



PRESENTS

**DAY 1**  
Monday,  
December 4

# PTO Day

**17<sup>th</sup> Annual Conference on Patent and Trademark Office Law and Practice**

Cosponsored by Intellectual Property Owners Education Foundation and U.S. Patent and Trademark Office



**6** CLE  
Credit Hours  
(Approximate)

**REGISTER NOW FOR  
ONE OR BOTH PROGRAMS!**

**TWO DAYS...  
TWO PROGRAMS**

**December 4 and 5, 2006**

Ronald Reagan Building &  
International Trade Center  
Washington, D.C.



Intellectual  
Property  
Owners  
Association

PRESENTS

**DAY 2**  
Tuesday,  
December 5

# Patent Interferences Rules & Practice Conference

**Interference Cases Before the USPTO  
Board of Patent Appeals and Interferences**

Presented by IPO Patent Interferences Committee



**6.5** CLE  
Credit Hours  
(Approximate)

TWO DAYS...  
TWO PROGRAMS

**DAY 1** Monday, December 4, 2006



PTO Day

**DAY 2** Tuesday, December 5, 2006



Patent Interferences Rules  
& Practice Conference

**REGISTER NOW FOR ONE OR BOTH!**

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Ronald Reagan Building &  
International Trade Center  
Washington, D.C.

**WHO SHOULD ATTEND**

- Attorneys in corporations  
and universities
- Attorneys in  
private practice
- Attorneys with  
government agencies
- Law office  
administrators and  
paralegals
- Professors and  
law students

**IPO Education Foundation**

**DAY 1**

PTO Day

Cosponsored by Intellectual Property Owners Education Foundation  
and U.S. Patent and Trademark Office

**PTO Day** brings together experts from the Office and the private bar to discuss current developments.

The one-day program has more than 20 speakers in two general morning sessions and five afternoon breakouts. The luncheon features an address by **Hon. Randall R. Rader**, U.S. Court of Appeals for the Federal Circuit.

The breakout sessions are 90 minutes in length, except for the Professional Responsibility breakout, which runs for 2 hours. One of the five breakout sessions will be repeated. Speakers will prepare materials for distribution to participants.

**SPONSORS**

**Intellectual Property Owners Education Foundation**  
([www.ipo.org/educationfoundation](http://www.ipo.org/educationfoundation))



IPO Education Foundation is a non-profit organization devoted to educational and charitable activities designed to improve intellectual property rights.

**U.S. Patent and Trademark Office** ([www.uspto.gov](http://www.uspto.gov))

Telephone numbers for the USPTO may be obtained by calling 571/272-1000.

# 17th Annual Conference on Patent and Trademark Office Law and Practice

Monday,  
December 4

**PRELIMINARY  
PROGRAM**



7:45AM

**COFFEE & REGISTRATION**

8:45AM–11:45AM

**CONCURRENT PATENT AND TRADEMARK GENERAL SESSIONS**

## **PATENT GENERAL SESSION**

### **Introduction and State of Patent Operations**

- Hon. John J. Doll, *Commissioner for Patents*  
U.S. Patent and Trademark Office, Alexandria, VA

### **Patent Reexamination: Existing Practice and New Developments**

- Kenneth M. Schor, *Senior Legal Advisor*,  
Office of Patent Legal Administration (OPLA),  
U.S. Patent and Trademark Office, Alexandria, VA

### **Challenge in the U.S. Supreme Court to the Law of Obviousness: KSR International v. Teleflex**

- Kenneth C. Bass, III  
*Sterne, Kessler, Goldstein & Fox, PLLC, Washington, DC*

10:15AM–10:30AM

**COFFEE BREAK**

### **Planning for New Patent Examining Rules that Might Be Adopted**

- Charles E. Van Horn  
*Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Washington, DC*

### **Federal Circuit Opinions Affecting USPTO Patent Practice: Key Cases of the Past Year**

- John M. Whealan, *Deputy General Counsel*  
for Intellectual Property Law and Solicitor,  
U.S. Patent and Trademark Office, Alexandria, VA

## **TRADEMARK GENERAL SESSION**

### **Introduction and State of Trademark Operations**

- Hon. Lynne G. Beresford, *Commissioner for Trademarks*  
U.S. Patent and Trademark Office, Alexandria, VA

### **Trademark Dilution Revision Act of 2006**

- Jonathan S. Jennings  
*Pattishall, McAuliffe, Newbury, Hilliard & Geraldson, LLP, Chicago, IL*

### **Overcoming Refusals of Trademark Examining Attorneys**

- Kathleen Cooney-Porter  
*Oblon, Spivak, McClelland, Maier & Neustadt, P.C., Alexandria, VA*

10:15AM–10:30AM

**COFFEE BREAK**

### **Fraud Issues in USPTO Trademark Cases**

- Frances Wolfson, *TTAB Interlocutory Attorney*,  
U.S. Patent and Trademark Office, Alexandria, VA
- Linda K. McLeod  
*Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Washington, DC*

### **Recent Decisions Affecting Trademark Practice**

- Jeffrey M. Samuels  
*University of Akron School of Law, Akron, OH*



12:00NN –1:30PM

## LUNCHEON

Address by:

**Hon. Randall R. Rader**

*U.S. Court of Appeals for the Federal Circuit, Washington, DC*

1:45PM–3:15PM

## CONCURRENT BREAKOUT SESSIONS

### BREAKOUT I

#### Tips on Filing and Prosecuting Patent Applications (REPEATED AT 3:30PM)

- **Robert J. Spar**  
*Director  
Office of Patent Legal Administration (OPLA)  
U.S. Patent and Trademark Office,  
Alexandria, VA*
- **Robert A. Clarke**  
*Senior Legal Advisor  
Office of Patent Legal Administration (OPLA)  
U.S. Patent and Trademark Office,  
Alexandria, VA*

### BREAKOUT II

#### Introduction to the Board of Patent Appeals and Interferences

##### State of the Board

- **Michael R. Fleming**  
*Chief Administrative Patent Judge  
Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office,  
Alexandria, VA*

##### Roles of Administrative Patent Judges

- **Toni R. Scheiner**  
*Administrative Patent Judge  
Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office,  
Alexandria, VA*
- **Linda E. Horner**  
*Administrative Patent Judge  
Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office,  
Alexandria, VA*

### BREAKOUT III

#### Practicing Before the Trademark Trial and Appeals Board (TTAB)

- **J. David Sams**  
*Chief Administrative Trademark Judge  
Trademark Trial and Appeals Board  
U.S. Patent and Trademark Office,  
Alexandria, VA*

##### Proposed Changes to TTAB Rules

- **Gerard F. Rogers**  
*Administrative Trademark Judge  
Trademark Trial and Appeals Board  
U.S. Patent and Trademark Office,  
Alexandria, VA*

3:15PM–3:30AM

## COFFEE BREAK



3:30PM–5:00PM

## CONCURRENT BREAKOUT SESSIONS

### BREAKOUT I

#### Tips on Filing and Prosecuting Patent Applications

(REPEAT OF 1:45PM SESSION)

- Robert J. Spar  
*Director  
Office of Patent Legal Administration (OPLA),  
U.S. Patent and Trademark Office,  
Alexandria, VA*
- Robert A. Clarke  
*Senior Legal Advisor  
Office of Patent Legal Administration (OPLA),  
U.S. Patent and Trademark Office,  
Alexandria, VA*

### BREAKOUT IV

#### Tips on Trademark Practice in the USPTO

##### Representing an Applicant/Registrant Before the USPTO

- Jennifer D. Chicoski  
*U.S. Patent and Trademark Office,  
Alexandria, VA*

##### Examination Procedures for Drawings that Contain Black, White, or Gray

- Catherine P. Cain  
*U.S. Patent and Trademark Office,  
Alexandria VA*

##### Amendments to Color Features of Marks

- Jean Marc Brun  
*U.S. Patent and Trademark Office,  
Alexandria, VA*

##### Registrability of Marks Used on Creative Works

- Teresa M. Rupp  
*U.S. Patent and Trademark Office,  
Alexandria, VA*

##### Nice Classification Changes Effective January 1, 2007

- Jessie N. Roberts  
*U.S. Patent and Trademark Office,  
Alexandria, VA*

3:30PM–5:30PM

### BREAKOUT V

#### Professional Responsibility for Intellectual Property Practitioners

##### USPTO Policies

- Harry I. Moatz, *Director,  
Office of Enrollment and Discipline,  
U.S. Patent and Trademark Office,  
Alexandria, VA*

##### The Duty of Candor: Source, Scope, and Significance?

- Professor Lisa A. Dolak  
*Syracuse University, College of Law,  
Syracuse, NY*

NOTE: This session will adjourn at 5:30pm

5:00PM

ADJOURNMENT



## About PTO Day

The “PTO Day” conference, now in its seventeenth year, is devoted to U.S. Patent and Trademark Office law and practice. PTO Day provides a mix of private and government presenters on an array of basic, advanced, and late-breaking topics. The conference gives opportunities to attendees to discuss current issues with their peers in a professional setting.

Registration fees are subsidized for government employees, educators and students. The registration fee will be waived for a limited number of full-time law students, space permitting. Law students should call the Foundation office, 202/466-2396.

The IPO Education Foundation intends for the conference to make a lasting contribution to the state of knowledge of USPTO law and practice. The Foundation believes it is important to continue to offer education on practical topics that are essential for those who are practicing before the USPTO and working in the USPTO as patent and trademark examiners. In addition to providing training, the Foundation wants to help ensure that USPTO law and practice is recognized as a technical legal specialty that is an indispensable part of a properly-functioning intellectual property system.

***“The specification and claims of a patent, particularly if the invention be at all complicated, constitute one of the most difficult legal instruments to draw with accuracy.”***

*Justice Henry Billings Brown, U.S. Supreme Court, 1892*

By bringing together top USPTO experts and leading private practitioners for the day-long PTO Day program, the Foundation endeavors to present high quality education and to promote continuing government-private sector dialogue that will contribute to better protection for intellectual property rights in the U.S.

## About IPO Education Foundation

Intellectual Property Owners Education Foundation is a non-profit organization devoted to educational and charitable activities designed to improve intellectual property rights and encourage innovation.



Recent Foundation-sponsored conferences in addition to PTO Day include the International Judges Conference on Intellectual Property Law and the conference on Corporate IP

Management in China and the U.S. The Foundation sponsors the 33-year-old National Inventor of the Year Award, which recognizes America’s most outstanding recent inventors. Scholarships awarded by the Foundation include student scholarships to attend the IPO Annual Meeting and the Donald W. Banner Corporate Intern Scholarship.

The Foundation is tax-exempt under tax code 501(c)(3). Donations to the foundation by individuals are tax deductible to the extent allowed by law. To find out more about IPO Education Foundation programs or to make a donation, call 202/466-2396 or go to [www.ipo.org/educationfoundation](http://www.ipo.org/educationfoundation).

# Patent Interferences Rules & Practice

Presented by IPO Patent Interferences Committee

This conference is a sequel to two past successful conferences hosted by the committee in 2002 and 2004 entitled *PTO Appellate and Interference Practice in the New Millennium*.

The conference is designed to teach corporate counsel and private practitioners what needs to be considered during proceedings before the Board of Patent Appeals and Interferences and what is convincing to Administrative Patent Judges—from the mouths of some of the most experienced and respected practitioners in the country, including corporate counsel, private practitioners and, most importantly, the Judges themselves.

The IPO Education Foundation's PTO Day conference, held the day before on December 4, will feature an afternoon breakout session that will provide an introduction to the Board of Patent Appeals and Interferences by Chief Judge Fleming, Judge Scheiner and Judge Horner.

The Patent Interference Conference will build on the PTO Day session by addressing all facets of an interference proceeding. The nine Judges, eleven interference practitioners and four corporate counsel will lead discussions on interference basics, procedural pitfalls, settlement, cost control and duty of candor, and the proposed post grant review proceedings currently being discussed on Capitol Hill. One should expect not only the basics but in-depth discussion not found in publication, mock demonstrations and introductions to newly available technologies and procedures.

**Anyone who practices before the Board of Patent Appeals and Interferences should attend this conference.**

## Interference Cases Before the USPTO Board of Patent Appeals and Interferences

Tuesday,  
December 5

**PRELIMINARY  
PROGRAM**



### MODERATORS:

- Michael J. Blake, *IPO Patent Interferences Committee Chair, Eastman Chemical Co., Kingsport, TN*
- Todd R. Walters, *IPO Patent Interferences Committee Vice-Chair, Buchanan Ingersoll & Rooney PC, Alexandria, VA*

8:00AM–8:30AM

**Registration & Continental Breakfast**  
*Sponsored by Sughrue Mion, PLLC*

8:30AM–8:45AM

**Welcome Remarks**

- Michael J. Blake, *IPO Patent Interferences Committee Chair, Eastman Chemical Co., Kingsport, TN*

8:45AM–10:15AM

**GENERAL SESSION — I**

### **Introduction to the Trial Section**

- Michael R. Fleming, *Chief Administrative Patent Judge, U.S. Patent and Trademark Office, Alexandria, VA*

### **Interference Basics**

- Roger L. Browdy, *Browdy & Neimark, PLLC, Washington, DC*
- Herbert D. Hart, III, *McAndrews, Held & Malloy, Ltd., Chicago, IL*

### **Initiating an Interference**

- Richard L. Torczon, *Administrative Patent Judge, U.S. Patent and Trademark Office, Alexandria, VA*
- Sally G. Lane, *Administrative Patent Judge, U.S. Patent and Trademark Office, Alexandria, VA*

### **Settlement of Interferences**

- Gerald Deitch, *E.I. du Pont de Nemours and Co., Wilmington, DE*



10:15AM–10:30AM COFFEE BREAK  
Sponsored by McAndrews, Held & Malloy, Ltd.

10:30AM–12:00NN GENERAL SESSION – II  
**Motions Practice During an Interference**

- Jameson Lee, Administrative Patent Judge, U.S. Patent and Trademark Office, Alexandria, VA
- Sally Medley, Administrative Patent Judge, U.S. Patent and Trademark Office, Alexandria, VA
- Anthony M. Zupcic, Fitzpatrick, Cella, Harper & Scinto, New York, NY

**Proving Priority**

- Jerry D. Voight, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Palo Alto, CA
- Oliver R. Ashe Jr., Ashe P.C., Oak Hill, CA

12:15PM–1:45PM LUNCHEON  
Sponsored by Buchanan Ingersoll & Rooney PC

Address by:

- Steven W. Miller  
IPO Vice President, Procter & Gamble Co., Cincinatti, OH

2:00PM–3:30PM GENERAL SESSION – III  
**Cost Control in Interference Proceedings**

- Philip McGarrigle, Affymetrix, Inc., Santa Clara, CA
- Hon. Bruce H. Stoner, Jr., (Former Chief Administrative Patent Judge, USPTO), Greenblum & Bernstein, PLC, Reston, VA

**Cross Examination**

- Judge Richard E. Schafer, Administrative Patent Judge, U.S. Patent and Trademark Office, Alexandria, VA
- Eugene C. Rzucidlo, Hunton & Williams, New York, NY
- Joseph Lucci, Woodcock Washburn, LLP, Philadelphia, PA
- Malcolm K. McGowan, Bingham McCutchen LLP, Washington, DC

**A View of the Board Room / Open Hearings / Electronic Filing Procedures**

- James T. Moore, Administrative Patent Judge, U.S. Patent and Trademark Office, Alexandria, VA
- Hubert C. Lorin, Administrative Patent Judge, U.S. Patent and Trademark Office, Alexandria, VA
- Michael P. Tierney, Administrative Patent Judge, U.S. Patent and Trademark Office, Alexandria, VA

3:30PM–3:45PM COFFEE BREAK  
Sponsored by McAndrews, Held & Malloy, Ltd.

3:45PM–5:15PM GENERAL SESSION – IV  
**Surviving the Pitfalls of 35 U.S.C. § 135(b)**

- W. Todd Baker, Oblon, Spivak, McClelland, Maier & Neustadt, Alexandria, VA

**Duty of Candor During Interference Proceedings**

- Barry E. Bretschneider, Morrison & Foerster, LLP, McLean, VA
- Paul Kokulis, Morgan, Lewis & Bockius, LLP, Washington, DC

5:15PM–5:45PM OPEN FORUM  
**Questions for the USPTO Board of Patent Appeals and Interferences Administrative Patent Judges**

5:45PM ADJOURNMENT





# Patent Interferences Rules & Practice Conference

## Interference Cases Before the USPTO Board of Patent Appeals and Interferences



### Special Thanks

IPO Thanks the Patent Interferences Conference Sponsors:

**Sughrue Mion, PLLC** — Continental Breakfast



**McAndrews, Held & Malloy, Ltd.** — Coffee Breaks



**Buchanan Ingersoll & Rooney PC** — Luncheon



### IPO Patent Interferences Committee

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**Michael J. Blake**  
Eastman Chemical Co.

#### Vice Chair

**Todd R. Walters**  
Buchanan Ingersoll & Rooney, PC

#### Board Liaison

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**M. Lisa Wilson**

Duane Morris, LLP





**DAY 1**

Monday, December 4, 2006

# PTO Day

**TWO DAYS...  
TWO PROGRAMS**

**REGISTER  
NOW FOR  
ONE OR BOTH!**



**DAY 2**

Tuesday, December 5, 2006

# Patent Interferences Rules & Practice

## Conference Information

### Conference Registration

Advance registration is required. Registrations will be accepted via mail, fax or on-line. Please reserve early. Space is limited. IPO will confirm all registrations by email. The program is subject to change. Please visit our web site for additional details.

**To register by mail,** send your registration with your check or credit card information to:

**Intellectual Property Owners Association (IPO)**  
1255 Twenty-Third Street, NW, Suite 200  
Washington, DC 20037

**To register by fax,** send your registration and credit card information to **202/466-2893.**

**To register on-line,** visit IPO's web site at [www.ipo.org/ptopi2006](http://www.ipo.org/ptopi2006)

### Registration Fees (the all inclusive fee covers all events, meals, and materials for registrant)

#### DAY 1 REGISTRATION FEES:

General Registration . . . . . \$425  
Government/Academic . . . . . \$175

#### DAY 2 REGISTRATION FEES:

IPO Member . . . . . \$675  
Non Member . . . . . \$875  
Government/Academic . . . . . \$400

**RECEIVE A \$75.00 DISCOUNT  
FOR ATTENDING  
BOTH PROGRAMS!**

Fees include a luncheon and course materials. Any employee of a company, university, or law firm is entitled to register at the IPO member rate if the employer belongs to IPO. A person is not entitled to the member rate, however, on the basis that she or he is employed in the same organization as another person who belongs to IPO as an individual member.

### Cancellation Policy

A full refund will be made if notice of cancellation is received by **November 24, 2006.** Cancellations received after November 24 and before November 30 are subject to a \$100 fee. No refunds will be given for cancellations received on or after November 30. These deadlines for cancellation apply to all registrants.

### CLE Credit

IPO will assist attendees who wish to obtain continuing legal education (CLE) credit. Credit is being requested in every state that has a mandatory CLE requirement in which a registered attendee is licensed. The number of credit hours will vary depending on the requirements of the individual state. IPO expects several states will award **6 hours for PTO Day**, including 2 hours of ethics and/or professionalism, and **6.5 hours for the Patent Interferences Conference.** Some states may not approve these courses for credit.

### Conference Location

**Ronald Reagan Building &  
International Trade Center**  
1300 Pennsylvania Avenue, NW  
Washington, DC 20004

### Hotel Information

**The JW Marriott**  
1331 Pennsylvania Avenue, NW  
Washington, DC 20004  
Reservations: 800/228-9290  
Rate: \$219 single/double

To be assured of a room at the IPO group rate, you must make your reservation directly with the JW Marriott by **November 10, 2006** and reference the "IPO" room block. After November 10, reservations can only be made according to space/rate availability.

# TWO DAYS—TWO PROGRAMS

Ronald Reagan Building & International Trade Center • Washington, D.C.

## REGISTRATION FORM

Name \_\_\_\_\_  
 Organization \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone \_\_\_\_\_ Fax \_\_\_\_\_  
 E-Mail (for registration confirmation) \_\_\_\_\_  
 State(s) & bar numbers in which attorney is licensed (for CLE credit) \_\_\_\_\_



### DAY 1 Monday, December 4, 2006 PTO Day

DAY 1: REGISTRATION FEES: (the all inclusive fee covers all events, meals, and materials for registrant)		SUBTOTAL
<input type="checkbox"/> General Registration . . . . .	\$425	\$
<input type="checkbox"/> Government Academic . . . . .	\$175	
Education Foundation Contribution (optional)		

PTO DAY BREAKOUT SELECTION — I plan to attend the following breakout sessions during PTO Day:

BREAKOUT (Check one session at 1:45PM and one at 3:30PM)	1:45	3:30
I. Tips on Filing and Prosecuting Patent Applications (Repeated at 3:30PM)	<input type="checkbox"/>	<input type="checkbox"/>
II. Introduction to the Board of Patent Appeals and Interferences	<input type="checkbox"/>	N/A
III. Practicing Before the Trademark Trial and Appeals Board	<input type="checkbox"/>	N/A
IV. Tips on Trademark Practice in the USPTO	N/A	<input type="checkbox"/>
V. Professional Responsibility for Intellectual Property Practitioners	N/A	<input type="checkbox"/>



### DAY 2 Tuesday, December 5, 2006 Patent Interferences Rules & Practice

DAY 2: REGISTRATION FEES: (the all inclusive fee covers all events, meals, and materials for registrant)		SUBTOTAL
<input type="checkbox"/> IPO Member . . . . .	\$675	\$
<input type="checkbox"/> Non Member . . . . .	\$875	
<input type="checkbox"/> Government/Academic . . . . .	\$400	
DISCOUNT FOR ATTENDING BOTH PROGRAMS <input type="checkbox"/> -\$75		

METHOD OF PAYMENT: (Check or Credit Card accepted)		TOTAL PAID
<input type="checkbox"/> Check: (Note: Your registration form will not be processed until payment is received.) <input type="radio"/> DAY 1 (PTO Day) — Make check payable to: IPO Education Foundation <input type="radio"/> DAY 2 (Patent Interferences Conference) — Make check payable to: IPO <input type="radio"/> BOTH DAYS — Make check payable to: IPO		\$
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REGISTER NOW FOR ONE OR BOTH!

# TWO DAYS... TWO PROGRAMS

Ronald Reagan Building &  
International Trade Center  
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**DAY 1** Monday, December 4, 2006

## PTO Day

Cosponsored by  
Intellectual Property Owners  
Association Education Foundation  
and U.S. Patent and Trademark Office

**DAY 2** Tuesday, December 5, 2006

## Patent Interferences Rules & Practice

Presented by IPO  
Patent Interferences Committee

### REGISTER NOW FOR ONE OR BOTH!



#### WHO SHOULD ATTEND

Attorneys in corporations  
and universities  
Attorneys in private practice  
Attorneys with  
government agencies  
Law office administrators  
and paralegals  
Professors and law students



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