



FEDERATION INTERNATIONALE DES CONSEILS EN
PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

FICPI - U.S.

President:

Barry W. Graham
Finnegan Henderson Farabow
Garrett & Dunner
901 New York Avenue, NW
Washington, D.C. 20001-4413
barry.graham@finnegan.com

Past President:

John B. Hardaway, III
Nexsen Pruet, LLC
55 East Camperdown Way, Suite 400
Greenville, South Carolina 29601
jhardaway@nexsenpruet.com

President-elect:

Andrew D. Meikle
Birch, Stewart, Kolasch & Birch, LLP
8110 Gatehouse Road, Suite 100E
Falls Church, Virginia 22042
adm@bskb.com

Secretary:

Robert S. Katz
Banner & Witcoff, Ltd.
1100 13th Street, NW, Suite 1200
Washington, DC 20005
rkatz@bannerwitcoff.com

Treasurer:

Douglas T. Johnson
Miller & Martin PLLC
832 Georgia Avenue
Chattanooga, Tennessee 37402
djohnson@millermartin.com

Council Members:

Jason P. Cooper
Alston & Bird LLP
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
jason.cooper@alston.com

Lawrence A. Maxham

The Maxham Firm
9330 Scranton Road, Suite 350
San Diego, California 92121
lmaxham@maxhamfirm.com

Joanna M. Esty

Majesty Law Group PLC
1723 Valley Park Avenue
Hermosa Beach, California 90254-2958
jmesty@majestylaw.com

C. Gregory Gramenopoulos

Finnegan Henderson Farabow
Garrett & Dunner
901 New York Avenue, NW
Washington, D.C. 20001-4413
c.gregory.gramenopoulos@finnegan.com

Steven Hash

Vinson & Elkins, LLP
2801 Via Fortuna, Suite 100
Austin, Texas 78746
shash@velaw.com

Stephen S. Wentsler

Pearne & Gordon LLP
1801 East 9th Street, Suite 1200
Cleveland, Ohio 44114-3108
swentsler@pearne.com

March 30, 2013

Re: Professional Program for FICPI ABC 2013 Conference
May 15-18, 2013 - New Orleans, Louisiana

Dear FICPI Members:

As you may know the U.S. Section is the host this year of the annual meeting of the U.S., U.K., and Canadian National Groups, known as the ABC Conference. The Conference will be in wonderful, unique New Orleans, Louisiana. **Registration is set to close on April 15th.** The Conference is open to all FICPI members and is timed so that those attending the CET meeting in Austin, Texas can join us in New Orleans for the ABC 2013. So please register if you have not yet done so. (A reminder on how to register is at the end of this message.)

The Organizing Committee is happy to announce the final details of the Professional Program for the Conference. The program (copy attached) takes place the mornings of May 16th, 17th, and 18th and provides a broad array of current IP topics of interest from U.S., European, and Canadian perspectives. Much effort has gone into putting the program together, and the program promises to be quite informative. For more on ABC 2013, the social program, and logistics, please go to the U.S. Section's website at www.ficpi.us and download the Conference Brochure.

We are also excited to announce that the Honorable Susie Morgan, United States District Court Judge for the Eastern District of Louisiana in New Orleans, will join us for our working lunch on May 16th and provide her thoughts on some of the challenges presented to a judge who is handling patent cases without prior experience in such cases. Additionally, we have invited USPTO Patent Trial and Appeal Board Chief Judge James Smith to speak on America Invents Act and its effect on the operations of the USPTO and are hopeful the Chief Judge can join us. And we have also invited New Orleans' Mayor Mitch Landrieu to speak at the Conference's opening reception on May 15th and are hopeful that he will be able to join us at the Cabildo.

We look forward to seeing you in New Orleans. So, once again, if you have not registered for the ABC, please do so. You can register online at www.ficpi.us, or by email or mail using the Registration Form found on our website or at www.ficpi.org. The Conference may qualify for CLE credit.

Very truly yours,

INTERNATIONAL FEDERATION OF INTELLECTUAL PROPERTY ATTORNEYS,
U.S. SECTION

By: /s/ Barry W. Graham
Barry W. Graham, President

-- FICPI ABC 2013 Professional Program --

Thursday, May 16th, 8:30 AM - 12:00 PM – U.S. Section Presentations

Third-party challenges (pre- and post-grant) in the USPTO in the new post-AIA world

Short Description: This session will address how the patent system has changed to allow third parties to invalidate granted patents and to attempt to prevent the grant of patent rights. In addition to the changes in the rules, strategies relating to such third-party challenges and whether or not to even challenge in the first place will be discussed.

Speaker: Erika Arner, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Things practitioners need to know and related strategies and practice tips to consider in the new post-AIA world

Short Description: The new patent laws changed in many aspects of the former 1952-based patent laws. This session will address some of the most important changes and what practitioners need to know to about the best practices in view of these changes.

Speaker: Andrew D. Meikle, Birch Stewart Kolasch & Birch LLP

Hot Topics I: Patents – Important patent-related case law decisions over the last year and their implications

Short Description: There have been a number of significant patent decisions handed down over the last year. This session will address these important case decisions and provide practice considerations in view of these decisions.

Speaker: Bradley Wright, Banner & Witcoff, Ltd.

Hot Topics II: Trademarks and trade dress -- Important trademark and trade dress-related case law decisions over the last year and their implications.

Short Description: There have been a number of significant trademark and trade dress decisions handed down over the last year. This session will address these case decisions and provide practice considerations in view of these decisions.

Speaker: Ken Germain, Wood Herron & Evans, LLP

Friday, May 17th, 9:00 AM - 12:30 PM – U.K. Association Presentations

EU Patent Reform

Short Description: This presentation will provide an update on the progress of EU Patent Reform, explain what will happen next, and address some of the key issues. FICPI-UK has been represented at the European Reform Group meetings held by the UK IPO, and this has provided invaluable insight into the European legislation process and the next steps to be taken on the long road to a Unitary patent.

Speaker: Alan Senior, J A Kemp

EPO Oppositions

Short Description: This session will address EPO Oppositions and compare them with the proposed EU court procedures. The proposed European Patent Court will be a new court with new rules, much like the EPO when it opened its doors. This presentation will examine how EPO Oppositions currently work and what lessons can be learned for the new proposed court.

Speaker: Arnie Clark, Gill Jennings & Every LLP

Using the UK national route

Short Description: This presentation will explain the advantages and disadvantages of using the UK national route, given its potential use as a “shelter” from the unitary patent provisions. With a number of changes to the UK patent system (e.g., patent box and improved Bolar provisions) and the “customer-friendly” outlook of the UKIPO, it is likely that more will use this alternative in future.

Speaker: Gareth Probert, Potter Clarkson LLP

Erosion of the cornerstones of the CTM system

Short Description: This session will review some issues that seem to be eroding the basis of the CTM system, such as changes to the practice on specifications and the requirement for use being met by use in a single member state. If the EU Commission has finally released its proposals for revision of the CTM regulation, then these will also be reviewed. These proposals have been long-awaited and much delayed, but could significantly alter the TM landscape in Europe.

Speaker: James Fish, J A Kemp

Designs – Reform in the UK and recent EU Cases

Short Description: This presentation will explain the UK’s proposal to amend national design law, as well as some recent important decisions, including *Apple v. Samsung*. With the Community Design System having been in place for ten years, some of the questions posed by the legislation have been answered by the Office and Courts. Despite there being a harmonised registered design law in Europe, this harmonisation doesn’t extend to unregistered design regime, where it is expected the UK will propose changes.

Speaker: Robert Watson, Mewburn Ellis LLP

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Saturday, May 18th, 8:30 AM - 12:00 PM – Canadian Association Presentations

The “promise” in Canadian patents, a recipe for disaster?

Short Description: Recent cases have held many Canadian patents invalid for promising a given utility and failing to deliver. This is particularly apparent in pharmaceutical cases, but it has potential to spread to other areas. It can be very much a problem if “promise” is within the claims or clearly set out as a key achievement in the disclosure.

Speakers:

Serge S. Shahinian, Goudreau Gage Dubuc LLP

Louis-Pierre Gravelle, Robic LLP

Industrial Design Law in Canada: Finally Some Clarification!

Short Description: There was a rare Federal Court decision on designs, *Bodum USA v. Trudeau Corp.* In it, the court addressed the test for infringement; the test for originality; and the role of the description. These issues, and more about the *Bodum* case will be discussed.

Speakers:

Stephen Perry, PCK

Jennifer L. Jannuska, Deeth Williams Wall

Trademarks and Internet e-Commerce, Who's Using?

Short Description: In this session, issues to be discussed will include: (a) whether e-commerce involving Canadian orders is considered to be "use" of a trade-mark in Canada; (b) the do's and don'ts of website trade-mark identification and use; (c) regarding the *Thymes v. Reitmans* case, whether there must be "use" as of the filing date to rely on "use and registration abroad."

Speakers:

Robert B. Storey, Bereskin & Parr

Toni Polson-Ashton, Sim Lowman Ashton & McKay LLP

Rapid Fire Hot Topics

Short Description: Various hot topics will be discussed such as: a practice notice regarding computer-implemented inventions; Anti-counterfeiting Bill C-56; a *Marlboro* case update; the *McCormick v. Fasken* case on mandatory retirement; and a Report of the Canadian Standing Committee on Industry, Science and Technology, relating to the IP regime in Canada.

Speakers:

John Knox, Smart & Biggar

Toni Polson-Ashton, Sim Lowman Ashton & McKay LLP

Brett Slaney, Blake, Cassels & Graydon LLP

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