

LAIPLA BULLETIN

Los Angeles Intellectual Property Law Association

May 2012
Issue 83
www.laipla.net

To contact the LAIPLA:
Linda Cain
MCE International
1430 S. Grand Avenue, # 256
Glendora, CA 91740-5400
Tel: 626-974-5429
Fax: 626-974-5439
LAIPLAoffice@gmail.com
info@laipla.net
www.LAIPLA.net

In This Issue

President's Message & April
Event Summary 1

Article: Inter Partes Review: The
Good, The Bad And The Ugly 2

Article: Trading Secrets: An Unwise
Move In The Electronic Age 3

Article: Is Mayo v. Prometheus
Really A Game Changer? 5

Employment Opportunities 7

Intellectual Property Services 9

LAIPLA Sponsor Opportunities 11

Membership Applications 12

Spring Seminar Brochure 14

Upcoming Events

Spring Seminar
June 8-10, 2012
The Lodge at Torrey Pines

President's Message

by Brian G. Arnold

The highlight of the LAIPLA year is almost here – our Spring Seminar, which will be held June 8-10 at the beautiful Lodge at Torrey Pines in La Jolla. The Spring Seminar features nine hours of panel discussions and presentations on the latest developments in intellectual property law, provides excellent networking opportunities at the cocktail receptions and dinners, and allows sufficient time for relaxation and enjoyable outdoor activities, including a golf tournament at the Torrey Pines Golf Course, home of the 2008 U.S. Open, and a tennis tournament. Our speakers and panelists include federal judges, practitioners (including in-house attorneys), and academics. I hope that you and your colleagues can join us for an enjoyable weekend at The Lodge. Additional information, including the schedule of events, is attached to this bulletin and will be e-mailed and U.S.-mailed to all members. Don't forget to **register by April 30** for the discount rate, and **make your hotel reservation by May 8**.

In May, we will again hold our annual Litigation Roundtable Luncheon, sponsored this year by Sheppard Mullin. Our Annual Meeting will also occur at this Luncheon, during which we will elect our Board members and officers for the 2012-13 fiscal year. Please stay tuned for additional information.

Event Summary: April 11, 2012 Dinner Event

At our April 11 dinner meeting, panelists Patrick Flinn, Michael Newton, Ben Pleune, and Jamie Underwood from Alston & Bird LLP offered practical insight on what Section 337 investigations really entail, the advantages the ITC has to offer that make Section 337 so popular, and how practitioners can use Section 337 to maximize your global IP portfolio. Investigations under Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), have sky-rocketed to great prominence as one of the most effective means of protecting U.S. intellectual property rights. The past two years have shattered records for the number of Section 337 complaints filed at the ITC, resulting in the ITC handling roughly 15% of U.S. patent actions. The effects of ITC decisions are reported regularly in business publications spanning from The Economist to The Wall Street Journal, and all signs point to a continued level of heightened activity, making knowledge about Section 337 a requirement for any IP advisor.

Article: Inter Partes Review: The Good, The Bad And The Ugly

The view and opinions expressed in this article are those solely of the author(s) and are not of the Los Angeles Intellectual Property Law Association or its members. By: Wab Kadaba and Mitch Stockwell
Kilpatrick Townsend & Stockton LLP

Law360, New York (April 09, 2012, 1:22 PM ET) -- The Leahy-Smith America Invents Act creates, among other new proceedings, an inter partes review (“IPR”) procedure for challenging patent validity. On Sept. 16, 2012, IPR will replace current inter partes re-examination.

The Good

IPR allows a third party to challenge a patent for lack of novelty and/or nonobviousness based only on patents and printed publications. These proceedings will be litigation-like concluding with an oral argument held before a three-judge panel of the newly created Patent Trial and Appeal Board, not a patent examiner. Petitioners will be allowed to advocate their position in a trial-like setting. Discovery is available to challenge the patent owner’s positions, including cross examination of expert witnesses.

Once an IPR trial proceeding is initiated, there will be no presumption of validity for the challenged patent and the proceedings are to be expected to be completed in a year. Finally, petitioners will be facing a “preponderance of the evidence” burden to establish invalidity, rather than the higher clear and convincing burden required when challenging the validity of a patent in district court litigation.

The Bad

The U.S. Patent and Trademark Office has established several estoppel provisions that attach to IPR proceedings. Unlike ex parte re-examinations, a petitioner must identify the “real party in interest” when filing a petition for IPR. This allows the PTO and courts to govern the estoppel provisions described in the IPR rules. Accordingly, the parties identified in the IPR petition will not be able to raise the same challenge to the patent in district court if the IPR proceedings are unsuccessful.

But there remains uncertainty as to the scope of the estoppel. Estoppel attaches to defenses that were or “reasonably could have been raised” in the proceeding. The uncertainty over what could have been raised may deter parties considering filing a petition for IPR as a way to challenge a third-party patent. Finally, the costs associated with IPR will be higher than prior inter partes reexamination proceedings due to substantially higher filing fees and the ability for both parties to take limited discovery.

The “Not So” Ugly

The PTO has gone to great lengths to make IPR proceedings an attractive option for parties seeking to challenge patent validity. Although it remains to be seen how effective these proceedings will be in practice, IPR proceedings provide a much faster way to challenge patents than re-examination. IPR proceedings conducted before administrative law judges also should eliminate some of the uncertainty of making a validity challenge before an inexperienced Article III judge or lay jury.

While only 0.5 percent of U.S. patents were previously subjected to inter partes re-examination, IPR proceedings may become a much more popular option due to the advantages described, providing an option for parties seeking to either reduce their litigation risk or narrow third-party patents as part of design around efforts.

Article: Trading Secrets: An Unwise Move In The Electronic Age

By: Dylan W. Wiseman and Todd M. Ratshin
Littler Mendelson PC

The view and opinions expressed in this article are those solely of the author(s) and are not of the Los Angeles Intellectual Property Law Association or its members.

Law360, New York (April 12, 2012, 2:26 PM ET) -- In the ongoing battle between competitors in the aesthetics field, the court in *Allergan Inc. v. Merz Pharmaceuticals LLC, et al.* recently completed a nine-day bench trial resulting in an injunction against the defendants to prevent the actual or threatened misappropriation of plaintiff Allergan Inc.'s trade secrets. Allergan produces several different prescription medicines, including Botox Cosmetics and Juvederm, which are injectable treatments used to correct facial wrinkles and folds. Merz Aesthetics Inc. also had for years been in the facial aesthetics market, and had a product that competed with Allergan's Juvederm product.

In July of 2010, Merz Aesthetics announced that it received U.S. Food and Drug Administration (FDA) approval for a new product to compete with Allergan's Botox Cosmetic product. A related company, Merz Pharma Group, announced that it too would begin selling a product to compete with Cosmetic Botox by the end of the year. In the summer of 2010, four of Allergan's employees, who sold Botox Cosmetic, left and were hired by Merz Aesthetics. Shortly thereafter, three more regional sales representatives left Allergan and were hired by Merz Pharma as territory business managers.

All of Allergan's former employees had signed confidentiality agreements, executed Allergan's employee handbook and agreed to the terms of Allergan's code of business ethics. Allergan's employment agreement identified as confidential numerous categories of information, including "information relating to investigational or market products ... business studies ... marketing and sales programs and data ... design and engineering specs [and] product development plans."

When the departing employees arrived at the two Merz entities, they too signed written agreements committing they would not "improperly use, disclose or induce [the Merz entities] to use any proprietary information or trade secrets of any former employer," and they also agreed not to bring to Merz or transfer to its computer systems any confidential data from any prior employer. The same obligations were found in Merz Pharma's and Merz Aesthetics' employment offers to the former Allergan employees.

After sending a cease-and-desist letter, Allergan filed a lawsuit in the Orange County Superior Court and sought a temporary restraining order (TRO). At the TRO hearing, counsel for the Merz defendants expressly disavowed having or wanting Allergan's trade secret information. At the hearing, counsel for the Merz defendants proclaimed Merz "[has] never seen it, [Doesn't] know what it is. [Doesn't] want it, and [hasn't] done anything." The court denied the TRO, and Allergan proceeded with further investigation and discovery, and the action was apparently removed to the federal court.

Allergan's discovery and investigation revealed that, contrary to the statements made at the TRO hearing, Merz Pharma and Merz Aesthetics had in fact been in possession of Allergan's confidential information months before the TRO hearing. Indeed, the court's factual findings chronicle the extensive use and transmission of Allergan's data via email within both Merz Pharma and Merz Aesthetics.

To its credit, Merz Pharma sought to educate its employees about compliance with their confidentiality obligations. Merz also engaged in a program to identify those involved in the hiring of the former Allergan employees to determine whether they had received any of Allergan's information. Merz Pharma's in-house counsel also gave a presentation to the entire sales force reminding them not to solicit or use any competitors' confidential business information.

The Merz defendants also hired a private computer forensics firm. However, the Merz defendants' own computer forensic review was arguably superficial. The search terms were developed by the Merz defendants without consultation or input from their computer forensic expert.

Further, the search terms oddly did not include the term "Allergan." The Merz defendants also did not search the computers belonging to the four former Allergan employees who had joined Merz Aesthetics. The Merz defendants also did not include any portable storage media from the 50 custodians they had identified as potentially having Allergan's information.

Likewise, the results of the Merz defendants' computer forensics, which produced "thousands" of hits, were not analyzed by its own consultant, but rather were turned over to the Merz defendants and their outside counsel. The court concluded that "the Merz Defendants' searches for Allergan's trade secrets and confidential information were inadequate."

Continued on page 4

Article: Trading Secrets: An Unwise Move In The Electronic Age Continued from page 3

Allergan's initial computer forensic discovery revealed that while working at Allergan, several of its former sales employees who joined Merz sent "numerous documents and electronic files" to their personal email addresses. Those files included "the entire nationwide list of nearly 24,000 physician customers, contact information and details concerning sales volumes and future targets ..." and other lists, new product information and sales presentations.

Allergan's further computer forensic review established similar facts and showed that certain employees had transferred files to portable electronic storage media. Indeed, one of the departing employees backed up over 700 Allergan files to a two-terabyte hard drive. That same former Allergan employee returned a 320-gigabyte drive to Allergan during her exit interview and made no mention of the two-terabyte drive. The computer forensics also established that other former Allergan employees had copied and transferred to external devices numerous files and spreadsheets about "top doctors" and "target physicians."

Nearly a year after the TRO hearing, and just hours before the parties' pretrial conference, counsel for Merz Pharma and Merz Aesthetics hand-delivered a box containing a hard drive, a CD containing electronic documents and various hard-copy records. Among the materials "returned" to Allergan were email messages containing Allergan's files as attachments, information about Allergan's customer loyalty program, a confidential PowerPoint presentation and other confidential information belonging to Allergan. The Merz defendants then also sent two subsequent packages claiming they had "returned" Allergan's confidential information.

Contrary to the Merz defendants' assertions, the court made the express findings that "[t]here is overwhelming circumstantial and direct evidence that Defendants ... improperly acquired, disclosed or used [Allergan's trade secrets] and that Allergan faces a substantial threat of impending injury as a result of this misappropriation." The court also concluded that "numerous witnesses affiliated with the Defendants were not credible." The court also took note that "[n]either Merz Aesthetics nor Merz Pharma has terminated or re-assigned" any of the former Allergan employees even after they were "found to be in possession of Allergan information."

The court also made several important legal conclusions. First, the court found that the information which had been taken by the former Allergan employees was a "trade secret" under California's Uniform Trade Secrets Act (CUTSA). In doing so, the court found that Allergan had taken reasonable measures under the circumstances to maintain the secrecy of the information, which "need not be overly extravagant, and absolute secrecy is not required ..."

Next, the court concluded that the Merz defendants had engaged in a "misappropriation" under the CUTSA. The theft of the data and copying it to external media was also a breach of the former Allergan employees' confidentiality obligations, and amounted to an "acquisition by improper means."

Third, the court concluded that the Merz entities were "liable for the acts of misappropriation committed by their employees and former employees" because the CUTSA imposes liability where an employer knew or should have known of an employee's wrongdoing. In making that finding, the court discounted the Merz defendants' argument that the former Allergan employees had "secretly taken" the information unbeknownst to the Merz defendants because "an act of this nature was generally foreseeable as part of [his] duties to solicit customers for Defendant."

In issuing an injunction, the court also made several important factual findings. For the element of irreparable injury, the court determined it was appropriate to "presume that Plaintiff will suffer irreparable harm if its proprietary information is misappropriated." The court further concluded that "the risk of losing established customers to defendants' new business due to the defendants' improper use of plaintiff's proprietary information would obviously create lasting, irreparable harm." The court also concluded that Allergan's monetary damages were insufficient resulting from the misappropriation "where the threat of injury is imminent and the measure of that injury defies calculation, damages will not provide a remedy at law." Most importantly, in response to the Merz defendants' stated position that "they have returned, and no longer possess, any of Allergan's trade secrets," the court concluded "[i]t is the duty of the courts to beware of efforts to defeat injunctive relief by protestations of repentance and reform, especially when abandonment seems timed to anticipate suit, and there is a probability of resumption."

The practical lessons learned from Allergan are significant. First, when hiring sales personnel from a direct competitor, employers should be expected to make thorough, meaningful and diligent efforts to ensure that their new hires have not taken any of their employer's electronic or hard-copy records. Second, in this electronic era, conducting a superficial computer forensic review is completely inadequate, particularly in the face of evidence of actual wrongdoing. Third, any efforts to "return" electronic and hard-copy records may likely have little impact on the issuance of injunctive relief. The fact that new hires may have "secretly" or without the approval of the employer taken files may be of little consequence, particularly where it was foreseeable by their job duties to solicit customers. Lastly, when confronting obvious wrongdoing, the failure to discipline or re-assign employees who have engaged in a misappropriation can certainly be problematic.

Article: Is Mayo v. Prometheus Really A Game Changer? By: James E. Hopenfeld
 The view and opinions expressed in this article are those solely of the author(s) and Hopenfeld Singer Rice & Saito are not of the Los Angeles Intellectual Property Law Association or its members.

Law360, New York (April 11, 2012, 12:31 PM ET) -- On March 21, 2012, the U.S. Supreme Court invalidated patent claims directed to "optimizing the therapeutic efficacy" of a drug by administering the drug to a patient and determining the level of the drug's metabolic byproducts in the patient's blood. In *Mayo Collaborative Services v. Prometheus Laboratories Inc.*, the Supreme Court unanimously held that such claims were directed to unpatentable "laws of nature" rather than patentable applications of such laws. The United States Court of Appeals for the Federal Circuit had twice held the claims to be patentable, the second time after considering the implications of another Supreme Court decision on patentable subject matter, the 2010 *Bilski v. Kappos* case.

The *Prometheus* decision has been widely reported by the press as a blow to the biotechnology industry. The *Wall Street Journal* made the case front-page news under the headline "Top Court Decision Stirs Alarm in Biotech." *Bloomberg* reported that the case "will shape the growing field of personalized health care." Is this case really a watershed?

This commentator begs to differ. Properly understood, the Supreme Court's holding in *Prometheus* is most likely a narrow one. It is limited to the specific types of claims at issue in *Prometheus*. It offers only minimal assistance in resolving the border between unpatentable laws of nature on one hand, and patentable applications of those laws on the other. Expect that border to continue to be a bone of contention in the years to come.

To understand why *Prometheus* is more of a beginning than an end, consider the two Supreme Court decisions that most informed Justice Stephen Breyer's opinion in *Prometheus*, *Parker v. Flook* and *Diamond v. Diehr*. These two cases bookend the border between unpatentable natural laws and patentable applications.

In *Flook*, the claims were directed to a method for adjusting "alarm limits" in the catalytic conversion of hydrocarbons. The claimed method steps included measuring a variable such as temperature, using a novel mathematical algorithm to calculate "alarm limits" based on the variable, and making adjustments to the system using the new alarm limits. The Supreme Court held the process unpatentable because the claim was substantially directed to the algorithm itself. It found that the additional limitations in the claims, such as updating alarm limits, did not limit the claim to a particular application or add anything substantial or novel to the underlying algorithm. The limitations were, instead, "post-solution activity" that is "conventional or obvious."

Contrast the Supreme Court's subsequent opinion in *Diamond v. Diehr*, which involved a method for curing and molding rubber by applying the mathematical "Arrhenius equation." The claim required continuously monitoring the temperature of rubber inside the mold, feeding the temperature numbers into a computer, using the Arrhenius equation to recalculate mold-opening time, and configuring the computer to signal a device to open the mold. This time, the Supreme Court found the claim to be a patentable application of a natural law because the steps of claim, apart from the algorithm itself, did not appear to be obvious or conventional.

How much difference is there, factually, between *Flook* and *Diehr*? In this commentator's view, there is some — unlike the algorithm in *Flook*, the "Arrhenius equation" at issue in *Diehr* had many possible uses outside the scope of the claims — but it is precious little. If both cases are good law — and under *Prometheus* they appear to be — then it shouldn't take much for a patent claim to be transformed from an unpatentable *Flook*-like claim to a patentable *Diehr*-like claim. So, where is the border between these two bookend cases? Just how much need be added to a claim to transform it from *Flook* unpatentability to *Diehr* patentability?

If additional limitations had been included in the *Prometheus* claims, such as limitations requiring that a patient be treated in a particular way following the results of the test, would the Supreme Court have found the claims to be patentable? *Prometheus* does not tell us. To the contrary, Justice Breyer's opinion expressly leaves such questions for another day: "We need not, and do not, now decide whether were [sic] steps at issue here less conventional, these features of the claims would prove sufficient to invalidate them."

All *Prometheus* says in the end is that the *Prometheus* claims are more like *Flook* than they are like *Diehr*. We just don't know what additional limitations would have been required to warrant a different result. Yet that is the real million-dollar — or more — issue. This is why all is not lost for the biotech industry — at least not yet.

Article: Aftershocks from the AIA A Seismic Shift in Patent Law?

Continued from page 5

The fact that Prometheus appears to leave the most important questions for the future should not be taken to mean there is nothing of significance or new in the court's opinion. The Supreme Court's opinion makes clear, for example, that a patent claim that meets the "machine or transformation" test of subject matter eligibility — the Federal Circuit had held that the Prometheus claims had met this test — may nonetheless be directed to unpatentable subject matter. The Supreme Court's earlier *Bilski* opinion had merely held that the "machine or transformation" test is not the exclusive test for patentable subject matter under 35 U.S.C. § 101, the applicable statutory provision.

Further explication of the contours of patentable subject matter may come soon enough. In view of Prometheus, the Supreme Court has ordered the Federal Circuit to reconsider its holding in *Association for Molecular Pathology v. Myriad Genetics Inc.* that claims to purified DNA sequences are patentable subject matter. The Supreme Court could well be tempted to weigh in on the issue after the Federal Circuit issues a new opinion. With Myriad on the horizon, expect Prometheus to soon become yesterday's news.

Employment Opportunities

FITCH EVEN TABIN & FLANNERY, a national Intellectual Property law firm, is expanding its Woodland Hills office. This location is away from the traffic and congestion of downtown Los Angeles. FETF is seeking partners and associates who have established client relationships. We have offices in Chicago, San Diego, San Luis Obispo, Washington, D.C., and Boulder.

To learn more about the firm and our practice, please visit us at: <http://www.fitcheven.com>.

All submissions are held in confidence. For confidential discussion and consideration, please contact:

Barbara La Rocco
Recruitment Coordinator
FITCH EVEN TABIN & FLANNERY
120 S. LaSalle Street, Suite 1600
Chicago, IL 60603
Phone: 312-577-7000
Fax: 312-577-7007

Fulwider Patton LLP is the oldest IP boutique in Los Angeles. Our attorneys have expertise in all facets of intellectual property, including patent drafting, trademark prosecution, copyright registration, trade secret protection, rights of privacy and publicity, infringement and validity opinions, litigation, and the IP aspects of acquisitions and divestitures.

We are seeking partners and counsel who have established client relationships with portable business and are looking to grow their practices on a well known platform with reasonable billing rates.

Our office is centrally located on Los Angeles' Westside, just north of LAX.

All submissions will be held in confidence. If you are interested in joining a dynamic boutique dedicated to helping you grow your practice, please contact:

Kristin Corona
Fulwider Patton LLP
6060 Center Drive, 10th Floor
Los Angeles, CA 90045
Phone: 310-824-5555
Email: KCorona@fulpat.com

Employment Opportunities

Morrison & Foerster PATENT AGENT

Marketing Statement

Morrison & Foerster LLP is a premier global law firm committed to delivering success for our clients around the world. We achieve that by hiring the best talent for every position in our firm. Our progressive workplace policies and our commitment to diversity and collegiality create an environment ideally suited to teamwork and collaboration. We are proud of our numerous workplace awards, including being named to FORTUNE's 2006 list of Best Companies to Work For, American Lawyer's 2006 "A" list, and for several years running, have been the Vault survey's #1 law firm for diversity.

Department

Agents in the patent group work on a variety of projects, including: drafting and prosecuting patents, preparing invalidity and non-infringement opinions, analyzing patents in support of litigation and adversarial licensing, and performing due diligence for corporate transactions and technology transfers.

Qualifications

Morrison & Foerster LLP is seeking to hire an exceptional patent agent. This is an extraordinary opportunity to join one of the finest law firms representing companies involved in developing and commercializing highly-innovative technologies in the marketplace. Morrison & Foerster works closely with clients from the earliest stages of their technical development, offering valuable advice about how to protect their inventions and ideas in view of business strategies. The successful candidate must have a strong scientific background in electrical engineering with at a minimum of 1-4 years of work experience as a patent agent. Strong writing skills and admission to the USPTO is required.

Availability

Available Immediately

How to Apply

Apply online or through mail.

Recruiting Contact

Attorney Recruiting
Morrison & Foerster LLP
555 West Fifth Street, Suite 3500
Los Angeles, CA 90013
Fax: (213) 892-5454
LAAttyRecruit@mofo.com

EEO Statement

Morrison & Foerster is an equal opportunity/affirmative action employer.

ASSOCIATE POSITION FOR IP/PATENT ATTORNEY

Law Offices of David L. Hoffman is looking for a patent lawyer with 3 to 5 years experience to be an associate. (See us at www.DLHpatent.com) At least one year patent drafting and IP litigation experience. We handle a variety of technologies—sweet spot in electro-mechanical, business methods, computer, and mechanical. Portable work a plus but not necessary. Very pleasant work environment; no politics. Email resume and cover letter to David@dlhpatent.com.

Intellectual Property Services



J.A. Mortenson Patent Drafting
 since 1985
 Utility and Design Patent Drawings
 Trademark Drawings

• **Free estimates, Fast and Friendly service** •

1644 Crystal Rd. Palmdale, CA. 93550
 (661) 273-5177 phone (661) 273-4747 fax

email - JAM@JAMPatentDrafting.com website - www.JAMPatentDrafting.com



VXL PATENT ILLUSTRATORS

A full service patent drafting company

Patent Drawings

Trademark Drawings

Providing High Quality Drawings:

At low cost; With Quick Turnaround; and Available 24/7

Contact us at :

*VXL Patent Illustrators
 5001 Birch Street, Suite # 20
 Newport Beach, CA 92660
 Tel: 949-260-0440
 949-370-4350
 Fax: 949-266-9479
 Email: singh@vxlpi.com
 Website: www.vxlpi.com*

Intellectual Property Risk Management
 Source Code Escrow, SEC 17a4, Litigation Discovery

InnovaSafe, Inc.
 800-239-3989 Ext.4-788
www.innovasafe.com - info@innovasafe.com
 "The Business Choice for Global IP Risk Management Solutions"

Intellectual Property Services



The Intellectual Property Law Section
of the State Bar of California
announces publication of a new
treatise and practice guide

Trade Secret Litigation and Protection in California

New Second Edition



Randall E. Kay
Co-Editor
Jones Day
San Diego, CA

Rebecca Edelson
Co-Editor
Steptoe & Johnson LLP
Los Angeles, CA

Now Available Online at www.ipsection.org

MIKE YOUNG MEDIATION
Intellectual Property / Employment / Commercial
310-989-2463
or 213-223-1113
www.MikeYoungMediation.com

Now exclusively with
JUDICATE WEST
Alternative Dispute Resolution
Results Beyond Dispute

L. Kenneth Rosenthal

Strategic Innovation Services

Intellectual Property Investigations, Litigation Support

909-628-9890

www.Diamondipi.com

Former Head USC Patent and Copyright Office (7 years)

MBA - USC; BS - Physics, MIT; Patent Agent 29697

20 years experience in all phases of Intellectual Property

Bulletin published by the
Los Angeles Intellectual
Property Law Association

LAIPLA

Los Angeles Intellectual Property Law Association

1430 S. Grand Avenue
Glendora, CA 91740
LAIPLAOffice@aol.com
<http://www.laipla.net>

Officers

President

BRIAN ARNOLD
Loeb & Loeb LLP
10100 Santa Monica Blvd.
Los Angeles, CA 90067
Tel: 310-282-2160

Vice President & President Elect

MONICA SCHEETZ
13249 Fiji Way, Unit F
Marina del Rey, CA 90292
Tel: 213-819-5853

Secretary

MARSHA E. MULLIN
Alston & Bird
333 S. Hope Street, 16th Floor
Los Angeles, CA 90071
Tel: 213-576-1000

Treasurer

DARREN FRANKLIN
Sheppard, Mullin, Richter &
Hampton LLP
333 S. Hope Street, 48th Floor
Los Angeles, CA 90071
Tel: 213-620-1780

Board of Directors

Laura M. Burson
Scott R. Hansen
Brian Horne
Michelle C. Kim
Bita Rahebi
Alexander R. Schlee
Lauren E. Schneider

Administration

Linda Cain
MCE International
1430 S. Grand Avenue, # 256
Glendora, CA 91740
E-Mail: LAIPLAOffice@gmail.com
Tel: 626-974-5429
Fax: 626-974-5439

LAIPLA Announces Sponsor Opportunities

Sponsorship: A Good Way To Support LAIPLA and Highlight Your Firm

We have several opportunities for firms or companies to publicize their organization by being a sponsor at one of our upcoming events. Sponsors are needed for our Monthly Meetings (one sponsor allowed each month), at the Washington in the West Program (4-5 sponsors needed), at our Annual Spring Seminar (7-8 sponsors needed), and at Judges' Night. If you are interested in being a sponsor by contributing to the general budget, by contributing to a specific event, or by being a tabletop sponsor at the Washington in the West, Spring Seminar or Judges' Night, please contact Keith Newburry at Keith_Newburry@edwards.com. Show your support, and feature your firm or company at the same time.

Newsletter Submissions

Have a short article, news item, or announcement that you would like to share with the Association? Send your submissions to oral.caglar@yahoo.com. Please direct advertising inquiries to the Administrator, MCE International, at LAIPLAOffice@gmail.com.

LAIPLA

LOS ANGELES INTELLECTUAL PROPERTY LAW ASSOCIATION

www.laipla.org

Est. 1934

DUES TRANSMITTAL

- FISCAL YEAR: JULY 1 - June 30
(Please update your contact information)

MEMBER DUES

Active	\$105.00
Support Services	\$210.00
Junior and Associate	\$105.00
Student	\$ 10.00

PLEASE MAKE CHECKS PAYABLE TO
LAIPLA

MAIL CHECK OR FAX FORM TO
LAIPLA

1430 S. Grand Avenue, #256
Glendora, CA 91740
Phone 626-974-5429
Fax 626-974-5439

or

YOU MAY PAY WITH A CREDIT CARD
American Express, MasterCard or Visa

I am interested in participating in one or more
of the following committees:

- | | |
|--|---|
| <input type="checkbox"/> Law School Outreach | <input type="checkbox"/> Court Watch |
| <input type="checkbox"/> Newsletter | <input type="checkbox"/> Judges' Night |
| <input type="checkbox"/> Washington in the West | <input type="checkbox"/> Spring Seminar |
| <input type="checkbox"/> Monthly Meetings | <input type="checkbox"/> Membership |
| <input type="checkbox"/> Litigation/Round Table | <input type="checkbox"/> Website |
| <input type="checkbox"/> Sponsor | <input type="checkbox"/> Trademark |
| <input type="checkbox"/> PTO/LAIPLA Relations | <input type="checkbox"/> Copyright |
| <input type="checkbox"/> Judiciary/LAIPLA Realions | |

Please feel free to let any potential new
member(s) know that additional blank
membership forms can be obtained at our
website: www.laipla.org

NAME _____

COMPANY _____

ADDRESS _____

CITY, STATE, ZIP _____

TEL _____

FAX _____

E-MAIL _____

ADMISSIONS

California State Bar: No. _____ / _____ (yr)

Other State Bar: No. _____ / _____ (yr)

PTO Registration No. _____

MEMBERSHIP TYPE

Active Member _____ Junior Member _____

Student Member _____ Associate Member _____

Support Services Member of the Association _____

AMOUNT PAID*: _____

Check _____ American Express _____

MasterCard _____ Visa _____

Credit Card # _____ Exp. ____/____

Name on Card _____

Signature _____ Date _____

Thank you for your support of the LAIPLA.

* Note: If you are employed by a Firm Member or your company is an Organizational Member of LAIPLA, then you do not need to pay individual dues.

LAIPLA

LOS ANGELES INTELLECTUAL PROPERTY LAW ASSOCIATION

www.laipla.org

Est. 1934

DUES TRANSMITTAL

FISCAL YEAR: JULY 1 – June 30

MEMBER DUES

Firm Membership \$1,000.00

PLEASE MAKE CHECKS PAYABLE TO

LAIPLA

MAIL CHECK OR FAX FORM TO

LAIPLA
1430 S. Grand Avenue # 256
Glendora, CA 91740
Phone: 626-974-5429
Fax: 626-974-5439
or

YOU MAY PAY WITH CREDIT CARD

American Express, Master Card or Visa

Card Number _____

Exp. Date _____ Code on Card _____

Name on Card _____

Signature _____

Please provide us with your suggestions or comments:

Please feel free to let any potential new member(s) know that additional blank membership forms can be obtained at our website:

www.laipla.org

FIRM/COMPANY MEMBERSHIP

FIRM CONTACT NAME _____

FIRM COMPANY _____

ADDRESS _____

CITY, STATE, ZIP _____

TEL _____

FAX _____

E-MAIL _____

FIRM URL _____

California State Bar: No. _____/_____ (yr)

ADDITIONAL MEMBERS

NAME _____ E-MAIL _____

NAME _____ E-MAIL _____

NAME _____ E-MAIL _____

NAME _____ E-MAIL _____

NAME _____ E-MAIL _____

NAME _____ E-MAIL _____

NAME _____ E-MAIL _____

NAME _____ E-MAIL _____

NAME _____ E-MAIL _____

NAME _____ E-MAIL _____

Thank you for your support of the LAIPLA.

LAIPLA

Los Angeles Intellectual Property Law Association

P R E S E N T S

SPRING SEMINAR 2012

THE LODGE AT TORREY PINES, LA JOLLA, CA

JUNE 8-10, 2012



SPRING SEMINAR 2012

SCHEDULE OF EVENTS

FRIDAY – June 8, 2012

1:00 – 2:10 p.m.
REGISTRATION

2:10 – 2:15 p.m.
WELCOMING REMARKS

- **Phillip Lee**
Spring Seminar 2012 Chair; Judicial Law Clerk to the Honorable Evan J. Wallach, Court of Appeals for the Federal Circuit

2:15 – 3:30 p.m.
PATENTABLE SUBJECT MATTER:
WHERE ARE WE HEADED?

- **Professor Karl Manheim**
Loyola Law School
- **Mark Waddell**
Loeb & Loeb LLP
- **Madison Jellins**
HelixIP LLP
- **Larry Hadley**
McKool Smith Hennigan

3:30 – 3:45 p.m.
BREAK

3:45 – 5:00 p.m.
VIEWPOINTS FROM THE BENCH

- **Justice Carlos Moreno**
Cal. Supreme Ct. (Former)
- **Honorable Janis L. Sammartino**
S.D. Cal.
- **Honorable Marilyn L. Huff**
S.D. Cal.
- **Honorable Cathy Ann Bencivengo**
S.D. Cal.

5:00 – 6:00 p.m.
BREAK

6:00 – 7:00 p.m.
RECEPTION
All Attendees and Guests

7:00 – 9:00 p.m.
SPEAKERS' DINNER
By invitation only

9:00 – 11:00 p.m.
POKER TOURNAMENT
Space is limited!

SATURDAY – June 9, 2012

8:00 – 8:50 a.m.
NETWORKING BREAKFAST
Attendees & Sponsors Only

8:50 – 9:00 a.m.
WELCOMING REMARKS

- **Brian Arnold**
2011-2012 President, LAIPLA
Loeb & Loeb LLP

9:00 – 10:00 a.m.
INTERNATIONAL PATENT LITIGATION
STRATEGIES

- **Dave Djavaheerian**
Senior Director, IP Litigation,
Broadcom Corp.
- **Keith Newbury**
Vice President & Chief IP Counsel,
Edwards Lifesciences
- **Boris Kreye**
Bird & Bird

10:10 – 11:10 a.m.
TRIAL TECHNIQUES:
THE ART OF CROSS EXAMINATION

- **Honorable Andrew Guilford**
C.D. Cal.
- **Joseph Re**
Knobbe Martens

11:20 a.m. – 12:20 p.m.
PATENT MONETIZATION

- **Brian Horne**
Knobbe Martens
- **Erich Spangenberg**
Chairman, IP Navigation Group
- **Richard "Chip" Lutton Jr.**
Former Chief Patent Counsel, Apple
- **James Hall**
Bryan Cave LLP

12:30 – 6:30 p.m.
FREE TIME AND RESORT ACTIVITIES

- **Tennis Tournament**
- **Golf Tournament**

6:30 – 7:30 p.m.
RECEPTION
All Attendees and Guests

7:30 – 9:00 p.m.
DINNER
All Attendees and Guests
KEYNOTE SPEAKER
Gary Nelson

9:00 – 10:00 p.m.
CAMPFIRE & S'MORES
All Attendees and Guests
(Children Welcome)

SUNDAY – June 10, 2012

8:00 – 9:00 a.m.
BREAKFAST
All Attendees & Guests

9:00 – 10:00 a.m.
TRADEMARK YEAR IN REVIEW

- **Professor Lisa Ramsey**
University of San Diego

10:10 – 11:10 a.m.
COPYRIGHT YEAR IN REVIEW

- **Professor Betsy Rosenblatt**
Whittier Law School

11:20 a.m. – 12:20 p.m.
PATENT YEAR IN REVIEW
• **Harold C. ("Hal") Wegner**
Foley & Lardner

12:20 – 12:30 p.m.
FAREWELL REMARKS
• **Monica Scheetz**
2012-2013 President, LAIPLA



THE LODGE AT TORREY PINES
JUNE 8-10, 2012

SPRING SEMINAR 2012



Learn, Network, & Build Your Practice!

The LAIPLA Spring Seminar is the premier event for the California intellectual property practitioner in 2012!

TOPICS TO INCLUDE:

- Patent Monetization
- Trial Techniques: The Art of Cross Examination
- International Patent Litigation Strategies
- Viewpoints from the Bench
- Patentable Subject Matter
- Year In Review — Patent, Trademark, and Copyright

ADDITIONAL BENEFITS:

- Multiple networking opportunities throughout the weekend
- Friday evening Reception
- Late-night cocktails and poker Friday night
- Friday night, Saturday and Sunday afternoon free time for family and friends
- Saturday evening Reception and Dinner
- Exhibit area with multiple service providers, sponsors, and firms (sponsor opportunities available)

Perched along the cliffs of the Pacific Ocean, *The Lodge at Torrey Pines* offers much more than an exceptional view. The high-end world class service, the renowned A.R. Valentien restaurant, and the convenience of the Torrey Pines Golf Course – home of the 2008 US Open – right in its own backyard makes *The Lodge at Torrey Pines* “**best in class.**” Enjoy restorative treatments offered at the 9,500-sq. ft. spa followed by a guided hike in the Torrey Pines State Reserve. *The Lodge at Torrey Pines* is a tribute to the California Craftsman Movement and is modeled after Greene & Greene’s famed Gamble and Blacker houses in Pasadena, California, two of the finest examples of early 1900s Craftsman-style architecture.

Call The Lodge at Torrey Pines reservations at **800 656 0087** or go online at http://shop.evanshotels.com/lodge_groups/laipla_spring_seminar.html. Mention that you are attending the LAIPLA Spring Seminar to receive the discounted room rate of **\$295** per night. Please visit www.lodgetorrey.com for further information about the resort and activities. The deadline for reservations is **May 8, 2012**, but the room block may be fully taken by then so act now to reserve your spot.



REGISTRATION FORM

Spring Seminar 2012

The Lodge at Torrey Pines

Friday, June 8 – Sunday, June 10, 2012

You are invited to join LAIPLA and their Sponsors at this year's Spring Seminar being held at the beautiful **Lodge at Torrey Pines, La Jolla, California.**

Hotel reservations need to be made directly with the resort by calling **800 656 0087** or online at http://shop.evanshotels.com/lodge_groups/laipla_spring_seminar.html. Please mention that you are attending the LAIPLA Spring Seminar to ensure that you receive the special room rate of **\$295** per night. *ALL HOTEL ROOMS ARE ON FIRST-COME, FIRST-SERVED BASIS FOR GROUP RATE.* Please reserve early as we expect a sold out event. After May 8 at 5:00 p.m. we cannot guarantee the group rate. Please visit www.lodgetorrey.pines.com for further information about the resort and activities.

PROGRAM REGISTRATION FORM

Please complete the following and return it with your payment to:

LAIPLA - 1430 South Grand Avenue, # 256, Glendora, CA 91740

OR Email the form to LAIPLAOffice@gmail.com OR Fax to: (626) 974-5439

Name: _____ Title: _____

Company/Firm: _____

Address: _____

City: _____ State: _____ ZIP: _____

Tel: _____ fax: _____ email: _____

Name(s) (for Badges): _____

Registrant: _____ Guest: _____

Accompanying Children:

Name(s)/Age(s): _____

Name(s)/Age(s): _____

Membership Signup and Renewal: It is time to renew your individual LAIPLA membership for the membership period July 1st, 2012 – June 30th, 2013. Renew today and save \$5.00. (No individual renewal necessary for those who benefit from a firm or company membership. New LAIPLA members are entitled to the discounted Spring Seminar registration fee.)

Renew Today for \$100.00 \$ _____

I am interested in participating in one or more of the following committees:
___ Law School Outreach ___ Membership ___ Newsletter ___ Judge's Night
___ Washington in the West ___ Spring Seminar ___ Monthly Meetings

Are you in? Join LAIPLA's Linked In Group: www.tinyurl.com/LAIPLAGroup

MEMBER RATE

NON-MEMBER RATE

Basic Registration Fees: Includes admission for registrant and one guest to breakfasts, receptions, and dinner.

\$895 - Members registering on or before April 30, 2012 \$ _____

\$975 - Members registering after April 30, 2012 \$ _____

\$1075 - Non-Members \$ _____

EVENTS INCLUDED WITH BASIC REGISTRATION

In addition to the Program, the following events are included in the registration fee at no additional charge for you and one guest, except Saturday breakfast. Please indicate which events you and/or your guest plan to attend.

		Number
Friday		
6:00 p.m. – 7:00 p.m.	Welcome Reception/Hors d'oeuvres	_____
9:00 p.m. – 11:00 p.m.	Poker Tournament	_____
Saturday		
8:00 a.m. – 8:45 a.m.	Networking Breakfast (Attendee ONLY)	_____
6:30 p.m. – 7:30 p.m.	Cocktail Reception	_____
7:30 p.m. – 9:00 p.m.	Dinner	_____
9:00 p.m. – 10:00 p.m.	Campfire & S'mores	_____
Sunday		
8:00 a.m. – 9:00 a.m.	All Attendee & Guest Breakfast	_____

ADDITIONAL EVENTS (NOT INCLUDED WITH BASIC REGISTRATION FEE)

1:00 p.m. – 3:00 p.m.	Tennis Tournament Casual, doubles round robin tournament Fee \$10	_____
12:30 p.m.	Golf Tournament Torrey Pines Golf Course (South), Home of 2008 U.S. Open Fee \$270 (space very limited — register NOW)	_____

Please contact The Lodge at Torrey Pines directly to sign up for spa treatments and other activities.

PAYMENT OPTIONS:

___ Company Check ___ Visa ___ MasterCard ___ AmExp

Credit Card Number: _____ Exp. Date: _____

Code on Back of Card: _____ Print Name: _____

Signature: _____

LAIPLA
Los Angeles Intellectual Property Law Association

PRESENTS

SPRING SEMINAR 2012

THE LODGE AT TORREY PINES, LA JOLLA, CA

JUNE 8-10, 2012



SPONSORSHIP OPPORTUNITIES

The Los Angeles Intellectual Property Law Association is seeking sponsors for the 2012 LAIPLA Spring Seminar at the beautiful Lodge at Torrey Pines in La Jolla, California. The Spring Seminar features nine hours of panel discussions and presentations on the latest developments in intellectual property law, provides excellent networking opportunities at the cocktail receptions and dinners, and allows sufficient time for relaxation and enjoyable outdoor activities, including a golf tournament at the Torrey Pines Golf Course, home of the 2008 U.S. Open. Our speakers and panelists include federal judges, practitioners (including in-house attorneys), and academics. Our ultimate goal is to bring our professional community together at one beautiful location for an enriching weekend.

Sponsorship opportunities are detailed below. If you are interested in sponsoring the Spring Seminar, please email Keith Newburry at Keith_Newburry@Edwards.com or call him at (949)250-6803. We look forward to seeing you at The Lodge.

CADDY - \$500

- Announcement of sponsorship in Program, LAIPLA newsletter, and to audience at Spring Seminar
- Prominent sponsor logo projected during event
- LAIPLA Certificate of Appreciation

PAR - \$1,000

All of the benefits of the Caddy Package, plus:

- Sponsor table for distributing information at entrance to program hall
- Brief introduction to one representative of the sponsor from the podium

BIRDIE - \$2,000

All of the benefits of the Par Package, plus:

- Opportunity for a representative of the sponsor to speak to the conference audience for 1 minute to introduce the sponsor's products and/or services
- Larger sponsor's table for distributing info
- Preferred seating for two people at a VIP table at the Saturday Dinner

EAGLE - \$5,000

All of the benefits of the Birdie Package, plus:

- Opportunity for a representative of the sponsor to speak to the conference audience for 5 minutes to introduce the sponsor's products and/or services
- Invitation for two to the private President's Suite Party on Saturday Night
- Invitation for two to the private Speakers' Dinner on Friday Night
- Admission for one to Golf Tournament on Saturday Afternoon at the Torrey Pines Golf Course (South)

GOLF TOURNAMENT SPONSOR - \$3,500

All of the benefits of the Birdie Package, plus:

- Admission for two to Golf Tournament on Saturday Afternoon at the Torrey Pines Golf Course (South), home of the 2008 U.S. Open (a \$540 value);
- Prominent signage at Golf Tournament
- Prominent labeling of Golf Tournament tee prizes (golf balls, etc.) with sponsor's logo
- Opportunity to introduce sponsor's company and award Golf Tournament prizes at Saturday Dinner

TENNIS TOURNAMENT SPONSOR - \$1,500

All of the benefits of the Caddy Package, plus:

- Admission for two to Tennis Tournament on Saturday Afternoon
- Prominent signage at Tennis Tournament
- Opportunity to introduce sponsor's company and award Tennis Tournament prizes at Saturday Dinner

SPEAKERS' DINNER SPONSOR or PRESIDENT'S PARTY SPONSOR - \$1,500

All of the benefits of the Caddy Package, plus:

- Invitation for two to the private Speakers' Dinner on Friday Night or the private President's Party on Saturday Night
- Prominent signage at Speakers' Dinner or President's Party

RECEPTION SPONSOR - \$1,500

All of the benefits of the Caddy Package, plus:

- Prominent signage at Cocktail Reception (Friday or Saturday Evening)
- Cocktail of Sponsor's Choice featured at Cocktail Reception and named by Sponsor