

# CALENDAR OF EVENTS – 2012 (cont.)

## INTELLECTUAL PROPERTY

**March 6, 2012.** IP-DRIVEN MBA: The Revolution Has Arrived. (PLI California Center, San Francisco, CA). Sponsored by: Practising Law Institute. In the unlikely event that you haven't noticed, there has been a seismic shift over the past year or so in the role of intellectual property, and particularly patents, in corporate M&A transactions.

In the world of high-tech M&A, patent analysis has historically been relegated to the later "due diligence" stages of an M&A transaction and the focus has been primarily if not exclusively on patent risk factors (e.g., the target's exposure to third party infringement claims or the potential loss of a critical inbound license). Except in rare cases, the strategic value of the target's patent portfolio has not been a factor in sourcing or pricing the deal. Now all that has changed and strategic patent value has been a driving force in some very significant recent M&A transactions.

The all-star faculty examines the reasons for the change, the ways in which such IP-driven M&A transactions are being structured and valued, and predictions about the expansion - or collapse - of this new market. Learn from the best. The faculty includes current and former corporate IP counsel from Apple, Cisco, Google, Kodak, Intel, JDSU, Nortel and Yahoo, as well as veteran Silicon Valley outside counsel, seasoned investment bankers, and valuation specialists.

What you will learn: The historical evolution of IP-driven M&A; Learn the factors responsible for the recent shift in IP-driven M&A; Understand the importance of market context: mobile devices versus life sciences; Hear how traditional investment bankers look at IP-centric deals; Master the challenges of estimating risk-adjusted patent value; Take home best practices in diligencing quality and impact of large patent portfolios; What's ahead: IP gold rush or patent bubble?

For more information or to register, please call 800-260-4PLI or visit [www.pli.edu](http://www.pli.edu).

**March 28, 2012.** IP ENFORCEMENT AND LITIGATION 2012: Civil and Criminal Update. (PLI New York Center, New York, NY). Sponsored by: Practising Law Institute. This program is designed to bring you up to date on both civil and criminal enforcement efforts and to put you

in a better position to protect your client's intellectual property. As many know, the climate of enforcing IP rights is getting hotter and hotter not only in the physical world but also online. The infringing of IP rights is a multi-billion dollar industry and increases annually. It is crucial for rights holders to strategize, focus on and budget for their enforcement efforts. It is equally important for rights holders to know where they can turn to for help and on whom they can rely. This program offers in depth knowledge of criminal and civil IP enforcement programs and legal updates from the perspective of government and federal agencies, in-house brand counsel and outside private practitioners. This program will also discuss how these groups work together to undertake coordinated efforts.

What you will learn: What Government IP programs, initiatives and legislation are currently being planned or are underway; Best practices for coordinating enforcement matters with government officials, including Customs officers; Recent case law and legislative updates covering contributory infringers online: including registrars, proxy companies, credit card suppliers, internet service providers, auction sites, etc.; ICANN and gTLDs: new guidelines and potential enforcement issues for trademark holders; Tips on when, and how, to use ITC proceedings for patent or other IP enforcement: recent decisions and a Federal Circuit update; Programs to aid in the enforcement of online digital infringement, including television, movies and music rights; Quick and cost-effective methods to stop Internet fraud, including phishing or other fraudulent websites that utilize trademarks.

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**April 12, 2012.** IP MONETIZATION 2012: Maximize the Value of Your IP Assets. (PLI California Center, San Francisco, CA). Sponsored by: Practising Law Institute. Companies and investors have awoken to the economic potential of intellectual property ("IP"). Recent patent transactions, including the Motorola Mobility, Nortel and Novell transactions, have had a disruptive effect on the patent monetization marketplace, significantly expanding the level of interest in patents from investment firms as well as senior executives at major companies.

The IP monetization marketplace is also seeing (i) increased activity internationally, (ii) increased financial engineering of royalties and other IP revenue streams, (iii) major developments in IP law (including the passage of the America Invents Act to reform patent law) that impact monetization strategies, and (iv) the deployment of new revenue-generating models to unlock the full economic value of IP.

IP Monetization 2012 is designed to help both those new to, and those already involved in, IP monetization get up-to-date on this exciting and fast-moving topic that is of rapidly increasing importance to companies and investors alike.

In IP Monetization 2012, leading players from operating companies, investment firms and consulting firms will explain the latest IP monetization techniques, review key trends and developments, and discuss and analyze important recent transactions, as well as other market developments. Additionally, attendees will learn the latest developments in IP valuation, and receive valuable practical insights from both in-house and IP marketplace participants who discuss their IP monetization experiences and strategies.

What you will learn: The latest regarding IP monetization techniques, including alternative value realization strategies; The current state of the IP monetization marketplace, including emerging strategies and techniques employed by market players, and an in-depth look at the most critical developments and trends in IP monetization; The key elements of a successful IP monetization program from top experts with significant experience in executing such programs; Important factors in considering IP litigation financing, a tool increasingly used by IP owners to leverage their IP assets; The impact of the America Invents Act and recent Supreme Court and Federal Circuit decisions affecting IP monetization strategies; The latest developments relating to IP valuation, including an update on recent innovations and current valuation issues; Valuable insights and tips from across the entire spectrum of IP monetization players, including in-house lawyers and IP managers, IP investors and aggregators, and brokers, consultants and other intermediaries.

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# CALENDAR OF EVENTS – 2012

## LICENSING

**February 23-24, 2012.** ADVANCED LICENSING AGREEMENTS 2012. (San Francisco, CA). Sponsored by: Practising Law Institute. Licensing transactions are becoming more complex than ever. The constantly evolving legal, regulatory and technical landscape drives the need to stay current in all of these key areas. Whether utilized to develop technology, expand or create market opportunities, or generate returns from existing assets, managing complex licensing transactions requires a broad and varied toolkit. Additionally, whether licensing patents, copyrights, trade secrets or trademarks, the ability to structure, draft and negotiate complex license agreements is critical to a successful transaction. This program is designed to address some of the more complex and practical issues that arise in drafting and negotiating IP licenses, as well as tips for specific industries such as software, entertainment, and life sciences. This program will feature updates on current legal developments, present case studies highlighting best practices, provide tactics for negotiating frequently contested issues, and provide guidance on identifying and avoiding common pitfalls, keeping the relationship on track, litigation planning and avoidance, and addressing ethics concerns. The speakers will illustrate both outside counsel and in-house perspectives.

What you will learn: Learn best practices for drafting patent and technology licenses; Receive pointers on strategic alliances and other joint development agreements; Master critical issues in software licensing and open source licenses; Get guidelines for effective trade secret licensing; Obtain guidance on copyright, content, and trademark licensing; Understand critical issues in life sciences licensing; Learn effective negotiation strategies.

Special Features: Treatment of IP licenses in bankruptcy; Conducting a license agreement royalty audit; In-depth panel discussion of a complex technology license; In-depth mock negotiation of a complex content license; Break-outs on critical issues in international licensing; Special issues in rights of publicity licensing; Special considerations in cloud computing licensing; Earn one hour of ethics credit.

For more information or to register, please call 800-260-4PLI or visit our website at [www.pli.edu](http://www.pli.edu).

## PATENTS, COPYRIGHTS & TRADEMARKS

**February 3, 2012.** POST-GRANT USPTO PROCEEDINGS 2012 - The New Patent Litigation. (New York, NY). Sponsored by: Practising Law Institute. Post-grant review proceedings of the USPTO were pursued in record number in 2011. The substantial costs and uncertainty of patent litigation require the development of alternative case management strategies, which at least require consideration of challenging patents at the PTO. To this end, patent reexamination in particular has exploded in popularity as a viable alternative to costly litigation, or parallel path, to enhance litigation positions. The America Invents Act (AIA) now introduces entirely new options such as Post-Grant Review, Inter Partes Review (formerly inter partes patent reexamination) Derivation, a special post-grant review for “business method” patents and Supplemental Examination. Going forward, it is anticipated that the USPTO will become an even more prominent battleground for patent disputes.

Potential benefits of post-grant challenges to defendants include: Provide an opportunity to stay a concurrent litigation; Facilitate settlement on terms favorable to the defendant; Create an intervening rights defense; Provide new non-infringement and/or estoppel theories

Provide additional prosecution history for a later claim construction ruling; Demonstrate objective evidence of a lack of willfulness; Lessen the probability of injunctive relief; Demonstrate the “but for” materiality of references applied in an inequitable conduct defense; Undermine or prevent damage verdicts with a USPTO invalidity ruling.

For Patentees, ex parte patent reexamination, reissue and supplemental examination may provide a mechanism to: Amend existing claims or add new claims to hedge against invalidity; Avoid time consuming reissue proceedings; Cure potential inequitable conduct (supplemental examination); Target specific claims for reexamination/amendment while insulating others; Have the PTO consider new art prior to enforcement or assertion of patent; Preempt the inter partes review attack by another; Force strategic merger with another USPTO proceeding.

The program is taught by a faculty of judges, preeminent lawyers, and industry leaders who have earned national reputations in patent litigation and in post-grant proceedings at the USPTO.

The program focuses on the role of post-grant USPTO proceedings as component of a litigation strategy, including pre-trial and post-trial options. Although the course will focus on strategic considerations, common procedural traps for the unwary will be identified. The relative advantages and disadvantages of the various proceedings are explained from both the perspective of the Patentee and Third Party. Perspectives of the judiciary are presented, including case studies of well-known disputes. Insight to the organization, operation and procedures of the USPTO’s Central Reexamination Unit is discussed, including statistical performance and perceived trends. Ethical considerations of post-grant practice are discussed.

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**February 22-24, 2012.** PATENT LAW SEMINAR. (New York, NY). Sponsored by: Chisum Patent Academy. Syllabi for our 2012 seminars are currently under development. We update the syllabus for every seminar to include the latest and most significant Federal Circuit and Supreme Court patent law developments.

Topics covered in our July/August 2011 seminars included post-Bilski patent-eligible subject matter; nonobviousness in the post-KSR world; a detailed “anatomy of a patent case” based on *i4i v. Microsoft*; disclosure standards and the evolution of the written description requirement as affirmed in the Federal Circuit’s en banc decision in *Ariad*; inequitable conduct standards in view of the Federal Circuit’s en banc decision in *Therasense*; indirect infringement liability including the intent standard developed in the Supreme Court’s *Global-Tech* decision; the ownership and assignment intricacies of *Stanford v. Roche*, and the evolving Federal Circuit case law on joint direct infringement of system and method claims (a/k/a “the multiple actor problem”).

For more information or to register, please call 855-324-4786 or visit our website at [www.chisum-patent-academy.com](http://www.chisum-patent-academy.com). 