

EVENTS

Monthly luncheon meetings for CincyIP are held on the second Tuesday of each month from 11:45-1:30 at the Garfield Suites Hotel, 2 Garfield Place, Cincinnati, OH 45202 [513-421-3355]. Additional meetings will be scheduled pending interest and speaker availability.

Date: Tuesday, January 13th, 2009

EVENT: Moderated Discussion, and Opportunity for SDOH Patent Practitioners to Provide Comments and Feedback, Regarding Specific Provisions of the Proposed Local Patent Rules for SDOH

Panelist: Kevin Kirsch

Panelist: William Morriss

Moderator: Jeff Metzcar

Co-Sponsoring Organization: Cincinnati Bar Association

Time: 11:45 AM - 1:30 PM

Location: Garfield Suites Hotel - Kentucky Room

Event Description: In October, a set of proposed Patent Local Rules ("PLR") for the Southern District of Ohio ("SDOH") was formally presented to the SDOH Local Rules Committee for consideration and to the District Court Judges for the SDOH during their annual retreat. The proposed PLR for the SDOH creates a protocol and schedule for presenting the parties' respective infringement and validity contentions, develops a timeline and protocol for proffering and presenting claim construction positions, places restrictions on certain willfulness discovery until thresholds are met, proposes a standard protective order, and presents a model case management order, among other components.

The discussion will also touch on a concept for possible future consideration, a "Black Box Procedure." This procedure provides an approach to circumstances where information necessary to complete a party's infringement contentions is not readily available, e.g., cases relating to software infringement, chemical processes and manufacturing processes or methods, technologies not readily scrutinized by the public.

Date: Tuesday, February 10th, 2009

Event: **EVENT: EGYPTIAN GODDESS - WHAT DID IT MEAN?**

Speaker: Glenn Bellamy

Time: 11:45am - 1:30pm

Location: Garfield Suites Hotel - Kentucky Room

In September 2008, the Federal Circuit issued its en banc decision in *Egyptian Goddess v. Swisa Inc.* addressing for the first time in decades the legal standard for design patent infringement. The "point of novelty" test is gone, but how are we to apply the "ordinary observer" test? What scope does a design patent have? And what role does the prior art play in the infringement test? The decision is a comprehensive discussion that provides hooks on which proponents of every side of the argument may hang their hats.

This presentation will briefly examine the judicial history of design patent enforcement in the U.S.—and then explore the stepping stones and pitfalls that lie ahead for those prosecuting design applications or litigating design patent infringement disputes.

Date: Tuesday, March 10th, 2009

EVENT: DIGITAL SAMPLING

Speaker: Tracy Reilly (Assistant Professor of Law, University of Dayton School of Law, teaches Real Property and Intellectual Property.)

Time: 11:45am - 1:30pm

Location: [Garfield Suites Hotel - Kentucky Room](#)

Event Description: Since the emergence of digital sampling technology in the 1970's, courts and legal scholars alike have failed to fully appreciate the true nature and consequences of allowing legally unchecked digital sampling—that is, until the recent Sixth Circuit decision in *Bridgeport Music, Inc. v. Dimension Films*, holding that defendants' unlicensed sampling of three notes of a copyrighted sound recording constituted a per se infringement. This decision marked the first time a court hearing a sampling case truly discerned the subtle but existent differences between sampling a musical composition and sampling a sound recording, and applied the Copyright Act accordingly.

While the sampling technique is properly recognized as an art form in and of itself, unethical and unlawful use of a certain kind and/or a certain amount of a sampled musician's prior work amounts to copyright infringement if the owner of the sound recording that has been sampled has not consented to such use. In this presentation, I will provide an overview of the history and continued growth of the modern technology that enables what is known as digital sampling. I will discuss the response of the courts and the music industry to sampling and the courts' various and inconsistent attempts to reconcile sampling practices with the current language of the Copyright Act and other laws, including the *Bridgeport Music* case. Finally, I will summarize the continuing moral and ethical debate in the music industry over whether sampling is "art" or merely "theft."

Date: Tuesday, April 14th, 2009

EVENT: ANNUAL ELECTIONS 2009

Time: 11:45am - 1:30pm

Location: [Garfield Suites Hotel - Kentucky Room](#)

Date: Tuesday May 12, 2009

EVENT: COST MANAGEMENT AND BUSINESS ISSUES IN FOREIGN IP PROSECUTION AND ENFORCEMENT

Cost Management and Business Issues in Foreign IP prosecution and enforcement – in house and outside counsel perspective.

Time: 11:45am - 1:30pm

Location: [Garfield Suites Hotel - Kentucky Room](#)

Date: Tuesday, June 9th, 2009

EVENT: PATENT AND INTELLECTUAL PROPERTY ASSET ACQUISITIONS FROM DISTRESSED BUSINESSES

PATENT AND INTELLECTUAL PROPERTY ASSET ACQUISITIONS FROM DISTRESSED BUSINESSES – STRUCTURING AND PRESERVING THE ACQUISITION FOR MAXIMUM VALUE AND MINIMUM EXPOSURE

Speaker: Richard Ferrell

Time: 11:45am - 1:30pm

Location: [Garfield Suites Hotel - Kentucky Room](#)

Date: July 16-17, 2009

EVENT: QUAD CITY IP MEETING

Proposed Topic: Copyright discussion led by Judge Edward Damich (Chief Judge – Court of Claims) after dinner on July 16, 2009. Additional topics to be announced to be held at University of Dayton Law School on the morning of July 17, 2009.

Date: August 11, 2009

EVENT: JUDGE'S DINNER

Speaker: The Honorable Sandra S. Beckwith, The Honorable Susan J. Dlott, The Honorable Walter Herbert Rice and others to be announced

Time: 6:00 PM – 9:00 PM

Location: [Garfield Suites Hotel - Kentucky Room](#)

Date: September 2009

EVENT: AOAIOP

Location and exact date to be determined.

Date: Tuesday, October 13th, 2009

EVENT: ADVANCED FAR/DFAR MEETING

Speaker: Robert (Bob) Hardy, Director, Contracts and Intellectual Property Management, Council on Government Relations (COGR).

Guest Organization: Local Chapter for NCMA (National Contract Managers Association)

Time: 11:45am - 1:30pm

Location: [Garfield Suites Hotel - Kentucky Room](#)

Event Description: Many university administrators and technology transfer officers are familiar with the federal rules relating to managing inventions and patents that have been developed in the performance of federally funded research. The Bayh-Dole Act (35 USC Section 200—212) provides a uniform federal regime for rights to inventions under federally funded awards. Unlike rights to inventions, there is no controlling statutory authority for rights to technical data and computer software. In fact, the federal data rules and regulations are inconsistent with the government's approach to invention rights under Bayh-Dole. There is a particularly anomalous situation with regard to computer software. The federal rules treat computer software as technical data, and do not reflect the current legal situation with regard to the patentability of computer software.

In addition to their complexity, the rules often require an institution to take specific steps to retain the maximum rights to data and software developed under federally sponsored projects. Different federal agencies have different regulations and the same agency may have different regulations depending on what type of funding document it issues. A grant or a contract from the same agency may differ in the rules and regulations for the appropriate management, retention of rights, and use of data and software developed under the award.

It is important that research administrators and technology transfer practitioners be familiar with the application of a federal agency's rights in data, technical data, computer software, and copyrights. These rights should be discussed with principal investigators before a response to a federal procurement solicitation or an unsolicited proposal is sent to a federal agency because it is important to identify and protect the rights of the institution and the faculty at the proposal stage. Copyright and license rights to copyrighted material developed under a federally sponsored project are important to the government, to the public's right to use federally funded research, to authors, and to universities.

Date: Tuesday, November 10th, 2009

EVENT: CONTROLLING/HARVESTING OPEN INNOVATION

Time: 11:45am - 1:30pm

Location: [Garfield Suites Hotel - Kentucky Room](#)

Date: Tuesday, December 8th, 2009
EVENT: WIPO/INTERNATIONAL PCT

Time: 11:45am - 1:30pm

Location: Garfield Suites Hotel - Kentucky Room
