

2004 Technology Law Conference
May 19*, 20-21, 2004 • Hyatt Regency Austin • Austin, TX

Wednesday Evening, May 19, 2004

6:00 pm 2.00 hrs	M&A, Not IPO: What's Different about Buying or Selling a Tech Company? Thomas Harold Adolph, Jackson Walker L.L.P. - Houston, TX Moderator: Walter Earl Bissex, Fulbright & Jaworski LLP - Austin, TX Brian P. Fenske, Fulbright & Jaworski LLP - Austin, TX
6:00 pm 2.00 hrs	Locating the Landmines in License Agreements: Techniques and Tools for Successful Negotiations William D. Wiese, Dubois Bryant Campbell & Schwartz LLP - Austin, TX Keith E. Witek, Advanced Micro Devices - Austin, TX

Thursday Morning, May 20, 2004

Presiding Officer:

Diana K. Borden, Graves Dougherty Hearon & Moody - Austin, TX

9:00 am 0.50 hr	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, Fish & Richardson P C - Dallas, TX
9:30 am 0.50 hr	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, Baker Botts L.L.P. - Austin, TX
10:00 am 0.50 hr	Cross-Border Data Privacy A practical analysis of cross-border data privacy issues including developments in the European Union, Canada, and California. Peter S. Vogel, Gardere Wynne Sewell LLP - Dallas, TX

10:45 am 1.00 hr	Copyright Issues An update on the important developments in digital copyright in the past year. Mark A. Lemley, Stanford Law School - Stanford, CA R. Anthony Reese, University of Texas School of Law - Austin, TX
11:45 am 0.50 hr	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, Dechert LLP - Philadelphia, PA

Thursday Afternoon, May 20, 2004

Presiding Officer:

Daniel J. Brennan, Dell Inc. - Round Rock, TX

1:45 pm 0.75 hr	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, Google - Mountain View, CA
2:30 pm 0.00 hr 0.50 hr ethics	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, Vinson & Elkins - Houston, TX
3:00 pm 0.50 hr	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, TX
3:45 pm 1.00 hr	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. Heather J. Meeker, Wilson, Sonsini, Goodrich & Rosati - Palo Alto, CA Greg R. Vetter, University of Houston Law Center - Houston, TX

4:45 pm
0.75 hr

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, UC-Berkeley School Law - Berkeley, CA

Friday Morning, May 21, 2004

Presiding Officer:

Robert L. King, Freescale Semiconductor - Austin, TX

8:30 am
0.50 hr

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.

Gregg Jeffrey Costa, US Attorneys Office Southern District Of - Houston, TX
David J. Healey, Weil, Gotshal & Manges LLP - Houston, TX

9:00 am
0.50 hr

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, Casey, Gentz & Magness, LLP - Austin, TX

9:30 am
0.50 hr

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, Dubois Bryant Campbell & Schwartz LLP - Austin, TX

10:15 am
0.75 hr

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, Haynes & Boones, L.L.P. - Dallas, TX
Dawn Estes, Dallas, TX

11:00 am 0.00 hr 0.50 hr ethics	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, Graves Dougherty Hearon & Moody - Austin, TX
11:30 am 0.50 hr	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, Fish & Richardson P.C. - Austin, TX

Friday Afternoon, May 21, 2004

Presiding Officer:

Michael P. Adams, Winstead PC - Austin, TX

1:15 pm 0.50 hr	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, Haynes & Boone - Dallas, TX
1:45 pm 0.75 hr	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 A. Barr, Cisco Systems, Inc. - San Jose, CA Paul Reidy, Freescale Semiconductor
2:45 pm 0.00 hr 0.50 hr ethics	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, Brown McCarroll LLP - Austin, TX
3:15 pm 0.50 hr	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, Graves Dougherty Hearon & Moody P.C. - Austin, TX