

21st Annual Technology Law Conference
May 21*, 22-23, 2008 • Four Seasons Hotel • Austin, TX

Wednesday Evening, May 21, 2008

5:00 pm	Registration Opens
6:00 pm 2.00 hrs	The Market for Online Gambling and Fantasy Sports—Business and Legal Issues An engaging discussion of the scope and reach of two major online activities: internet gambling and fantasy sports. Both discussions will cover the nature and growth of the respective sectors, with the online gambling presentations dealing with key jurisdiction and enforcement issues, and the fantasy sports presentation focusing on licensing and related IP issues. Moderator: Edward A. Cavazos, Bracewell & Giuliani LLP - Austin, TX Bart W. Huffman, Cox Smith Matthews Inc. - San Antonio, TX Judy Patterson, American Gaming Association - Washington, DC Michael B. Sapherstein, MLB Advanced Media, L.P. - New York, NY

Thursday Morning, May 22, 2008

Presiding Officer:

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

8:00 am	Registration Opens Includes continental breakfast.
	Welcoming Remarks
9:00 am 1.00 hr 0.25 hr ethics	Technology Contracts and Agreements: A Practice Guide to Effective Negotiation, Drafting and Strategy What practioners need to know about structuring and negotiating complex license agreements, distribution deals, joint development arrangements and similar strategic technology contracts. Includes an update on current trends in light of <i>Medimmune</i> and other recent developments. Edward A. Cavazos, Bracewell & Giuliani LLP - Austin, TX Keith E. Witek, Advanced Micro Devices, Inc. - Austin, TX

10:00 am 0.75 hr	<p>Boiler Plate—Are Your Warranties, Indemnity Provisions, and Limitation of Liability Clauses Really Working?</p> <p>Traps for the unwary in those clauses you never read – warranties, limitations of liability, indemnities, assignment, merger clauses, choice of law, and other provisions that are in the contract because they actually matter.</p> <p>Commentators: Edward A. Cavazos, Bracewell & Giuliani LLP - Austin, TX Jordan J. Herman, Baker Botts L.L.P. - Austin, TX Commentators: Keith E. Witek, Advanced Micro Devices, Inc. - Austin, TX</p>
10:45 am	Break
11:00 am 0.75 hr ethics	<p>Fee Agreements, Engagement Letters and Conflict Waivers: State of the Art</p> <p>This session discusses common issues and their resolution options for fee agreements, engagement letters, and conflict waivers. This session includes model agreements, sample forms and discussion of critical language, from both a client and a law firm perspective.</p> <p>Adrienne Randle Bond, Bond & Smyser LLP - Houston, TX Charles Szalkowski, Baker Botts L.L.P. - Houston, TX</p>
11:45 am 0.50 hr	<p>Open Source: M&A and the Secrets of Commando Due Diligence</p> <p>These days, everyone knows that open source due diligence is a part of the M&A practice. But how, when faced with a long laundry list of open source components, no money to hire a consultant to scan the code for open source bogeys, and a looming simultaneous sign and close, do you make practical assessments about open source disclosures and sort through open source representations and warranties? This session outlines some of the tricks of the trade, to help you survive your next M&A deal.</p> <p>Heather J. Meeker, Greenberg Traurig LLP - East Palo Alto, CA</p>

Thursday Afternoon, May 22, 2008

Presiding Officer:

Barry S. Newberger, Advanced Micro Devices, Inc. - Austin, TX

12:15 pm	<p>Pick up Box Lunch</p> <p>Included in conference registration fee.</p>
12:30 pm 0.75 hr	<p>The Changing Landscape of Internet Advertising</p> <p>This session explores evolving internet advertising business models and associated legal issues. Includes a discussion of ad networks, exchanges and similar innovations.</p> <p>Hillary B. Smith, Right Media - New York, NY</p>
1:15 pm	Break

1:30 pm 0.75 hr	<p>Trademark and Domain Names: Legal Developments and Practical Compliance Tips</p> <p>This session covers latest case law and regulatory developments dealing with trademarks and domain names, with special emphasis on search engine marketing, click throughs, and international developments. The session will also address some traps for the unwary and provide practice tips about registration practice before the PTO, including dispute resolution before the TTAB.</p> <p>Connie Powell, Baylor University School of Law - Waco, TX</p>
2:15 pm 0.75 hr	<p>A How-To Guide for Dealing with Data Security Breaches</p> <p>There are now over 40 state laws that apply to data security breaches; investigations are more complex, the risks are greater, and the outcomes are changing the way organizations manage information. Many data breaches have a global effect—a breach in the United States can affect the data of Europeans. This session examines real-world data breaches and explores: key state laws; forensic investigations options; complying with regulatory requirements; and managing constituencies and risks.</p> <p>Lisa J. Sotto, Hunton & Williams LLP - New York, NY</p>
3:00 pm 0.50 hr	<p>Copyright Developments: What's Happening Outside the World of User Generated Content</p> <p>This session will cover recent developments, cases and controversies in the area of general copyright law, not including the area of user generated content, which will be covered in the following session.</p> <p>David G. Swenson, Baylor University School Of Law - Waco, TX</p>
3:30 pm	<p>Break</p>
3:45 pm 0.75 hr	<p>User Generated Content: The Collision of Business Models and Copyright</p> <p>The continued investment in and growth of virtual worlds, massively multi-player online role-playing games, social networking websites and user-generated content has highlighted the need for lawyers to be familiar with the legal and business issues that are generated through commerce and interactions within these environments. A growing number of lawsuits have been filed against major entities such as Google/YouTube, World of Warcraft and Second Life, implicating copyright, trademark, property and other laws. In the copyright arena, these lawsuits raise questions about the scope of website terms of service agreements, the "safe harbor" provisions of the Digital Millennium Copyright Act and the principles of primary and secondary copyright liability. This presentation will trace the development of these virtual environments, noting significant legal milestones and analyzing recent copyright-related litigation arising therein.</p> <p>Gabriel E. Meister, Morrison & Foerster, LLP - New York, NY Mary W S Wong, Franklin Pierce Law Center - Concord, NH</p>
4:30 pm 0.75 hr	<p>Web Site Agreements and Terms of Use: Legal Trends, Typical Mistakes, and Best Practices for Specific Provisions</p> <p>Courts are increasingly upholding the enforceability of online agreements but are rendering some interesting decisions regarding the specific terms contained in those agreements. This session reviews important recent case law and walks through the typical set of disclosures and terms of use found on a sophisticated web site—highlighting what provisions work and which do not under recent case law—with particular attention to required disclosures, jurisdiction, and subsequent changes to initial terms.</p> <p>William D. Wiese, Dubois, Bryant & Campbell, LLP - Austin, TX</p>

5:15 pm 0.50 hr	<p>Tracks and Traces: A Guide to Digital Footprints and the Tools Available to Uncover and Use Them</p> <p>This presentation will discuss the basic digital clues that are typically left behind in connection with internet activity, and the legal tools available (such as search warrants and civil and criminal subpoenas) to identify Internet users and to obtain their content. The discussion will touch on the Electronic Communications Privacy Act (including jurisdictional issues and the connection between that Act and civil Rule 45 subpoenas) as well as the Foreign Intelligence Surveillance Act.</p> <p>Bart W. Huffman, Cox Smith Matthews Inc. - San Antonio, TX</p>
5:45 pm	Adjourn to Reception

Friday Morning, May 23, 2008

Presiding Officer:

Michael P. Adams, Winstead PC - Austin, TX

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 0.50 hr	<p>DMCA Practice Guide</p> <p>A review of the Digital Millenium Copyright Act's procedures for giving and receiving notice of copyright violations, with a practical focus on how to comply with the Act's elaborate notice, response and take-down obligations.</p> <p>Peter D. Kennedy, Graves Dougherty Hearon & Moody, P.C. - Austin, TX</p>
9:00 am 0.75 hr	<p>Import and Export Compliance Traps: A Guide for Technology Lawyers</p> <p>This presentation will identify the top 10 pitfalls for technology lawyers under the ever-expanding U.S. trade control laws, including Customs law, export controls, sanctions and embargoes, and the Foreign Corrupt Practices Act.</p> <p>Commentator: Zak Karamally, Affiliated Computer Services, Inc. - Dallas, TX J. Scott Maberry, Fulbright & Jaworski L.L.P. - Washington, DC</p>
9:45 am	Break
10:00 am 0.50 hr	<p>Emerging Antitrust Issues in the Technology Sector</p> <p>This session focuses on emerging antitrust issues that can arise in technology transactions, with special emphasis on vertical price fixing involving the distribution and channel relationship.</p> <p>David F. Smutny, Heller Ehrman LLP - Washington, DC</p>

10:30 am 0.75 hr	<p>Best Practices in Hiring the Technology Employee: A Walk Through of Key Issues, Key Agreements, and Key Clauses</p> <p>This presentation will explore employment and intellectual property legal issues related to the hiring retention and termination of technology employees. Topics covered include pre-employment and post-employment issues related to protection of intellectual property, enforcement of non-competes, protection of confidential information, non-disclose agreements, and termination policies and agreements.</p> <p>Andrew Scott Ehmke, Haynes & Boone - Dallas, TX Jonathan Ethan Lass, Clark Thomas & Winters, P.C. - Austin, TX</p>
11:15 am 0.50 hr	<p>The Growing Technology Company: Preparing for Investment, M&A or IPO</p> <p>What sort of agreements, procedures and best practices should be in place at the growing technology company preparing to move to the next level? A practical guide to developing sound technology company-specific best practices on issues such as regulatory compliance, IP risk management and similar issues which may arise during due diligence.</p> <p>Kinloch Gill III, Austin, TX</p>
11:45 am	<p>Pick up Box Lunch</p> <p>Included in conference registration fee.</p>

Friday Afternoon, May 23, 2008

Presiding Officer:

Michael P. Adams, Winstead PC - Austin, TX

12:00 pm 1.00 hr ethics	<p>The Ethics of Pretexting and Pretending in Corporate Investigations</p> <p>This presentation will examine the ethical rules and legal standards governing lawyers who participate directly or indirectly in conduct constituting dissemblance or pretexting. The HP scandal made pretexting a household word, but corporate executives and lawyers have participated to a varying degree in different forms of pretexting and dissemblance that have led to ethics opinions and court decisions. These authorities along with more general ethics rules will be examined in detail in this presentation.</p> <p>John S. Dzienkowski, The University of Texas School of Law - Austin, TX</p>
1:00 pm 0.50 hr	<p>Best Practices in Structuring Outsourcing Agreements</p> <p>What are the most effective contractual means to maximize the benefits of outsourcing? This session examines best practices in structuring outsourcing agreements and provides practical advice on key contract provisions.</p> <p>Jeffrey Bailey Andrews, Thompson & Knight LLP - Houston, TX</p>
1:30 pm	<p>Adjourn</p>