

17th Annual

COMPUTER AND TECHNOLOGY LAW INSTITUTE

Earn up to 14.00 Hours of Credit Including 1.50 Hours of Ethics Credit



May *19, 20-21, 2004

*optional Wednesday evening session

The Hyatt Regency on Town Lake
Austin, Texas

COMPUTER AND TECHNOLOGY LAW INSTITUTE

May *19, 20-21, 2004 • The Hyatt Regency on Town Lake • Austin, Texas

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WEDNESDAY EVENING, MAY 19*

*Optional Session-separate fee applies

6:00 p.m. (2.00 hour)

M&A, Not IPO: What's Different about Buying or Selling a Tech Company?

Introduction to technology mergers and acquisitions. Getting the intellectual property due diligence right. Acquired company employee retention and corporate culture. Earnouts, escrows, and holdbacks.

Walter Earl Bissex, Austin (Moderator)
Fulbright & Jaworski L.L.P.

David G. Boone, Austin (Retired)
Staktek Holdings Inc.

Brian P. Fenske, Austin
Fulbright & Jaworski L.L.P.

Peter A. Stankard, Austin
Gilford Securities Incorporated

- OR -

6:00 p.m. (2.00 hour)

Locating the Landmines in License Agreements: Techniques and Tools for Successful Negotiations

This session will unveil the classic concepts and clauses used in typical license agreements. Through an interactive format, the presenters will discuss the classic pitfalls in negotiating license agreements, help you identify your options in the negotiation of important issues, and analyze the risks and advantages of each option.

Keith E. Witek, Austin
William D. Wiese, Austin

8:00 p.m. Adjourn

THURSDAY MORNING, MAY 20

Presiding Officer:

Diana K. Borden
Graves, Dougherty, Hearon & Moody P.C.
Austin

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. (0.50 hour)

Stranger-Torts in the Strange New World of Cyberspace and Other Computer Liability Issues

To whom will your client be liable if its network is hacked, disabled or enslaved? What duty of care does your client owe its customers and what standard will be applied in determining its liability for failures of privacy, security and confidentiality of data? We will examine the duties which various courts and legislatures have already developed as well as standards which they may in the future impose upon those who utilize computers, networks and the Internet.

Matthew E. Yarbrough, Dallas

9:30 a.m. (0.50 hour)

Privacy Liability Gotchas

An overview of the latest developments in privacy laws that can impact technology companies in corporate transactions, including issues related to CAPPS, USA PATRIOT ACT, COPPA, HIPAA, and Gramm-Leach-Bliley.

Christopher T. Brown, Austin

10:00 a.m. (0.50 hour)

Cross-Border Data Privacy

A practical analysis of cross-border data privacy issues including developments in the European Union, Canada, and California.

Peter Vogel, Dallas

10:30 a.m. Break

10:45 a.m. (1.00 hour)

Copyright Issues

An update on the important developments in digital copyright in the past year.

R. Anthony Reese, Austin
Mark A. Lemley, Berkeley, CA

11:45 a.m. (0.50 hour)

Law & Virtual Worlds

Online computer games have given rise to markets for virtual property and emerging systems of governance. How should the law address virtual property claims and the rights of virtual communities?

F. Gregory Lastowka, Philadelphia, PA

12:15 p.m. Optional Networking Luncheon

Visit with speakers and registrants. Select in advance on registration form - \$25

THURSDAY AFTERNOON, MAY 20

Presiding Officer:

Daniel J. Brennan
Dell Computer Corporation
Round Rock

1:45 p.m. (0.75 hour)

Keywords and Pop-ups

A discussion of recent cases regarding trademark use and initial interest confusion in the context of keyword advertising and pop-up advertising on the Internet.

Rose A. Hagan, Mountain View, CA

2:30 p.m. (0.50 hour ethics/PR credit)

Licensing Transactions: A Checklist of Ethical Issues

A practical guide to common pitfalls in negotiating and drafting license agreements involving intellectual property rights, with a focus on ethical issues.

Peter E. Mims, Houston

9:00 a.m. (0.50 hour)

How VoIP is Changing the Regulatory and Competitive Landscape: A Quick Guide for Technology and Business Lawyers

The ability to transmit voice communications using IP technology is having a profound impact on consumers, telecommunications providers and regulators. This presentation provides an overview of current VoIP issues and regulations.

Robin A. Casey, Austin

3:30 p.m. Break

3:45 p.m. (1.00 hour)

Understanding Free and Open Source Software: Strategy, Tactics and Risk Avoidance in Working with the Penguin

This session will explain the Free and Open Source Software (FOSS) licensing paradigm and the unique software development process and opportunity that results. The session will also provide practical and drafting guidance on how to best identify and manage the risks associated with developing, acquiring, using, and reselling open source software, including sample licensing provisions and acquisition clauses.

Greg R. Vetter, Houston
Heather J. Meeker, Silicon Valley, CA

4:45 p.m. (0.75 hour)

The Music Business Enters the Digital Age: New Distribution Models, DRM, and Enforcement

The digital shakeout is well underway with all levels of the music industry now experiencing the shift to a digital network platform. This session seeks to put this technological revolution in perspective and envision the new economic, political, and legal order.

Peter S. Menell, Berkeley, CA

5:30 p.m. Adjourn to Reception Sponsored By:

Andrews Kurth LLP

Baker Botts L.L.P.

Dell Computer Corporation

Fish & Richardson P.C.

Fulbright & Jaworski L.L.P.

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Haynes and Boone, LLP

Jenkins & Gilchrist, P.C.

Vinson & Elkins L.L.P.

Weil, Gotshal & Manges LLP

Winstead Sechrest & Minick P.C.

FRIDAY MORNING, MAY 21

Presiding Officer:

Robert L. King
Motorola Inc.
Austin

8:30 a.m. (0.50 hour)

Are the Standards Changing for Standard-Setting? Antitrust Issues in Standard-Setting and High-Tech Cases

Rambus and Unocal each fight off the FTC's allegations of abuse of standards-setting processes at the trial level, will they prevail before the Commission and on appeal? Rambus is now confronted with claims under California state law for unfair competition for standard-setting abuses. The Supreme Court allows antitrust and state law claims to open the door for state courts to hear copyright and patent claims. This presentation addresses changes in the law that could impact the computer industry in standard-setting, enforcement of copyrights and patents, and other issues arising out of antitrust and unfair competition laws.

David J. Healey, Houston

3:00 p.m. (0.50 hour)

Offshore Business Process Outsourcing — Boilerplate is Not Boilerplate

Analyzing the services agreement, for consideration of risks unique to purchasing or providing offshore services.

Jordan J. Herman, Austin

9:30 a.m. (0.50 hour)

The Enforceability of Browsewrap Agreements

This presentation examines the trend with respect to enforceability of Browsewrap agreements and offers some suggestions for improving the odds of creating an enforceable agreement.

William D. Wiese, Austin

10:00 a.m. Break

10:15 a.m. (0.75 hour)

I Say "Commercial Electronic Mail Message," You Say "SPAM," and the Current Song and Dance of Pop-Ups and Online Advertising

An examination of the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, otherwise known as the CAN-SPAM Act, and the current state of the law on pop-up advertisements and other selected online advertising mechanisms.

Randall E. Colson, Dallas
Dawn Estes, Dallas

11:00 a.m. (0.50 hour ethics/pr credit)

Unauthorized Practice of Law By Computer and Other Unexpected Technological Pitfalls

Is technology eroding the legal profession's monopoly? Why shouldn't it? An examination of how "unauthorized practice" regulation is colliding with software and emerging communication technologies, and how multi-disciplinary practice regulations are changing the delivery of legal services in a borderless world.

Peter D. Kennedy, Austin

11:30 a.m. (0.50 hour)

Building Fences on the Electronic Frontier

This presentation explores the emerging common law doctrines addressing unauthorized access to computer systems. It includes a review of recent trespass to chattels cases as well as a discussion of the implications of erecting legal barriers that limit the acceptable uses of public web sites.

Edward A. Cavazos, Austin

12:00 p.m. Lunch on your own

FRIDAY AFTERNOON, MAY 21

Presiding Officer:

Michael P. Adams
Winstead Sechrest & Minick P.C.
Austin

1:15 p.m. (0.50 hour)

IP Strategies for a Startup

A practical guide to opportunities, strategies and pitfalls in spending scarce resources on developing and protecting IP assets.

David L. McCombs, Dallas

1:45 p.m. (0.75 hour)

Patent Strategies: Is The Best Defense a Good Offense and Vice-Versa?

Our speakers will present their views on offensive and defensive patent strategies and how these strategies relate to business success. They will compare their approaches to building a patent portfolio, enforcing patents, licensing and cross-licensing, litigating, participating in standards organization, and other issues that they deal with on a regular basis.

Robert Barr, San Jose, CA
Vice President, Intellectual Property
Worldwide Patent Counsel
Cisco Systems, Inc.

Paul Reidy, Austin
Director, Intellectual Property Licensing
Motorola Inc.

2:30 p.m. Break

2:45 p.m. (0.50 hour ethics/PR credit)

Malpractice Issues in the Technology Sector

The impact of technology on client relations and malpractice defense. Fee contracts, full disclosure, e-mails and other weapons; it is not the same old rodeo.

Thomas H. Watkins, Austin

3:15 p.m. (0.50 hour)

What Technology Lawyers Should Know About the CFAA and Why They Should Know It

The Computer Fraud and Abuse Act contains some of the "rules of the road" for any company wanting to electronically interact with another's computer database or computer network. This session discusses some of the issues technology lawyers may face when advising clients about these electronic interactions.

W. Reid Wittliff, Austin

3:45 p.m. Adjourn

How to Register

The University of Texas
School of Law
Attn: CLE - PC04
P.O. Box 7759
Austin, TX 78713-7759

WEB: www.utcle.org

FAX: 512-475-6876

PHONE: 512-475-6700

Can't attend? You've got options!

Materials, Audio, In-House CLE

➤ Printed Materials

Leading authors and practitioners provide the definitive set of computer and technology law updates and practice guides.

➤ E-materials on CD

Add electronic versions of conference materials for only \$50 to your registration or purchase of printed materials, audio CDs, or In-House CLE packages. E-materials are distributed 2-3 weeks after the conference and include searchable versions of printed materials in PDF format.

➤ Audio CD Set

Listen to Informative, topical, and entertaining presentations, recorded from UT Law's live CLE programs.

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Integrate presentation resources into your own firm or group practice by combining written materials with audio tapes for full participatory MCLE credit in a group (two or more) study environment.



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2004 Computer and Technology Law Institute

PC04

Mail this registration form or fax a copy to: (512) 475-6876

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REGISTRATION - Includes printed materials in course binder.

☐ Early Registration Fee due by Wed., May 12, 2004 \$395.00
Add E-materials on CD (PDF files of printed materials) for \$50. See below.*

☐ Registration Fee after Wed., May 12, 2004 \$445.00
Add E-materials on CD (PDF files of printed materials) for \$50. See below.*

☐ Optional Wednesday Session \$75.00

Select One: [] M&A, Not IPO

[] Locating the Landmines in License Agreements

☐ Thursday Optional Networking Luncheon \$25.00

ALSO AVAILABLE - Allow 2-3 weeks from conference date for delivery.

☐ Printed materials in course binder * \$200.00
Printed materials are **automatically included** with Registration.

☐ Audio CD Set * \$170.00

☐ In-House CLE for 2 - Includes audio CD + printed materials * \$750.00

_____ Add participants with printed materials at \$200 each \$ _____

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☐ Check (make checks payable to: The University of Texas at Austin)

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Authorized Signature

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Exp. Date (mm/yy)

Overview

The University of Texas School of Law's 2004 Conference on Computer and Technology Law brings together leading members of the high-tech sector from Austin to Silicon Valley for a unique gathering that blends coverage of new developments and emerging trends with practical sessions on licensing, drafting, open source, business developments, M&A, and IP strategies.

A stellar faculty from around the country including IP faculty from Boalt Hall at Berkeley, the University of Texas School of Law, and the University of Houston School of Law, present on a variety of developments in copyright, open source, and music licensing. This program faculty also includes leading members of the technology bar, financial advisors, venture investors, and the IP counsel from Cisco Systems, Google and Motorola.

Computer Liability: Stranger Torts in the Strange New World of Cyberspace
To whom will your client be liable if the network is hacked, disabled or enslaved? Come find out.

M&A, not IPO

Come to a great Wednesday evening panel on buying and selling tech companies. From due diligence, to employee retention, earnouts, escrows and holdbacks — its all here!

Law and Virtual Worlds

It's not all work and licensing at the 2004 conference. Online games have given rise to markets for virtual property; find out how the law addresses virtual property claims and rights of virtual communities.

The Music Business in the Digital Age

Peter Menell travels from Berkeley to speak on the new economic and legal order in the music industry — distribution models, DRM and enforcement.



Open Source: How to Spot Issues, Manage Risk, and Draft around the Penguin

Heather J. Meeker, a leading open source licensing expert from Silicon Valley, joins Greg Vetter from the University of Houston School of Law, for the best presentation and set of materials you'll find all year on open source.

VoIP for Technology Lawyers

A guide to key regulatory issues of voice transmission using IP technology for the FCC challenged.

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208 Barton Springs
Austin, Texas 78704
(512) 477-1234

\$129 single or double special group rate good through **April 28, 2004**

Parking: Self parking \$5

Key dates:

Cancellations & last-minute registrations

May 12, 2004, 5 p.m.

- last day for early registration add \$50 for registrations received after this time

May 14, 2004, 5 p.m.

- last day for full refund

May 17, 2004, 5 p.m.

- (Monday before conference)
- last day for partial refunds (\$50 processing fee applied)

May 19, 2004, 6 p.m.

- optional session begins

May 20, 2004, 9 a.m.

- conference begins

**M
C
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E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 14.00 hours, of which 1.50 credit hours will apply to legal ethics/professional responsibility credit.

Stuck at the office? Short MCLE credit?

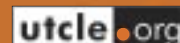
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