

KBA COLLEGE 2009 Intellectual Property Law Institute



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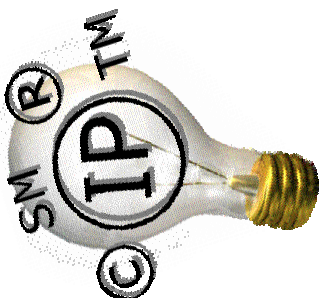
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May 8, 2009

Doubletree Hotel
10100 College Blvd.
Overland Park, Kan.

The KBA has applied for 7.0 hours of continuing legal education (CLE) credit, including 2.0 hours professional responsibility credit for this seminar.

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Intellectual
2009 KBA



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Onsite registrants will incur an additional \$10 administrative fee.

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Registration includes materials, continental breakfast, and lunch.

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Materials \$30, Shipping \$4.50, Tax \$2.57

Enclosed is my payment to the KBA

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*Members of the KBA Intellectual Property Law section
enjoy an additional \$20 discount for this CLE program!*

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Our Distinguished Faculty



Paul I. Fleischut, *Senniger Powers LLP, St. Louis, Mo.*

Fleischut received his J.D. from the University of Missouri in 1990. He has spent his 19-year career practicing patent and trademark law with the intellectual property boutique firm Senniger Powers in St. Louis. He is a former chair of the Professional Ethics and Methods of Practice Committee of the Bar Association of Metropolitan St. Louis and has authored many presentations and articles on ethics topics. In addition to his patent and trademark practice, he serves as ethics counsel for his firm, which has 36 attorneys, including 22 registered to practice before the U.S. Patent Office.



Charles R. McManis, *Washington University School of Law, St. Louis, Mo.*

McManis is the Thomas and Karole Green Professor of Law and director of the Intellectual Property & Technology Law program at Washington University in St. Louis, Mo. He received his B.A. from Birmingham-Southern College in 1964, and both his M.A. (in Philosophy) and J.D. from Duke University in 1972. McManis has been a frequent visiting lecturer and paper presenter at universities and academic conferences throughout the U. S., Asia, Europe, and in South America. During 1993 and 1994, McManis was Fulbright Fellow in Korea where he lectured and did research at the International Intellectual Property Training Institute in Taejon. He has served as a consultant for the World Intellectual Property Organization in India, Korea, and Oman. In 2002 he presented a paper at a Joint WIPO/UPOV Symposium on the co-existence of Patents and Plant Breeders' Rights, in Geneva, Switzerland.

McManis' book, *Intellectual Property & Unfair Competition in a Nutshell*, is now in its fifth edition and a sixth edition will be published in August 2009. He is also co-author of *Licensing Intellectual Property in the Information Age*, the second edition of which was published in 2005 by Carolina Academic Press. He is also the editor of a multi-authored volume, entitled *Biodiversity and the Law: Intellectual Property, Biotechnology and Traditional Knowledge* (Earthscan/James & James 2007).

A Word of Thanks

The faculty for this Kansas Bar Association seminar are volunteers in service to the profession who, along with the KBA Intellectual Property Law Section, have made this program possible. Their generous contributions of time, talent, and energy make this and other Bar Association programs successful. We appreciate their work and service to the members of the Kansas Bar. A special thanks to Marshall Honeyman and Art Shaffer for their outstanding work on this program.

Are you a member of the KBA Intellectual Property Law Section?

Section membership affords you:

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- ◆ Legislative involvement
- ◆ Section newsletter
- ◆ **Savings on section sponsored CLE seminars!**

Join on the attached registration form and take advantage of these member benefits today!



Howard B. Rockman, *Howard B. Rockman P.C., Oakbrook Terrace, Ill.*

Rockman has been in the practice of Intellectual Property Law for over forty years. He is a former U.S. patent examiner who obtained his Mechanical Engineering degree from Drexel University and his law degree from George Washington University in Washington, D.C. He began his legal career as a lawyer in the Antitrust Division and then in the patent litigation section of the U.S. Department of Justice. For the majority of his career, Rockman has been engaged in the practice of Intellectual Property Law in Chicago, Ill., covering patent and trademark litigation and all phases of Intellectual Property counseling and opinion writing.

Rockman is an adjunct professor of patent law at John Marshall Law School in Chicago and is also an adjunct professor teaching two online engineering law courses at the University of Illinois at Chicago, College of Engineering. He is also an author and lecturer on the topic of Intellectual Property Law



John M. Whealan, *The George Washington University Law School, Washington, D.C.*

Whealan is associate dean for intellectual property law studies at The George Washington University Law School. Before joining the school in 2008, Whealan worked at the U.S. Patent and Trademark Office (USPTO) where he served as deputy general counsel for intellectual property law and solicitor since 2001. He represented the USPTO in all intellectual property litigation in federal court and advised the agency on a variety of policy issues. During his tenure, he argued approximately 30 cases before the Federal Circuit and, with his staff, was responsible for briefing and arguing more than 250 cases. Whealan also assisted the U.S. Solicitor General on virtually every intellectual property case that has been heard by the Supreme Court since 2001. He also served as counsel to the U.S. Senate Committee on the Judiciary.

Prior to 2001, Whealan was a staff attorney for the U.S. International Trade Commission where he litigated several investigations involving intellectual property matters. He has clerked at both the appellate and trial court levels, serving as law clerk to Judge Randall R. Rader, J.D. '78, of the Federal Circuit and Judge James T. Turner of the U.S. Court of Federal Claims. Whealan has engaged in private practice at Fish & Neave in New York and worked as a design engineer for General Electric. For the past 10 years, he has taught as an adjunct professor of law at The Franklin Pierce Law Center and also has taught courses at George Mason University School of Law and Chicago-Kent College of Law.



Attention Persons with Disabilities: The KBA will make reasonable efforts to make our seminars accessible to persons with disabilities. If you are a person with a disability who wishes to attend our seminar and need accommodations relating to your disability, please contact the CLE department at (785) 234-5696. A request should be made at least ten (10) days in advance of the seminar.

The Course Schedule

8:30 a.m. Registration and Continental Breakfast

9:00 a.m. Responding to Obviousness Rejections - A Practical Guide for the Practitioner

Howard B. Rockman, *Howard B. Rockman P.C., Oakbrook Terrace, Ill.*
Following the Supreme Court's KSR decision, patent examiners appear to have been emboldened in rejecting patent claims on obviousness grounds. The USPTO Guidelines to the Examiners in making obviousness rejections will be discussed. In addition, ideas will be presented, and vetted, regarding how the patent practitioner should successfully respond to an obviousness rejection.

9:50 a.m. Break

10:05 a.m. Responding to Obviousness Rejections - Continued

10:55 a.m. Patent Reform: A perspective from someone who has been involved in it from the perspective of all three branches of government

John M. Whealan, *The George Washington University Law School, Washington, DC*

Patent reform has been going on in all three branches of government since the turn of the century. Dean Whealan will give his unique perspective as someone who has been involved in it from his work as Solicitor of the USPTO, his advising the U.S. Solicitor General on all patent cases before the Supreme Court this decade, and his position as Counsel to the Senate Judiciary Committee.

11:45 a.m. Networking Lunch (provided)

12:30 p.m. Recent Developments in Copyrights & Related Rights

Charles R. McManis, *Washington University School of Law, St. Louis, Mo*
Various recent amendments to the Copyright Act of 1976, most notably the Digital Millennium Copyright Act of 1999, as well as a number of important appellate judicial decisions over the past four years in the 8th Circuit and elsewhere in the field of copyrights and related rights (e.g. the right of publicity) make it incumbent upon the intellectual property practitioner to be aware of how these developments impact the practice of intellectual property law. Professor McManis' presentation will survey these recent developments.

1:20 p.m. Brief Break

1:25 p.m. Recent Developments in Trademark and Unfair Competition Law

Charles R. McManis
Various recent amendments to the federal Lanham Trademark Act, dealing among other things with trademark dilution and cybersquatting, and a number of equally important recent U.S. Supreme Court decisions have spawned a host of appellate judicial decisions over the past four years in the 8th Circuit and elsewhere in the field of trademark and unfair competition law. Professor McManis' presentation will survey these recent developments.

2:15 p.m. Break

2:30 p.m. Ethics in Intellectual Property Law

Paul I. Fleischut, *Senniger Powers LLP, St. Louis, Mo.*

This presentation focuses in one aspect on avoiding conflicts of interest which may arise in patent, trademark and copyright representation. A number of KRPCs have implications for law firms and the in-house counsel who hire them in various situations when attorneys take on new representation, when firms merge, and when attorneys change firms. The presentation also explores application of certain of the rules specifically addressing integrity, including truthfulness in statements to others, misconduct, and reporting misconduct. In another aspect this presentation provides guidance on ethically contacting potential clients-including advertising generally, as well as direct contact with prospective clients. Obligations specific to patent and trademark practitioners, including the Duty of Disclosure in patent applications, will also be addressed.

3:20 p.m. Brief Break

3:30 p.m. Ethics in Intellectual Property Law-continued

4:20 p.m. Adjourn