

INTELLECTUAL PROPERTY LAW SECTION 2004

DALLAS BAR ASSOCIATION

DBAIP.com

January 2004

JANUARY 23, 2004

Strategic Use of Survey Evidence in IP Cases.

Dr. Ford's presentation will begin with a discussion of the evolution of survey evidence as an acceptable method of proof in Lanham Act cases, discussing the initial resistance to such evidence, including the hearsay basis for those objections, and the gradual acceptance of survey evidence by an increasingly sophisticated federal judiciary. Dr. Ford will next discuss the effect of the *Daubert* decision on the way courts examine the admissibility of survey evidence. In the last part of his presentation, Dr. Ford will use recent cases to illustrate the continuing difficulties, including selection of the appropriate universe and avoiding the use of leading questions that arise in formatting and conducting surveys for issues that commonly arise in trademark and false advertising litigation, such as genericness, secondary meaning, likelihood of confusion and the existence of an "exceptional case" for the purpose of attorney's fees and costs.

Speaker: Dr. Gerald Ford
Time & Location: Noon
The Belo Mansion
2101 Ross Avenue

This presentation includes one hour of CLE credit.

ABA Section of Litigation

What: Intellectual Property Roundtable, sponsored by the ABA, Section of Litigation

Topic: "Five Years Under the DMCA" - see the attached topic outline for more details

When: Wednesday, January 21, 2004
12:00 noon - 1:30 p.m.

Where: Vinson & Elkins L.L.P.
3700 Trammell Crow Center
2001 Ross Ave.
Dallas, TX 75201-2975

RSVP: Rose Mary Timmons (Scott Breedlove's secretary) at Vinson & Elkins
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2003/2004 DBA IP Calendar

Although subject to change, all dates are Friday luncheons at the Belo Mansion, 2101 Ross Avenue. Program announcements will follow in subsequent editions of this newsletter.

January 23, 2004
CLE Lunch

February 27, 2004	June 25, 2004
March 26, 2004	July 23, 2004
April 23, 2004	August 27, 2004
May 28, 2004	September 24, 2004
	October 22, 2004

2003 DBA IP LAW SECTION Officers

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Address Changes or Additions?

Don't miss out on any Dallas Bar Association IP Law Section news!
Send physical and e-mail address updates to: mpegues@munsch.com