

26TH ANNUAL
TECHNOLOGY LAW CONFERENCE



May 23–24, 2013
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THURSDAY MORNING, MAY 23, 2013

Presiding Officer:

**Bart W. Huffman, Locke Lord LLP,
Austin, TX**

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .50 hr

The Licensing of Standard-Essential Patents

Patents essential to industry standards are often subject to commitments to offer licenses on fair, reasonable and non-discriminatory (“FRAND”) terms. An exploration of the nature and meaning of a FRAND commitment and the impact it has on real-world licensing negotiations.

Eric M. Reifschneider, QUALCOMM Incorporated,
San Diego, CA

9:00 a.m. .50 hr

Open Source Enforcement Update

Recent enforcement actions—formal and informal—regarding open source licenses, and tips on how to avoid claims.

Heather J. Meeker, Greenberg Traurig, LLP,
East Palo Alto, CA

9:30 a.m. Break

9:45 a.m. .75 hr

Town Meets Gown: Developing Successful Technology Collaborations with Universities

Expert panelists discuss the unique aspects of working with universities and university faculty on technology collaborations, including sponsored research, technology licensing, and consulting and other direct engagement with faculty members. The impact of a university’s mission, policies and practices on these relationships is addressed, and best practices for reconciling the divergent cultures and practices of industry and academia are provided. Highlights include university intellectual property policies and practices, publication rights, conflict policies and the impact of recent jurisprudence.

Moderator:

Heather J. Meeker, Greenberg Traurig, LLP,
East Palo Alto, CA

Panelists:

Richard Friedman, USC Stevens Center for
Innovation, Los Angeles, CA
Ross Spencer Garsson, Greenberg Traurig, LLP,
Austin, TX

10:30 a.m. .75 hr

Antitrust Enforcement in the Licensing and Technology Arenas

Since mid-2012, there has been tremendous activity in anti-trust enforcement involving standards-essential patents, e.g., the FTC’s consent decree in *In re Robert Bosch GmbH* and the FTC’s proposed consent decree in *In re Google, Inc.* The balance of patent and antitrust regulation could be impacted by the U.S. Supreme Court’s anticipated decision in a case this Term, *FTC v. Watson Pharmaceuticals* (dealing with reverse settlements). Private litigation could result in the first decisions on what is a fair, reasonable and non-discriminatory royalty rate, with briefs submitted and decisions pending before at least two different district courts. Antitrust enforcement is expected to remain a high priority for regulators, and antitrust litigation involving standards is showing no signs of abating anytime soon. This session helps business executives and licensing counsel understand the evolving changes in antitrust regulation and emerging case law in patent licensing.

Richard J. Gilbert, University of California, Berkeley,
Berkeley, CA
David J. Healey, Fish & Richardson P.C., Houston, TX

11:15 a.m. .50 hr

Social Media in a Technology Workforce

Employees at your organization are on social media whether you have a policy or not. To write a policy, or update an existing one, you’ll need to learn about the high-level social media risks and the social media policies that have gone too far according to the NLRB. This session outlines a practical social media governance cycle and provides tips for identifying and addressing social media concerns in your organization.

Ryan M. Garcia, Dell, Austin, TX

11:45 a.m. Lunch on Your Own

THURSDAY AFTERNOON

Presiding Officer:

**Jonathan E. Lass, Jackson Walker L.L.P.,
Austin, TX**

1:00 p.m. .75 hr

Privacy from the Outside In

An overview of FTC privacy principles and enforcement activities, and practical suggestions for incorporating privacy requirements into business operations.

Peter B. Miller, Chief Privacy Officer, Federal Trade
Commission, Washington, DC

Commentator:

Bart W. Huffman, Locke Lord LLP, Austin, TX

1:45 p.m. .75 hr

Dealing with Data: The Ins and Outs of the Data Marketplace

An analysis of the practical legal aspects of obtaining and using data acquired from third parties, including contractual considerations and regulatory compliance. Panelists discuss practical examples based on real-life scenarios involving such issues as “scraping,” risk allocation, marketing regulations, and more.

Moderator:

Edward A. Cavazos, Bracewell & Giuliani LLP,
Austin, TX

Panelists:

Andrew J. Gajkowski, Bracewell & Giuliani LLP,
Austin, TX
J. Seth Randle, WhaleShark Media, Inc., Austin, TX

2:30 p.m. .50 hr

Better than Plastic—The Evolving Mobile Payments Ecosystem

Mobile payments are expected to exceed \$214 billion in the U.S. by 2015, promising to fundamentally alter the way consumers and merchants transact business, both online and in the real world. A look at the mobile payment solutions currently taking shape in the marketplace, along with discussion of related legal and regulatory issues.

Slade S. Cutter, Cutter Law, P.C., Austin, TX

3:00 p.m. Break

3:15 p.m. .50 hr

**Patents for General Technology Lawyers—
Implications of the America Invents Act**

A look at the America Invents Act from the perspective of a technology lawyer, with a focus on the implications of the First-to-File régime and the impact of the new post-grant procedures for invalidating patents.

Andrew S. Ehmke, Haynes and Boone, LLP, Dallas, TX

3:45 p.m. .50 hr

SaaS Update: Black Swans Flock Together

Keys to drafting contract terms related to service levels and disaster recovery in light of recent large-scale cloud service outages.

Brian J. Henchey, Baker Botts, Dallas, TX

4:15 p.m. .75 hr

**Cybersecurity: Developments, Challenges
and a Modest Case for Self-Defense**

What is the cybersecurity problem? The answer to this and many other issues are examined, including practical and policy considerations, legislative efforts and executive action, legal risks in day-to-day security operations, and the availability of affirmative defenses.

Moderator:

S. Justin Warf, Dell, Round Rock, TX

Panelists:

Doug Steelman, Dell SecureWorks, Atlanta, GA

J. Andrew Valentine, Verizon, Dallas, TX

Jennifer S. Zucker, Wiley Rein LLP, Washington, DC

5:00 p.m. .50 hr

Software and Digital Media

A review of the extent to which modern copyright law, including the Digital Millennium Copyright Act, is adequate to protect the interests of content providers and distributors, or whether the balance has shifted too far toward enabling others to capture value from the creative work of content providers who wish to commercialize their works. Also considered are concepts of first sale, DMCA and fair use as it relates to products such as eBooks, hard copy publications, digital music and the like.

Raymond T. Nimmer, University of Houston Law Center, Houston, TX

5:30 p.m. Adjourn to Reception

**Thank you to our Sponsors for the
Networking Reception.**

FRIDAY MORNING, MAY 24, 2013

Presiding Officer:

**William L. LaFuze, Vinson & Elkins LLP,
Houston, TX**

7:30 a.m. **Conference Room Opens**

Includes continental breakfast.

8:30 a.m. 1.00 hr including .25 hr ethics

Best Practices in Electronic Discovery

An exploration of best practices in handling electronic discovery. Topics include recent developments in eDiscovery law, including legal holds, proportionality, discovery of social media, privilege preservation, sanctions, spoliation and obstruction; strategies for reducing unnecessary eDiscovery costs, including early ESI identification and case assessment, best use of Rule 26 conferences, considerations in forms of production, and alternate review strategies in document-intensive cases; and judicial approaches to managing eDiscovery in their courts, including procedural issues, production disputes, noncooperation, noncompliance with court orders, production and privilege issues, proportionality, privilege waiver and use of special discovery masters.

Moderator:

Jonathan E. Lass, Jackson Walker L.L.P., Austin, TX

Panelists:

Gene W. Albert, Lexbe LC, Austin, TX

Eric J. Mayer, Susman Godfrey LLP, Houston, TX

Hon. Xavier Rodriguez, U.S. District Court, Western District of Texas, San Antonio, TX

Hon. Lee Yeakel, U.S. District Court, Western District of Texas, Austin, TX

9:30 a.m. .75 hr

**The Evolution of Cloud Computing in the
Enterprise Space**

A practical discussion of the unique benefits and challenges of the cloud for enterprise solutions, including a look at how major cloud providers are working to address compliance concerns, and suggestions with respect to issues such as risk allocation and data security, including the implications of the HIPAA final rule issued earlier this year.

Moderator:

Bart W. Huffman, Locke Lord LLP, Austin, TX

Panelists:

Susan T. Boyd, Microsoft, Redmond, WA

Jennifer L. Rangel, Locke Lord LLP, Austin, TX

10:15 a.m. Break

10:30 a.m. .75 hr

**M&A Valuations and Purchase Price
Negotiations in the Technology Sector**

An investment banker and two seasoned M&A practitioners with extensive experience in handling technology-focused transactions discuss the particular valuation metrics and methodologies that drive price negotiations in M&A deals in the technology sector. Both patent portfolio acquisitions and acquisitions of entire operating companies are addressed, including transactions structured as “earn-outs.”

Moderator:

Richard E. Climan, Weil, Gotshal & Manges LLP,
Redwood City, CA

Panelists:

Kinloch Gill III, Bazaarvoice, Inc., Austin, TX

Jennifer Muller, Houlihan Lokey, San Francisco, CA

11:15 a.m. .75 hr

**The U.S. Foreign Corrupt Practices Act:
Managing Risks in the Technology Sector**

At the start of 2013, the technology sector had the second highest number of ongoing FCPA investigations, just behind the energy sector, with some fifteen technology companies, including Sony, Oracle, and Hewlett-Packard, under review for alleged improper payments abroad to foreign officials. Given their regions of operation, types of government interaction and business models, technology companies often face unique FCPA risks in conducting their international business. This session explores these risks and the “best practice” strategies that companies are employing to address them.

Matteson Ellis, Matteson Ellis Law, PLLC, Austin, TX

12:00 p.m. **Pick Up Lunch**

Included in conference registration.

FRIDAY AFTERNOON

Presiding Officer:

**Robert L. King, Silicon Laboratories,
Austin, TX**

LUNCHEON PRESENTATION

12:20 p.m. .75 hr

Indemnities

Insights into warranty and indemnification terms from both the seller and buyer points of view. Typical points of negotiation from sample clauses are explored and checklists of issues to consider are also provided.

Moderator:

Minh-Hien Nguyen, Dell, Round Rock, TX

Panelists:

Anthony E. Peterman, Dell, Round Rock, TX

Kim Marie Vo, Advanced Micro Devices, Inc.,
Austin, TX

1:05 p.m. Break

1:15 p.m.

1.00 hr ethics

Who is the Client?

Too many entities, too many clients—a discussion of modern-day entity creation and its challenges.

Thomas H. Watkins, Brown McCarroll, L.L.P.,
Austin, TX

2:15 p.m.

.75 hr ethics

Mediation of Technology Disputes

An examination of both broad strategic concepts and detailed practice tips, including the psychology of choice, the predictability of irrationality, “3-D” negotiation and why attorneys sometimes get “stuck” in the process. With lessons from Star Trek, this session promises to be fun, to provoke new ways of thinking and to provide practical, new skills to help ensure successful mediations for our clients.

Karl Bayer, Dispute Resolution Expert, Austin, TX

3:00 p.m.

Adjourn

“ Topics are good and relevant to my IP section practice. Solid, entertaining speakers throughout the conference.

Excellent presenters with a variety of different styles, useful and cutting-edge topics, relevant handouts that will be useful for future reference. This is a terrific conference, much better than any other I’ve ever found. It clearly means a lot to both the presenters and the audience.

Good overviews of AIA, copyright recent cases. Good use of role-playing by panels.

The flow of topics and quality of speakers is very good. I liked the overall approach of all the speakers to emphasize practice tips.

This has a wonderful mix of diverse technology-related topics.

Course format/content is logically presented. Speakers are knowledgeable in the area of their presentations.

”

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Dispute Resolution Expert
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Includes Course Binder, Thursday Evening Reception and Friday Luncheon Presentation

1. Select Course Binder Format

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 Printed Course Binder ONLY

2. Select Type

- Registration by Wednesday, May 15, 2013.....\$575
 Registration after Wednesday, May 15, 2013.....\$625

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Allow 3–5 weeks from the conference date for delivery.

- Course Binder WITHOUT Conference Registration.....\$250
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AUSTIN

May 23–24, 2013

CONFERENCE LOCATION



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Austin, TX 78701
512.685.8100

Special Room Rate: \$230
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(subject to availability)

Parking:
\$16 daily valet or self-park
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KEY DATES

May 15, 2013
last day for early registration
add \$50 for registrations
received after this time

May 17, 2013
last day for full refund

May 20, 2013
last day for partial refund
\$50 processing fee applied

May 23, 2013, 8:20 a.m.
Conference begins

**M
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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.00 hours, of which 2.00 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

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