



Advisory Board

Joseph M. Alioto, Esq.
Alioto Law Office

Robert E.B. Allen, Esq.
Mariscal Weeks

Tyler A. Baker, Esq.
Fenwick & West

Elizabeth J. Cabraser, Esq.
Lieff Cabraser Heimann & Bernstein LLP

Professor Stephen Calkins
Wayne State University Law School

The Hon. U.S.M.J. John L. Carroll (ret.)
Dean, Cumberland School of Law

Barbara A. Caulfield, Esq.
Affymetrix, Inc.

Joe Cecil, Ph.D., J.D.
Federal Judicial Center

Michael V. Ciresi, Esq.
Robins Kaplan Miller & Ciresi LLP

Michael D. Hausfeld, Esq.
Cohen, Milstein, Hausfeld & Toll, PLLC

Professor George A. Hay
Edward Cornell Professor of Law

The Hon. U.S.M.J. Ronald J. Hedges
District of New Jersey

The Hon. Susan Illston
Northern District of California

Allan Kanner, Esq.
Kanner & Whiteley

David H. Marion, Esq.
Montgomery McCracken Walker
& Rhoads, LLP

The Hon. J. Thomas Marten
District of Kansas

Dianne M. Nast, Esq.
Roda & Nast, P.C.

Raymond L. Ocampo, Jr., Esq.
Berkeley Center for Law & Technology

The Hon. Kathleen O'Malley
Northern District of Ohio

Vance K. Opperman, Esq.
Key Investment, Inc.

Jonathan M. Redgrave, Esq.
Redgrave Daley Ragan & Wagner

The Hon. James M. Rosenbaum
District of Minnesota

Prof. Stephen A. Saltzburg
GWU Law School

The Hon. Shira A. Scheindlin
Southern District of New York

The Hon. U.S.M.J. Craig B. Shaffer
District of Colorado

Robert G. Sterne, Esq.
Sterne Kessler Goldstein & Fox

Daniel R. Shulman, Esq.
Gray Plant Mooty

Dennis R. Suplee, Esq.
Schnader, LLP

Professor Jay Tidmarsh
Notre Dame Law School

Barbara E. Tretheway, Esq.
HealthPartners

Craig W. Weinlein, Esq.
Carrington Coleman Sloman & Blumenthal

The Hon. Carl J. West
L.A. Superior Court

Executive Director
Richard G. Braman, Esq.

THE Sedona Conference®

VOL VIII ♦ NUMBER 2
JULY 2006

UPDATE

—THE SEVENTH ANNUAL SEDONA CONFERENCE® ON PATENT LITIGATION— Thursday–Friday, October 12–13, 2006

Our Fall 2006 Conference on Patent Litigation will focus on 1) *Markman* hearings and claim construction: a presentation and critique of the public comment version of The Sedona Conference® Working Group Report on *Markman* hearings and claim construction (including model CMO's), 2) patent damages (design around caps, lost profits, apportionment of the royalty base, etc.), 3) effective trial practice for effective appellate practice, 4) integrating PTO proceedings in litigation strategy, 5) patent reform efforts—an update and review, 6) greatest hits and prognostication/the Supreme Court and patent issues, and 7) opinion of counsel strategies and willful infringement in light of *Knorr-Bremse*.

—THE EIGHTH ANNUAL SEDONA CONFERENCE® ON ANTITRUST LAW & LITIGATION— Thursday–Friday, October 26–27, 2006

The Eighth Annual Sedona Conference on Antitrust Law & Litigation features an international faculty and will focus on: **Antitrust in the US:** 1) lessons from *Volvo Trucks*, *Dagher & Illinois Tool Works*, 2) the future of US antitrust enforcement efforts by the government, and 3) the future of US private antitrust litigation; and **International Enforcement Issues:** 1) private enforcement internationally, 2) significant differences between domestic & international enforcement efforts, 3) the extra-territorial reach of the US antitrust laws, 4) the reach of abuse of dominance laws, 5) immunity & leniency claims and, 6) international enforcement in the pharmaceutical industry.

Both conferences will be held at the Hilton Sedona, Sedona, AZ.

For the complete agendas, faculty bios, and to REGISTER,
go to www.thesedonaconference.org
or call toll free: 1-866-860-6600

◆ PATENT LITIGATION VII ◆

– CO-CHAIRS –

Ronald J. Schutz

Robins Kaplan Miller & Ciresi, Minneapolis MN

I. Neel Chatterjee

Orrick Herrington & Sutcliffe, Menlo Park, CA

– FACULTY –

Kenneth Bass III

Sterne Kessler Goldstein & Fox, Washington DC

Steven M. Bauer, Proskauer Rose, Boston, MA

The Hon. T.S. Ellis, III, ED VA, Alexandria, VA

The Hon. Joan N. Ericksen, D MN, Minneapolis, MN

Robert Fram, Heller Ehrman, San Francisco, CA

Prof. Mark Lemley, Stanford Law School, Stanford, CA

James Malackowski, OceanTomo, Chicago, IL

Timothy J. Malloy, McAndrews Held & Malloy, Chicago, IL

The Hon. Roderick McKelvie,

Covington & Burling, Washington, DC

The Hon. Larry J. McKinney,

Chief Judge, SD IN, Indianapolis, IN

Terrence P. McMahon, McDermott Will & Emery, Palo Alto, CA

Paul Meyer, Navigant Consulting, San Francisco, CA

The Hon. Pauline Newman, CAFC, Washington, DC

David Simon, Intel Corporation, Santa Clara, CA

Stephen D. Susman, Susman Godfrey, Houston, TX

◆ ANTITRUST LAW & LITIGATION VIII ◆

– CO-CHAIRS –

Daniel R. Shulman, Gray Plant Mooty, Minneapolis, MN

Charles E. Koob, Simpson Thacher & Bartlett, New York, NY

– FACULTY –

Joseph M. Alioto, Alioto Law Firm, San Francisco, CA

Kevin Arquit, Simpson Thacher & Bartlett, New York, NY

Tyler Baker, Fenwick & West, Mountain View, CA

Lorenzo Coppi, CRA International, Washington, DC

Richard A. Duncan, Faegre & Benson, Minneapolis, MN

Tim Frazer, Arnold & Porter, London, UK

Harvey Kurzweil, Dewey Ballantine, New York, NY

James A. Langenfeld, LECG, Evanston, IL

M. Laurence Popofsky, Heller Ehrman, San Francisco, CA

Constance Robinson, Kilpatrick & Stockton, Washington, DC

Commissioner J. Thomas Rosch,

Federal Trade Commission, Washington, DC

The Hon. James M. Rosenbaum,

Chief Judge, D MN, Minneapolis, MN

Joseph R. Saveri,

Lieff Cabraser Heimann & Bernstein, San Francisco, CA

Robert P. Taylor, Howrey, Menlo Park, CA

Gregory J. Werden, U.S.D.O.J., Washington, DC

– FALL 2006 CONFERENCE SPONSORS –

Arnold & Porter (Antitrust Law & Litigation)

Faegre & Benson (Antitrust Law & Litigation)

Orrick Herrington & Sutcliffe (Patent Litigation)

Robins Kaplan Miller & Ciresi (Patent Litigation)

◆ Registration Details ◆

REGISTRATION. The registration fee is \$1095; \$995 if two or more people register at the same time (no more than three people per firm, please). *The Registration form is on our website: www.thesedonaconference.org.*

Registration includes the Notebook, two continental breakfasts, two luncheons, Thursday's reception with the faculty and a list of Conference participants. Academic and government discounts available. Full refund, less a \$75 administrative fee, for cancellations received at least 45 (forty-five) days prior to the Conference. Refunds cannot be given after that time, but you will receive a credit for another Regular Season Conference of choice for cancellations received at least 72 hours before the Conference (credit good for 3 years). Substitutions permitted at anytime. If you have any questions call toll free: 1-866-860-6600.

PLEASE NOTE:

To ensure the maximum opportunity for meaningful dialogue, registration is limited to 40 persons per conference on a first-come, first-served basis, based on date of receipt of paid registration(s).

WRITTEN MATERIALS/DIALOGUE. Conference materials are made available to participants through our website *before* the Conference, allowing us to rapidly focus our dialogue on the leading-edge issues *at* the Conference. Conference Notebooks are also provided upon Registration in Sedona, and are separately available for those who cannot attend for \$95 (postage included). To order, contact us at tsc@sedona.net.

PARTICIPANT EXPERIENCE LEVEL. We look for an experienced group of participants to facilitate an enlightening dialogue for all.

MANDATORY CONTINUING LEGAL EDUCATION. Advance MCLE accreditation will be applied for, seeking approximately 11.25 Mandatory Continuing Legal Education credits in 60-minute credit-hour states, and 13.50 credits in 50-minute credit-hour states, pursuant to each state's rules. Certificates of Accreditation and Attendance are provided at the end of each Conference. For further MCLE details call us at 1-866-860-6600.

SCHEDULE/ATTIRE. Each Conference begins with Continental Breakfast at 8:00 am Thursday, and ends Friday at 2:30 pm. A reception with the faculty follows Thursday's session, and lunch is provided on both days (complete agendas on the website). Casual attire throughout.

LODGING. A block of rooms is reserved at a Group Rate (\$189/nite; higher rate for weekend nites) at the *Hilton Sedona Resort & Spa* where we are holding this year's Conferences. *Rooms will only be held at the Group Rate until 30 days before each Conference* (see photo & link on our website on each Conference page). Call the *Hilton* reservation line (1-877-273-3762) to reserve your room; *identify yourself as a Sedona Conference participant to be eligible for the Group Rate.*

–Go to www.thesedonaconference.org or call 1-866-860-6600 to Register–

◆ Working Group Series ◆ (WGSSM) UPDATE

“Moving the Law Forward in a
Reasoned & Just Way”

WORKING GROUP 1:

Electronic Document Retention and Production

WG1, through four Special Project Teams, is currently in the process of creating Sedona Commentaries on (1) E-mail management and archiving, (2) Legal holds (both the trigger and the process sides), (3) Legacy and orphan data, and (4) Search and retrieval sciences. In addition, *The Sedona Principles* and *The Sedona Guidelines* will be revised during 2006 in light of the December, 2006 effective date for the federal rules amendments in this area.

WORKING GROUP 2:

Protective Orders, Confidentiality & Public Access

WG2 published the public comment version of its *Best Practices Addressing Protective Orders, Confidentiality and Public Access* in May of 2005, and has held four Town Hall meetings around the country to gather feedback and input since. The Group met again in April to review the comments received during the public comment period and is currently in the process of editing and revising the public comment version based on the feedback and the dialogue at the April Meeting.

WORKING GROUP 3:

The Role of Economics in Antitrust

WG3 published the final version of its Report on *The Role of Economics in Antitrust* in the first quarter of 2006. It is available on our website for download for personal use only.

WORKING GROUP 4:

The Intersection of the Patent & Antitrust Laws

WG4 is currently in the process of revising its work product on the intersection of the patent and antitrust laws following the dialogue surrounding the existing draft during the fall 2005 antitrust conference. A public comment version should be published on our website by Fall 2006.

WORKING GROUP 5:

Claim Construction & *Markman* Hearings

WG5 has had several face-to-face meetings, and their draft work product on *Markman* hearings and claim construction was subjected to dialogue during the fall 2005 patent litigation conference. The Group is currently working on completing the public comment version of its work product, which should be published on our website this summer.

WORKING GROUP 6:

International Issues In Electronic Information Management, Discovery & Disclosure

WG6 had its initial meeting in July 2005 with 9 jurisdictions represented. The Group is currently completing a Global Survey while at the same time other teams are beginning the task of developing best practices for dealing with electronic information in a multi-jurisdictional environment. A second face-to-face meeting will be held in Madrid in September 2006.

WORKING GROUP 7:

Sedona Canada

WG7 held its inaugural meeting in May in Mont Tremblant, Quebec. The Group is adapting *The Sedona Principles on Electronic Document Production* to fit the Canadian legal system. Based on its current timeline, WG7 hopes to release a public comment version of its Report within the next six months.

NEW Working Group SeriesSM Sponsorship Program

The Sedona Conference® recently migrated to a new Working Group Series sponsorship program. Our 2006-2010 Sustaining Sponsors made our recent growth and opening of a Phoenix business office possible, allowing us to hire Ken Withers, former FJC Senior Judicial Education attorney, to help manage our judicial education efforts. Our annual Working Group Series sponsors also support our efforts to create best practices, guidelines and principles of immediate benefit to the Bench and Bar. To see a complete listing of our 2006-2010 Working Group Series Sustaining Sponsors and the Annual Working Group Series Sponsors, click on the “Sponsors” navigational bar on the homepage of our website: www.thosedonaconference.org. We thank all of our sponsors for their support, including the Regular Season Conference Sponsors listed in this newsletter.

One-Day CLE on the New eDiscovery Rules Amendments

We are in the planning stages for a one-day traditional CLE program to be held in the Chicago area on **September 15, 2006**, focusing on the new rules amendments dealing with eDiscovery. The all-star faculty will include The Hon. Lee H. Rosenthal, Chair of the Civil Rules Advisory Committee, our own Ken Withers who served while at the FJC as the FJC liaison to the Committee, and Tom Allman and Jonathan Redgrave, who are on the WG1 Steering Committee and were frequent contributors throughout the rules development process. Check our website (www.thosedonaconference.org) in late July 2006 for further details.

ABOUT US

The Sedona Conference® was founded in 1997 as a nonprofit, 501(c)(3) research and educational institute dedicated to the advancement of law and policy in the areas of complex litigation, antitrust law and intellectual property rights. Initially focused on advanced, dialogue-based, restricted attendance seminars, The Sedona Conference® has successfully developed into a multi-faceted, open and neutral think-tank generating important, authoritative and timely contributions on significant legal issues. Already our Conferences and Working Groups have attracted participants from 47 states and the District of Columbia in the U.S., and from many other countries around the world.

Our **Regular Season Conferences** provide a stimulating forum for ongoing dialogue among leaders of the bench and bar through intense, restricted-size “mini-sabbaticals.” They act as incubators, revealing “tipping points” for Working Groups to address. *Check the “Raves” section of our website to see comments from past Conference attendees about how our unique, dialogue-based Conferences are different, and far more intellectually stimulating, than any other CLE or legal program.*

The Sedona Conference® Working Group Series (WGSSM) proposes solutions—principles, guidelines and best practices recommendations—that are designed to help harmonize disparate policies, decisions, regulations and viewpoints and to provide considered and fair guideposts for the reasoned and just development of the law. Our website (www.thosedonaconference.org) and the WGSSM Update to the left describe our current Working Groups and how you can get involved in their efforts through the **WGSSM Membership Program**.

Register or for further information about our Conferences & Working Groups—

THE Sedona Conference®

Announces
The Seventh Annual
Sedona Conference® on
Patent Litigation
October 12-13, 2006
and
The Eighth Annual
Sedona Conference® on
Antitrust Law & Litigation
October 26-27, 2006

~~~~~

*"Enlightening & unique."*  
Edwin Larkin, Winston & Strawn

*"Better than excellent."*  
Donald S. Edgar, Edgar Law Firm

*"A rare, valuable opportunity to hear a candid & informative exchange of thoughts."*  
Leslie O'Leary, Williams Love O'Leary

Advanced Learning in a Panoramic Setting  
Join Us for an Intellectually Stimulating Mini-Sabbatical!



The Sedona Conference®  
180 Broken Arrow Way South  
Sedona, AZ 86351-8998  
Toll Free: 866-860-6600  
www.thesedonaconference.org  
tsc@sedona.net or sedonaconference@earthlink.net

**Fall Conferences:**  
**PATENT LITIGATION VII: October 12-13, 2006**  
**ANTITRUST LAW & LITIGATION VIII: October 26-27, 2006**  
Sedona Hilton, Sedona, AZ  
*Each Conference Strictly Limited to 40 Registrants*



NON-PROFIT ORG.  
U.S. POSTAGE  
PAID  
Minneapolis, MN  
Permit No. 4444