

23rd Annual Technology Law Conference
May 27-28, 2010 • Four Seasons Hotel • Austin, TX

Thursday Morning, May 27, 2010

Presiding Officer:

Dawn Estes, Taber Estes Thorne & Carr PLLC - Dallas, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 1.00 hr	Advanced Issues Involving Licensing and Technology Agreements What practitioners need to know about structuring and negotiating complex license agreements and other technology contracts. Includes drafting tips, a review of risk mitigation strategies and an update on current trends in light of recent cases and other current developments. Edward A. Cavazos, Bracewell & Giuliani LLP - Austin, TX James M. Vickery, DLA Piper - Austin, TX
10:00 am 0.50 hr	Special Licensing Issues Involved with Spin-Outs: Joint IP, Cross-Licensing and More In typical spin-outs and similar transactions, there are often complex questions involving cross-licensing and joint ownership of intellectual property. This session addresses the special issues involved in such transactions, and provides tips and sample clauses to successfully address these issues. Dean William Harvey, Vinson & Elkins LLP - Dallas, TX Eric M. Reifschneider, Dewey & LeBoeuf LLP - East Palo Alto, CA
10:30 am	Break
10:45 am 0.75 hr	Technology Licensing and Contract Clauses: What Gets Litigated and Who Wins Three experienced technology contract litigators discuss what clauses and language are most frequently litigated in technology agreements; how such disputes are typically decided; and how those drafting agreements can improve their agreements and clauses to make sure their reps, warranties, and clauses prevail. Moderator: Michael P. Adams, Winstead PC - Austin, TX Panelists: Eric J. Mayer, Susman Godfrey LLP - Houston, TX Panelists: Kevin James Meek, Baker Botts L.L.P. - Austin, TX

11:30 am
0.75 hr

Perfecting Trade Secrets: Common Pitfalls and Best Practices, including Related Issues on NDAs and Non-Competes

"Trade secrets" are easy to claim but frequently such information is determined as unprotected because of failures to properly identify, maintain and protect it. In this session, panelists identify common mistakes and advise how to do it right, as well as provides an update on the latest developments and status of NDAs and non-competes, with emphasis on Texas law.

Moderator:

Alan D Albright, Bracewell & Giuliani LLP - Austin, TX

Panelists:

Jennifer B. Wuamett, Freescale Semiconductor, Inc. - Austin, TX

Panelists:

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

Thursday Afternoon, May 27, 2010

Presiding Officer:

Robert L. King, Silicon Laboratories - Austin, TX

12:15 pm

Lunch on your Own

1:30 pm
0.50 hr

Open Source: The Era of Litigation and Enforcement Is Upon Us

The last two years have seen the First U.S. Circuit level opinion in an open source case, and the first lawsuits by FSF and SFLC. Corporations are beginning to file claims to enforce GPL. Open source lawsuits are unique—they require an informed analysis of open source legal issues, understanding of the political landscape, and spin control. This session comprises a discussion how to react to open source claims, including lawsuits, and how to avoid becoming a household name in open source enforcement.

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

2:00 pm
0.75 hr

Open Source: Business Implementation, In-House Development and Compliance Considerations

How are companies making business decisions to use open source, manage liability and oversee compliance for both internally-developed and purchased or acquired software? A panel of experts discusses approaches to evaluating and managing compliance risks involving open source.

Moderator:

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

Panelists:

Ranjeev Kumar Singh, Freescale Semiconductor, Inc. - Austin, TX

Panelists:

Brian J. Wolf, Avaya Inc. - Milpitas, CA

2:45 pm 0.75 hr	<p>Top Ten Outsourcing Mistakes and How to Avoid Making Them</p> <p>The panel discusses best practices in outsourcing contracts and provides guidance to deal with typical scenarios that arise in outsourcing arrangements from both the vendor and customer perspectives.</p> <p>Moderator: Robert R. Robinson, BancTec, Inc. - Irving, TX</p> <p>Panelists: Jeffrey B. Andrews, Thompson & Knight LLP - Houston, TX</p> <p>Panelists: David N. Guedry, Jones Day - Dallas, TX</p>
3:30 pm	Break
3:45 pm 1.17 hrs 0.25 hr ethics	<p>M&A in the Technology Sector: Key Issues and Special Considerations in Acquisitions of Technology Companies</p> <p>This session addresses various M&A issues that arise in acquisitions of technology companies, including special "clean room" procedures for handling sensitive technology in the due diligence process; why counsel should pay close attention to "residuals" clauses and non-solicitation and standstill provisions in confidentiality agreements; potential traps in negotiating IP-related representations and warranties; the legal significance of "non-reliance" clauses; and issues relating to shared technology in divisional sales. Post-closing issues, including the role of in-house counsel in integrating acquired businesses, are also discussed.</p> <p>Moderator: Richard E. Climan, Dewey & LeBoeuf LLP - East Palo Alto, CA</p> <p>Panelists: J. Robert Suffoletta, Wilson Sonsini Goodrich & Rosati, P.C. - Austin, TX</p> <p>Panelists: Keith E. Witek, Advanced Micro Devices, Inc. - Austin, TX</p>
4:55 pm 0.75 hr ethics	<p>The Ethics of Negotiation: Are There Any?</p> <p>The Texas Disciplinary Rules of Professional Conduct are filled with gray areas and traps for the unwary transactional lawyer. Is everything short of fraud allowed in negotiations? Mike Rubin leads a fast-paced presentation with points to ponder, hypotheticals to consider, and something to smile about.</p> <p>Jason Boulette, Boulette & Golden L.L.P. - Austin, TX</p>
5:40 pm	Adjourn to Reception

Friday Morning, May 28, 2010

Presiding Officer:

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

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
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8:30 am 0.75 hr ethics	<p>Lawyer Communications on the Web: Malpractice, Liability and Ethical Issues</p> <p>How to avoid the digital traps, or at least know when the ice under you is getting thin.</p> <p>Robert L. Tobey, Johnston Tobey, P.C. - Dallas, TX</p>
9:15 am 1.00 hr	<p>Privacy and Security in the Cloud</p> <p>What privacy and security issues arise when data storage and processing take place in the cloud? Is a new privacy framework required? Who is responsible to ensure compliance with national and local privacy law? This panel addresses threats that arise due to remote hosting and processing of data, and how and to what extent companies should be overseeing their cloud service providers with respect to the handling of personal information. Does the cloud permit increased third-party access to data for both private individuals (via subpoena) and governments (via the Patriot Act, for example)? To what extent may cloud providers mine user data for economic and strategic gains? What are the options for controlling movement of data and limiting liability for security and privacy breaches through contract language and indemnity agreements?</p> <p>Moderator: Bart W. Huffman, Cox Smith Matthews Inc. - San Antonio, TX</p> <p>Panelists: Peter D. Kennedy, Graves, Dougherty, Hearon & Moody, P.C. - Austin, TX</p> <p>Panelists: Alan Charles Raul, Sidley Austin LLP - Washington, DC</p>
10:15 am	Break
10:30 am 0.50 hr	<p>Key Export Compliance Tips: A Guide for Technology Lawyers</p> <p>Important tips for technology lawyers to ensure compliance with U.S. export controls, sanctions and embargos. Topics covered include export jurisdiction and classification, encryption controls and key licensing issues.</p> <p>Marian E. Ladner, Ladner & Associates PC - Houston, TX Thomas P. Scott III, Ladner & Associates PC - Washington, DC</p>
11:00 am 0.75 hr	<p>Current Copyright Developments and Select Trademark Issues</p> <p>Current copyright issues and case law developments, plus select trademark issues.</p> <p>Pamela B. Huff, Cox Smith Matthews Inc - San Antonio, TX David G. Swenson, Baylor University School Of Law - Waco, TX</p>

Friday Afternoon, May 28, 2010

Presiding Officer:

David Andrew Bain, DataCert Inc. - Houston, TX

11:45 am	<p>Pick up Box Lunch</p> <p>Included in conference registration fee.</p>
	LUNCHEON PRESENTATION

12:00 pm 0.67 hr	<p>Social Media, Part 1: Telling Your Story and Managing the Conversation</p> <p>This session focuses on best communication practices in business and marketing, including some related legal tensions.</p> <p>Keith Blanchard, Story Worldwide - New York, NY Bart W. Huffman, Cox Smith Matthews Inc. - San Antonio, TX</p>
12:40 pm	Break
12:50 pm 0.75 hr 0.25 hr ethics	<p>Social Media, Part 2: Effective Use of Social Media Tools and Managing the Related Liabilities and Risks</p> <p>An overview of the use of social media by employees, employers, labor unions and lawyers, and the emerging legal issues associated with same. Also discussed are the issues associated with regulating the use of social media both inside and outside of the workplace. Sample social media policies are examined.</p> <p>Jason Boulette, Boulette & Golden L.L.P. - Austin, TX Chris James, Advanced Micro Devices, Inc. - Austin, TX</p>
1:35 pm 0.50 hr	<p>The Admissibility of Electronic Evidence</p> <p>How to offer and how to object to electronic evidence.</p> <p>Steven Goode, The University of Texas School of Law - Austin, TX</p>
2:05 pm 0.50 hr	<p>Bankruptcy Issues Involving Technology Licenses and Asset Purchases</p> <p>This session outlines key bankruptcy risks involving typical technology licensing transactions, and provides recommendations on how best to minimize such risks from both licensor and licensee perspectives. The session also touches on special considerations for purchasers of distressed IP assets out of bankruptcy. Session materials cover recording and perfecting of assignments, licenses and security interests, including preemption of UCC by copyright and patent statutes.</p> <p>Evelyn H. Biery, Fulbright & Jaworski L.L.P. - Houston, TX Charles D. Huston, Daffer McDaniel LLP - Austin, TX</p>
2:35 pm 0.50 hr	<p>What Technology Companies Need to Know about Campaign Finance</p> <p>The U.S. Supreme Court opinion in <i>Citizens United v. Federal Election Commission</i> (January, 2010) revises and in some cases repeals more than 100 years of federal law relating to permissible political campaign activities by corporations. This discussion provides you with information regarding the political campaign expenditures which Texas and other corporations may now make as a result of the Supreme Court's opinion and those expenditures and activities which continue to be prohibited.</p> <p>J. Gaylord Armstrong, McGinnis, Lochridge & Kilgore, L.L.P. - Austin, TX</p>
3:05 pm	Adjourn