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### Symposium Materials

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*Intellectual Property and eCommerce  
Annual Conference*

**Exploring Emerging Issues:  
New Intellectual Property,  
Information Technology,  
and Security in Borderless Commerce**

*Sponsored by the Texas Wesleyan Law Review  
Co-Hosted by the Tarrant County Bar Association  
and LexisNexis™*

Friday, March 15, 2002  
Fort Worth, Texas

### Schedule of Events

*All events held at the Renaissance Worthington Hotel*

- 8:00 a.m. Registration and Continental Breakfast**
- 8:30 a.m. Welcome & Introduction**  
 Candace Collins, Editor-in-Chief, Texas Wesleyan Law Review  
 Richard Gershon, Dean & Professor of Law  
 Roland Johnson, Tarrant County Bar Association President  
 Xuan-Thao Nguyen, Associate Professor & Conference Chair
- 9:00 a.m. TECHNOLOGY PROTECTION, LICENSING, TRANSFERS & ANTITRUST ISSUES**  
 Moderated by Candace Collins, Editor-in-Chief, Texas Wesleyan Law Review  
**Robert W. Gomulkiewicz**, *Legal Protection for Software and Information Technology*  
**Sidney Weatherford**, *Technology Licensing and Transfers Relating to the Telecom Industry*  
**Michael Pegues**, *Antitrust and Intellectual Property Issues*
- 10:30 a.m. Break**
- 10:45 a.m. ADDRESSING THE NEW INTELLECTUAL PROPERTY REGIME**  
 Moderated by Gayle Isbell, Articles Editor, Texas Wesleyan Law Review  
**Doug Johnson**, *Components Approach to Intellectual Property in a Dynamic Technology Environment*  
**David Wille**, *Enforcement Strategies for the New Intellectual Property Assets*  
**Xuan-Thao Nguyen**, *Intellectual Property Financing: Security Interests in the New Cyberassets - Domain Names and Web Content*
- 12:15 p.m. Lunch**  
 Moderated by Jennifer Di Fonso, Texas Wesleyan Law Review  
**Dean William Harvey**, *What Every Company Needs to Know about Computer Security Law*  
**Benjamin Davis**, *A Report on the ABA Task Force on eCommerce & Online Dispute Resolutions*
- 1:30 p.m. COPYRIGHTS & THE INTERNET**  
 Moderated by Rebecca Lewis, Symposium Editor, Texas Wesleyan Law Review  
**David Hitchcock**, *The Current Status of Digital Copyright*  
**Herbert J. Hammond**, *Anti-circumvention Under the Digital Millennium Copyright Act: Civil Action & Criminalization*  
**Wei Wei Jeang**, *Legal Protection for Web Content, Online Service Provider's Liability & the Safe Harbor*
- 3:00 p.m. Break**

**3:15 p.m. TRADEMARKS, DOMAIN NAMES & THE INTERNET**  
Moderated by Sandra Martinez, Managing Editor, Texas Wesleyan Law Review  
**Michael Rodenbaugh**, *Global Trademarks in Cyberspace: From eBranding to Cyber-gripping in Borderless Commerce*  
**Cherry J. Hearn**, *Strategies for Addressing Trademarks in Borderless Commerce: Old Tools, New Tools & Creativity*  
**Jeffrey M. Becker**, *Domain Name Litigations: In Rem Jurisprudence and Other Recent Developments*

**5:00 p.m. Reception**

#### FEATURED PARTICIPANTS

##### **Jeffrey M. Becker**

##### **Partner, Section Chair of Technology, Haynes and Boone, L.L.P.**

Jeffrey M. Becker specializes in Intellectual Property law, including trademark law and the development, protection, and acquisition of computer software and mechanical technology. He is a frequent speaker on Internet legal issues and has been involved in numerous domain name trademark disputes and acquisitions.

Mr. Becker focuses his practice on the preparation and prosecution of foreign and domestic trademarks and mechanical patents through appellate procedures, the negotiation of patents and know-how licenses, software development and distribution licenses, consulting agreements and other transactional documents, and patent and trademark litigation.

Mr. Becker received his J.D. with honors from the University of Texas School of Law in 1990. He was a member of the Order of the Coif and Legal Research Board. Moreover, he received his B.S.M.E. from the University of Texas in 1987 with high honors and was a University of Texas College Scholar.

Currently, Mr. Becker is a member of the United States Patent and Trademark Office, the College of the State Bar of Texas, American Intellectual Property Law Association, and the International Trademark Association.

##### **Benjamin Davis**

##### **Associate Professor, Texas Wesleyan University School of Law**

Benjamin Davis currently instructs courses in Contracts, International Business Transactions, Public International Law, Alternative Dispute Resolution, Arbitration, and Online Dispute Resolution.

Mr. Davis was the Director of Conference Programs and Manager of the Institute of World Business Law of the International Chamber of

Commerce (ICC) in Paris, France. He also served as legal counsel for the ICC International Court of Arbitration in Paris. He was a strategic business consultant for Mars & Co. and a development consultant for Louis Berger & Co. in France and West Africa.

Furthermore, Mr. Davis has published articles in the *American Review of International Arbitration*, *Arbitration International*, *Harvard International Law Journal*, *International Construction Law Quarterly*, *Journal of World Intellectual Property*, and the *Journal of International Arbitration*. He was the editor for *Improving International Arbitration: The Need for Speed and Trust*, *Liber Amicorum Michel Gaudet*. Mr. Davis also created fast-track arbitration. He serves as the Assistant Reporter of the American Bar Association Task Force on E-commerce and ADR. In 2002, Mr. Davis led the creation of the first International Competition for Online Dispute Resolution.

Mr. Davis received his J.D. in 1983 from Harvard Law School, his M.B.A. in 1983 from Harvard Business School, and his B.A., *cum laude*, in 1977 from Harvard College. He served as Articles Editor of the *Harvard International Law Journal*.

**Robert W. Gomulkiewicz**

**Former Associate General Counsel, Microsoft Corporation**

Robert W. Gomulkiewicz is an attorney in private practice that advises clients on licensing, Intellectual Property, e-commerce, and technology-related legal issues. Formerly, he served as Associate General Counsel at Microsoft Corporation where he led the legal team that advises the developers of Microsoft products such as Windows, Office, BackOffice, and VisualBasic. He chaired the UCITA Working Group of the Business Software Alliance during the drafting of the Uniform Computer Information Transactions Act.

Currently, Mr. Gomulkiewicz co-teaches a class at the University of Washington School of Law entitled "Legal Protection for Software." He has published several law review articles on software licensing, including *How Copyleft Uses License Rights To Succeed in the Open Source Software Revolution*; *The License Is the Product: Comments on the Promise of Article 2B for Software and Information Licensing*; and *A Brief Defense of Mass Market Software License Agreements*. Mr. Gomulkiewicz joined Microsoft in 1991 from the Seattle law firm of Preston Gates & Ellis, where he specialized in technology licensing and litigation, including work on the *Apple v. Microsoft* litigation.

Mr. Gomulkiewicz received a J.D. from the University of Washington School of Law, a M.A. (international studies) from the University of Washington's Henry M. Jackson School of International Studies, and a B.A., *magna cum laude*, from Pacific Lutheran University.

**Herbert J. Hammond****Senior Partner in Intellectual Property, Thompson & Knight, L.L.P.**

Mr. Herbert J. Hammond chaired the Dallas Bar Association's Intellectual Property Section in 1998 and the Computer Section of the State Bar of Texas from 1994-1995. He also co-chaired the State Bar of Texas Committee for the Computerization of the Legal Profession from 1989-1990 and served as a Member of the National Technology Panel of Arbitrators for the American Arbitration Association.

Mr. Hammond received his J.D. from New York University School of Law in 1976 and a B.S. in Physics and Mathematics, *magna cum laude*, from the University of New Mexico in 1973, where he was a member of Phi Beta Kappa and Phi Kappa Phi.

Mr. Hammond has published numerous law related articles, including *Trade Secrets, Trademarks, and Unfair Competition*, Ch. 200, *Dorsaneo's Texas Litigation Guide, Trade Secret Misappropriation*, Chapter 49, *Matthew Bender Texas Tort & Remedies* (1998), *The Regards As His Invention Requirement of Section 112, Paragraph 2 of the Patent Act: Ensuring that the Inventor Claims What He Regards As His Invention*, 5 *Texas Intellectual Property Law Journal* 257 (1997), *Liability in Software Contracts*, 9 *Computer Lawyer* No. 6, p. 22 (1992), *Computer System Contract Drafting*, Chapter 11, *The Law and Business of Computer Software* (Clark Boardman, 1990), and *Intellectual Property Litigation Before the U.S. International Trade Commission: Planning, Problems and Effects*, Chapter 11, *1988 Patent Law Annual* (1988).

**Cherry J. Hearn****Assistant General Counsel, Travelocity.com, Inc.**

Ms. Cherry J. Hearn's practice as in-house counsel is largely dominated by Intellectual Property matters, chiefly trademarks, domain names, and monitoring of the company's patent portfolio. She provides advisory support to many divisions of Travelocity's operations, including branding strategies, protection, and licensing. Ms. Hearn is also involved in litigation management and general corporate transactional work.

Ms. Hearn received her J.D. from the University of Colorado in 1995 where she was a Casenote Editor on the *Law Review*. She has also been a CPA since 1981, having earned her B.S. in Accounting from Phillips University in 1978.

She currently chairs the Intellectual Property Litigation Committee of the ABA's Litigation Section, which is a national committee of over 1,600 attorneys.

**David L. Hitchcock****Partner, Sidley Austin Brown & Wood; Adjunct Professor, Texas Wesleyan University School of Law**

Mr. David L. Hitchcock counsels clients primarily in the area of patent, trademark, and copyright litigation. His practice also includes licensing of Intellectual Property, the prosecution of patent and trademark applications, copyright, and domain name matters. Mr. Hitchcock has litigated Intellectual Property cases relating to diverse technologies and issues, including software, copyrighted material, explosives, medical devices, pharmaceuticals, electronics, oil field equipment, fiber optic technology, hydrofoils, intraocular lenses, consumer products, as well as trademark, trade secret, and domain name matters.

Mr. Hitchcock is an Adjunct Professor of patent law at Texas Wesleyan University School of Law and has made numerous presentations at Intellectual Property law programs. Articles which he has authored include *The Patent Process Act: The Labyrinth*, *Fordham Entertainment Media and Intellectual Property Law Forum*, Vol. 3, Spring 1993, *Protecting Your Intellectual Assets: Trade Secret Laws*, *Real Time Engineering*, Vol. 1, No. 4, Winter 1994, *Recent Developments in Trademark Law*, *Texas Intellectual Property Law Journal*, Vol. 6, No. 2, Winter 1998, and *Recent Developments in Patent Law*, *Wiley Intellectual Property Law Update*, 1999.

Mr. Hitchcock is Chair of the Professional Programs Committee of the American Intellectual Property Law Association, a member of the State Bars of Texas and Ohio, as well as the Dallas and American Bar Associations. Mr. Hitchcock served as a major in the United States Marine Corps.

Mr. Hitchcock received his J.D. from the University of Toledo and a B.S. in Chemical Engineering from the University of Cincinnati.

**Wei Wei Jeang****Shareholder, Head, Intellectual Property Department, Munsch Hardt Kopf & Harr, P.C.**

Ms. Wei Wei Jeang practices in patent prosecution and client counseling in high tech areas including telecommunications, semiconductor devices, and fabrication, electronic circuits, computer hardware and software, and Internet-related inventions, as well as technology licensing, patent infringement, and validity analysis.

Ms. Jeang was recently selected as one of the "Best Lawyers in Dallas" in the field of Intellectual Property according to the May 2001 issue of *D Magazine*. The election was based on nominations from Intellectual Property lawyers. The *Texas Lawyer* (September 10,

2001) also spotlighted Ms. Jeang as one of the “40 Under 40” lawyers in Texas who are under 40 years old that have already distinguished themselves in their accomplishments.

Ms. Jeang has been registered to practice patent law before the United States Patent and Trademark Office since 1988. She has been involved in performing Intellectual Property audits, designing strategic patent and trademark programs, and managing and counseling her clients regarding their patent portfolios. She functions as a virtual in-house counsel by participating in patent committee meetings to determine the best course of action regarding the company’s inventions. She also interfaces with the engineers and managers to solicit invention disclosures and educates them regarding patent law and trademark law.

Ms. Jeang received her J.D. from Southern Methodist University in 1993 and received a Bachelor of Science in Computer Engineering from the University of Illinois at Urbana-Champaign in 1986. She has further authored such works as *M-Commerce—E-Commerce with a Twist*, which appeared in the *Texas Lawyer*, *Intellectual Property Audit*, and *Significant Changes in Intellectual Property Law in 2000*.

#### **Doug Johnson**

##### **Associate Corporate Counsel, ePartners, Inc.**

Mr. Doug Johnson currently serves as Corporate Counsel for ePartners, Inc. His responsibilities include management of all ePartners litigation, employment, and international matters. He personally handles some Texas litigation matters. Mr. Johnson also assists with negotiation of software licensing and other contracts.

Prior to joining ePartners, Mr. Johnson owned his own practice in San Antonio, where he focused on business law, civil litigation, and criminal litigation. He graduated with honors from Texas Wesleyan University School of Law and served as Managing Editor of the *Texas Wesleyan Law Review*. Prior to and while attending law school at night, Mr. Johnson maintained a sixteen-year career as a CPA. He spent nine years between two of the “Big 5” CPA firms and another seven years in the oil and gas industry. He is currently licensed in Texas as both an attorney and CPA.

#### **Xuan-Thao Nguyen**

##### **Associate Professor, Texas Wesleyan University School of Law**

Ms. Nguyen currently instructs courses in Business Associations, U.C.C. 9, Intellectual Property, and E-commerce & the Law. She also serves as the Symposium Chair for the Intellectual Property and eCommerce Annual Conference.



Ms. Nguyen is also an Intellectual Property associate at Fried, Frank, Harris, Shriver & Jacobson and Pryor Cashman Sherman & Flynn, L.L.P. She is registered to practice in the United States Patent and Trademark Office. Furthermore, Ms. Nguyen is a planning committee member of the International Trademarks Association and was a recipient of the Thurgood Marshall Award for work on death penalty.

Ms. Nguyen received her J.D. in 1995 from Northeastern University School of Law and a B.A. in 1990 from Oberlin College. She has published in the *Albany Law Review*, the *Chicago-Kent Journal of Intellectual Property*, and the *Loyola University-Chicago Consumer Law Review*. Forthcoming publications are scheduled to appear in the *American University Law Review* and the *Federal Circuit*, Volume 49.

**Michael D. Pegues**

**Shareholder, Head, Intellectual Property Litigation, Munsch Hardt Kopf & Harr, P.C.**

Mr. Michael D. Pegues recently joined his current firm where his practice consists of protecting Intellectual Property rights through litigation and controversy management. Prior to joining the firm, Mr. Pegues practiced at Haynes and Boone, where his practice consisted of protecting rights associated with patents, trademarks, copyrights, and trade secrets through licensing and dispute resolution.

Mr. Pegues was admitted to practice law in Texas in 1991, the United States Patent and Trademark Office in 1995, the United States Court of Appeals for the Federal Circuit in 1999, the United States District Court—Eastern District of Texas in 1992, the United States District Court—Northern District of Texas in 1993, the United States District Court of Arizona in 1999, and the College of the State Bar of Texas in 1994.

Furthermore, Mr. Pegues is currently a member of the Board of Directors for the Dallas Bar Association's Intellectual Property Section and this year serves as its Treasurer. He received his J.D. in 1991 from Tulane Law School in New Orleans, Louisiana, and his Bachelor of Science in Mechanical Engineering in 1984 from Southern Methodist University in Dallas, Texas.

Mr. Pegues has published such articles including *Trademark Basics*, Munsch Hardt Kopf and Harr, P.C.'s Intellectual Property Litigation Practice Group, Feb. 2002; *Intellectual Property, Part Two: Remedies for Infringement*, University of Houston Law Foundation, December and March 2001; and *Trademark, Trade Dress and Patent Law Basics*, University of North Texas School of Design, March 2001.

**Michael Rodenbaugh****Associate General Counsel, Yahoo! Inc.**

Mr. Mike Rodenbaugh partners with another attorney to manage Yahoo!'s trademark and domain name legal issues and litigation, as well as legal issues and contracts for Yahoo!'s brand marketing events, sports sponsorships, barter transactions, and other relationships (including FIFA World Cup). He created and currently maintains all contracts and legal issues surrounding Yahoo!'s worldwide merchandise and publication licensing program. Mr. Rodenbaugh is also involved in transactions and policy oriented issues for a myriad of other Internet legal issues relating to copyright, third party content, rights of publicity/privacy, robotic access to websites, and other issues relating to Terms of Service.

Mr. Rodenbaugh has been a member of the International Trademark Association (INTA) Committee on the Internet since June 2000 and is currently the Grants Committee Co-Chair for the Yahoo! Employee Foundation.

Prior to joining Yahoo! in March 2000, Mr. Rodenbaugh was an associate with Lillick & Charles L.L.P. (now Nixon Peabody L.L.C.) in San Francisco, where he practiced with the Litigation Group and the Intellectual Property Group. Mr. Rodenbaugh graduated, *cum laude*, from the University of San Francisco School of Law in 1995 and was a Comments Editor on the *Law Review*. He has a Bachelor's Degree in Political Science from Santa Clara University.

**Sidney L. Weatherford****Associate General Counsel, Ericsson, Inc.**

Mr. Sidney L. Weatherford's practice in the telecommunications industry includes patent preparation and prosecution, both domestic and foreign, Intellectual Property licensing, non-disclosure/secretary agreements, and Intellectual Property ownership agreements.

Mr. Weatherford is licensed to practice law by the State Bar of Texas, is admitted to practice before the United States District Court for the Northern District of Texas, and is registered to practice before the United States Patent and Trademark Office. Mr. Weatherford is certified in Texas as a mediator in Alternative Dispute Resolution. He is also a member of the Dallas Bar Association's Bar None Production musical variety show that raises funds for the Sarah T. Hughes Scholarship for minority law students.

Mr. Weatherford earned a Bachelor of Science degree in Electrical Engineering from Louisiana Tech University. At the age of fifty-two, Mr. Weatherford entered law school and in 1997 earned his Juris Doctor degree at Texas Wesleyan University School of Law. During Mr.

Weatherford's law school term, he worked part-time at an Internet Service Provider in customer service and also acted as a liaison between the company and the company's outside legal counsel.

**Dean William Harvey**

**Partner, Chair of Internet/eCommerce Practice Group, Vinson & Elkins, L.L.P.**

Mr. Dean William Harvey chairs the firm's Internet/e-Commerce practice group. His practice focuses on technology related commercial deals in the Internet/e-Commerce area. Mr. Harvey counsels clients on Internet related legal issues such as privacy, security, and electronic contracts and assists them in establishing strategic business relationships. He also advises clients and assists clients in protecting their Intellectual Property assets and content and helps them exploit their Intellectual Property assets and content through licensing. Additionally, he assists clients in acquiring and developing technology, software, and other technology.

Before joining Vinson & Elkins, Mr. Harvey worked in the software industry for ten years. He started his technical career at EDS Research and Development, where he developed expert systems and distributed computing software. He went on to specialize in communications device driver and operating systems development for companies such as IBM and CalComp. In 1992, Mr. Harvey founded his own software consulting company.

Mr. Harvey is a Member of the American Intellectual Property Law Association, Licensing Executives Society, American Bar Association, Travis County Bar Association, and the Austin Young Lawyers Association. He has also authored *Regulating Privacy on the Internet: Some Measures Intended to Help May Actually Hurt*, *Texas Lawyer*, April 16, 2001, *Broadband Growth Spurs Open Access Debate in the US*, *International Telecoms Review* 2000, and *Patents and Publications in the Internet Era: An Online Discussion*, Intellectual Property Law Special Report, *Texas Lawyer*, May 8, 2000.

Mr. Harvey attended West Virginia University where he received a B.S. in Computer Science, *summa cum laude*, in 1986, and he attended the University of Texas School of Law in 1997 where he received his J.D., served as an Associate Editor on the *Texas Law Review*, and was in the Order of the Coif. Mr. Harvey is admitted to practice in Texas, the Federal District Court for the Western, Northern, and Southern Districts of Texas, and the Fifth Circuit Court of Appeals.

**David G. Wille****Intellectual Property & Technology Licensing, Baker Botts, L.L.P.**

Mr. David G. Wille serves his clients in the areas of patent, trade secret, copyright and trademark litigation, licensing, secured transactions involving Intellectual Property, corporate transactions involving Intellectual Property, patent prosecution, and trademark prosecution. He was a member of the trial team in *DSC v. Next Level Communications* where the jury awarded \$369.2 million, believed to be the largest trade secret verdict in United States history.

After graduating from law school, Mr. Wille was a judicial clerk for the Honorable Jerry Smith, United States Court of Appeals, Fifth Circuit. He is a member of the State Bar of Texas, the American Intellectual Property Law Association, the Dallas Bar Association, and the Dallas Association of Young Lawyers. Mr. Wille is registered to practice before the United States Patent and Trademark Office.

Mr. Wille's experience includes several summer internships as an engineer for companies such as Communication Technologies Inc., Wisconsin Center for Space Automation and Robotics, and Delco Electronics Division of General Motors. Mr. Wille was admitted to the State Bar of Texas in 1992 and is also licensed to practice in the United States District Court for the Northern District of Texas, the Fifth Circuit, CAFC, and the United States Supreme Court.

Mr. Wille received his Bachelor and Master of Science Degrees, with highest honors, in electrical and computer engineering from the University of Wisconsin in 1988 and 1989, respectively. He is a member of Tau Beta Pi, Eta Kappa Nu, and Phi Kappa Phi. He graduated, *magna cum laude*, from the University of Michigan Law School in 1992. Mr. Wille was the Executive Editor of the *Michigan Law Review*, the runner-up in the Campbell Moot Court Competition, and a member of Order of the Coif.