

INTELLECTUAL PROPERTY INSTITUTE OF CANADA

82ND ANNUAL MEETING

October 15-17, 2008

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TRADE-MARK RESEARCH EXPERTS

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ABOUT THE INTELLECTUAL PROPERTY INSTITUTE OF CANADA

The Intellectual Property Institute of Canada (IPIC) is Canada's pre-eminent association of professionals who specialize in all areas of intellectual property. Committed to the protection and promotion of IP in the Canadian economy, IPIC's objectives include ensuring high levels of knowledge, training, and ethics in Canadian IP practitioners, helping shape the developments of intellectual property laws in Canada and representing the interests of Canadian IP practitioners.

Program-at-a-Glance

	Wednesday Oct. 15	Thursday Oct. 16	Friday Oct. 17
Morning		Patents Trade-marks	Litigation Corporate Copyright
Afternoon		Patents Trade-marks	Patents Trade-marks
Evening	Welcome Reception	Evening at The Second City	Gala Dinner

Special registration options for 2008!
(see registration form for details)

Register before September 19, 2008
and receive a
\$50 bookstore gift card!

IPIC Council wishes to thank the members of the Forums and Seminars Committee for the development of the Annual Meeting program.

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Wednesday, October 15, 2008

16:00 – 19:30 **REGISTRATION**

18:00 – 19:30 **WELCOME RECEPTION**

Interested in catching up with fellow practitioners or meeting new ones? Come for a few cocktails and hors d'oeuvres and an enjoyable end to a busy day in the fabulous Windows Room of the Four Seasons!

Thursday, October 16, 2008

07:30 – 17:00 **REGISTRATION**

07:30 – 09:00 **BREAKFAST**

08:15 – 08:30 **UPDATE ON THE IPIC ERRORS & OMISSIONS INSURANCE PROGRAM**

Tim Lowman *Sim Lowman Ashton & McKay LLP (Toronto)*

Andy Sloane *The Magnes Group (Oakville)*

PATENTS

09:00 – 10:30

**PATENT OPINIONS AND LITIGATION—
PART 1: THINKING AHEAD**

Moderator

Louis-Pierre Gravelle *Léger Robic Richard LLP (Montréal)*

Dino Clarizio *Goodmans LLP (Toronto)*

Alexandra Steele *Léger Robic Richard LLP (Montréal)*

Patrick Burns *Greer, Burns & Crain Ltd (Chicago)*

- Role of the opinion
- The prior art search
- What do you need to say?
 - disclaimers

TRADE-MARKS

09:00 – 10:30

**OPPOSITION PROCEEDINGS AND APPEALS—
PART 1: ON YOUR MARKS, GET SET...**

Moderator

Janice Bereskin *Bereskin & Parr (Toronto)*

Cynthia Rowden *Bereskin & Parr (Toronto)*

Darlene Carreau *Acting Chair, Trade-marks Opposition Board*

Mark Evans *Smart & Biggar / Fetherstonhaugh (Toronto)*

- To oppose or not to oppose: considerations in proceeding with an Opposition
- Defining the issues: preparing the Statement of Opposition

10:30 – 10:50 **NETWORKING BREAK**

PATENTS

10:50 – 12:15

PATENT OPINIONS AND LITIGATION (CONT'D)

- What should you not say?
- Traps and pitfalls
- Problems with informal opinions

TRADE-MARKS

10:50 – 12:15

OPPOSITION PROCEEDINGS AND APPEALS (CONT'D)

- Perfecting your case: preparing the evidence; cross-examinations, the written argument; the oral hearing

A MOCK CROSS-EXAMINATION WILL BE PRESENTED

12:15 – 13:45 **LUNCH AND BUSINESS MEETING**

Jim Palmer *Macera & Jarzyna / Moffat & Co.*

IPIC President

Mary Carman *Canadian Intellectual Property Office*

Commissioner of Patents, Registrar of Trade-marks and CEO



PATENTS

13:45 – 15:10

PATENT OPINIONS AND LITIGATION— PART 2: IN THE THICK OF THE ACTION

Moderator

Rodger Sadler *Orrick, Herrington & Sutcliffe LLP (New York)*

Tony Creber *Gowling Lafleur Henderson LLP (Ottawa)*

Judith Robinson *Ogilvy Renault LLP (Montréal)*

James Brooks *Orrick, Herrington & Sutcliffe LLP (Los Angeles)*

Steven Hemminger *Alston & Bird LLP (Silicon Valley, CA)*

- Privilege and scope of waiver
- Disclosure in other countries

TRADE-MARKS

13:45 – 15:10

OPPOSITION PROCEEDINGS AND APPEALS— PART 2: GO!

Moderator

Nicki Hunt *Hunt Biggs LLP (Ottawa)*

John Morrissey *Smart & Biggar / Fetherstonhaugh (Toronto)*

Rob MacDonald *Gowling Lafleur Henderson LLP (Ottawa)*

Honourable Roger T. Hughes *Federal Court (Ottawa)*

- To appeal or not to appeal: considerations in proceeding with an Appeal
- Defining the issues: preparing the Notice of Application

15:10 – 15:30 NETWORKING BREAK

PATENTS

15:30 – 17:00

PATENT OPINIONS AND LITIGATION (CONT'D)

- Litigation pitfalls
- Being deposed on an opinion
- The opinion, as used at trial

TRADE-MARKS

15:30 – 17:00

OPPOSITION PROCEEDINGS AND APPEALS (CONT'D)

- Perfecting your case: preparing additional evidence; memoranda of fact and law; the appeal hearing

A MOCK HEARING WILL BE PRESENTED

18:00

DINNER AT WAYNE GRETZKY'S RESTAURANT AND LIVE THEATRE AT THE SECOND CITY

Start off with dinner at the famous Wayne Gretzky's Restaurant where you can re-live Wayne's career highlights with the displayed memorabilia. Entertainment is just around the corner (literally!) at The Second City theatre, known for its high energy sketches and clever improvisation.

Casual dress.



Friday, October 17, 2008

07:30 – 17:00 **REGISTRATION**

07:30 – 09:00 **BREAKFAST**

LITIGATION

09:00 – 10:30

ADMINISTRATIVE LAW— THE NUTS AND BOLTS

Moderator

Andrew Bernstein

Torys LLP (Toronto)

Christine Pallotta

Bereskin & Parr (Toronto)

Tim Gilbert

Gilbert's LLP (Toronto)

Christopher J. Matthews

Fraser Milner Casgrain LLP (Toronto)

- Intersection of administrative law and intellectual property law
- Important administrative law cases applied to intellectual property law
- Significant changes in administrative law in the last 5 years

CORPORATE

09:00 – 10:30

CORPORATE PRACTICE— HOT BUTTON ISSUES

Moderator

Ruth Corbin

CorbinPartners Inc. (Toronto)

Leonora Hoicka *IBM Corporation (Armonk, New York)*

Kevin O'Neil *Advanced Micro Devices Inc. (Markham, ON)*

Jeff Astle *Pratt & Whitney Canada Corp. (Longueuil, QC)*

Krishna Pathiyal *RIM (Waterloo, ON)*

- Privilege for in-house practitioners: how to avoid crossing the line
- Getting and retaining IP practitioners
- Effective “outsourcing” of IP services

COPYRIGHT

09:00 – 10:30

NEW FRONTIERS & NEW MEDIA— COPYRIGHT IN THE DIGITAL AGE

Moderator

Sanro Zlobec *Smart & Biggar / Fetherstonhaugh (Montréal)*

Gabriel Ramsey *Orrick, Herrington & Sutcliffe LLP (Silicon Valley, CA)*

Sunny Handa *Blake, Cassels & Graydon LLP (Montréal)*

Prof. Abraham Drassinower *Faculty of Law, University of Toronto (Toronto)*

- IP in video and computer games
- User-generated content and liability of social media websites
- Can the circumvention of digital protection measures amount to legitimate reverse engineering?

10:30 – 10:50 **NETWORKING BREAK**

LITIGATION

10:50 – 12:15

ADMINISTRATIVE LAW (CONT'D)

- Positioning your client's case with administrative officials with a view to review
- Procedural primer for judicial review in the Federal Court

CORPORATE

10:50 – 12:15

CORPORATE PRACTICE (CONT'D)

- Effective uses of IT to manage IP portfolios, and other approaches to keeping a lid on IP costs
- Integrating IP protection considerations into the company's product development processes
- Developing an in-house policy to centralize Internet-related activities

COPYRIGHT

10:50 – 12:15

COPYRIGHT LEGISLATION

Moderator

Allen Israel

Lapointe Rosenstein LLP (Montréal)

Glen Bloom *Osler, Hoskin & Harcourt LLP (Ottawa)*

Brian Isaac *Smart & Biggar / Fetherstonhaugh (Toronto)*

Wanda Noel *Barrister & Solicitor (Ottawa)*

- Where do the problems lie, and does the proposed legislation help or hurt?

12:15 – 13:45 **LUNCH**



PATENTS

13:45 – 15:10

THE VALUE OF PATENT RIGHTS: ARE PATENT RIGHTS CURRENTLY BEING ERODED OR ENHANCED?

Moderator

Adrian Zahl *Ridout & Maybee LLP (Ottawa)*

Rupert Symons *Leaman Browne (Stratford, U.K.)*

Bruce Stratton *Dimock Stratton LLP (Toronto)*

Harold Wegner *Foley & Lardner LLP (Washington, D.C.)*

- Trend watch: are the courts and patent offices in Canada and abroad eroding patent rights? Or enhancing them?
- The forces of change: what is behind some of the recent shifts in the courts and patent offices?
- Preparing for possible future developments

15:10 – 15:30 NETWORKING BREAK

TRADE-MARKS

13:45 – 15:10

TRADE-MARK REFORM: WHAT IT COULD MEAN TO PRACTITIONERS

Moderator

Marion Bailey-Canham *Gowling Lafleur Henderson LLP (Ottawa)*

Jennifer McKay *Gowling Lafleur Henderson LLP (Ottawa)*

Toni Polson Ashton *Sim Lowman Ashton & McKay LLP (Toronto)*

Lisa Power *Director, Trade-marks Branch*

- Pros and cons of the possible changes
- Impact of removing pre-registration requirement of “use”
- Can you enforce a registration with no use?
- Will the Register become a depository for defensive marks?

PATENTS

15:30 – 17:00

NEW DIRECTIONS FOR MONITORING AND MONETIZING PATENTS

Moderator

Neil Henderson *Borden Ladner Gervais LLP (Toronto)*

Jonathan Barney *Ocean Tomo (Chicago)*

Kevin Barhydt *Intellectual Ventures (Bellevue, Washington)*

James Skippen *Wi-LAN Inc. (Ottawa)*

- How, why and when to monitor the competitive IP landscape
- Patent auctions: how effective are they, and what are their pros and cons?
- Valuation of patents to meet corporate strategic objectives

TRADE-MARKS

15:30 – 17:00

TRADE-MARK REFORM: WHAT IT COULD MEAN TO PRACTITIONERS (CONT'D)

Moderator

Joanne Nardi *Torys LLP (Toronto)*

- Ramifications for practitioners
 - registrability opinions
 - opposition proceedings
- Are we on the path to eliminating substantive examination?
- Should Section 9 be included in the reform?

18:30 GALA DINNER

An elegant affair in the sumptuous Four Seasons' ballroom where champagne, haute cuisine, performance and dance await guests. Catch Gypsy Millers' act—or is it Céline Dion's?—a stunning impersonation of the celebrated singer. The Anita Rossi Band's sultry flow of contemporary, classic and jazz music is sure to lend chic and style to the evening.

Black tie recommended.



5

Accommodation

IPIC has reserved a block of rooms at the Four Seasons Hotel Toronto at the rate of \$265/night (plus taxes).

Room reservations must be made prior to September 19, 2008.

Four Seasons Hotel Toronto
21 Avenue Road
Toronto, ON

Call: 416-964-0411

Please identify yourself as attending the IPIC Annual Meeting when making your reservation.

Accreditation



This program has been accredited by the Intellectual Property Law Specialty Committee of the Law Society of Upper Canada for 12 hours towards the professional development requirement for certification.

Program accredited by the New York CLE Board as both transitional and non transitional.

Financial Aid

Financial aid may be available to participate in the Annual Meeting. Applicants will be considered on the basis of their annual income. Inquiries: 613-234-0516

PROGRAM SUBJECT TO CHANGE.

MARK YOUR CALENDAR

Upcoming Annual Meetings

2009
St. John's,
Newfoundland and Labrador
SEPTEMBER 23-25

2010
Québec City,
Québec
OCTOBER 13-15

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82ND ANNUAL MEETING REGISTRATION FORM

Register before September 19, 2008 and receive a \$50 bookstore gift card!

1 DELEGATE Dr. / Mr. / Mrs. / Miss / Ms. *Please print* This is my first IPIC Annual Meeting

Surname _____ First Name _____

Firm Name _____

Firm Address _____

_____ Postal Code _____

Telephone _____ Facsimile _____

Email _____

Do not provide my coordinates to the meeting sponsors to receive promotional material

2 REGISTRATION FEES
(GST not included)

Please check day(s) attending

THURSDAY, OCTOBER 16 AND FRIDAY, OCTOBER 17, 2008					
	OPTION A	OPTION B*	OPTION C*	OPTION D*	OPTION E
	Full Meeting & Social Events	Full Meeting Registration	Daily Meeting Registration	Half-Day Meeting Registration	Social Events Only
Member	<input type="checkbox"/> \$1,490	<input type="checkbox"/> Thursday AND Friday \$1,290	<input type="checkbox"/> Thursday OR Friday \$650	<input type="checkbox"/> Friday A.M. OR Friday P.M. \$325	<input type="checkbox"/> Second City Theatre \$95 <input type="checkbox"/> Gala \$130
Non Member	<input type="checkbox"/> \$1,690	<input type="checkbox"/> Thursday AND Friday \$1,490	<input type="checkbox"/> Thursday OR Friday \$750	<input type="checkbox"/> Friday A.M. OR Friday P.M. \$375	

*Social events are not included.

Half-day registration is not an option for Thursday, October 16.

3 SOCIAL EVENTS — ATTENDANCE

Please indicate number of people attending

	WELCOME RECEPTION	SECOND CITY THEATRE	GALA
	Wednesday, October 15	Thursday, October 16	Friday, October 17
Per Person	Complimentary**	\$95	\$130
Number of People Attending Event			

**Welcome Reception is for meeting delegates and registered guests.

4 GUEST(S) Dr. / Mr. / Mrs. / Miss / Ms. *(Guests do not attend Program)*

Surname _____ First Name _____ Day-time Meals: \$195

Surname _____ First Name _____ Day-time Meals: \$195

5 DIETARY/MOBILITY REQUIREMENTS

Name _____	Diet/Allergy _____
Name _____	Diet/Allergy _____
Other _____	

6 PAYMENT

Delegate Registration Fees

OPTION A (social events included)	\$ _____
OPTION B (social events <i>not</i> included)	\$ _____
OPTION C (social events <i>not</i> included)	\$ _____
OPTION D (social events <i>not</i> included)	\$ _____
OPTION E (social events only)	\$ _____

Social Events (OPTIONS B, C, D and Guests)

Second City Theatre (\$95 x ____ pers)	\$ _____
Gala (\$130 x ____ pers)	\$ _____

Guest(s)

Day-time meals (\$195 x ____ pers)	\$ _____
SUBTOTAL	\$ _____
GST 5%	\$ _____

TOTAL AMOUNT \$ _____

7 METHOD OF PAYMENT *(Please check)* IPIC GST REGISTRATION NO. R122871148

CREDIT CARD

- VISA MASTERCARD
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CHEQUE (made payable to IPIC)

Expiry Date

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Cardholder's Name *(Please print)* _____

Signature _____

You can pay your registration fees by credit card and submit your registration form on-line via the IPIC website at www.ipic.ca

Online

The easy-to-follow format allows you to register quickly – whether you are paying your registration fees by credit card or by cheque.

On-line registrations with credit card payment are processed and confirmed immediately by e-mail. E-commerce and cardholder financial information is collected by IATS, a third-party e-commerce service provider, in a secure server. For more information on IATS, please visit their website at www.iatsticketmaster.com

Fax

Complete the registration form and fax it with your credit card information to 613.234.0671.

Mail

Complete the registration form and mail it with your cheque made payable to IPIC to:

Intellectual Property Institute of Canada
606 - 60 Queen Street
Ottawa, ON K1P 5Y7

*Telephone and e-mail registrations not accepted.

Accommodation

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Four Seasons Hotel Toronto:
416.964.0411

Please identify yourself as attending the IPIC Annual Meeting when making your reservation.

Cancellation Policy

Registration fees must be pre-paid. A \$50 cancellation fee (plus GST) will apply to cancellations received on or before September 26, 2008. Refunds will not be issued after September 26, but substitutions will be permitted.

Inquiries

Intellectual Property Institute of Canada
606 – 60 Queen Street
Ottawa, ON K1P 5Y7

Tel: 613.234.0516
E-mail: education@ipic.ca