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- RealNetworks, Inc.
- Riddell Williams P.S.
- Seed Intellectual Property Law Group PLLC
- Sun Microsystems, Inc.
- The Lustigman Firm, P.C.
- United States District Court, Western District of Washington

The 17th Annual Seattle Conference on New Developments in

# Technology Law 2008

New regulations, litigation trends and emerging markets

December 11 & 12, 2008

Seattle, Washington

Washington State Convention and Trade Center

**Credits:** WA CLE 12 (call about others)

**Quick when/where:** 8:30 a.m., 800 Convention Place

### Technology Law Conference

December 11 & 12, 2008 | Seattle, Washington  
Washington State Convention and Trade Center

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- 8:00** Registration and Continental Breakfast
- 8:30** Introduction and Overview
  - Brian J. Deagle, Esq., Program Co-Chair**  
Microsoft Corporation ~ Redmond, WA
  - Kate Spelman, Esq., Program Co-Chair**  
Cobalt LLP ~ Berkeley, CA
- 8:45** Issues Arising from the Changing Demographics of Social Networking
 

Growing popularity among seniors, as well as gathering customer feedback, product ideas and peer-to-peer advertising; Facebook case on privacy and use of personal information; problems arising from consumer loss of control over content after posting

  - Steven P. Tapia, Esq., Senior Attorney**  
Microsoft Corporation ~ Redmond, WA
- 9:30** Benefits and Perils of Setting Up Social Networking Sites for Post-Sale Customer Support
 

Who has been doing what? When is the customer support approach more effective than an employee or contractor? What are the potential liabilities?

  - Jama Cantrell, Esq., Legal Advisor and Counsel**
  - Cynthia Alexander, Esq., Lead Product Attorney**  
Microsoft Corporation ~ Redmond, WA
- 10:15** Break
- 10:30** Green Advertising: Utilizing New Advertising Trends in Technology Industries
 

Green advertising trends; navigating the new advertising world; advertising the environmental benefits of your products to reach a wider audience

  - Jeffrey A. Greenbaum, Esq.**  
Frankfurt Kurmit Klein & Selz PC ~ New York, NY
- 11:15** Trends and Issues in Online Behavioral and Other Technology-Driven Advertising
 

Promoting the stickiness of your site with online sweepstakes and promotions: Update on the rules; business risks; distinguishing between gambling and legitimate contests; "Deal or No Deal" case on requiring a purchase in order to vote

  - Andrew B. Lustigman, Esq.**  
The Lustigman Firm, P.C. ~ New York, NY
  - John Findlay, CEO**  
Launchfire Interactive ~ Ontario, Canada

- 12:00** Lunch (on your own)
- 1:15** Keeping on Top of the Substantive Law
 

Copyrights: National Geographic; do's and don'ts in use of clean rooms for software development; first sale doctrine for software

  - Kate Spelman, Esq., Program Co-Chair**

Trademarks: U.S. Patent Trade Office pursuit of fraud claims for mis-stating trademark registration

  - David K. Friedland, Esq.**  
Lott & Friedland ~ Miami, FL

Recent international copyright and trademark decisions and their implications for U.S. companies doing business on the Internet

  - Lydia Pallas Loren, Esq., Professor of Law**  
Northwestern School of Law, Lewis & Clark College  
Portland, OR

Licensing, joint ventures and other business transactions

  - Bill Way, Esq., Vice President and Deputy General Counsel**  
RealNetworks, Inc. ~ Seattle, WA
- 3:15** Break
- 3:30** Privacy and Information Security
 

Comparison of craigslist and Roommates decisions on immunity; special privacy issues in social networking; TJ Maxx case; best practices and things to avoid for web site publishers; ownership and use of customer lists for co-branding and joint ventures

  - Holly K. Towle, Esq.**  
K&L Gates LLP ~ Seattle, WA

Policing bad behavior: Whaling joins phishing, spoofing, pharming, spyware, malware and identity theft as a new area of concern; update on CAN-SPAM & COPPA protection for children; enforcement by FTC and state attorney general

  - Theodore J. Angelis, Esq.**  
K&L Gates LLP ~ Seattle, WA
- 4:45** Federal Regulatory Update: What are the Primary Internet Issues on the FTC's Regulatory Agenda?
 

The FTC's proposed online behavioral advertising privacy principles; consumer protection issues; how to get the agency's attention and make effective use of its regulatory authority on competitive issues

  - Lesley A. Fair, Esq., Senior Attorney, Advertising Practices**  
Federal Trade Commission ~ Washington, DC
- 5:30** End of Day One



## About the Conference

### LAW SEMINARS INTERNATIONAL

We dedicate all of our efforts to producing high-quality professional education programs.

Our seminars provide an opportunity for lawyers to learn about their clients' businesses and for the clients to learn about the legal issues impacting their business.

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*Technology continues to drive societal change and evolve to meet consumer demands. As our economy and planet face critical challenges, how will technology evolve to meet the new needs? How can companies in the technology industry maintain a competitive edge and reflect their role as responsible members of society?*

*This conference convenes every December, bringing together practitioners, industry representatives, consultants, members of the judiciary and forward-thinkers to discuss developments, business models and issues warranting the attention of attendees seeking solutions with use of the Internet and intellectual property.*

*This 17th annual program will introduce new issues, such as utilizing green advertising trends to promote the environmental benefits of your product, and analyzing the benefits and perils of social networking sites. We will also keep our tradition of updating case law and regulatory trends in patent reform, FTC regulation and standards setting, FCC rulings and open source software. Once again, the discussion and networking will prove an invaluable opportunity for all practitioners who need to know what lies ahead. We look forward to your participation.*

*~ Program Co-Chairs: Brian J. Deagle, Esq. and Kate Spelman, Esq.*



- 8:00** Registration and Continental Breakfast
- 8:30** **Another Big Year for Patent Law Developments: Update on Major Cases and Implications for Drafting Patents**  
Cases including Quanta case and what corporate attorneys can do to get around it and Bilski case on scope of patentable subject matter; practical tips  
**Ramsey M. Al-Salam, Esq.**  
Perkins Coie LLP ~ Seattle, WA  
**David V. Carlson, Esq.**  
Seed Intellectual Property Law Group PLLC ~ Seattle, WA
- 9:45** **Standards Setting**  
Where we are on use/misuse of IPRs in the standards-setting process; effects of recent events in FTC/Rambus, FTC/N-Data, et al; what technology companies should know about how the standards-setting process works and what they can do to minimize problems  
**Earl Nied, Program Director, Standards & IP Rights**  
Intel Corporation ~ Hillsboro, OR
- 10:30** Break
- 10:45** **Open Source Software: Case Update and How Version 3 of the GPL is being Implemented and Received**  
Jacobson case — open source and your claim to copyright; Tivo situation; who is implementing GPLv3 and who is not  
**Dave Marr, Esq., Chief Counsel**  
Sun Microsystems, Inc. ~ Menlo Park, CA
- 11:30** **Special Address: A View from the Bench**  
**The Hon. Robert S. Lasnik, Chief Judge**  
United States District Court, Western District of Washington  
Seattle, WA

- 12:15** Lunch (on your own)
- 1:30** **Update on FCC Regulation of Internet Services of Particular Importance to Technology Companies**  
Implications of the ruling against Comcast for slowing video download traffic for some customers, particularly with respect to service provider efforts to offer faster service for commercial partners; prospects for Internet metering; other developments  
**William B. Wilhelm, Jr., Esq.**  
Bingham McCutchen LLP ~ Washington, DC
- 2:15** **Employee Issues: New Developments and the Need to Review Company Computer and Internet Policies**  
Searching laptops at borders; *Quon v. Arch* on options when employers suspect bad behavior; new laws on safeguarding employee data and discrimination based on genetic health information; spinning off employees to work at home; hiring and MySpace  
**Karen F. Jones, Esq.**  
Riddell Williams P.S. ~ Seattle, WA
- 3:00** Evaluations and Adjourn

**Upcoming Related Seminars:**

|                      |                    |                   |
|----------------------|--------------------|-------------------|
| Open Source Software | October 29, 2008   | Washington, DC    |
| IP Licensing 2009    | Jan. 8 & 9, 2009   | Miami, FL         |
| Patent Monetization  | Jan. 29 & 30, 2009 | San Francisco, CA |
| Gamer Technology Law | Mar. 26 & 27, 2009 | Beverly Hills, CA |

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**Registration & Other Conference Information**

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**Tuition:** Regular tuition for this program is \$1245 with a group rate of \$1095 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$945. For students and people in their job for less than a year, our rate is \$622.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

**Substitution & Cancellation:** You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Friday, December 5, 2008. After

that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

**Seminar Location:** The conference will be held at the Washington State Convention and Trade Center at 800 Convention Place in Seattle, WA 98101, (206) 694-5000. A special negotiated rate of \$169/nt is available at the Renaissance Seattle Hotel, just four blocks away, for on-line reservations only on a first come, first served basis. Go to <http://marriott.com/hotels/travel/seasm-renaissance-seattle-hotel> to reserve. Use Corporate Code L64.

If you have any additional questions for the hotel, please contact them directly at (206) 583-0300.

**Continuing Education Credits:** This program qualifies for 12 WA CLE credits. Upon request, we will apply for CLE credits in other states and other types of credits.

**If You Cannot Attend:** Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$1255. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

## Faculty: Technology Law Conference

**Brian J. Deagle**, *Program Co-Chair*, Senior Attorney at Microsoft Corporation's Legal and Corporate Affairs Department, provides technical and commercial legal support for the Office Live Small Business and Office Live Workspace product development groups in the Microsoft Business Division.

**Kate Spelman**, *Program Co-Chair*, member of Cobalt LLP, is experienced in copyright, media, licensing and trademark issues. She advises on development, production, sale and defense of non-patent IP and is listed in *The Best Lawyers in America*.

**The Hon. Robert S. Lasnik**, *Special Address*, is Chief Judge of the United States District Court in the Western District of Washington. He chaired the Ninth Circuit's Public Information and Community Outreach Committee for four years and is on the Judicial Council and Judicial Conference U.S. Budget Committee.

**Ramsey M. Al-Salam**, partner at Perkins Coie LLP, focuses on intellectual property litigation and dispute resolution, emphasizing on patents and trademarks. He was named a "Washington Super Lawyer" and listed in *The Best Lawyers in America* and *Chambers USA*.

**Cynthia Alexander** is a Lead Product Attorney for Microsoft Corporation Windows Live product groups, including mail, calendar, authentication, family safety and anti-spam. She focuses on global online services and technology issues, including communications, intellectual property, privacy, commercial and spam, phishing and malware.

**Theodore J. Angelis**, partner at K&L Gates LLP, is a trial lawyer who focuses on cyber and technology law and intellectual property litigation emphasizing constitutional law and appellate matters.

**Jama Cantrell**, Legal Advisor and Counsel at Microsoft Corporation, has spent most of her seven years at Microsoft supporting Microsoft's Entertainment and Devices business including the Xbox LIVE online gaming and entertainment service.

**David V. Carlson**, partner at Seed Intellectual Property Law Group

PLLC, focuses on electrical and electronic patent matters, including licensing and litigation. He previously worked as a patent attorney with Texas Instruments.

**Lesley A. Fair**, Senior Attorney of Advertising Practices with the Federal Trade Commission's Bureau of Consumer Protection, represents the Commission in investigations of deceptive advertising and focuses on consumer protection issues related to online commerce.

**John Findlay**, CEO and founding partner of Launchfire, has developed winning interactive promotions strategies for Fortune 1000 clients. He develops solutions that offer value to the consumer while achieving the client's specific business objectives.

**David K. Friedland**, shareholder and senior patent counsel at Lott & Friedland, focuses on intellectual property litigation, including trademark and anti-counterfeiting, copyright and patents, along with patent and trademark transactions. He is a certified trademark mediator and member of the International Trademark Association's Distinguished Panel of Neutrals.

**Jeffrey A. Greenbaum**, partner in the Advertising Group at Frankfurt Kurnit Klein & Selz PC, counsels on advertising, promotion, intellectual property and branded entertainment matters. He is Director of the Promotion Marketing Association and former chair of the New York City Bar's Committee on Consumer Affairs, and listed in *Chambers USA*.

**Karen F. Jones**, managing principal at Riddell Williams P.S., counsels businesses on employment matters and has been lead counsel in individual and class claims of discrimination, wage hour issues and unfair competition. She was listed in *The Best Lawyers in America* and *Chambers USA*.

**Lydia Loren**, Jeffrey Bain Faculty Scholar and Professor of Law at Northwestern School of Law, Lewis & Clark College, co-wrote the casebook *Copyright in a Global Information Economy*. She focuses on understanding the interplay between Creative Commons licenses and copyright law.

**Andrew B. Lustigman**, principal at The Lustigman Firm, P.C.,

represents marketers, advertising agencies, media and Internet companies in advertising and promotional marketing compliance matters. He handles defense of regulatory inquiries and litigation by federal and state regulators, including FTC, FCC, USPS, state attorney generals and district attorneys.

**Dave Marr**, Chief Counsel to Sun Microsystems, Inc.'s Open Source Group and Global Engineering Practices, is responsible for open source licensing strategy and its associated legal ramifications, driving policy and process change to address open source risk factors.

**Earl Nied**, Program Director of Standards and Intellectual Property Rights for Intel Corporation's Global Public Policy Group, is responsible for Intel's world-wide policies on intellectual property rights issues relating to standards. He is a participant in ANSI's Intellectual Property Rights Policy Committee and Chair of the ANSI Patent Group.

**Steve Tapia**, Senior Attorney in Microsoft Corporation's Law and Corporate Affairs Department, leads its copyright group and focuses on entertainment, media and intellectual property law. Previously, he was Senior Director of Business Development for MSN's Entertainment Channel.

**Holly K. Towle**, partner at K&L Gates LLP, focuses on technology, intellectual property and electronics in commerce. She wrote *The Law of Electronic Commercial Transactions* and is listed in *Guide to the World's Leading Technology, Media & Telecommunications Lawyers* and *The Best Lawyers in America*.

**Bill Way** is Vice President and Deputy General Counsel of RealNetworks, Inc., creator of digital media services and software including Rhapsody, RealPlayer 10, and casual PC and mobile games.

**William B. Wilhelm Jr.**, partner at Bingham McCutchen LLP, advises on policy, state and federal regulation and commercial transactions and disputes related to development and deployment of new communications applications, voice and video services, digital media and broadband wireless and wireline networks.

December 11 & 12, 2008

Seattle, Washington

Washington State Convention and Trade Center

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### Who Should Attend:

*Attorneys, business executives and consultants involved in the creation, licensing and sale of software and digital technology*

### You Will Learn About:

- Issues arising from social networking demographics
- Social networking sites as customer support
- Green advertising for the technology industry
- Online behavioral and technology-driven advertising
- Patent law developments
- Privacy and information security
- FTC's regulatory agenda for Internet issues
- Case updates on open source software
- FCC regulation of Internet services

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