A One-Day Workshop on New Developments for Standards Bodies and Patent Pools

How they work—key legal and business issues

March 21, 2005
Seattle, Washington
Renaissance Seattle Hotel

Credits: WA 7.25 CLE; CA 7.5 MCLE; Call about others
8:00 Registration and Continental Breakfast

8:30 Introduction and Overview
David A. Balto, Esq., Program Co-Chair
Robins, Kaplan, Miller & Ciresi LLP • Washington, DC

Eric A. Prager, Esq., Program Co-Chair
Darby & Darby P.C. • Seattle, WA

8:45 Standards Bodies: How They Work (and How They are Supposed to Work)
Legal perspective on intellectual property issues in standards setting
Eric A. Prager, Esq., Program Co-Chair

9:30 Patent Pools: How They Work (and How They are Supposed to Work)
Discussion of legal issues and practical experience in setting up patent pools related to technical standards
Kenneth Rubenstein, Ph.D., Esq.
Proskauer Rose LLP • New York, NY

10:15 Break

10:30 Dealing with Enforcement Agencies
FTC perspective
David A. Balto, Esq., Program Co-Chair

DOJ perspective
Frances E. Marshall, Esq., Special Counsel for Intellectual Property, Antitrust Division
U.S. Department of Justice • Washington, DC

12:00 Lunch (on your own)

1:00 The Rambus Case and the Challenge of Disclosure
Steven M. Perry, Esq.
Munger, Tolles & Olson LLP • Los Angeles, CA

M. Sean Royall, Esq.
Gibson Dunn & Crutcher LLP • Dallas, TX

2:00 Special Issues for De Facto Standards
What’s different about situations in which one market participant has the ability to set de facto standards rather than industry participants negotiating a standard
Legal perspective
Robert A. Skitol, Esq.
Drinker Biddle & Reath LLP • Washington, DC

Corporate perspective
Howard Skaist, Esq.
Berkeley Law & Technology Group, LLC • Hillsboro, OR

3:15 Break

3:30 Industry Perspectives: Unique and Common Issues
Key legal and business issues in participating in standards setting bodies or patent pooling arrangements; tips for getting the most out of those activities; thoughts on situations of concern to the audience
Aerospace
Gene Owen, Enterprise Architect
Boeing Information Technology
The Boeing Company • Seattle, WA

Jamie L. Wiegand, Esq.
Darby & Darby P.C. • Seattle, WA

Computer hardware
Jeff B. Fromm, Esq.
Drinker Biddle & Reath LLP • Philadelphia, PA

Digital media
Jeff McDow, Esq.
Senior Vice President and Chief Patent Counsel
Intertrust Technologies Corporation • Sunnyvale, CA

Telecommunications
David L. Rice, Esq.
Miller Nash LLP • Seattle, WA

5:30 Adjourn

About the Workshop
“The importance of technical standards setting efforts and patent pools is at an all-time high. The market demands interoperability in the computer and communication systems that businesses use every day, but the necessary patent rights are owned by a patchwork of companies. This workshop will give an overview of how technical standards are agreed upon and how patent pools are formed to license the patents necessary to practice these standards. The program will also address the antitrust hurdles that patent pools must clear. Real world examples involving the MPEG standards and the Rambus/Infineon dispute, among others, will be reviewed.”

~ Program Co-Chairs: David A. Balto, Esq. and Eric A. Prager, Esq.
David A. Balto, Program Co-Chair, a partner at Robins, Kaplan, Miller & Ciresi LLP, has practiced antitrust law for over 20 years in the government and private practice. He counsels a wide variety of companies on FDA regulation, strategic alliances, distribution issues, mergers and joint ventures. Previously Mr. Balto was Policy Director of the Bureau of Competition of the FTC and attorney advisor to Chairman Robert Pitofsky.

Eric A. Prager, Program Co-Chair, is a principal at Darby & Darby P.C. and focuses his practice on counseling, licensing, and litigation concerning all types of intellectual property rights, with a particular focus on new media issues. He represents one of the Big Four record companies in its digital content delivery initiatives and prepares and negotiates the associated license agreements.

Jeff B. Fromm is Of Counsel in the IP Practice Group at Drinker Biddle & Reath LLP. His areas of expertise include managing IP portfolios and litigation, preparing and prosecuting patent applications and IP infringement and validity opinions, allegations and defenses. Previously he was Senior Managing Counsel, Hewlett-Packard Company, managing all of the IP work for HP’s computer businesses.


Jeff McDow is Senior Vice President, Intellectual Property, and Chief Patent Counsel at Intertrust. Prior to joining Intertrust, he practiced law in the Silicon Valley office of a leading intellectual property law firm. Mr. McDow is registered to practice before the U.S. Patent and Trademark Office.

Gene Owen is an Enterprise Architect within the Boeing Information Technology group at The Boeing Company where he develops company-wide IT Architecture and Standards direction, and coordinates Boeing’s external participation in IT standards bodies. Mr. Owen has been in the IT industry since 1980 with companies such as IBM and Infospace before joining Boeing.

Steven M. Perry is a partner at Munger, Tolles & Olson LLP where he represents clients from a wide array of industries in complex commercial and intellectual property matters, and he has extensive trial experience. In 2003, he was one of the lead trial lawyers in an antitrust suit brought by the Federal Trade Commission against the firm’s client, Rambus Inc. After a three month trial, the FTC’s case was dismissed.

David L. Rice of Miller Nash LLP has a practice focusing on communications and energy law before the Washington Utilities and Transportation Commission and the Federal Communications Commission. Prior to joining Miller Nash, he practiced communications law in Washington, D.C.

M. Sean Royall is a partner at Gibson Dunn & Crutcher specializing in antitrust and commercial litigation who also co-chairs the Firm’s Antitrust and Trade Regulation Practice Group. He recently completed a two and a half year tenure as Deputy Director of the Bureau of Competition and the Federal Trade Commission in Washington, DC. FTC Chairman Muris credited Mr. Royall with being instrumental in the Bureau’s efforts increasingly to employ the agency’s administrative litigation process as a forum for tackling cutting-edge antitrust issues.

Kenneth Rubenstein is a partner at Proskauer Rose LLP where he and his patent law group distinguish themselves from competitors by being able to deal with very sophisticated technology. Dr. Rubenstein has worked on the formation of a patent pool for MPEG-2 technology, first on behalf of CableLabs, and now on behalf of MPEG LA LLC, for which he is working on a patent pool in the area of Digital Rights Management. He and his group are also working on evaluating patents for a pool for the IEEE 1394 standard and a pool for the HAVi standard.

Howard Skaist is the founder of Berkeley Law & Technology Group, LLC, an intellectual property law firm specializing in patent procurement and counseling clients on patent related matters with offices in Oregon and Washington. He was formerly Director of Patents for Intel Corp., where he developed and oversaw patent management and legal strategies. He is an adjunct professor of patent law at Boalt Hall Law School in California and Willamette School of Law in Oregon.

Robert A. Skitol, partner at Drinker Biddle & Reath LLP, is the head of the Antitrust Practice Group in the Litigation Department. He has over 25 years experience in antitrust and trade regulation, particularly in mergers, acquisitions and joint ventures. He is a former attorney-advisor to the chairman of the FTC and former special assistant to the director of the Bureau of Consumer Protection.

Jamie L. Wiegand of Darby & Darby P.C. focuses his practice on patent, trademark, and copyright procurement, litigation, and opinion work in the high tech areas of electronics, computer software and hardware, Internet, networks, telecommunications and other related technologies. He spent more than twenty years at The Boeing Company, as a software engineer, then a decade as a manager and systems architect for computing infrastructures.

Upcoming Related Workshops & Conferences

- Pre & Early Phase Patent Litigation
  - Orlando, FL
  - Jan. 31

- Patent Law for Non-Patent Lawyers and Business Professionals
  - Seattle, WA
  - Feb. 9

- Developing, Protecting and Exploiting Software
  - Chicago, IL
  - Mar. 10-11

See more at www.lawseminars.com

Registration & Other Workshop Information

Tuition: Regular tuition for this program is $595 with a group rate of $545 each for two or more registrants from the same firm. For government employees, we offer a special rate of $515. For students and people in their job for less than a year, our rate is $297.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

Cancellation: We will refund tuition, less a $50 cancellation charge, if we receive your cancellation by 5:00 p.m. on Tuesday, March 15, 2005.

Continuing Education Credits: We are an approved provider for Washington, California and Alaska and our programs qualify for CLE credits in all states with CLE requirements. Law Seminars International certifies that this activity has been approved for 7.5 MCLE credits by the State Bar of California, and 7.25 CLE credits by the State Bar of Washington. We will apply in other states upon request. For more information, please call us at (800) 854-8009 or (206) 567-4490.

Substitution: You may substitute another person at any time.

Workshop Location: The workshop will be held at the Renaissance Seattle Hotel at 515 Madison Street in Seattle. Call the hotel directly for reservations at (206) 583-0300 and ask for the business rate for Law Seminars International (promo code L64), a special negotiated rate of $149. Rooms are on a first-come, first served basis.

If You Cannot Attend: Our complete Homestudy Course, consisting of a VHS or DVD recording and the written course materials, is available for $605. Course materials alone are available for $100.

Register Early: Space is limited.