

26th Annual Technology Law Conference
May 23-24, 2013 • Four Seasons Hotel • Austin, TX

Thursday Morning, May 23, 2013

Presiding Officer:

Bart W. Huffman, Locke Lord LLP - Austin, TX

7:30 am	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.50 hr	The Licensing of Standard-Essential Patents Patents essential to industry standards are often subject to commitments to offer licenses on fair, reasonable and non-discriminatory ("FRAND") terms. An exploration of the nature and meaning of a FRAND commitment and the impact it has on real-world licensing negotiations. Eric M. Reifschneider, QUALCOMM Incorporated - San Diego, CA
9:00 am 0.50 hr	Open Source Enforcement Update Recent enforcement actions—formal and informal—regarding open source licenses, and tips on how to avoid claims. Heather J. Meeker, Greenberg Traurig, LLP - East Palo Alto, CA
9:30 am	Break
9:45 am 0.75 hr	Town Meets Gown: Developing Successful Technology Collaborations with Universities Expert panelists discuss the unique aspects of working with universities and university faculty on technology collaborations, including sponsored research, technology licensing, and consulting and other direct engagement with faculty members. The impact of a university's mission, policies and practices on these relationships is addressed, and best practices for reconciling the divergent cultures and practices of industry and academia are provided. Highlights include university intellectual property policies and practices, publication rights, conflict policies and the impact of recent jurisprudence. Moderator: Heather J. Meeker, Greenberg Traurig, LLP - East Palo Alto, CA Panelists: Richard Friedman, USC Stevens Center for Innovation - Los Angeles, CA Panelists: Ross Spencer Garsson, Greenberg Traurig, LLP - Austin, TX

10:30 am 0.75 hr	<p>Antitrust Enforcement in the Licensing and Technology Arenas</p> <p>Since mid-2012, there has been tremendous activity in anti-trust enforcement involving standards-essential patents, <i>e.g.</i>, the FTC's consent decree in <i>In re Robert Bosch GmbH</i> and the FTC's proposed consent decree in <i>In re Google, Inc.</i> The balance of patent and antitrust regulation could be impacted by the U.S. Supreme Court's anticipated decision in a case this Term, <i>FTC v. Watson Pharmaceuticals</i> (dealing with reverse settlements). Private litigation could result in the first decisions on what is a fair, reasonable and non-discriminatory royalty rate, with briefs submitted and decisions pending before at least two different district courts. Antitrust enforcement is expected to remain a high priority for regulators, and antitrust litigation involving standards is showing no signs of abating anytime soon. This session helps business executives and licensing counsel understand the evolving changes in antitrust regulation and emerging case law in patent licensing.</p> <p>Richard J. Gilbert, University of California, Berkeley - Berkeley, CA David J. Healey, Fish & Richardson P.C. - Houston, TX</p>
11:15 am 0.50 hr	<p>Social Media in a Technology Workforce</p> <p>Employees at your organization are on social media whether you have a policy or not. To write a policy, or update an existing one, you'll need to learn about the high-level social media risks and the social media policies that have gone too far according to the NLRB. This session outlines a practical social media governance cycle and provides tips for identifying and addressing social media concerns in your organization.</p> <p>Ryan M. Garcia, Dell - Austin, TX</p>
11:45 am	<p>Lunch on Your Own</p>

Thursday Afternoon, May 23, 2013

Presiding Officer:

Jonathan Lass, Jackson Walker L.L.P. - Austin, TX

1:00 pm 0.75 hr	<p>Privacy from the Outside In</p> <p>An overview of FTC privacy principles and enforcement activities, and practical suggestions for incorporating privacy requirements into business operations.</p> <p>Peter B. Miller, Chief Privacy Officer, Federal Trade Commission - Washington, DC Commentator: Bart W. Huffman, Locke Lord LLP - Austin, TX</p>
1:45 pm 0.75 hr	<p>Dealing with Data: The Ins and Outs of the Data Marketplace</p> <p>An analysis of the practical legal aspects of obtaining and using data acquired from third parties, including contractual considerations and regulatory compliance. Panelists discuss practical examples based on real-life scenarios involving such issues as "scraping," risk allocation, marketing regulations, and more.</p> <p>Moderator: Edward A. Cavazos, Bracewell & Giuliani LLP - Austin, TX Panelists: Andrew J. Gajkowski, Bracewell & Giuliani LLP - Austin, TX Panelists: J. Seth Randle, WhaleShark Media, Inc. - Austin, TX</p>

2:30 pm 0.50 hr	<p>Better than Plastic—The Evolving Mobile Payments Ecosystem</p> <p>Mobile payments are expected to exceed \$214 billion in the U.S. by 2015, promising to fundamentally alter the way consumers and merchants transact business, both online and in the real world. A look at the mobile payment solutions currently taking shape in the marketplace, along with discussion of related legal and regulatory issues.</p> <p>Slade S. Cutter, Cutter Law, P.C. - Austin, TX</p>
3:00 pm	<p>Break</p>
3:15 pm 0.50 hr	<p>Patents for General Technology Lawyers—Implications of the America Invents Act</p> <p>A look at the America Invents Act from the perspective of a technology lawyer, with a focus on the implications of the First-to-File régime and the impact of the new post-grant procedures for invalidating patents.</p> <p>Andrew S. Ehmke, Haynes and Boone, LLP - Dallas, TX</p>
3:45 pm 0.50 hr	<p>SaaS Update: Black Swans Flock Together</p> <p>Keys to drafting contract terms related to service levels and disaster recovery in light of recent large-scale cloud service outages.</p> <p>Brian J. Henchey, Baker Botts - Dallas, TX</p>
4:15 pm 0.75 hr	<p>Cybersecurity: Developments, Challenges and a Modest Case for Self-Defense</p> <p>What is the cybersecurity problem? The answer to this and many other issues are examined, including practical and policy considerations, legislative efforts and executive action, legal risks in day-to-day security operations, and the availability of affirmative defenses.</p> <p>Moderator: Jonathan Lass, Jackson Walker L.L.P. - Austin, TX</p> <p>Panelists: Neal Maguire, Verizon - New York, NY Doug Steelman, Dell SecureWorks - Atlanta, GA Jennifer S. Zucker, Wiley Rein LLP - Washington, DC</p>
5:00 pm 0.50 hr	<p>Software and Digital Media</p> <p>A review of the extent to which modern copyright law, including the Digital Millennium Copyright Act, is adequate to protect the interests of content providers and distributors, or whether the balance has shifted too far toward enabling others to capture value from the creative work of content providers who wish to commercialize their works. Also considered are concepts of first sale, DMCA and fair use as it relates to products such as eBooks, hard copy publications, digital music and the like.</p> <p>Raymond T. Nimmer, University of Houston Law Center - Houston, TX</p>
5:30 pm	<p>Adjourn to Networking Reception</p> <p>Thank you to our Sponsors.</p>

Friday Morning, May 24, 2013

Presiding Officer:

7:30 am	Conference Room Opens Includes continental breakfast.
8:30 am 1.00 hr 0.25 hr ethics	Best Practices in Electronic Discovery An exploration of best practices in handling electronic discovery. Topics include recent developments in eDiscovery law, including legal holds, proportionality, discovery of social media, privilege preservation, sanctions, spoliation and obstruction; strategies for reducing unnecessary eDiscovery costs, including early ESI identification and case assessment, best use of Rule 26 conferences, considerations in forms of production, and alternate review strategies in document-intensive cases; and judicial approaches to managing eDiscovery in their courts, including procedural issues, production disputes, noncooperation, noncompliance with court orders, production and privilege issues, proportionality, privilege waiver and use of special discovery masters. Moderator: Jonathan Lass, Jackson Walker L.L.P. - Austin, TX Panelists: Gene W. Albert, Lexbe LC - Austin, TX Eric J. Mayer, Susman Godfrey LLP - Houston, TX Hon. Xavier Rodriguez, U.S. District Court, Western District of Texas - San Antonio, TX Hon. Lee Yeakel, U.S. District Court, Western District of Texas - Austin, TX
9:30 am 0.75 hr	The Evolution of Cloud Computing in the Enterprise Space A practical discussion of the unique benefits and challenges of the cloud for enterprise solutions, including a look at how major cloud providers are working to address compliance concerns, and suggestions with respect to issues such as risk allocation and data security, including the implications of the HIPAA final rule issued earlier this year. Moderator: Bart W. Huffman, Locke Lord LLP - Austin, TX Panelists: Susan T. Boyd, Microsoft - Redmond, WA Panelists: Jennifer L. Rangel, Locke Lord LLP - Austin, TX
10:15 am	Break
10:30 am 0.75 hr	M&A Valuations and Purchase Price Negotiations in the Technology Sector An investment banker and two seasoned M&A practitioners with extensive experience in handling technology-focused transactions discuss the particular valuation metrics and methodologies that drive price negotiations in M&A deals in the technology sector. Both patent portfolio acquisitions and acquisitions of entire operating companies are addressed, including transactions structured as "earn-outs." Moderator: Richard E. Climan, Weil, Gotshal & Manges LLP - Redwood City, CA Panelist: Jennifer Muller, Houlihan Lokey - San Francisco, CA

11:15 am 0.75 hr	<p>The U.S. Foreign Corrupt Practices Act: Managing Risks in the Technology Sector</p> <p>At the start of 2013, the technology sector had the second highest number of ongoing FCPA investigations, just behind the energy sector, with some fifteen technology companies, including Sony, Oracle, and Hewlett-Packard, under review for alleged improper payments abroad to foreign officials. Given their regions of operation, types of government interaction and business models, technology companies often face unique FCPA risks in conducting their international business. This session explores these risks and the "best practice" strategies that companies are employing to address them.</p> <p>Matteson Ellis, Matteson Ellis Law, PLLC - Austin, TX</p>
12:00 pm	<p>Pick Up Lunch</p> <p>Included in conference registration fee.</p>

Friday Afternoon, May 24, 2013

Presiding Officer:

Robert L. King, Silicon Laboratories - Austin, TX

	Luncheon Presentation
12:20 pm 0.75 hr	<p>Indemnities</p> <p>Insights into warranty and indemnification terms from both the seller and buyer points of view. Typical points of negotiation from sample clauses are explored and checklists of issues to consider are also provided.</p> <p>Moderator: Minh-Hien Nguyen, Dell - Round Rock, TX</p> <p>Panelists: Anthony E. Peterman, Dell - Round Rock, TX</p> <p>Panelists: Kim Marie Vo, Advanced Micro Devices, Inc. - Austin, TX</p>
1:05 pm	Break
1:15 pm 1.00 hr ethics	<p>Who is the Client?</p> <p>Too many entities, too many clients—a discussion of modern-day entity creation and its challenges.</p> <p>Thomas H. Watkins, Brown McCarroll, L.L.P. - Austin, TX</p>
2:15 pm 0.75 hr ethics	<p>Mediation of Technology Disputes</p> <p>An examination of both broad strategic concepts and detailed practice tips, including the psychology of choice, the predictability of irrationality, "3-D" negotiation and why attorneys sometimes get "stuck" in the process. With lessons from Star Trek, this session promises to be fun, to provoke new ways of thinking and to provide practical, new skills to help ensure successful mediations for our clients.</p> <p>Karl Bayer, Dispute Resolution Expert - Austin, TX</p>
3:00 pm	Adjourn