. <i>Andrew Lawrence, United States Patent and Trademark Office, Alexandria, VA</i>	
10:05am	<b>Understanding Patent Damages</b> Patent damages law has come to the forefront in recent years, as juries have increasingly awarded large sums to plaintiffs, and courts continue to issue opinions that may change the landscape of patent damages. Patent holders and defendants must understand the proper analysis for estimating potential infringement damages and what the courts require to establish damages. Get an expert review of methods used by courts to determine damage-related issues, including lost profits, reasonable royalty, pre- and post-judgment interest, limitations on damages, and enhancement of damages. <i>John R. Bone CPA, CFF, Stout Risius Ross Inc., Chicago, IL</i>	<b>Trademark Dilution and Internet Surveys</b> Technology, internet marketing and social media have challenged whether traditional "mall intercept" surveys effectively capture likely or actual trademark dilution. Learn whether and how internet surveys can be used to evaluate the extent of dilution. Hear a discussion of recent caselaw and better understand the factors to consider when using internet surveys. <i>Sara Parikh, Leo J. Shapiro &amp; Associates LLC, Chicago, IL</i>	
11:00am	<b>Networking Break</b>		
	TRACK ONE	TRACK TWO	STUDENT TRACK
11:15am	<b>Non-Disclosure Agreements in Patent Litigation</b> In this session, discover how to protect your clients from the adverse consequences of weak nondisclosure agreements. Learn what language to avoid and best practices to implement regarding confidential patent-related information. Bolster your patent infringement case with a meaningful nondisclosure agreement, whether you are presenting it to a mediator in settlement negotiations or to a jury at trial. Understand how recent cases such as <i>Kara Technology Incorporated v Stamps.com</i> impact the future of nondisclosure agreements in patent litigation. <i>Robert C. Scheinfeld, Baker Botts LLP, New York, NY</i>	<b>The Impact of Social Media on IP Law</b> Social media has taken over, but lurking beneath the surface of increased usage are a variety of risks, including those impacting trademarks and copyrights. User-generated content has major implications for copyright ownership and infringement concerns. Learn how to manage risks involved and take proactive steps to safeguard your client's intellectual property. <i>Judith A. Powell, Kilpatrick Stockton LLP, Atlanta, GA</i>	<b>Roundtable Discussion with Law Students</b> In this annual session, law students have the opportunity to ask seasoned IP practitioners tough questions about everything from time management to post-graduation employment options. <i>Facilitator: Karl T. Ondersma, Van Dyke Gardner Linn &amp; Burkhardt LLP, Grand Rapids; Timothy J. Murphy, Carlson Gaskey &amp; Olds PC, Birmingham; Laura M. Slenzak, Ross Controls, Troy</i>
12:15pm	<b>Luncheon—Intellectual Property in Michigan: A Judge's Perspective</b> Join your intellectual property colleagues in a networking lunch featuring a keynote address from one of the federal district's most experienced judges. <i>Speaker To Be Determined</i>		
	TRACK ONE	TRACK TWO	
1:35pm	<b>Patent Mismarking: What You Need to Know to Protect Your Clients</b> Courts have been flooded with false patent marking claims since the decision in <i>Forest Group v Bon Tool Co.</i> permitted fines of up to \$500 per mismarked items. Understand the quickly-evolving false patent marking law and recent cases interpreting the standards. Implement best practices to defend false patent marking cases including how to use early dispositive motions effectively. <i>R. David Donoghue, Holland &amp; Knight LLP, Chicago, IL</i>	<b>Effective TTAB Practice Strategies</b> Get insights from a former administrative trademark judge and experienced TTAB practitioner on recent and significant amendments to the Trademark Rules of Practice. Amendments include revised procedures for service of complaints, mandatory discovery/settlement conferences and serving modified initial, expert, and pretrial disclosures. Hear expert commentary on recent decisions interpreting the amended trademark rules, and practical tips for litigating cases under the amended rules. <i>Linda L. McLeod, Finnegan Henderson Farabow Garrett &amp; Dunner LLP, Washington, DC</i>	
2:45pm	<b>Networking Break</b>		
3:00pm	<b>Inequitable Conduct</b> Hear an administrative law judge of the United States International Trade Commission explore recent decisions interpreting the doctrine of inequitable conduct. <i>Speaker To Be Determined</i>	<b>Trademark Clearance Opinions Panel</b> Courts increasingly view conducting a clearance search to locate and account for active federal registrations and pending trademark applications of others as a necessary prerequisite to your selecting and using new trademarks. Get expert perspectives and tips on conducting searches that are time- and cost-effective. <i>Amanda L. Conti-Dubaine, Chrysler Group LLC, Auburn Hills; Batur Oktay, Starbucks Coffee Company, Seattle, WA</i>	
4:15pm	<b>Adjourn</b>		

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CD-ROM	PRINTED HANDBOOK FEE	<input type="radio"/> \$150 NEW LAWYER <sup>2</sup> (0-3 YRS IN PRACTICE P70700+)
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<sup>1</sup> Registrants will receive materials on CD-ROM and purchased printed handbooks on-site. Materials will be posted online before the seminar. <sup>2</sup>Join the Intellectual Property Law Section and save \$55! <sup>3</sup>Cost of shipping includes sales tax on shipping.  
**Cancellation Policy:** In order to receive a full refund, you must notify ICLE by March 14, 2011. After March 14, a \$45 handling fee will be assessed. No refunds will be issued for cancellations after March 21, 2011.