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An Advanced Two-Day Conference on

eHavioral, Peer-to-Peer and New Media Marketing

Current regulatory, legal, technological and business developments

June 2 & 3, 2008

Seattle, Washington

Washington State Convention and Trade Center

Credits: WA CLE 12.25 inc 1 ethics (call about others)

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

eHavioral, Peer-to-Peer and New Media Marketing

June 2 & 3, 2008 | Seattle, Washington
Washington State Convention and Trade Center



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8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

Bruce E. H. Johnson, Esq., Program Co-Chair
Davis Wright Tremaine LLP ~ Seattle, WA

Kristen J. Mathews, Esq., Program Co-Chair
Proskauer Rose LLP ~ New York, NY

8:45 Special Address: Federal Regulatory Concerns Arising From the Growth of eHavioral and Other New Approaches to Marketing

The FTC's proposed Online Behavioral Advertising Privacy Principles; other policy concerns and policy initiatives relating to online advertising

Charles A. Harwood, Esq., Director, Northwest Region
Federal Trade Commission ~ Seattle, WA

9:15 Break

9:45 State Regulatory Developments

New York

Andrew B. Lustigman, Esq.
The Lustigman Firm, P.C. ~ New York, NY

Washington

Katherine M. Tassi, Esq., Assistant Attorney General
Washington State Office of the Attorney General ~ Seattle, WA

Illinois

Stephen Durchslag, Esq.
Winston & Strawn LLP ~ Chicago, IL

11:15 Special Issues for User-Generated Advertising

Liability and immunity defense issues under Section 230 of the Communications Decency Act; rights of publicity issues; Subway v. Quiznos; Perfect 10 v. Google & v. CCBill; Roommates and craigslist cases; other cases

Rory Miller, Esq.
Quinn Emanuel Urquhart Oliver & Hedges, LLP ~ Los Angeles, CA

12:15 Lunch (on your own)

1:30 Taking Advantage of New Opportunities: eHavioral Marketing

What you need to know about Network Advertising Initiative industry standards; what we can learn from Facebook; other eHavioral business models

Gregory Ritts, Esq., Moderator
VP and Deputy GC, Microsoft Advertiser & Publisher Solutions
Microsoft Corporation ~ Redmond, WA

Robert Gratchner, Director of Privacy
aQuantive, Inc. ~ Seattle, WA

Katherine Hendricks, Esq.
Hendricks & Lewis ~ Seattle, WA

Bennett Zucker, VP, Sales & Marketing
aCerno Inc. ~ New York, NY

3:15 Break

3:30 Peer-to-Peer Endorsements; Viral Marketing; Word of Mouth Advertising; Buzz Marketing

Tell-a-friend, send-to-a-friend, sock-puppetry, and other forms of marketing based on social networking on the Internet; update on the FTC Endorsement Guidelines

Jeffrey A. Greenbaum, Esq.
Frankfurt Kurnit Klein & Selz PC ~ New York, NY

4:15 First Amendment and Advertising

The right to spam; anonymous blogging; bloggers as journalists; prescription drug targeted marketing

Theodore J. Angelis, Esq.
Kirkpatrick & Lockhart Preston Gates Ellis LLP ~ Seattle, WA

5:00 Reception Sponsored by Davis Wright Tremaine LLP and Proskauer Rose LLP



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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Today's comprehensive advertising campaigns almost certainly make use of new forms of media, such as behavioral marketing, peer-to-peer endorsements, wireless or geo-targeted messaging and user-generated content. To do it right, lawyers and business people need to understand the industry, the applicable laws and industry standards, and the public's expectations and boundaries.

This conference will feature speakers presenting business and legal perspectives on advertising using new media, and will impart the most important information and insights a practitioner needs in order to add value for a company that is entering this new arena.

~ Program Co-Chairs: Bruce E. H. Johnson, Esq. and Kristen J. Mathews, Esq.



- 8:00 Registration and Continental Breakfast**
- 8:30 Introduction and Overview**
Bruce E.H. Johnson, Esq., *Program Co-Chair*
Kristen J. Mathews, Esq., *Program Co-Chair*
- 8:45 New Era of Product Placement**
 TV programming; DVR interface; Second Life; fake movie previews; MySpace; YouTube
Kraig L. Baker, Esq.
 Davis Wright Tremaine LLP ~ Seattle, WA
 In-game advertising
Daniel O'Connell Offner, Esq.
 Nixon Peabody LLP ~ Los Angeles, CA
- 10:00 Break**
- 10:15 Privacy in Advertising**
 Behavioral / targeted marketing; FTC's new behavioral marketing guidelines; data protection issues
Gwendolyn C. Payton, Esq.
 Lane Powell PC ~ Seattle, WA
 Data security: Breach of security; data breach notification laws; enforcement priorities and mechanisms; FTC and state enforcement of data security
Tanya L. Forsheit, Esq.
 Proskauer Rose LLP ~ Los Angeles, CA
 Geo-location advertising
Matthew Muilenburg, Esq.
Executive Director of Marketing Strategy
 The Cobalt Group, Inc. ~ Seattle, WA
- 12:00 Lunch (on your own)**
- 1:15 Wireless Promotional Messaging**
 SMS text message promotions; Mobile Marketing Association standards; carrier guidelines and requirements for mobile messaging
Daniel M. Waggoner, Esq.
 Davis Wright Tremaine LLP ~ Seattle, WA

- 2:00 Blogging and Social Media Marketing**
 Legal issues surrounding the growing use of blogs and social media for marketing purposes
Lisa T. Oratz, Esq.
 Perkins Coie LLP ~ Seattle, WA
- 2:45 Break**
- 3:00 Where is the Technology Heading Next? What are the Implications for Marketing?_**
Kristen J. Mathews, Esq., *Program Co-Chair, Moderator*
Knox Duncan, Senior Director, Planning
 WONGDOODY ~ Seattle, WA
Edward H. Fallon, Esq., Sr. Corporate Counsel, Mobile Content & Mktg.
 T-Mobile USA, Inc. ~ Bellevue, WA
Alan L. Friel, Esq.
 Wildman, Harrold, Allen & Dixon LLP ~ Chicago, IL
Katie Dreke, Research/Planning Director
 Wexley School for Girls, LLC ~ Seattle, WA
- 4:00 Ethics in New Media Advertising**
 Lawyer advertising and lawyer blogs; state bar ad labeling requirements for blogs and legal newsletters; online legal advice (attorney-client relationships); Second Life legal representation
Kevin O'Keefe, Esq., President and Founder
 lexBlog, Inc. ~ Seattle, WA
- 5:00 Evaluations and Adjourn**

Upcoming Related Seminars:

Technology Law	July 10-11, 2008	Boise, ID
Entertainment Technology Law	Aug 14-15, 2008	Vancouver, BC

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Registration & Other Conference Information

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Tuition: Regular tuition for this program is \$995 with a group rate of \$895 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$795. For students and people in their job for less than a year, our rate is \$497.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

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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. Sleeping rooms are available at the adjacent Sheraton Seattle Hotel (1400 Sixth Avenue, Seattle, WA, 98104) for \$189-209/nt. Register online at www.sheraton.com or via phone at 1-888-627-7056 and reference SET code 352710. Rooms are on a first come, first served basis.

Continuing Education Credits: This program qualifies for 12.25 WA CLE inc 1 ethics. 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 \$1005. 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: eHavioral, Peer-to-Peer and New Media Marketing

Bruce E.H. Johnson, *Program Co-Chair*, partner, Davis Wright Tremaine LLP, focuses on constitutional and commercial litigation, defamation defense and professional liability. He provides advice for newspapers, broadcasters, book publishers and film producers and is chair of the firm's Ethics Committee.

Kristen J. Mathews, *Program Co-Chair*, partner in the Corporate Department and the Technology, Media and Communications and Privacy and Data Security Practice Groups of Proskauer Rose LLP, focuses on technology, e-commerce and media-related transactions and advice, with concentrations in data privacy, data security, direct marketing and online advertising.

Charles A. Harwood, *Special Address*, Director of the Federal Trade Commission's Northwest Region, was counsel to the U.S. Senate's Committee on Commerce, Science and Transportation.

Gregory Ritts, *Moderator*, Vice President and Deputy General Counsel in the Advertiser and Publisher Solutions Group at Microsoft Corporation, leads the legal and privacy department supporting the Microsoft publisher and advertiser tools.

Theodore J. Angelis, partner at Kirkpatrick & Lockhart Preston Gates Ellis LLP, focuses on cyber and technology law, intellectual property litigation, constitutional law and appellate matters.

Kraig L. Baker is a partner at Davis Wright Tremaine LLP and Chair of Technology, E-Business and Digital Media Department as well as Chair of Entertainment, Sports and Media Transactions Practice Area.

Katie Dreke is the Research/Planning Director at Wexley School for Girls, LLC, an advertising and marketing agency working with clients to capitalize on new forms of media. Her focus is uncovering of consumer motivations and cultural shifts.

Knox Duncan is Senior Director of Planning at WONGDOODY. Previously he was at Barkley Evergreen & Partners as Senior Vice-President and Director of Planning, heading the Media and Account Planning Departments.

Edward H. Fallon, Senior Corporate Counsel of Mobile Content and Marketing for T-Mobile USA, Inc. is responsible for assessing mobile content legal issues and providing legal review of their advertising, sweepstakes and promotions.

Brian Fergemann, partner in Winston & Strawn LLP's Intellectual Property Department, counsels on advertising, promotion, e-commerce and IP matters.

Tanya L. Forsheit, partner at Proskauer Rose LLP in the Litigation and Dispute Resolution Department and member of the Privacy and Data Security Practice Group, focuses on privacy and data security obligations and developing internal and public-facing policies.

Alan L. Friel, partner in the Intellectual Property Department of Wildman, Harrold, Allen & Dixon LLP, focuses on contractual transactions, intellectual property, regulatory compliance, financing, licensing, distribution, acquisitions, joint ventures and strategic alliances.

Robert Gratchner, Director of Privacy at aQuantive, Inc., a Microsoft Corporation subsidiary, is responsible for overseeing the creation and implementation of worldwide privacy and legislative strategy. He is a board member for the Network Advertising Initiative.

Jeffrey A. Greenbaum, partner in the Advertising, Marketing and Public Relations Group at Frankfort Kurnit Klein & Selz PC, counsels clients on advertising, branded entertainment and IP matters.

Katherine Hendricks, partner at Hendricks & Lewis, focuses on copyright, trademark, unfair trade practices, licenses, advertising and packaging.

Andrew B. Lustigman, principal at The Lustigman Firm, P.C., represents direct marketers, advertisers, media and Internet companies in their advertising and promotional marketing business.

Rory S. Miller is an attorney at Quinn Emanuel Urquhart Oliver & Hedges LLP.

Matthew Muilenburg, Executive Director of Marketing Strategy at The Cobalt Group, Inc., works to improve automotive retailing and marketing effectiveness. He is an expert in search engine marketing.

Kevin O'Keefe is President of lexBlog, Inc., a leading source of information and commentary on the use of blogs, RSS and social media for the marketing of law firms.

Daniel O'Connell Offner, partner at Nixon Peabody LLP, focuses on corporate and intellectual property representing clients in the videogame, new media, digital content, wireless and merchandise licensing industries.

Lisa T. Oratz, of counsel at Perkins Coie LLP, focuses on technology, intellectual property and entertainment law. She counsels on Internet and new media issues, including content liability, privacy, intellectual property rights, site terms and the drafting and negotiation of licensing, distribution, marketing and other agreements.

Gwendolyn C. Payton, shareholder at Lane Powell PC, focuses on complex commercial litigation, class actions, intellectual property, antitrust and trade litigation, and speaks on Internet law issues.

Katherine M. Tassi, Assistant Attorney General with Washington State Attorney General's Office, works in the Consumer Protection Division's High-Tech Unit litigating spyware, spam and other cases.

Daniel M. Waggoner, partner at Davis Wright Tremaine LLP, focuses on communications, media and intellectual property issues under the First Amendment and the Communications Act including representing media programmers and content providers in transactions and litigation, technology contracts and regulator issues.

Bennett Zucker, Vice-President, Sales & Marketing at aCerno Inc., is involved with interactive media and technology. Previously he was Vice President and General Manager of the Publisher Media Exchange at Right Media, acquired by Yahoo! during his tenure.

June 2 & 3, 2008
Seattle, Washington

Washington State Convention and Trade Center

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Who Should Attend:

Attorneys and Business Executives
Involved in Marketing and
Advertising Online and
in New Media

You Will Learn About:

- *FTC's proposed policies on new media advertising*
- *State regulatory developments*
- *New opportunities in eHavioral marketing*
- *Peer-to-peer endorsements, viral and buzz marketing*
- *Wireless promotional messaging*
- *Product placement in a new era*
- *Privacy in advertising and data security*
- *First amendment issues*
- *Liability and immunity defense issues*
- *Promotional blogging*
- *Where technology is heading and implications for marketing*
- *Ethics in new media advertising*

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Seattle, WA 98104

Phone
(206) 567-4490
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Fax
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