

BIOGRAPHIES OF PARTICIPANTS

JONATHAN BAND received a B.A., *magna cum laude*, Phi Beta Kappa, in 1982 from Harvard College, and a J.D. from Yale Law School in 1985. Mr. Band's areas of practice include intellectual property, administrative litigation, and Internet regulation. His work in the intellectual property field has focused on appellate litigation in software copyright cases such as *Gates Rubber Co. v. Bando Chemical, Inc.* and advocacy concerning intellectual property policy issues. His administrative litigation experience includes representing the City and County of San Francisco in noise matters before the Federal Aviation Administration and the State of Alaska in a matter relating to the *Exxon Valdez* oil spill before the Federal Energy Regulatory Commission. Mr. Band has advised clients on Internet issues including online banking, privacy, spam, gambling and indecency.

Mr. Band has testified before the Senate Committee on Foreign Relations in favor of ratification of the U.N. Convention for the Elimination of All Forms of Discrimination Against Women; before the House Subcommittee on Courts and Intellectual Property against the Collections of Information Antipiracy Act; before members of the House Science Committee on the issue of database protection; and before the U.S. Patent and Trademark Office concerning the patenting of software.

Mr. Band has written extensively on intellectual property and electronic commerce matters. He co-authored *INTERFACES ON TRIAL: INTELLECTUAL PROPERTY AND INTEROPERABILITY IN THE GLOBAL SOFTWARE INDUSTRY* (Westview Press 1995). *Interfaces on Trial* has received favorable reviews in several journals. Mr. Band's publications include: *Rules to Live By: The Ninth Circuit's Decision in Sony v. Connectix*, *STANFORD TECHNOLOGY LAW REVIEW* (June 2000); *The Superhighway to Jericho: Good Samaritan Laws*, *JOURNAL OF INTERNET LAW* (August 2000); *The New Anti-Circumvention Provisions in the Copyright Act: A Flawed First Step*, *Cyberspace Lawyer* (February 1999); *The Digital Millennium Copyright Act*, *World Intellectual Property Report* (December 1998); *Computer Law Reporter* (January 1999); and *Electronic Banking Law and Commerce Report*

(January 1999).

Additionally, Mr. Band has been a guest lecturer on intellectual property topics at the Yale Law School, the George Mason University School of Law, and the Columbus School of Law at the Catholic University of America. He is on the Editorial Board of *The Computer Lawyer*, and has chaired the intellectual property committee of the ABA's Administrative Law Section; the Copyright Protection Subcommittee of the Computer Programs Committee of the ABA's Intellectual Property Law Section; the Legal and Policy Issues Task Group of the Interactive Multimedia Association; and the National Information Infrastructure Subcommittee of the Copyright Committee of the American Intellectual Property Law Association.

Mr. Band received the first Community Service Award of the International Section of the District of Columbia Bar in recognition of his *pro bono* work on the U.N. Convention for the Elimination of All Forms of Discrimination Against Women. He also has been honored for his *pro bono* work in the immigration area by the Washington Lawyers Committee for Civil Rights and Urban Affairs. More recently, Mr. Band was part of the Morrison & Foerster team that secured a Presidential Pardon for Freddie Meeks, one of the survivors of the Port Chicago disaster.

ANN BARTOW received her J.D., *cum laude*, from the University of Pennsylvania School of Law in 1990 and her LL.M. in legal education from Temple University School of Law in 1997. She received her B.S. in industrial & labor relations from Cornell University in 1985. Professor Bartow is currently an Assistant Professor of Law at the University of South Carolina School of Law.

Professor Bartow taught Intellectual Property and Family Law at University of Dayton School of Law in August 1998 as well as Patent Law, Employment Law, Property and Remedies at the University of Idaho College of Law in 1997 and 1998. She was an Honorable Abraham Freedom Teaching Fellow & Lecturer in Law at Temple University School of Law from 1995-1997, where she taught Patent Law, Copyrights & Trademarks, and Legal Writing & Research and co-taught Contracts, Family Law, and Labor Law. Professor Bartow taught International Intellectual Property in the Temple Abroad Program at the University of Athens in the Summer 1997.

Professor Bartow's publications include: *Our Data, Ourselves: Privacy, Propertization and Gender*, forthcoming in the U.S.F. L. REV. (Fall 2000); SEPARATING MARKETING INNOVATION FROM ACTUAL INVENTION: A PROPOSAL FOR A NEW, IMPROVED, LIGHTER AND BETTER TASTING FORM OF PATENT PROTECTION, SMALL AND

EMERGING BUS. L. (2000); *Women As Targets: The Gender-Based Implications of Online Consumer Profiling, Privacy and the Collection of Personal Information Online*, a topic module posted to Learning Cyberlaw in Cyberspace, an online resource for law faculty who teach Cyberspace Law, accessible at <http://www.cyberspacelaw.org> (1999); *Our Data, Ourselves: Cyberspace Data Collection and the E-Commercialization of Gender*, in the proceedings book of the Fourth Annual Ethics & Technology Conference held at Boston College on June 4-5, 1999; *Educational Fair Use in Copyright: Reclaiming the Right to Photocopy Freely*, U. PITT. L. REV. 149 (1998).

EDWARD J. BLACK received his B.A. from Muhlenberg College and his J.D. from American University's Washington College of Law, where he won honors in the area of international law. While in law school, Mr. Black began his professional career with the federal government as a Presidential Management Intern, and held the position of Deputy Director of the law school's Law and Policy Institute.

Following law school, Mr. Black became the chief legislative assistant for Rep. Louis Stokes (D-OH). In the mid-1970s, he served as a congressional liaison for the State Department under Secretary Henry Kissinger, and was responsible for handling a number of the most sensitive disputes with Congress. He returned to the Congress as Administrative Assistant to Rep. John LaFalce (D-NY) in 1977. The next year, he rejoined the Executive Branch, this time as Deputy to the Assistant Secretary for Congressional Affairs at the Commerce Department, responsible for the areas of international economics and trade, and telecommunications.

Prior to being named President of CCIA in early 1995, Mr. Black served as Vice President and General Counsel of CCIA beginning in the mid-1980s. He joined CCIA from a law firm where he was a partner representing a number of high-tech companies and associations. He has had responsibility over a wide range of legislative, policy and regulatory areas for CCIA and its member companies. Over the years he has specialized in international trade, competition policy and intellectual property. He has been extensively involved in a number of other issues of importance to the industry, including e-commerce, privacy, open standards, federal procurement and telecommunications policy.

He is currently Chairman of the State Department's Advisory Committee on International Communications and Information Policy and the U.S. State Department's Advisory Committee on International Communications & Information Policy. He has served

as President of the Washington International Trade Association & Foundation Chairman of the Pro-Trade Group, a multi-industry coalition. Mr. Black is also a member of various bar and technology policy organizations, and has served as Chairman of the American Intellectual Property Law Association's Subcommittee on Export Controls, the National Association of Manufacturers' (NAM) Trade Policy Committee, and the Advisory Board for BNA's Electronic Information Policy and Law Report. He is active politically at the local, state and national levels.

CCIA is an international, nonprofit association of computer and communications firms as represented by their most senior executives. Small, medium and large in size, CCIA's members include equipment manufacturers, software developers, telecommunications and on-line service providers, re-sellers, systems integrators, third-party vendors and other related business ventures. CCIA member companies employ well over half a million workers and generate annual revenues in excess of \$200 billion. It is this dynamic group of senior executives that focuses on issues of strategic importance to our industry and works for our best interests.

CCIA's mission is to further its members' business interests by acting as the leading industry advocate in promoting open, barrier-free competition in the offering of computer and communications products and services worldwide. CCIA's motto is "Open Markets, Open Systems, Open Networks, and Full, Fair and Open competition."

GEORGE M. BORKOWSKI received his B.A., *summa cum laude*, Phi Beta Kappa, in 1984 from State University of New York at Buffalo and his J.D., *magna cum laude*, in 1987 from Harvard University. He specializes in litigation concentrating in all areas of intellectual property, antitrust and trade regulation, Y2K compliance, entertainment, and unfair competition.

Mr. Borkowski successfully represented a major record company in a trademark suit over the song "Barbie Girl" brought by the manufacturer of the Barbie doll, *Mattel, Inc. v. MCA Records, Inc.*, 28 F. Supp. 2d 1120 (C.D. Cal. 1998) (summary judgment), and 46 U.S.P.Q.2d 1407 (C.D. Cal. 1998) (denial of injunction); represented clients in patent infringement and trade secret misappropriation cases involving technologies as wide-ranging as computer networking systems, 3-D television animation technology, thermocontact welding of polypropylene, and sports accessories; represented numerous clients in trademark disputes, including an internationally renowned musician in a suit involving a company's improper use of the title of a

famous song written by the musician, and an international television motion picture distribution company in a suit involving Internet domain name issues; defended a major clothing and jewelry manufacturer and retailer in a copyright infringement suit over jewelry designs; successfully resolved a copyright dispute over rights to artwork used in conjunction with a Broadway musical; represented a major company in a high-profile defamation suit; represented both plaintiffs and defendants in false advertising litigation; and successfully defended through trial and appeal a Fortune 100 corporation in an attempted monopolization and unfair competition case also involving significant false advertising issues, *American Professional Testing Service, Inc. v. Harcourt Brace Jovanovich Legal and Professional Publications, Inc.*, 108 F.3d 1147 (9th Cir. 1997).

Mr. Borkowski's publications include: co-author, AFTER QUALITY KING V. L'ANZA, CAN A COPYRIGHT OWNER STILL RESTRICT UNAUTHORIZED IMPORTATION OF COPYRIGHTED ARTICLES MANUFACTURED ABROAD?, NEW MATTER (Spring 1998); *Museum Law: Legal Issues that Impact Managerial Decisions* (Panel), American Association of Museums 93rd Annual Convention (LA), May 14, 1998.

TIMOTHY D. CASEY is a partner in Fried Frank's Washington, DC, and New York offices, where he leads the firm's technology law practice. He joined the firm in 2000. Mr. Casey provides clients with highly focused, innovative counsel in the development, management and utilization of intellectual property and technology assets through the development and implementation of IP protection, defense and utilization strategies on behalf of a client or in cooperation with that client's existing counsel; the analysis and valuation of IP rights to be acquired, licensed or sold; the management and oversight of IP litigation; the negotiation of business transactions; the creation and advocacy of IP and technology policy; and the integration of IP and technology assets into every relevant aspect of a client's business.

Prior to joining Fried Frank, Mr. Casey was Chief Technology Counsel, Senior Vice President and Assistant Secretary for WorldCom, Inc., from 1995 to 2000. In that capacity, he headed all legal aspects of the worldwide technology and IP operations of WorldCom and its predecessor, MCI Communications Corporation. Mr. Casey initiated and oversaw the development of a trade-secret protection program and of a patent operation that went from less than 10 issued patents in 1995 to many hundreds of issued patents in 2000. He directed the reorganization of MCI's trademark operations to substantially streamline costs and maximize protection, including

the complete rebranding of the company twice in as many years. He drove the company into the forefront of technology and IP policy development and advocacy as a result of his pivotal role in the development of both the Digital Millennium Copyright Act and the European Union's Directive on Electronic Commerce. In particular, Mr. Casey is recognized as the originator of the idea of using a notice-and-takedown process as a statutory expedited remedy for disputes involving content available on the Internet.

As Chief Technology Counsel, Mr. Casey also oversaw the establishment of and provided the strategic direction for a technology transactions group that succeeded in significantly reducing WorldCom's exposure to IP-related claims in sales transactions, enhancing the company's ownership in rights to technology developed by or on behalf of the company for use in its operations and leveraging a vast array of opportunities that helped to materially reduce the company's cost of doing business and to increase its profitability. During his tenure as Chief Technology Counsel, Mr. Casey became an international authority on the legal, technical and practical issues associated with attempts to regulate and otherwise control content flowing through the Internet. His book, *ISP LIABILITY SURVIVAL GUIDE: STRATEGIES FOR MANAGING COPYRIGHT, SPAM, CACHE AND PRIVACY REGULATION* (John Wiley & Sons, 2000), sponsored and reviewed by Vinton Cerf (co-developer of the TCP/IP protocol and known as the "Father of the Internet"), explains such laws and the history and thinking behind them and what any entity offering services over the Internet needs to do to comply, in a simple and understandable fashion.

Prior to 1995, Mr. Casey was Director of Intellectual Property at Silicon Graphics, Inc., in Mountain View, California, where he established SGI's intellectual property operations, and Divisional Patent Counsel at Apple Computer Corporation in Cupertino, California, where he serviced the needs of Apple's Advanced Technology and Advanced Product Groups. Earlier in his career, he was a patent lawyer in private practice and an engineer for a disk-drive company now owned by Western Digital.

Mr. Casey has spoken and published extensively on IP and technology matters, including testifying before both Houses of Congress on numerous occasions. He recently served as Chairman of the Intellectual Property Committee of the Information Technology Association of America. He has also served as an Adjunct Professor of Law at Santa Clara University School of Law and lectured at a number of other universities.

Mr. Casey received his J.D. in 1988 from Santa Clara University School of Law, where he was the Editor-in-Chief of the *Computer & High Technology Law Journal* (Volume 4). He was also the first part-time student at the school ever to serve as the head of a law review. He received his BS in electrical engineering in 1984 from the University of Nevada, Reno. He is admitted to the bar in California and the District of Columbia and to practice before the U.S. Patent and Trademark Office.

PHILIP S. CORWIN is a Partner at Butera & Andrews, a Washington, DC, law and lobbying firm. He is also President of Virtualaw, LLC, an E-Commerce consulting firm. He received his B.A. in Government from Cornell University's College of Arts and Sciences, and his J.D. from Boston College Law School. He has more than twenty years of federal legislative experience, with his expertise focused on the emerging law of electronic commerce, as well as financial services and bankruptcy matters. As one example, he formulated and executed a successful lobbying strategy that resulted in the striking of adverse evidentiary presumptions for digitally authenticated tax documents under the electronic tax filing provisions of the 1998 IRS Reform bill. Mr. Corwin will help Butera & Andrews continue its record of outstanding legislative representation of the financial services industry while helping it expand its ability to address E-Commerce and intellectual property issues, including the many legal and policy questions affecting the future of digital media.

Mr. Corwin is an active member of several American Bar Association Committees. He is currently the Washington Liaison for the Science and Technology Section; Legislative Reporter for the Business Law Section's Cyberspace Law Committee; and Vice-Chair of the Financial Services Integration Committee of the Torts and Insurance Practice Section (TIPS). He formerly served as Co-Chair of TIPS' Investment, Financial Services and Taxation Committee; and is an active member of the Banking Law, Consumer Financial Services, Consumer Bankruptcy, and Commercial Bankruptcy Committees.

Mr. Corwin has been a guest on the MacNeil/Lehrer Newshour, CNN Newsmaker, CBS This Morning, CBS Nightwatch, CNBC Capitol Gains, CNBC Business Insiders, C-Span Washington Journal, Court TV Washington Watch, The Wall Street Journal Report, and other television and radio news and business programs. Additionally, he has testified before Congress; is a frequent speaker before legal, banking, technology, digital entertainment and financial services industry audiences; and served as an adviser to the National Association of

Insurance Commissioners. He spoke in regard to copyright and other legal issues affecting digital media delivery at such venues as Tulane Law School's Digital Music Forum, Webnoize 99, and at Streaming Media 2000. He has addressed technology-related legislative and regulatory initiatives at such forums as Glasser Legalworks' E-commerce Law School and the Practicing Law Institute's Internet Law Institute. His articles discussing such topics as encryption, and electronic authentication and Internet commerce, have appeared in *Future Banker* and *Jurimetrics*. Additional writings on financial services and bankruptcy matters appeared in *Legal Times*, *American Banker*, *Banking Expansion Reporter*, *Banking Policy Report*, *Best's Review*, *Southern Banker*, *ABA Banking Journal*, *National Underwriter*, *Banks in Insurance Report*, *Butterworths Journal of International Banking and Financial Law*, *American Bankruptcy Institute Newsletter*, *Norton Bankruptcy Law Adviser*, and *Independent Banker*.

Prior to his current activities, Mr. Corwin was a partner at Federal Legislative Associates, a Washington lobbying firm. Before that, he served as Director and Counsel of Operations, Retail Banking, and Risk Management for the American Bankers Association (ABA). He directed ABA's bankruptcy reform effort, which culminated in the enactment of the Bankruptcy Reform Act of 1994. He was also responsible for overseeing the ABA's federal legislative and regulatory efforts in such areas as wholesale and retail payments systems, bank cards, consumer disclosure and compliance, coinage, bank insurance activities, money laundering, student lending, and environmental liability. Mr. Corwin began at the ABA as Senior Federal Legislative Counsel, with duties focused on legislative drafting and analysis as well as policy development.

From 1981 to 1985 Mr. Corwin served as Legislative Counsel to the Independent Bankers Association of America. From 1976 to 1981 he held professional staff positions at the United States Senate. Mr. Corwin has been listed in *American Banker's Annual Guide to Washington's Most Influential People* and *Who's Who in American Law*.

WALTER A. EFFROSS received his B.A. from Princeton University and J.D. from Harvard Law School. Currently, Professor Effross is a professor of commercial law and e-commerce law, and Director of the Program on Counseling Electronic Commerce Entrepreneurs at American University Washington College of Law. He was nominated Young Lawyer of the Year by the New Jersey State Bar in 1994 and is Co-chair of the Internet Committee of Anti-Defamation League. He is a contributing author for *COLLIER ON BANKRUPTCY*, and is a member of the Editorial Board for *Business Law Today*, *Computer Law*

Strategist, and *American Bankruptcy Institute Journal*. Professor Effross also served as national on-line moderator, at the *Counsel Connect Bankruptcy Forum*. He is the author of many law review articles including, *Grammarians at the Gate: The Rehnquist Court's Evolving "Plain Meaning" Approach to Bankruptcy Jurisprudence*, SETON HALL LAW REVIEW 23 (1993), and *Assaying Computer Associates v. Altai: How Will the "Golden Nugget" Test Pan Out?*, RUTGERS COMPUTER & TECH. L.J. 19 (1993).

CHRISTINE HAIGHT FARLEY is an Assistant Professor of Law at American University Washington College of Law and teaches courses in Intellectual Property, US Trademark Law, International and Comparative Trademark Law, and Law and the Visual Arts. Before joining the law faculty at American, Professor Farley practiced copyright and trademark law at the New York law firm of Rabinowitz, Boudin, Standard, Krinsky, & Lieberman. She has taught legal research and writing at the State University of New York (SUNY) at Buffalo School of Law and later at Columbia Law School. Professor Farley received her J.D. from SUNY Buffalo School of Law in 1994, and her LL.M. from Columbia Law School in 1997. She is currently a J.S.D. (doctor of juridical science) candidate at Columbia Law School, where her dissertation concerns intellectual property law.

SHUBHA GHOSH received his B.A., *cum laude*, in 1984 from Amherst College, his Ph.D. in Economics in 1988 from the University of Michigan, and his J.D., with distinction, in 1994 from Stanford Law School. He is currently a visiting professor at the University of Buffalo Law School. Professor Ghosh's research areas include: Fair Use on the Internet, Business Method Patents, Biodiversity and Indigenous Property Rights, Patent, Copyright, and Antitrust, Sovereignty, Federalism and Intellectual Property Rights.

Professor Ghosh's publications include: *Toward a Theory of Regulatory Takings for Intellectual Property*, forthcoming in SAN DIEGO L. REV.; *A Real Options Perspective on Crisis Cartels and the Failing Firm Defense*, ANTITRUST L.J. (2000); *Gray Markets in Cyberspace*, J. INTEL. PROP. L.; and *An Intellectual Property Optimist Looks at Article 9 and Bankruptcy*, FORDHAM INTEL. PROP. MEDIA & ENT. L.J.

BRIAN HECHT is an alumnus of Harvard University and President and CEO of enews.com, the leading magazine retailer on the Internet. The company offers subscriptions to more than 1,000 major titles. Mr. Hecht took the helm of enews.com in 1996. Under his leadership, enews.com secured portal deals with Yahoo!, Excite, and Lycos, partnered with leading e-commerce destinations such as barnesandnoble.com, and developed an affiliate program with more

than 75,000 members. In August 1998, enews.com secured a \$20 million investment from Madison Dearborn Partners, Inc., and in December 1999, the company established important equity relationships with barnesandnoble.com and Hachette Filipacchi Magazines. In April 2000, Time, Inc., became an additional important partner and investor.

A pioneer in the Internet publishing industry, Mr. Hecht was the founding Editor-in-Chief of Tripod, one of the Internet's first and largest community sites. He has also served as the online editor of *The New Republic*, and has worked at ABC News in New York and NBC News in London.

Mr. Hecht has presented in many different forums including before the Direct Marketing Association of Washington Conference & Expo, *Creating Alternate Revenue Streams through Customized Content*; IQPC Cyberbranding Conference, *Creating and Developing Successful Online Promotional Partnerships: Teaming Up on the Web*; and E-Commerce World 2000, *B2C Panel: Bringing the Client into the Equation*, among others.

PETER JASZI is a graduate of Harvard College and Harvard Law School. He teaches copyright at the American University Washington College of Law. With various collaborators, he has written a standard copyright textbook and several articles on copyright history and theory. In 1994, he was a member of the Librarian of Congress's Advisory Commission on Copyright Registration and Deposit. Since 1995, he has been active in the Digital Future Coalition, which he helped to organize. He is a former Trustee of the Copyright Society of the U.S.A., and a current member of the editorial board of its journal.

LEWIS A. KAPLAN was appointed United States District Judge for the Southern District of New York on August 10, 1994, and began duty on August 22, 1994. He received his A.B. with high honors in political science from the University of Rochester in 1966 and his J.D., *cum laude*, from Harvard Law School in 1969. He then served as law clerk to The Honorable Edward M. McEntee of the United States Court of Appeals for the First Circuit.

Judge Kaplan joined the New York law firm of Paul, Weiss, Rifkind, Wharton & Garrison in 1970 and was a partner in the firm from 1977 until joining the bench. While at Paul, Weiss, he engaged in a litigation practice with emphasis in the areas of securities, intellectual property and antitrust.

Since his appointment to the bench, Judge Kaplan has presided over a number of well-known cases. He currently is responsible for

the criminal and civil antitrust cases brought against Sotheby's Holdings, Inc. and the companion civil antitrust case against Christie's, and he is presiding by appointment of the Judicial Panel on Multidistrict Litigation over pretrial proceedings in all federal actions involving product liability claims relating to the drug Rezulin. He was the trial judge in such intellectual property cases as *University City Studios, Inc. v. Reimerdes*, in which he held that dissemination of a computer program that decrypts copyrighted motion pictures stored on DVDs violated the Digital Millennium Copyright Act, and *Larson v. Thomson*, which dealt with a claim of joint copyright ownership by a dramaturgist who worked on the script in the show *Rent*. In 1998, he enjoined the City of New York from interfering with the so-called Million Youth March in Harlem on the ground that the regulations relied upon by the City violated the First Amendment. In 1997 he upheld the Welfare Reform Act of 1996 against constitutional challenge.

Judge Kaplan is a Judicial Fellow of the American College of Trial Lawyers and a member of the American Law Institute, the American and New York State Bar Associations, the Association of the Bar of the City of New York, and the Federal Bar Council. He is a member of the Committee on Automation and Technology of the Judicial Conference of the United States, chair of the Technology Committee of the United States District Court for the Southern District of New York, and a director and member of the Executive Committee of the Federal Judges' Association. Prior to joining the bench, he served as a Trustee of the Lawyers' Committee for Civil Rights Under Law, a member of the Trustees' Council of the University of Rochester, a Village Trustee, and as a member of the editorial board of the *Bank and Corporate Governance Law Reporter*. He also served by appointment of the United States District Court for the Southern District of New York as Special Master in the *Westway* environmental litigation and by appointment of the Appellate Division of the Supreme Court of the State of New York as Special Counsel to the Grievance Committee of the Association of the Bar of the City of New York.

Judge Kaplan's publications include: *Defending 'Fraud by Hindsight' Cases*, *American Banker* (1992), *Potential Competition and Section 7 of the Clayton Act*, 25 ANTITRUST BULL. 297 (1980), and *Implied Causes of Action*, *Litigation* (Summer 1982), and he contributed a chapter on *International Discovery in Antitrust Litigation* in *Antitrust Counseling And Litigation Techniques*. His article on the pattern element in civil RICO cases was published in the April 1987 edition of the *Rico Law Reporter*.

JOSHUA J. KAUFMAN received his B.A. in 1972 from the University of Maryland and his J.D., with honors, from George Washington University in 1975. Mr. Kaufman counsels and litigates in the fields of e-commerce, computer licensing, intellectual property, copyright, trademark licensing, art, entertainment, media and literary law. He advises his clients in structuring and negotiating transactions in which they exploit their intellectual property rights or in acquiring them from others.

Mr. Kaufman is one of the nation's first computer lawyers, representing clients in the field for over 15 years. He worked as a computer consultant and, for 10 years, had a syndicated column in which he reviewed hardware and software.

Mr. Kaufman has the distinction of arguing the landmark copyright case, *CCNV v. Reid*, before the United States Supreme Court in which he obtained a unanimous decision favoring his client.

Mr. Kaufman assists his clients on how to acquire and obtain the rights necessary for their projects, specifically, the acquisition of licenses, copyrights, trademarks and trade secret rights. He assists them in exploiting these rights through licensing and joint ventures. In the event that his clients' rights are infringed upon, Mr. Kaufman assists them in securing proper and appropriate recompense for their losses through mediation, negotiation, arbitration and litigation.

Mr. Kaufman has taught for many years and is currently an adjunct professor at the American University Washington College of Law where he teaches Entertainment Law. He is a regular speaker and has published well over one hundred articles in a wide variety of publications on computer, copyright, trademark, art, entertainment, licensing and related topics. He established two nonprofit organizations, the Volunteer Lawyers for the Arts, DC, and the Society to Prevent Trade and Stolen Art. Mr. Kaufman was a founding member of the DC Bar Section on Art, Entertainment and Sports and served on the Steering Committee of the Copyright Society the United States (Washington, DC, chapter).

JEFFREY G. KNOWLES practices complex commercial litigation emphasizing intellectual property, including copyright, trademark/trade dress, trade secret and unfair competition cases. He has represented a broad array of clientele across a spectrum of industries, from music to Internet technology to consumer products.

Prior to joining Coblenz, Patch, Duffy & Bass in 1990, Mr. Knowles worked as a trial attorney for the U.S. Department of Justice in Washington, DC. From 1987 to 1988, he served as a law clerk to Judge Eugene F. Lynch of the United States District Court for the

Northern District of California.

A graduate of the University of California at Los Angeles, Mr. Knowles received his law degree, *summa cum laude*, from the University of California, Hastings College of the Law in 1987. At Hastings, Mr. Knowles was an articles editor for the *Hastings Law Journal* and a member of the Order of the Coif and the Thurston Society.

KEITH M. KUPFERSCHMID is intellectual property counsel for the Software and Information Industry Association (SIIA). As IP counsel for SIIA, Mr. Kupferschmid is responsible for working directly with SIIA's Committee on Intellectual Property Protection and Trade Policy to establish SIIA positions and moving the SIIA agenda on issues relating to intellectual property. He also works to support the Association's Anti-Piracy program. Prior to joining SIIA, Mr. Kupferschmid was an attorney with the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, where he advised clients on all matters relating to copyright and copyright-related protection, including client counseling, opinion drafting, license negotiations, and litigation. Before that, Mr. Kupferschmid was an intellectual property attorney at the U.S. Patent and Trademark Office (PTO), where he was responsible for international and legislative patent and copyright issues. During his time at the PTO, Mr. Kupferschmid worked extensively on bilateral and multilateral intellectual property issues, was responsible for formulating and advocating the Administration's policy relating to intellectual property and the Internet, and represented the U.S. Government as a lead negotiator at the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions that adopted the WIPO Copyright and Performances and Phonogram Treaties in December 1996. Mr. Kupferschmid has also served on special assignments at the Office of the United States Trade Representative, where he was the Director of Intellectual Property, and the U.S. Copyright Office, where he was a Policy Planning Advisor.

JAMES H. LAUGHLIN, JR. specializes in Intellectual Property including Litigation, Counseling and Representation before the Patent Office. He received his B.S., Ch.E., from West Virginia University in 1964 and his J.D. from American University in 1968. He served as lead outside counsel for the world's largest diamond mining company in an infringement dispute involving world-wide marketing of industrial abrasives. After successful arbitration proceedings, he negotiated a favorable license agreement. Mr. Laughlin has also represented a communication industry leader in developing

innovative communications technologies in five major interference proceedings involving CDMA technology. He participated in negotiation for the release of the IS-95 standard during the conflict.

Mr. Laughlin also served as lead outside counsel for an international oil company in the planning and construction of a MTBE plant in Texas where he performed evaluations and managed trade secret issues, negotiations and assistance in representation before the Federal Trade Commission. He also served as lead attorney for an energy resource and project development company in *In re Dillon*, an *en banc* decision of the United States Court of Appeals for the Federal Circuit relating to the issue of obviousness under the patent laws. Finally, Mr. Laughlin served as lead attorney for a leading chemical company in *Paulik v. Rizkalla*, which resulted in a favorable *en banc* decision by the United States Court of Appeals for the Federal Circuit, and which related to the issue of abandonment, suppression and concealment under the patent laws. Mr. Laughlin's many memberships include: Former Chairman of the Virginia State Bar Intellectual Property Section, member of the American Bar Association Antitrust Law, Patent Trademark and Copyright Law Sections, Trustee of the American Intellectual Property Law Association, and Virginia Delegate to the National Council of Patent Law Association.

BRUCE A. LEHMAN is President of the International Intellectual Property Institute (IIPI), a non-partisan, not-for-profit institution, based in Washington, DC. The purpose of the Institute is to foster the creation of modern intellectual property systems and the use of intellectual property rights as a mechanism for investment, technology transfer and the creation of wealth in all countries of the world. Mr. Lehman received his B.A. and J.D. from the University of Wisconsin in 1967 and 1970 respectively.

In addition to his involvement with IIPI, Mr. Lehman is a member of the Policy Advisory Commission to the Director General of the World Intellectual Property Organization (WIPO), the specialized United Nations agency headquartered in Geneva, Switzerland. He is President of the U.S. Committee for WIPO and is a member of several corporate boards, including the Patent & Licensing Exchange, Inc., and Ford Technology Licensing, Inc., a wholly owned subsidiary of the Ford Motor Company. He also serves as consultant to the Walker Digital Corporation.

Mr. Lehman served as Assistant Secretary of Commerce and United States Commissioner of Patents and Trademarks for nearly six years. At the request of President Clinton, he served concurrently in the fall

of 1997 as Acting Chairman of the National Endowment for the Humanities, which fosters and recognizes the work of America's artistic and creative community.

In 1994 the *National Law Journal*, the largest selling weekly publication for lawyers, named Mr. Lehman its "Lawyer of the Year." In 1997, another publication, the Washington-based national magazine of public policy, the *National Journal*, named Mr. Lehman one of the 100 most influential men and women in Washington.

Serving as the head of the U.S. Delegation to WIPO's December 1996 Diplomatic Conference on Certain Copyright and Neighboring Rights Questions, he successfully concluded negotiations which resulted in the adoption of two treaties: the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

Mr. Lehman also engaged in streamlining the Patent and Trademark Office (PTO) to be more responsive and customer-focused. His efforts were recognized by Vice President Gore's National Performance Review as a success story for Government Reinvention. As commissioner, he held a series of public hearings throughout the country to solicit the views and concerns of PTO customers. Mr. Lehman also chaired the Working Group on Intellectual Property Rights of the National Information Infrastructure Task Force. In September of 1995, the Working Group released Intellectual Property and the National Information Infrastructure, which examines the role of copyright law in cyberspace and makes recommendations to fortify copyright protection of intellectual property in the networked environment of the information superhighway.

For ten years prior to joining the Clinton Administration, Mr. Lehman was a partner in the Washington, DC, law firm of Swidler & Berlin. There he represented individuals, companies, and trade associations in the areas of intellectual property rights. Prior to entering private practice, Mr. Lehman worked for nine years in the U.S. House of Representatives as Counsel to the Committee on the Judiciary and Chief Counsel to the Subcommittee on Courts, Civil Liberties, and the Administration of Justice. Mr. Lehman was the Committee's principal legal adviser in the drafting of the 1976 Copyright Act, the 1980 Computer Software Amendments, and 1982 amendments to the Patent Laws.

Mr. Lehman's publications include: *The Changing Character, Use and Protection of Intellectual Property*, GACC 4th Public Symposium, Washington, DC, December 3-4, 1998 (1999); *Major Biotechnology Issues for the U.S. Patent and Trademark Office*, CASE W. RES. L. REV.

(Fall 1996); *IP: America's Competitive Advantage in the 21st Century*, COLUM. J. WORLD BUS. (Spring 1996).

BENNETT M. LINCOFF is Senior Counsel at Darby & Darby, P.C., in New York City and is a member of the firm's Internet/New Media/E-commerce practice group. He was formerly the Director of Legal Affairs for New Media at ASCAP (the American Society of Composers, Authors and Publishers), where he developed and authored the organization's license agreement that authorizes webcasters to transmit online performances of the music in ASCAP's repertory. Mr. Lincoff also co-chaired the delegation of the American Bar Association to the meetings of the World Intellectual Property Organization in Geneva, Switzerland, which resulted in two new worldwide treaties regarding online use and protection of copyrighted works. He served as a member of the coalition of copyright owners in the inter-industry negotiations that ultimately led to passage of the Digital Millennium Copyright Act.

MICHAEL J. MADISON received his B.A. from Yale University in 1983 and his J.D. from Stanford Law School in 1987. Since 1998 he has been an Assistant Professor of Law at the University of Pittsburgh School of Law. He previously taught at Harvard Law School as a Climenko Fellow. Professor Madison's areas of specialization include: intellectual property, computers and the law, contracts, and commercial law.

Prior to becoming a professor, Professor Madison represented clients in Silicon Valley on high technology issues. He practiced at the Palo Alto firm of Gray Cary Ware & Freidenrich and the San Francisco firm of Shartsis, Friese & Ginsburg. Professor Madison's publications include articles in the *Fordham Law Review* and the *Cardozo Arts & Entertainment Law Review*. He is a member of the American Intellectual Property Law Association, the Computer Law Association, and the American Bar Association Sections on Litigation and Intellectual Property Law.

DECLAN MCCULLAGH is the Washington bureau chief for *Wired News*. He lives and works in Washington, DC. An award-winning journalist, Mr. McCullagh writes and speaks frequently about technology and politics. Before accepting his current position at *Wired*, he was a reporter for *Time Digital Daily* and *Time*, as well as a correspondent for *HotWired*.

He has written the Washington dot com column for *George* magazine, a technology column for *UPI*, a column for *Business 2.0*, and occasionally contributes to publications such as *Slate*, *The New Republic*, and *intellectualcapital.com*.

Mr. McCullagh has been writing about the Internet since 1990. He was the first Internet reporter to join the National Press Club; participated in the first White House dot com press pool; and appears to have been the first online-only reporter to receive credentials from the press gallery of the U.S. Congress.

He moderates *politech*, a mailing list looking broadly at politics and technology that was founded in 1994, and he has been a visiting faculty member at George Mason University's Institute for Humane Studies. Mr. McCullagh was the first journalist to question Vice President Gore's claim to have created the Internet and broke the story that U.S. District Judge Thomas Jackson ruled that Microsoft violated antitrust laws.

He has co-hosted a weekly cybercast TV show at *thesync.net*. He has written the Y2K entry for Microsoft's Encarta encyclopedia, a Time magazine cover story on satellite telephones, and worked on other Time cover stories on topics such as Y2K and privacy. He has covered presidential trips aboard Air Force One, and was a plaintiff in the ACLU lawsuit challenging the Communications Decency Act, ruled unconstitutional by the Supreme Court. He appears to have been the first journalist to be sent a subpoena for linking to information that was allegedly illegal to distribute.

A frequent commentator on technology and politics, Mr. McCullagh has appeared on CNN, CNN-fn, Court TV, NPR, ABC News' Good Morning America, CNBC, CBC, CSPAN, Reuters TV, and Fox News. He has been a judge in the Webby awards, the Arts Electronica awards, the Internet Freedom journalism awards, and the Pacific Research Institute technology privatization awards, and has received a free speech award from the American Civil Liberties Union. He has served as a journalist-questioner at an ICANN debate forum organized by Harvard University's law school and the Internet Democracy Project. Mr. McCullagh has spoken at universities including Harvard University, Georgetown University, and the University of Chicago, has testified before the Democracy Online Task Force, and maintains private mailing lists devoted to discussions of anonymity and free speech.

A longtime programmer, Mr. McCullagh worked at NeXT Computer in Redwood City, California, in 1990 and wrote for NeXTWORLD magazine in 1991. He also worked on Jerry Brown's 1992 presidential campaign in Santa Monica, California, at Friends of the Earth in Washington, DC, and at Xerox in Webster, New York. Mr. McCullagh studied cognitive science at Carnegie Mellon University and was a reporter and columnist for the student

newspaper, the student body treasurer, and president of the student body.

He currently amuses himself with analog photography, including occasional 35mm and medium-format photo shoots for magazines, and programming in C, SQL, and Perl. In addition to a NeXT cube at home, Mr. McCullagh maintains mail and web servers, which run GPL software including Red Hat Linux, Apache, and MySQL. The mccullagh.org photo database is his own design.

BRIAN MUDGE is a partner at Kenyon & Kenyon in Washington, DC. He is co-chair of the firm's Internet and Information Technology Practice Group. He received his B.S. in electrical engineering from the University of Pennsylvania, *magna cum laude*, in 1979. He also received an M.S. from the University of Pennsylvania in Systems Engineering in 1984. He obtained his J.D. from the University of Pennsylvania Law School, *magna cum laude*, in 1991. While in law school, he was a member of the Order of the Coif and the Moot Court Board. Mr. Mudge is a member of the American Bar Association and the American Intellectual Property Law Association.

Mr. Mudge has had experience in a variety of intellectual property litigation and counseling matters concerning trademarks, copyrights, patents and trade secrets. He counsels clients on IP issues relating to the Internet, particularly those affecting domain names, Web site design and electronic commerce. He has handled a wide variety of disputes involving trademarks, trade dress and domain names on the Internet.

Mr. Mudge's experience also includes entertainment law issues involving motion picture, music and publicity rights and new uses. He has counseled clients in trademark selection, assisted clients in protecting works of authorship, and assisted in the protection and licensing of proprietary technology. He also has experience in matters concerning antitrust and intellectual property. Cases in which Mr. Mudge has worked include *Philadelphia Orchestra Ass'n v. Walt Disney Co.*, 821 F. Supp. 341 (E.D. Pa. 1993), where he helped Disney successfully defend against summary judgment while obtaining a finding that the motion picture "Fantasia" was a work for hire and not a work of joint authorship.

In addition, Mr. Mudge is a frequent speaker on emerging copyright and trademark issues as they relate to the Internet at seminars put on by the New York New Media Association. Prior to entering the legal profession, Mr. Mudge was employed with RCA Corporation (later General Electric Corporation), where he was involved in research and development of software-based technology

for government-sponsored programs and commercial broadcast television products. He was also a technical instructor for RCA's Continuing Education Program.

DAVID PAKMAN is Senior Vice President for Business Development at myplay, which he co-founded with Doug Camplejohn. Before myplay, Mr. Pakman was a marketing wizard at Apple Computer and a drummer and songwriter in rock bands dating back to high school. "I always wanted to be a rock star," the 30-year-old Pakman says. "Still do."

Mr. Pakman attended the University of Pennsylvania in Philadelphia, where he studied computer science engineering and played with bands on weekends. He became a student rep for Apple Computer, organizing marketing activities to students. After two summer internships at Apple's New Jersey offices, Mr. Pakman won an internship at the company's headquarters in Cupertino, California, where he met Doug Camplejohn, who was spearheading the launch of QuickTime.

After his graduation from Penn and a short stint playing in a New York City band that came close to a recording contract, he returned to Apple to form the Apple Music Group, which was focused on partnerships with the music industry. At Apple, he says, "I got to go out and meet the presidents of record labels, producers, managers and artists and talk how the Internet was going to impact music."

While at Apple, Mr. Pakman met Larry Rosen, the founder of the jazz label, GRP. Mr. Pakman soon joined Rosen as Director of Business Development for his new venture, N2K Entertainment, which would combine a record label with an online music retailing site and three sites devoted to specific music genres.

Quickly promoted to Vice President, Mr. Pakman forged strategic partnerships with Internet companies like AOL, Infoseek, and Disney. He pioneered such concepts as affiliate programs and 1:1 music marketing programs, both now used by other retail sites. N2K Entertainment created the business model for digital distribution of music, and was the first company to make music commercially available as a digital download.

In 1998, N2K merged with CDNOW, and Mr. Pakman left soon after Camplejohn called to tell him about the concept that became myplay. "We understand that the world is changing; we understand that people's needs are changing as music goes digital," says Mr. Pakman. "Tools didn't exist to manage that music, and we're going to deliver those tools in a very user-friendly way. Finally, the experience for the consumer is about to get better."

LYMAN RAY PATTERSON received his LL.B. in 1957 from Mercer University, his M.A. in 1950 from Northwestern University, and his S.J.D. in 1966 from Harvard University. Professor Patterson's principal areas of interest are Copyright and Legal Ethics. He has served as the appointed Special Assistant Attorney General of Georgia for Copyright Matters since 1986, and he is currently a Pope Brock Professor of Law at the University of Georgia.

Professor Patterson has published many articles and books, including: *The Nature of Copyright; A Law of Users' Rights* (1999); *Folsom v. Marsh, and Its Legacy*, J. INTELL. PROP. L. (1998); *Copyright and 'the Exclusive Right' of Authors*, J. INTELL. PROP. (1993); and *Copyright and Free Speech Rights*, J. INTELL. PROP. L. (1996).

ANDREW PIKE received his B.A. from Swarthmore College and J.D. from the University of Pennsylvania Law School. Currently Dean Pike is the Associate Dean for Faculty and Academic Affairs & Co-Director of the Law and Business program at the Washington College of Law. He has previously served as a visiting associate professor at the University of Pennsylvania Law School. He served as an advisor to several republics of the former Soviet Union on tax reform and as special counsel to the Congressional Joint Committee on Taxation. From 1986-87, Dean Pike served as a consultant to the Massachusetts Special Commission on Tax Reform. Dean Pike was an attorney and associate tax legislative counsel to the U.S. Department of the Treasury from 1980-84. He has also authored several law review articles on tax policy and corporate taxation.

LAURENCE F. PULGRAM is a partner in the Litigation Group of Fenwick & West LLP, a law firm specializing in high technology matters. Fenwick & West is a full-service law firm of over 250 attorneys and is headquartered in Palo Alto, California, with offices in Washington, DC, and San Francisco, California. Mr. Pulgram is resident in the firm's San Francisco office.

As a member of the firm's 80-lawyer Litigation Group, Pulgram's practice is focused on complex business litigation and intellectual property disputes, including copyright litigation, antitrust, unfair competition, trademark and trade dress, trade secret and antitrust in the trial and appellate courts. For the past year he has served as counsel for Napster, Inc., an innovator in peer-to-peer software systems, in a series of lawsuits brought by various recording industry entities alleging contributory and vicarious copyright infringements in Federal District Courts and the Ninth Circuit Court of Appeals.

Some of the clients Mr. Pulgram has represented include: Napster, Inc., more.com, Sears Roebuck & Co., The Gap, VeriSign, Inc., R.J.

Reynolds, Inc., The California Insurance Commission, DoveBid, Inc.

Mr. Pulgram received his undergraduate degree from Duke University, *summa cum laude*, Phi Beta Kappa, in 1979. He graduated from Harvard Law School, *magna cum laude*, in 1983 and served thereafter as a law clerk for Chief Judge Sam C. Pointer, Jr., in the United States District Court for the Northern District of Alabama. From 1984 through 1999, Mr. Pulgram practiced litigation at the firm of Howard, Rice, Nemerovski, Canady, Falk & Rabkin in San Francisco, where he was a director of the firm.

Mr. Pulgram is a member of the ABA Sections of Litigation & Intellectual Property and the Association of Business Trial Lawyers of the Bay Area. He is co-chair of the ABA Litigation Section's Committee for the Minority Trial Lawyer, a member of that Section's Task Force on Gender, Racial and Ethnic Bias in the courts and was co-chair of that Section's meeting at the ABA Annual Convention.

PETER K. SCHALESTOCK received his J.D., *cum laude*, in 1997 from Seattle University and his B.A. in 1992 from University of Washington in 1992. Currently practicing at Perkins Coie, Mr. Schalestock specializes in Intellectual Property, Telecommunications and Internet and Electronic Commerce. He is currently an Adjunct Professor of Law at Seattle University. Mr. Schalestock served as U.S. Representative Rick White's Counsel and Communications Director from 1997-99.

Mr. Schalestock's publications include: *Forms of Redress for Design Piracy: How Victims Can Use Existing Copyright Law*, 21 SEATTLE U. L. REV. (1997); and *Equity for Whom? Defining the Reach of Non-Literal Patent Infringement*, SEATTLE U. L. REV. (1996). Mr. Schalestock recently spoke at the Washington Software Alliance on *Understanding the Digital Millennium Copyright Act*.