

12^{th} ANNUAL

ADVANCED PATENT LAW INSTITUTE

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October 24*, 25-26, 2007 Four Seasons Hotel

Austin, Texas

* Optional 4 p.m.-6 p.m. Wednesday Session on International Prosecution and Enforcement

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12TH ANNUAL

ADVANCED PATENT LAW INSTITUTE

October 24*, 25-26, 2007 • Four Seasons Hotel • Austin, Texas

* Optional 4 p.m. to 6 p.m. Wednesday Session on International Prosecution and Enforcement

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WEDNESDAY EVENING - OCT. 24, 2007

4:00 p.m.

International Patent Prosecution Issues

In today's global economy, most companies receive significant revenue from overseas business activity. Furthermore, a significant portion of a company's strategic IP is now being created and infringed outside the United States. A robust global patent protection and enforcement strategy is key to continued business success. A panel of three patent experts will address prosecution, financial, political, and business issues that attorneys and companies will face when creating and operating multi-national patent programs. Special focus will be given to markets in and around India, China, and the EU.

Moderator: Keith E. Witek, Advanced Micro Devices, Inc., Austin, TX

Dr. Johnson Z. L. Wang, Boss & Young, Attorneys at Law, Beijing, China

Georg A. Jahn, Noerr Stiefenhofer Lutz, Munich, Germany

Bijesh Thakker, Thakker & Thakker Solicitors & Advocates, Mumbai, India

6:00 p.m. Adjourn

THURSDAY MORNING - OCT. 25, 2007

Presiding Officer: Robert L. King, Freescale Semiconductor, Inc.,

Austin. TX

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

Includes continental breakfast, fruit, and breakfast tacos.

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

9:00 a.m.

Strategic Patent Prosecution

Successfully prosecuting a patent application without creating Festo estoppels, while maximizing claim scope and avoiding the embarrassing amendments and remarks is even more difficult today in view of the KSR decision. This presentation explains how to do so.

Richard A. Killworth, Dinsmore & Shohl LLP, Dayton, OH

9:45 a.m.

2.00 hrs

Patent Prosecution Procedure: Welcome to the Brave New World

The United States Patent Office has published new

rules which limit the number of claims in an ap-

plication that will be initially examined, and which

limit the number of continuation applications that

can be filed. What types of claims should you se-

lect for examination under this rule and what im-

pact should the limit on continuation applications

have on your prosecution strategy? Additionally,

revised rules for submission of Information Disclo-

sure Statements are imminent and new rule pack-

ages have been proposed which will limit the use

of Markush claims and which revise the format

and procedure for appeals to the Board of Patent

Appeals. Tactics and strategies for the changing

Andrew J. Dillon, Dillon & Yudell LLP, Austin, TX

prosecution landscape will be discussed.

12:30 p.m. .75 hr

Lunch on Your Own

THURSDAY AFTERNOON

Presiding Officer: Amber Hatfield Rovner, Weil, Gotshal & Manges LLP, Austin, TX

1:45 p.m.

.50 hr

Extraterritoriality after AT&T v. Microsoft

At this very program one year ago, the Federal Circuit's decision in AT&T v. Microsoft was analyzed and criticized at length. Just minutes after the presentation ended, the Supreme Court announced that it would review the Federal Circuit's decision. Late this spring, the Supreme Court reversed the judgment in AT&T v. Microsoft, reducing the damages award by hundreds of millions of dollars. This year, the impact of the Supreme Court's decision will be discussed, both in the context of lower court decisions and in the context of legislative proposals, many of which had previously suggested a complete repeal of section 271(f).

Erik R. Puknys, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Palo Alto, CA

2:15 p.m.

.50 hr ethics

Attorney Opinions as a Defense to Willful Infringement and Special Problems of Waiver

This topic will cover attorney opinions in connection with defense against a charge of willful infringement. It will address special problems of waiver of privilege in light of recent case law, including In re Seagate, In re Echostar, and Knorr-Bremese.

William L. LaFuze, Vinson & Elkins LLP, Houston, TX

2:45 p.m.

.50 hr

Update on Patent Damages: Considerations in Determining Royalty-**Based Compensation**

Several recent Federal Circuit and Supreme Court decisions have directly affected patent prosecution, liability decisions and patent licensing activities. These decisions have received much attention in legal circles and even in the popular business media. Recent

Phone: 512-475-6700 Online: www.utcle.org

50 hr

USPTO Initiatives

10:30 a.m.

A discussion of current USPTO Initiatives, including expedited patent prosecution, pre-appeal process and the patent highway pilot program.

Daniel D. Chapman, Jackson Walker L.L.P., San Antonio, TX

Ashley L. Kirk, Jackson Walker L.L.P., San Antonio, TX

11:00 a.m. Break

11:15 a.m.

Developments in Claims Construction

Overshadowed by the US Supreme Court/ Federal Circuit colloguy, this core issue has percolated along quietly. This year's pitfalls and construction trends of the moment will be explored, with an eye towards a more tactical approach to Markman mechanisms responsive to those trends. The Federal Circuit still controls the keys to the kingdom, but are the locks secure?

Kenneth R. Adamo, Jones Day, Dallas, TX

Patent Reform

12:00 p.m.

.75 hr

Congress continues to wrestle with conflicting industry viewpoints over patent reform. This session will report on the politics and prospects of the moment.

James Pooley, Morrison & Foerster LLP, Palo Alto, CA

.50 hr

.75 hr

decisions related to damages have not been highlighted to the same extent. This session presents a brief panel discussion to re-cap the most important new developments in the area of patent damages. Topics will include compulsory licensing (eBay v. MercExchange and Finisar v. DirecTV) as well as apportionment, entire market value and royalty stacking (Microsoft v. AT&T and others)

Barry L. Bell, Navigant Consulting, Inc., Dallas, TX

James D. Woods, Ph.D., Grant Thornton LLP, Houston, TX

3:15 p.m. Break 50 hr

3:30 p.m.

Licensing after Medimmune

This session will discuss the Supreme Court's decision in Medimmune and its implications for both licensees and licensors, including strategies for structuring licensing programs and negotiating and drafting agreements.

Mark Patrick, Texas Instruments, Dallas, TX

4:00 p.m.

Obviousness

There has been widespread discussion and comment since the recent Supreme Court decision in KSR v. Teleflex about whether that case represents a sea change, a profound transformation in patent jurisprudence, and in particular 35 USC § 103. A study of the precedents involved will analyze whether or not this may be so.

Albert B. Kimball, Jr., Bracewell & Giuliani LLP, Houston TX

4:30 p.m.

1.00 hr including .25 hr ethics

Judicial Panel

A distinguished panel of judges will discuss their procedures for managing patent cases in their courts, including ADR mechanisms, the use of special rules for patent cases, availability of remedies, electronic discovery, managing discovery disputes, time allocation and scheduling orders, the use of juries, and views on trial advocacy.

Moderator: David L. McCombs, Haynes and Boone, LLP, Dallas, TX

Hon. Keith P. Ellison, United States District Court, Southern District of Texas, Houston, TX

Hon. Lee Yeakel, United States District Court, Western District of Texas, Austin, TX (Invited)

Adjourn

Additional Judges TBD

5:30 p.m.

FRIDAY MORNING - OCT. 26, 2007

Presiding Officer: Hilda C. Galvan, Jones Day, Dallas, TX

8:00 a.m. Conference Room Opens Includes continental breakfast, fruit and breakfast tacos.

8:30 a.m.

Patent Remedies

A discussion of patent remedies and recent activity in the area.

Brett C. Govett, Fulbright & Jaworski L.L.P, Dallas, TX

9:00 a.m.

.50 hr ethics

.50 hr

E-Discovery: Avoiding Landmines

An overview of electronic discovery under the Federal Rules of Civil Procedure, as amended in 2006, and potential landmines to avoid during the electronic discovery process.

Alan D Albright, Fish and Richardson P.C., Austin, TX

9:30 a.m.

.50 hr

1.00 hr

Indirect Infringement/Exhaustion and Implied License/Divided Infringement

This panel will address a constellation of issues that arise when defendants sell only part of an infringing product, or sell goods that work in concert with the patentee's products.

Moderator: Mark A. Lemley, Stanford Law School, Of Counsel, Keker & Van Nest, LLP, Stanford, CA

Steven R. Borgman, Vinson & Elkins L.L.P., Houston, TX

Daralvn J. Durie, Keker & Van Nest, San Francisco, CA

William D. Wiese, DuBois, Bryant & Campbell, LLP, Austin, TX

10:30 a.m. Break

10:45 a.m.

.50 hr ethics

The Fall-Out from Medimmune: Impact on **Prefiling Considerations**

The Supreme Court in Medimmune and the Federal Circuit in SanDisk have changed the standard for filing declaratory judgment actions in patent cases. Does this new standard impact prefiling considerations for the declaratory judgment plaintiff? Does it impact prefiling considerations for the patentee?

Hilda C. Galvan, Jones Day, Dallas, TX

11:15 a.m.

Inequitable Conduct

A review of recent developments in inequitable conduct law including the clarification of the standard of materiality, a possible shift in the scope of intent, and proposed legislative chanaes.

Darryl J. Adams, Dewey Ballantine LLP, Austin, TX

11:45 a.m.

Subject Matter Conflicts

A discussion of practical and ethical issues as well as techniques for minimizing subject matter conflicts during the course of patent prosecution.

Wei Wei Jeang, Haynes and Boone, LLP, Richardson, TX

Luncheon Presentation

12:15 p.m. Pick up Box Lunch

Included in conference registration fee.

12:30 p.m.

.75 hr

50 hr ethics

.50 hr ethics

Jury Consultants in IP Cases: Case **Presentation and Venue Selection**

A panel of jury consultants will discuss trial presentation of IP cases in Texas, compare juror profiles and community attitudes among the federal districts in Texas, and reveal common juror predispositions relevant to IP disputes.

Moderator: Craig W. Weinlein, Carrington, Coleman, Sloman & Blumenthal, L.L.P., Dallas, TX

George Speckart, Ph.D., Courtroom Sciences, Inc., Irving, TX

V. Hale Starr, Ph.D., Starr Litigation Services, Inc., Scottsdale, AZ

Theresa Zagnoli, Zagnoli McEvoy Foley, LLC, Chicago, IL

FRIDAY AFTERNOON

Presiding Officer:

Barton 'Bart' E. Showalter, Baker Botts L.L.P., Dallas, TX

1:30 p.m.

.50 hr

The Scope of Means Plus Function Elements in Computer Software Patents

This presentation will address the current view of the scope of means plus function clauses in patents involving computer software. The scope of such clauses has been contested in numerous cases in the past several years and courts have adopted varying approaches to identifying corresponding structure.

David G. Wille, Baker Botts L.L.P., Dallas, TX

2:00 p.m.

.50 hr

Strategic Use of Reexamination In (and to Avoid) Litigation

Reexamination, both ex parte and inter partes, presents an interesting decision for potential targets of patent licensing and enforcement campaigns. This talk will discuss the strategic use of reexamination, including considerations to stay district court action, the effect of KSR v. Teleflex on reexamination filings, and recent statistics.

Barton 'Bart' E. Showalter, Baker Botts L.L.P., Dallas, TX

2:30 p.m.

.50 hr

Patent Prosecution Study

A major new study of patent prosecution reveals the hidden truth about the PTO's actual grant rates, the use of continuations, and the shocking facts about which industries face the toughest prosecutions.

Mark A. Lemley, Stanford Law School, Of Counsel, Keker & Van Nest, LLP, Stanford, CA

3:00 p.m.

Antitrust Update Including Supreme **Court and FTC Developments**

A brief update on key antitrust developments including Supreme Court cases and FTC developments in light of Rambus.

David J. Healey, Weil, Gotshal, & Manges, LLP, Houston, TX

3:30 p.m.

.50 hr

.50 hr

ITC Update

Investigations by the International Trade Commission are more important than ever. This presentation will cover some of the hot issues currently before the ITC, as well as pointers for representing clients before the Commission.

Douglas A. Cawley, McKool Smith, Dallas, TX

4:00 p.m.

Adjourn

C F

The Advanced Patent Law Institute course has been approved for MCLE credit by the State Bar of Texas Committee on MCLE in the amount of 15.50 hours. of which 2.75 hours will apply to legal ethics/professional responsibility. The E-Discovery course has been approved for MCLE credit by the State Bar of Texas Committee on MCLE in the amount of 7.50 hours, of which 1.00 hour will apply to legal ethics/professional responsibility. The UT School of Law is a State Bar of CA approved MCLE provider (#1944).

CONFERENCE FACULTY AND PLANNING COMMITTEE

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MARK PATRICK* Texas Instruments Dallas, TX

JAMES POOLEY Morrison & Foerster LLP Palo Alto, CA

ERIK R. PUKNYS Finnegan, Henderson, Farabow, Garrett & Dunner, LLP Palo Alto, CA

AMBER HATFIELD ROVNER* Weil, Gotshal & Manges LLP Austin, TX

BARTON "BART" E. SHOWALTER-CO-CHAIR* Baker Botts L.L.P. Dallas, TX

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Dallas, TX WILLIAM D. WIESE* DuBois, Bryant & Campbell, LLP		Prosecution Session, and Thurs. Box Lunch
Austin, TX		d., Oct. 17, 2007 \$645.00 17, 2007 \$695.00
DAVID G. WILLE* Baker Botts L.L.P. Dallas, TX	E-DISCOVERY WORKSHOP-OCT. 24, 20	
KEITH E. WITEK* Advanced Micro Devices, Inc. Austin, TX	Includes Box Lunch Presentation	d., Oct. 17, 2007 \$300.00
JAMES D. WOODS, PH.D.* Grant Thornton LLP		17, 2007 \$350.00
Houston, TX HON, LEE YEAKEL (Invited)		Patent Law Institute and E-Discovery Workshop \$-75.00 RATION FEE TOTAL
United States District Court Western District of Texas Austin, TX	CONFERENCE PUBLICATIONS AND MED Allow 2–4 weeks from the conference da	A
THERESA ZAGNOLI Zagnoli McEvoy Foley LLC Chicago, IL	Course Binder WITHOUT Confere	ence Registration\$200.00
*planning committee members		\$175.00
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	Authorized Signature	Exp. Date (mm/yy)

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²⁰⁰⁷ E-DISCOVERY WORKSHOP

Earn up to 7.50 Hours of Credit Including 1.00 Hour of Ethics Credit



Wednesday, October 24, 2007 Four Seasons Hotel Austin, Texas

ABOUT THE WORKSHOP

The abilities to frame a defensible litigation, and hold or shepherd an effective request for production of electronically stored information are essential skills for 21st century litigators. Lawyers and firms who aren't adept with electronic evidence fairly invite malpractice claims, and those who know how to handle electronically stored information enjoy a huge competitive advantage. This program is geared to lawyers, legal assistants and IT professionals seeking an in-the-trenches view of electronic data discovery. The workshop structure invites a high level of audience interaction and direction, and the faculty are seasoned e-discovery veterans ready to be questioned and challenged throughout the day to insure that the information they share is what best serves your needs.

WEDNESDAY MORNING, OCT. 24, 2007

Presiding Officer: Craig Ball, Austin, TX

8:00 a.m.	Registration Opens
Includes conti	nental breakfast.
	Welcoming Remarks

9:00 a.m.

.50 hr

.75 hr ethics

11:15 a.m.

C-level.

12:00 p.m.

12:15 p.m.

E-Discovery Jeopardy

Craig Ball, Austin, TX

answer in the form of a question!

Laurie Weiss, San Antonio, TX

WEDNESDAY AFTERNOON

Browning Marean, San Diego, CA

Litigation Readiness

A small investment in pre-suit planning and

policy pays big dividends when the com-

plaint is served. Panelists will address, inter

alia, system inventories, acceptable use and

e-mail policies, electronic records manage-

ment, archival systems and building buy-in at

Charles R. "Chuck" Ragan, San Francisco, CA

Luncheon Presentation

Match wits and win prizes as audience mem-

bers square off for our rollicking EDD version of the world's most popular game show. Be sure to

Charles R. "Chuck" Ragan, San Francisco, CA

Presiding Officer: Craig Ball, Austin, TX

Pick Up Box Lunch

Browning Marean, San Diego, CA

Carolyn Southerland, Houston, TX

Included in conference registration fee.

Opening Keynote: State of the Art

Recapping notable developments in the law and marketplace of electronic discovery after federal rules changes.

Hon, Nathan L. Hecht, Austin, TX

9:30 a.m.

10:15 a.m.

10:30 a.m.

E-Discovery and Professional Responsibility

What must a lawyer know about the nuts and bolts of information technology to be competent to handle electronic evidence? How do you balance the duty to preserve against its cost and complexity? Are you vicariously responsible for vendor error? The presenters will address these and other emerging ethical issues.

David Chaumette, Houston, TX Hon. Nathan L. Hecht, Austin, TX

Break

Ten Geeky Things Lawyers Need to Know

and technologies essential to e-discovery.

David Chaumette, Houston, TX

Browning Marean, San Diego, CA

A fast-paced, visually rich look at key concepts

Browning Marean, San Diego, CA

1:45 p.m. .75 hr including .25 hr ethics **Preservation Priorities** .75 hr

Some characterize design and implementation of the litigation hold as "a lawyer's most important role." Our speakers outline the key considerations for preservation of electronically stored information.

Charles R. "Chuck" Ragan, San Francisco, CA Carolyn Southerland, Houston, TX Laurie Weiss, San Antonio, TX

.75 hr 2:30 p.m.

Caveat Emptor

Selecting the right e-discovery service provider and expert can spell the difference between success and disaster. The presenters discuss how to request and compare vendor proposals and exercise due diligence.

Craig Ball, Austin, TX Carolyn Southerland, Houston, TX Laurie Weiss, San Antonio, TX

3:15 p.m.

3:30 p.m.

.75 hr

Preservation and Meet and Confer Exercise

Break

In this interactive brainstorming session, attendees draw on a fact scenario to identify the steps to a productive Rule 26(f) conference.

All Faculty to Participate

4:15 p.m.

1.25 hrs

.75 hr

Cross Border Electronic Discovery Issues

Strict privacy and export laws play a pivotal role when the data's "over there," and not every e-discovery vendor or tool can cope with foreign language data. The presenters identify cross-border challenges and suggests practical solutions

David Chaumette, Houston, TX Carolyn Southerland, Houston, TX Laurie Weiss, San Antonio, TX

5:00 p.m.

50 hr

Cost Containment

EDD is expensive, but it doesn't have to be excessive. The faculty will share their methods of reining in costs through techniques like shared costs, sampling, filtering and native productions.

Adjourn

All Faculty to Participate

5:30 p.m.

E-DISCOVERY FACULTY

CRAIG D. BALL Attorney and Technologist Certified Computer Forensic Examiner Austin, TX

Craig Ball, Austin, TX

DAVID CHAUMETTE Shook, Hardy & Bacon, LLP Houston, TX

HON. NATHAN L. HECHT Supreme Court of Texas Austin, TX

BROWNING MAREAN **DLA Piper** San Diego, CA

CHARLES R. "CHUCK" RAGAN Redgrave Daley Ragan & Wagner LLP San Francisco, CA

CAROLYN SOUTHERLAND Huron Consulting Group Houston, TX

LAURIE WEISS Fulbright & Jaworski LLP San Antonio, TX

ABOUT THE ART

"untitled," acrylic 16" x 20", is by Philip Trussell. For more information, call 512-499-8357

REGISTER FOR BOTH CONFERENCES AND SAVE \$75-SEE ORDER FORM ON PAGE 5

.75 hr

AUSTIN October 24*, 25-26, 2007 CONFERENCE LOCATION

Four Seasons Hotel

98 San Jacinto Austin, TX 78701 512-685-8100

SPECIAL RATE: \$215 good through September 24, 2007 (subject to availability)

Parking: Valet \$12; \$7 self-parking at Convention Center parking facility

KEY DATES

Registration and Cancellation

October 17, 2007, 5 p.m. last day for early registration add \$50 for registrations received after this time

> October 19, 2007, 5 p.m. last day for full refund

October 22, 2007, 5 p.m. last day for partial refunds \$50 processing fee applied

October 24, 2007, 9 a.m. E-Discovery Workshop begins 9 a.m.

October 24, 2007, 4 p.m. Optional Wednesday Session begins 4 p.m.

October 25, 2007, 9 a.m. Advanced Patent Law Institute begins 9 a.m.

ADVANCED PATENT LAW INSTITUTES

Each program uniquely tailored to its locale



PATENT LAW IN AUSTIN, TX

Oct. 24, 25-26, 2007 • Four Seasons Hotel

Join leading practitioners, academics and in-house counsel from the Southwest and Silicon Valley in Austin, Texas for two days of presentations on a rich array of prosecution and litigation topics. Cool weather,

great city, music and food—at the Four Seasons Austin.



PATENT LAW IN SAN JOSE, CA

Nov. 28, Nov. 29-Dec.1, 2007 The Fairmont San Jose

Come to the heart of Silicon Valley, and join leading

judges, practitioners and in-house counsel from Google, eBay, Cisco Systems and Genentech at the Fairmont San Jose. This conference is jointly sponsored by the Berkeley Center for Law and Technology at Boalt Hall School of Law and Stanford Law School.



PATENT LAW IN ALEXANDRIA, VA

Jan. 10-11, 2008 • USPTO-Main Auditorium

This conference provides the insider's perspective on USPTO initiatives, practice rules, developments, and

much more. Join USPTO senior staff, leading practitioners, academics and members of the federal judiciary from a variety of courts and forums in the Washington DC area, for two days at the USPTO. The conference is jointly sponsored with the George Mason University School of Law.



ABOUT THE COVER

"Small Stripe," paint and ash on artboard, 10" x 8", framed, is by Jennifer Chenoweth and Todd Campbell. For more information, visit www.fisterrastudio.com



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