

24<sup>TH</sup> ANNUAL  
**TECHNOLOGY LAW CONFERENCE**



**May 26–27, 2011**  
**Four Seasons Hotel ▪ Austin, Texas**

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**THURSDAY MORNING, MAY 26, 2011**

**Presiding Officer:**

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

**8:00 a.m. Registration Opens**

Includes continental breakfast.

**8:50 a.m. Welcoming Remarks**

**9:00 a.m. 1.25 hrs**

**2011 Advanced Technology Licensing:  
Select Topics**

Insight and updates on a variety of advanced issues that regularly arise in technology license agreements, including: conditions vs. covenants, the perils of patent exhaustion, licenses vs. covenants not to sue, assignments and change in control provisions, complexities of exclusive licenses, consequences of bankruptcy of licensor or licensee, and the interrelationships of risk allocation provisions.

Eric M. Reifschneider, Dewey & LeBoeuf LLP,  
East Palo Alto, CA  
Randall E. Colson, Haynes and Boone, LLP, Dallas, TX

**10:15 a.m. Break**

**10:30 a.m. .75 hr ethics**

**Outsourcing Legal Services:  
Trends, Risks, Professionalism and Ethics**

What is legal process outsourcing? What functions are being outsourced? What business and legal issues arise from legal process outsourcing? This session examines the benefits of and best practices in managing legal process outsourcing, and provides practical advice on key ethical issues.

Jeffrey B. Andrews, Thompson & Knight LLP,  
Houston, TX  
Patrice Gilles, EquaTerra, Dallas, TX  
Robert R. Robinson, BancTec, Inc., Irving, TX

**11:15 a.m. .75 hr**

**Open Source: Claims and Flames in  
the New Age of Enforcement**

A practice guide to open source enforcement issues, including the real remedies for open source noncompliance, how to deflect claims and minimize their impact, working with SFLC and gpl-violations.org, and responding to claims, demands, blogs and flames.

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

**12:00 p.m. Lunch on Your Own**

**THURSDAY AFTERNOON**

**Presiding Officer:**

Kevin J. Meek, Baker Botts L.L.P.,  
Austin, TX

**1:15 p.m. .50 hr**

**Emerging Trends and Opportunities in  
Protecting Intellectual Property including  
European Forums**

Strategic issues and opportunities in filing and litigating under the European rules.

David J. Healey, Fish & Richardson P.C., Houston, TX  
Erick Robinson, Red Hat, Inc., Raleigh, NC

**1:45 p.m. .75 hr**

**Legal and Employment Issues involving  
a Technology Workforce**

This session explores the legal issues implicated by a dispersed, mobile workforce and provides practical suggestions for implementing an effective mobile workforce program. Topics include legal and practical considerations regarding local law compliance, privacy and data security, workplace safety, third-party premises liability, compensation compliance, and the implementation and ongoing management of a successful mobile workforce program.

Jason Boulette, Boulette & Golden L.L.P., Austin, TX

**2:30 p.m. .75 hr**

**Copyright Litigation and Enforcement:  
Current Issues and Case Law Developments**

A discussion of current copyright issues and case law developments.

William Reid Wittliff, Lancaster, Helling, Grable &  
Wittliff, L.L.P., Austin, TX  
David G. Swenson, Baylor Law School, Waco, TX

**3:15 p.m. Break**

**3:30 p.m. .50 hr**

**Non-Disclosure Agreements:  
Sample Forms and Best Practices, plus  
Industry and International Differences**

An overview of key drafting issues, relevant law, pitfalls, dos and don'ts, sample provisions, common business practices, and industry/regional differences involving non-disclosure agreements (NDAs). Session materials include sample forms and clauses, and the presentation touches on the speakers' experience with how NDAs can vary by industry and region.

Peter E. Mims, Vinson & Elkins LLP, Houston, TX  
Elizabeth A. Apperley, Advanced Micro Devices, Inc.,  
Austin, TX

**4:00 p.m.**

**1.50 hrs**

**M&A in the Technology Sector:  
Key Issues and Special Considerations**

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; whether selling stockholders should be liable beyond the indemnification escrow for breaches of IP-related representations and warranties; the legal significance of "non-reliance" clauses; and issues related to shared technology in divisional sales.

**Moderator:**

Richard E. Climan, Dewey & LeBoeuf LLP,  
East Palo Alto, CA

**Panelists:**

John W. Martin, Baker Botts L.L.P., Dallas, TX  
Alan Schoenbaum, Senior Vice President and  
General Counsel, Rackspace Managed Hosting,  
San Antonio, TX  
J. Robert Suffoletta, Wilson Sonsini Goodrich &  
Rosati, P.C., West Lake Hills, TX

**5:30 p.m. Adjourn to Reception**

**FRIDAY MORNING, MAY 27, 2011**

**Presiding Officer:**

Bart W. Huffman, Cox Smith,  
San Antonio, TX

**8:00 a.m. Conference Room Opens**

Includes continental breakfast.

**MOBILE APPLICATIONS:  
TECHNOLOGY, TRENDS AND  
TRANSACTIONAL ISSUES**

**8:30 a.m. .50 hr**

**The Plumbing of Applications ("Apps")**

A lawyer's guide to the underlying network architecture of apps. How do they work? Whose networks and servers does information reside on? Who has ownership and control of processing and content?

Dean W. Harvey, Andrews Kurth LLP, Dallas, TX

9:00 a.m. 1.00 hr

### Mobile Applications: Emerging Legal and Transactional Issues

Mobile apps are hot. This session addresses the key legal and transactional issues involved in the development and distribution of apps, including contract issues involving application programming interfaces across platforms, e.g., Apple, Android/Google, Facebook and Twitter.

Edward A. Cavazos, Bracewell & Giuliani LLP, Austin, TX  
Tarun Nimmagadda, Chief Operating Officer, Mutual Mobile, Austin, TX

10:00 a.m. Break

### THIRD-PARTY HANDLING AND CONTROL OF INFORMATION, INCLUDING PRIVACY AND SECURITY IN THE CLOUD

10:15 a.m. .83 hr

### Handling of Personal Information by Third-Party Service Providers: Basic Legal Framework, Risk Factors, Best Practices and Corporate Perspectives

As information technology continues to race along, and data storage and processing increasingly moves to the "cloud," companies rely more heavily on third-party information-handling service providers. Industry-specific regulation of personal information involving both health care providers and financial institutions has existed for some time in the U.S. However, laws such as the Massachusetts data security regulations and Nevada's amended Security of Personal Information Law—and, increasingly, Federal Trade Commission enforcement of the FTC Act's prohibition against "unfair or deceptive acts or practices"—now require virtually any company that collects consumer or marketing data to maintain a comprehensive information security program, for both liability and reputational reasons. This presentation reviews the evolving broadly-applicable U.S. legal standards for the handling of personal information by third-parties, and examines pertinent factors in the development of responsible risk assessment and reasonable oversight programs.

Bart W. Huffman, Cox Smith, San Antonio, TX  
Meagan M. Gillette, Cox Smith, San Antonio, TX  
Chris Field, Corporate Privacy Manager, Harte-Hanks, Inc., Austin, TX

11:05 a.m. .33 hr

### A Practical Guide for Corporate Counsel and Technology Lawyers on How to Respond to Requests for Information

This session discusses strategies, tactics and how to respond to third-party subpoenas and requests for information.

Peter D. Kennedy, Graves, Dougherty, Hearon & Moody, P.C., Austin, TX

11:25 a.m. .50 hr

### Contracting for Cloud Services: Closing the Gap between Vendors and Customers without Losing Critical Protection

This session explores key issues in cloud contracting, including what's being offered, what's being negotiated and how to get it.

Stephen D. Gillespie, Fenwick & West LLP, San Francisco, CA

11:55 a.m. .50 hr ethics

### How to Stay in Good Graces in Federal Court: A Judge's View on Professional Practice

Advice from the bench on effective professional practice; with an introduction by Jonathan Lass, Jackson Walker L.L.P., Austin, TX

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

12:25 p.m. Break to Pick Up Lunch

Included in conference registration fee.

## FRIDAY AFTERNOON

### Presiding Officer:

Michael P. Adams, Winstead PC, Austin, TX

### LUNCHEON PRESENTATION

12:40 p.m. .75 hr

### Data Markets and Data Aggregators: What Are the Sources, How to Evaluate Whether to Use External Data, and What Are the Privacy Implications?

A representative from a leading international data provider discusses the market landscape for data, and the major issues to be considered when accessing and using information from the global digital data market, including the latest developments, trends, opportunities and pitfalls. Privacy principles and other legal and practical concerns are also addressed.

Sheila Colclasure, Global Public Policy and Privacy, Americas Officer, Acxiom Corporation, Little Rock, AR

### Commentator:

Bart W. Huffman, Cox Smith, San Antonio, TX

1:25 p.m. Break

1:40 p.m. .50 hr ethics

### Fashioning and Implementing the Litigation Hold

When does duty to preserve arise?

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

2:10 p.m. .50 hr

### What Every Technology Lawyer Needs to Know about the Laws Governing Payments: Issue Spotting and Regulatory Pitfalls

This session provides an overview of payments law for technology practitioners, with a discussion of the overall legal regime governing payments and hot buttons around anti-money laundering, consumer protection and privacy issues.

Christopher T. Brown, NetSpend Corporation, Austin, TX

2:40 p.m. .50 hr ethics

### Ethical Pressures and Dilemmas in Corporate or Organizational Environments

Social psychology teaches us a great deal about the ethical or unethical behavior of individuals in an organizational environment. Do more rules help? More training? What causes people in bureaucracies to behave ethically or unethically?

William J. Chriss, Law Office of William J. Chriss, P.C., of counsel to Gravely & Pearson, L.L.P., Austin, TX

3:10 p.m. Adjourn

This is an excellent program. I always learn something new.

Great speakers who focus on pertinent course topics and include practice tips for day-to-day practice.

Very informative topics and content.

I have attended this seminar about 10 times. This was one of the best. I found all topics relevant, formats interesting, materials great and speakers outstanding.

Practical knowledge, practical tips.

I always appreciate the quality of the speakers and the topics.

Good mix of topics that touch on everything.

The entire program was very well structured.

## CONFERENCE FACULTY

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### Mail your registration to:

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### STANDARD REGISTRATION—Includes Printed Course Binder only

Standard Registration includes Printed Course Binder, Thursday Evening Sponsored Reception and Friday Lunch Presentation

- ☐ Early Registration Fee due by Wednesday, May 18, 2011 .....\$545  
☐ Registration Fee after Wednesday, May 18, 2011.....\$595

### GREEN REGISTRATION—Includes Electronic Materials on USB Key only

Green Registration includes Electronic Materials on USB Key, Thursday Evening Sponsored Reception and Friday Lunch Presentation

- ☐ Early Registration Fee due by Wednesday, May 18, 2011 .....\$540  
☐ Registration Fee after Wednesday, May 18, 2011.....\$590

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

- ☐ Course Binder WITHOUT Conference Registration.....\$225  
Note: Conference Registration includes Course Binder.  
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### AUSTIN

May 26–27, 2011

#### CONFERENCE LOCATION



**Four Seasons Hotel**  
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512-685-8100

**Special Room Rate: \$215**  
good through May 5, 2011  
(subject to availability)

#### Parking:

Valet \$12 per day, \$28 overnight;  
Self-parking \$8 per day  
(subject to change)

#### KEY DATES

**May 18, 2011, 5 p.m.**

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

**May 20, 2011, 5 p.m.**

*last day for full refund*

**May 23, 2011, 5 p.m.**

*last day for partial refund*  
\$50 processing fee applied

**May 26, 2011, 9 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 12.75 hours, of which 2.25 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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