

PROGRAM OVERVIEW

We all recall that many of the lessons we learned in Kindergarten dealt with two issues: (i) what's "MINE" and (ii) when to "SHARE." It is appropriate that here in Boston—a key technology and intellectual center of our nation—that this program addresses the sometimes counterintuitive approach in federal laws and regulations when allocating intellectual property rights between the federal government and private parties under government agreements.

Changes in federal government administrations and the issues of the day are creating changes in established laws and regulations and different approaches to implementation of existing regimes. The changing state of private financial markets and federal budget levels often influence private parties' goals and behavior.

Hear from the experts representing government, industry and private practice who spend their days explaining "MINE" and "SHARE" in terms we all can understand.

- **Government Rights in Technical Data and Patents: Are the Playground Rules Changing?:** Learn about developments and changes in the **laws and regulations regarding government rights** in technical data and patents. Is there an increasing demand for IP **deliverables required by federal contracts**? If so, why? In which direction is the pendulum swinging?
- **Software in the Sandbox:** Are **commercial software rights** and restricted rights different **under the regulations**? Can **open source software work in a FAR, FAR** world?
- **ABCs of Grants and Contracts Merging Under ARRA:** Private parties familiar with contracts are getting grants and vice versa under ARRA. Do the **different regulatory regimes** make a difference? Certain federal agencies are spending a lot of ARRA funds—what **special twists do these agencies' regulations and policies** have that affect intellectual property?
- **IP Disputes—What's "MINE"?:** **Data rights challenges under the regulations** are on the rise. How do they really work? How are damages calculated in contract disputes vs. infringement actions? Hear case law and procedure updates on intellectual property disputes affecting patents, technical data, and software.

This program aids those with a basic understanding of intellectual property and government agreements.

Attorneys, contracting and technology transfer personnel, program managers, proposal writers, and others should benefit from the playground tools provided here.

PROGRAM OVERVIEW

Join us on November 11 from 4:30 p.m. to 6:00 p.m. for an optional Practicum on **data rights assertions**, followed by a hosted Reception at a local firm. Schedule your arrival and departure to allow your attendance at any or all of the other events planned on the days before and after this program.

Register today and network with other procurement professionals in Boston, a city of historic and scientific significance, on November 11-13.

PROGRAM SPONSORS

The Section gratefully acknowledges the very generous support from the following Fall Program Sponsors:

GOLD

CHESSE CONSULTING LLC

COMPLEX ACCOUNTING • DISPUTES • INVESTIGATIONS • REGULATORY COMPLIANCE

McCARTER
& ENGLISH
ATTORNEYS AT LAW

Smith • Pachter • McWhorter ^{PLC}
Attorneys At Law

SILVER

SMITH
CURRIE
& HANCOCK LLP 

OTHER PLANNED EVENTS

Thursday, November 11, 2010

4:30 p.m. to 6:00 p.m.

Optional Practicum—Data Rights Assertions for Beginners

This practical session will explain the theory and rationale for the data rights assertion table. The government has recently begun to scrutinize these tables included in proposals—often rejecting them. **Counsel in all roles in government contracts will benefit from understanding what is being asked and how to respond.**

- What intellectual property should be included?
- What should not be included?
- How does this fit in the overall proposal?
- When can you and should you update the assertions?

Mary Shallman

The Boeing Company
Seal Beach, CA

Holly Emrick Svetz

Womble Carlyle Sandridge & Rice PLLC
Tysons Corner, VA

6:00 p.m. to 7:30 p.m.

Meet and Greet Reception hosted by Seyfarth Shaw in their offices at World Trade Center East, Two Seaport Lane, Suite 300

The Section gratefully acknowledges the generosity of Seyfarth Shaw LLP for hosting this Reception for program speakers and meeting attendees in their offices, located immediately next to the Seaport Hotel.

Saturday, November 13, 2010

8:30 a.m. to 12:00 noon

Section Council Meeting

The Council of the Section of Public Contract Law will meet in open session where a number of action and informational items will open the window on legislation, regulatory and other substantive issues of current interest and importance to government contracts practitioners. All members and registrants for the Friday program are welcome.

PROGRAM

Friday, November 12, 2010

7:30 a.m. to 8:15 a.m.

Registration

8:15 a.m. to 8:30 a.m.

Welcome and Introduction

Mary Shallman, *Program Co-Chair*

The Boeing Company
Seal Beach, CA

Holly Emrick Svetz, *Program Co-Chair*

Womble Carlyle Sandridge & Rice PLLC
Tysons Corner, VA

8:30 a.m. to 10:00 a.m.

Government Rights in Technical Data and Patents: Are the Playground Rules Changing?

- More government rights
- More data delivered

Fernand A. Lavalley, *Moderator*

DLA Piper LLP (US)
Washington, DC

William (Bill) C. Anderson

Chief Intellectual Property Counsel
United Launch Alliance
Centennial, CO

Kirsten M. Koepsel

Director, Legal Affairs and Tax
Aerospace Industries Association
Washington, DC

George O. Winborne (not confirmed)

Patent Attorney
U. S. Army Aviation & Missile Command, LCMC
Redstone Arsenal, AL

10:00 a.m. to 10:15 a.m.

Networking Break

10:15 a.m. to 11:45 a.m.

Software in the Sandbox

- Open source
- Commercial software

PROGRAM

David J. Ridders, *Moderator*

Senior IP Counsel
Raytheon Company, Integrated Defense Systems
Tewksbury, MA

Vicki E. Allums

Associate General Counsel for Intellectual Property
Defense Information Systems Agency (DISA)
Department of Defense
Arlington, VA

Sanjay Beri

Womble Carlyle Sandridge & Rice PLLC
Tysons Corner, VA

Clark Martin

Assistant General Counsel
iRobot Corporation
Bedford, MA

12:00 noon to 1:30 p.m.

Program Luncheon

Presiding:

Donald G. Featherstun, *Chair*

Section of Public Contract Law
Seyfarth Shaw LLP
San Francisco, CA

Speaker:

Paul R. Michel

Chief Judge, Retired
U.S. Court of Appeals for the Federal Circuit
Washington, DC

1:45 p.m. to 3:15 p.m.

ABCs of Grants and Contracts Merge under ARRA

- Patents
- Technical data
- DOE—ARPA-E
- Recovery Act grants outside of DOE—ARPA-E
- Overview of Recovery Act grants

James G. McEwen, *Moderator*

Stein McEwen LLP
Washington, DC

PROGRAM

Geoff Cooper

Environmental Protection Agency
Washington, DC

John Lucas

Department of Energy—ARPA-E
Washington, DC

Richard W. Oehler

Perkins Coie LLP
Seattle, WA

3:15 p.m. to 3:30 p.m.

Networking Break

3:30 p.m. to 5:00 p.m.

IP Disputes—What's Mine?

- Data rights challenges—on the increase
- Case review—patent and copyright infringement; trade secret issues
- Case review—data rights claims
- Calculating damages in BCA actions alleging the misuse of IP

Judge Allan H. Goodman, *Moderator*

Civilian Board of Contract Appeals
Washington, DC

Edward M. Bushard

Pratt & Whitney
East Hartford, CT

Scott A. Felder

Wiley Rein LLP
Washington, DC

Alan I. Kalb

Intellectual Property Branch
U.S. Army Research Laboratory (U.S. Army RDECOM)
Adelphi, MD

5:00 p.m. to 7:00 p.m.

Section Reception