

ATTEND AND LEARN:

- ▶ Corporate Survival Strategies for IP Due Diligence
- ▶ How Investors Value Intellectual Property
- ▶ How a Startup Utilized the U.S. Patent System to Defeat an Industry Giant
- ▶ Why IP is C-Level
- ▶ Perspectives on University-Licensed Startups
- ▶ IP News You Need to Know

IP IMPACT 2006

Intellectual Property Gets Down to Business

A one-day conference examining the latest issues at the intersection of intellectual property, business and finance.

Friday, October 20, 2006
9:00AM – 5:00PM

Hyatt Regency Embarcadero
San Francisco, CA

Sponsored by:

Knobbe Martens Olson & Bear LLP

in partnership with:



Venture Capital ~ Angel
R O U N D T A B L E

registration

TO REGISTER: **Online:** www.ipimpact.com
Telephone: Sara Lona / 949.721.2941
E-mail: sara.lona@kmob.com

COST: \$295

WHO SHOULD ATTEND:

- Venture Capitalists
- C-Level Executives
- Corporate Counsel
- Entrepreneurs
- IP Managers
- Investment Bankers
- Licensing Executives

conference schedule

SCHEDULE:

- 8:45 – 9:15** Registration and Continental Breakfast
- 9:15 – 10:30** Survival Strategies for IP Due Diligence: A Corporate Perspective
- 10:30 – 10:45** BREAK
- 10:45 – 12:00** How Investors Value IP
- 12:00 – 1:30** Lunch/Keynote Speaker: Joe Kiani, Masimo Case Study: How a Startup Succeeded Using the U.S. Patent System to Level the Playing Field
- 1:30 – 1:45** BREAK
- 1:45 – 3:00** Industry-Specific Breakout Sessions
- Medical Device: Why IP is C-Level
 - Biotech: Perspectives on University-Licensed Startups
 - Software/Electronics: The Move from IPO to M&A
- 3:00 – 3:15** BREAK
- 3:15 – 4:30** IP News You Need to Know
- 4:30 – 6:00** Cocktail Reception



program information

Friday, October 20

SESSION #1

SURVIVAL STRATEGIES FOR IP DUE DILIGENCE: A CORPORATE PERSPECTIVE

Moderator:

Matthew Fawcett, JDS Uniphase Corporation

Speakers:

Ryan Floyd, Storm Ventures

Gerard von Hoffmann, Knobbe Martens Olson & Bear LLP

Mergers and acquisitions are red hot again with both large public-public deals and private transactions being announced almost daily. A panel of experts speaking from the corporate, venture capital and legal perspectives will address how to prepare and execute an IP due diligence strategy in the M&A context, and the key concerns regarding the valuation and integration of intellectual assets in the corporate environment.

SESSION #2

HOW INVESTORS VALUE INTELLECTUAL PROPERTY

Moderator:

Michael Lasinski, Ocean Tomo

Speakers:

Glenn Daniel, Houlihan Lokey Howard & Zukin

David Fann, Inflection Equity Partners

Investors and the marketplace significantly discounted the value and importance of intellectual property less than five years ago. Now IP is back on the top of minds for management, analysts and investors. Corporate boards are asking management how they can maximize the value of these important assets. A panel of industry consultants and advisors will discuss the effects of board level pressure, low up-front monetization costs and high potential rewards on the marketplace. They will also address specific deals, how the IP affected the value of the deal and their views on the importance of IP in future investments.

LUNCH SESSION KEYNOTE SPEECH

MASIMO CASE STUDY: HOW A STARTUP SUCCEEDED USING THE U.S. PATENT SYSTEM TO LEVEL THE PLAYING FIELD

Keynote Speaker:

Joe Kiani, Chief Executive Officer and Chairman of the Board, Masimo Corporation

A “David vs. Goliath” story about how a small medical device startup utilized the U.S. Patent System to defend its intellectual property rights against an industry giant which resulted in a payment of \$330 million.

SESSION #3: BREAKOUT BY INDUSTRY

• **MEDICAL DEVICE: WHY IP IS C-LEVEL**

Speakers:

Mitchell Dann, Sapient Capital Management, LLC

Gerard von Hoffmann, Knobbe Martens Olson & Bear LLP

Hear from medical device industry experts why a company's patent strategy should be overseen by a C-level executive (i.e. CEO, COO) or senior corporate executive who is a decision-maker in the company's overall business strategy.

• **BIOTECH: PERSPECTIVES ON UNIVERSITY-LICENSED STARTUPS**

Moderator:

Dale Hunt, Knobbe Martens Olson & Bear LLP

Speakers:

Maureen Conners, Sierra Angels and Conners Consulting

Bob Molinari, Ph.D., CODA Genomics, Inc.

William Tucker, Ph.D., University of California, OTT

The impact of university-originated IP as an engine for startups and an opportunity for investors will be explored by a panel of investment, licensing and business experts with first-hand experience with successful university-licensed startups.

• **SOFTWARE/ELECTRONICS: THE MOVE FROM IPO TO M&A**

Speakers:

Lee Henderson, Knobbe Martens Olson & Bear LLP

Frank Pao, Autonomy, Inc.

During the past year, growth and exit strategies for software companies have generally turned away from IPOs and towards acquisition. Our speakers will discuss M&A issues related to software companies, software licensing and revenue recognition problems, and recent cases affecting software.

SESSION #4

IP NEWS YOU NEED TO KNOW

2006 has been a significant year that may drastically change the way patents are protected and enforced. The Patent Office has proposed several new rules in an effort to make the patent process more efficient, including rules that would limit the filing of continuation applications and that would provide for accelerated examination within 12 months. The eBay case has changed the way patent litigants seek remedies from infringers. Learn about these and other topics making news in the IP industry as our panel discusses strategies to best prepare your company for what's happened and what's to come.

Numerous networking opportunities will be provided throughout the day with colleagues and other business leaders. A cocktail reception will follow the conference.

speakers and panelists

MITCHELL DANN

Principal, Sapient Capital Management, LLC

Mitchell Dann founded Sapient Capital, L.P. and is currently Principal of Sapient Capital Management, LLC. He has spent over 20 years working with healthcare start-ups, serving as a venture capitalist, advisor, entrepreneur and executive. In addition, he currently serves on the Board of Directors of GRAFTcath, Inc, TranS1, Inc., and ValenTx, Inc. and is also a Director of the Medical Technology Leadership Forum, a not for profit organization dedicated to understanding critical issues affecting advanced medical technology. Prior to Sapient, in 1983, Mr. Dann co-founded the venture capital division of Investment Advisers, Inc., called IAI Venture Capital Group. From 1983 to 1991, funds under management grew to over \$150 million and he served successively as vice president, partner and managing partner. While at IAI Venture Capital Group, Mr. Dann was responsible for investments in 18 companies and several venture capital partnerships.

GLENN DANIEL

Managing Director, Houlihan Lokey Howard & Zukin

Glenn Daniel is a Managing Director in the San Francisco office of Houlihan Lokey, where he has been resident since 1989. He directs San Francisco regional office operations, supervises financial opinion and corporate finance engagements, and is a senior member of the firm's Technology Group. He also sits on the firm's national Fairness Opinion Review, Technical Standards, and Solvency Opinion Review Committees. Mr. Daniel specializes in financial advisory work in connection with merger and acquisition projects, business and securities valuations, and bankruptcies, and has testified as an expert in litigation. Additionally, Mr. Daniel has spoken on issues of valuation, fairness, and solvency to professional organizations, corporate audiences, law firms, banks and the Internal Revenue Service. Prior to joining Houlihan Lokey, Mr. Daniel served as an Associate Director at Moody's Investors Services where he was responsible for issuing bond ratings on securities of over 200 companies. Preceding that, he worked as a Securities Analyst at Lehman Brothers Kuhn Loeb. Mr. Daniel earned a B.A. in Economics and German, with distinction, from the University of Wisconsin. He earned an M.S. in Finance from the University of Wisconsin, Graduate School of Business, where he was a member of Beta Gamma Sigma Honor Society. Mr. Daniel is also a Chartered Financial Analyst and is registered NASD General Securities Principal.

DAVID FANN

General Partner, Inflection Equity Partners

David Fann has been a leveraged buyout and venture capital investor for over 20 years. He is currently a founder and General Partner of Inflection Equity Partners, a buyout firm focused on the buyouts of technology companies. Previously, he was the founder and co-head of the Private Equity Division of U.S. Trust Company and the President and Co-CEO of three affiliated venture capital funds. Mr. Fann also had responsibility for U.S. Trust's Alternative Investments and Structured Investments Divisions and served on several of U.S. Trust's management committees including its Special Fiduciary, Portfolio Policy and Strategy Review Committees. Prior to U.S. Trust, Mr. Fann was a Vice President of Citicorp Venture Capital, Ltd., and various affiliated investment entities. Mr. Fann has served as a director (including Chairman) of several private companies and public companies. Mr. Fann has a dual bachelor degree from Stanford University in Industrial Engineering and Economics.

MATTHEW FAWCETT

Associate General Counsel, Director of Global IP, JDS Uniphase Corporation

Matthew Fawcett is the Associate General Counsel and Director of Global Intellectual Property at JDS Uniphase Corporation. Mr. Fawcett is responsible for the development, growth, protection and exploitation of the company's intellectual property portfolio, including over 1000 US patents. He is also responsible for the Company's Global Commerce team and strategy, MD&A matters and other corporate legal issues. Prior to joining JDSU, Mr. Fawcett was Corporate Counsel with Fujitsu America, and in private practice with Morrison & Forester LLP. He graduated from UCLA School of Law and UC Berkeley undergraduate.

RYAN FLOYD

General Partner, Storm Ventures

Ryan Floyd is a founding partner of Storm Ventures. His areas of focus are semiconductor related investments and enterprise IT. Prior to Storm, Mr. Floyd directed the business development activities at E-TEK Dynamics (now JDS Uniphase) where he focused on building strategic OEM and customer relationships, scaling E-TEK's manufacturing operations as well as directing the equity investing and acquisition activities. Prior to joining E-TEK, he was with Summit Partners, a private equity firm, where he focused primarily on the communications industry, including Summit's investment in E-TEK Dynamics in July 1997.

JOE KIANI

Chief Executive Officer and Chairman of the Board, Masimo Corporation

Joe E. Kiani is the founder, CEO and Chairman of the Board of Masimo Corporation. Mr. Kiani has held these positions since Masimo's inception in 1989. Mr. Kiani is an inventor on more than 50 patents related to signal processing, sensors, and patient monitoring, including patents for the invention of read-through motion and low-perfusion pulse oximetry. Prior to founding Masimo Corporation, Mr. Kiani served as regional technical manager for Anthem Electronics, and field applications engineer for Bell Industries, which distributed advanced semiconductor components. Mr. Kiani was also Product Engineer at Unisys. Mr. Kiani currently serves on the Board of SABA, a publicly traded software company focused on Human Capital Development and Management solutions, Orange County Section of March of Dimes, and MDMA (Medical Device Manufacturers Association). Mr. Kiani has a B.S.E.E. degree and an M.S.E.E. degree from San Diego State University.

BOB MOLINARI, PH.D.

President and CEO, CODA Genomics, Inc.

Dr. Molinari spent his early career at Raychem Corporation and McKinsey and Company. He left McKinsey to become the founding CEO of a technology spin-out of SmithKline Beckman which had developed novel DNA sequencing materials. In 1993, Dr. Molinari started a custom DNA synthesis company, Protogene Laboratories, with Herb Heyneker and Thomas Brennan out of the Stanford University Medical School. Within 18 months, Protogene became the largest manufacturer of custom DNA reagents in the world, and was acquired by Life Technologies, Inc., its marketing partner, for custom DNA shortly thereafter. Dr. Molinari then led a spin-off of Protogene that developed extensive technology in chemical synthesis of custom DNA chips, gene assembly from oligonucleotides, and high throughput chemical synthesis. Since 2000, Dr. Molinari has helped start companies focused on multi-disciplinary genomics and proteomics tools for drug discovery, including companies involved in high-throughput, mass spec proteomics, multiplexed single molecule detection, DNA chip intellectual property, and cancer therapy. In late 2004, Dr. Molinari joined CODA to assist the founders in setting up the company and commercializing the CODA technology. Dr. Molinari received his Bachelor's degree in Chemistry, magna cum laude, from Dartmouth College in 1974, a Ph.D., in physical chemistry from Brown University in 1977, and an MBA at the Amos Tuck School of Business at Dartmouth.

FRANK PAO

Chief Operating Officer, Autonomy, Inc.

Frank Pao is the Chief Operating Officer of Autonomy, Inc. Prior to joining Autonomy in 2003, he was Senior Vice President of Business Affairs at Virage, Inc. Preceding that, he served as counsel to Verity, Inc. and represented numerous companies in private practice at Gray Cary (now DLA Piper Rudnick) where he specialized in intellectual property, licensing and corporate transactions. Mr. Pao has also held various positions at Advanced Cardiovascular Systems (now Guidant) and Lawrence Berkeley Laboratories. He has served as a director in several companies. Mr. Pao earned a J.D. from Boalt Hall School of Law and a B.S. in Bioengineering from U.C. Berkeley where he was a member of Tau Beta Pi Engineering Honor Society.

WILLIAM TUCKER, PH.D.

Executive Director, University of California, Office of Technology Transfer

Dr. Tucker was born in the UK and educated in Australia. He holds a Ph.D. in Microbiology from the University of Queensland. He also holds an MBA degree from St. Mary's College in Moraga, California. After moving permanently to the US in 1985, Dr. Tucker's career focused on agricultural biotechnology. His work in that field began with Advanced Genetic Sciences, one of the first companies to explore genetic engineering applications for agriculture. He held similar positions at DNA Plant Technology, Applied Biosystems and Celera Genomics where he was part of the business development team for their genomics platforms. He continued these activities with Paradigm Genetics when they acquired part of Celera at the end of 2001. Since 2003, Dr. Tucker has been part of the Office of Technology Transfer at the University of California, Office of the President, in Oakland CA. After a period as Interim Executive Director, in May, 2006 Dr. Tucker was appointed the permanent Executive Director to lead OTT through the transition to a more decentralized licensing structure for the University of California system.

Knobbe Martens Olson & Bear Representatives:

ADEEL AKHTAR, PARTNER

WILLIAM BUNKER, PARTNER

LEE HENDERSON, PH.D., PARTNER

DALE HUNT, PH.D., PARTNER

SABING LEE, PARTNER

JOHN SGANGA, PARTNER

GERARD VON HOFFMANN, PARTNER

Ocean Tomo Representative: MICHAEL LASINSKI, MANAGING DIRECTOR