

## Inside This Issue

- **Automobile Designs: Protecting An Investment In A Legend With Intellectual Property**  
Richard D. Fladung  
AKIN GUMP STRAUSS HAUER & FELD LLP ..... Page 4
- **Use Of Trademark In Keyword-Triggered Search Engine Advertising: A Hot Topic In Internet Law — Part II**  
Sheldon H. Klein, Jason J. Mazur and David S. Modzeleski  
ARENT FOX PLLC ..... Page 5
- **European Union Threatens To Surpass The United States In Regulation Of Internet Commerce**  
Vito A. Costanzo  
HOLLAND & KNIGHT LLP ..... Page 6
- **Supreme Court Will Determine The Scope Of The "FDA Exemption" From Patent Infringement In *Merck v. Integra***  
Steve Szczepanski  
KELLEY DRYE & WARREN LLP ..... Page 8
- **Will Europe Adopt The United States Model Of Patent Protection For Computer Software?**  
W. Scott Petty  
KING & SPALDING LLP ..... Page 9
- **An Intellectual Property Practice Hits Full Stride**  
Interview: Jon A. Baumgarten and William M. Hart  
PROSKAUER ROSE LLP ..... Page 10
- **Intentional Deception Is Required For "False Marking" Under Patent Law**  
Marc S. Friedman and Barry J. Marenberg  
SILLS CUMMIS EPSTEIN & GROSS P.C. .... Page 12
- **Standards For Survival**  
Interview: John A. Azzarello  
KIRKPATRICK & LOCKART NICHOLSON GRAHAM LLP ..... Page 13
- **Lessons Learned From The World Trade Center Event**  
Frank E. Lawatsch, Jr.  
PITNEY HARDIN LLP ..... Page 14
- **The Impact Of *Dura Pharmaceuticals* On Private Securities Fraud Actions**  
Stephen M. Sinaiko and Brendan M. Schulman  
KRAMER LEVIN NAFTALIS & FRANKEL LLP ..... Page 16
- **The War On Contingent Commissions: A Regulatory Attack On A Procompetitive Business Practice**  
Cameron Cohick and Philip D. Bartz  
MCKENNA LONG & ALDRIDGE LLP ..... Page 17
- **Martin Garbus On The First Amendment: "At The Very Heart Of How We Define Ourselves As A Nation"**  
Interview: Martin Garbus  
DAVIS & GILBERT LLP ..... Page 18
- **A Brief Summary Of Customs And Trade Issues For Corporate Counsel — Part I**  
Amy J. Johannessen and Predrag Rogic  
COUDERT BROTHERS LLP ..... Page 20
- **Rights Plans In An Era Of Stockholder Activism**  
Rod J. Howard  
WEIL, GOTSHAL & MANGES LLP ..... Page 21
- **Congress Makes Significant Changes To Rules Governing Class Actions**  
Kevin B. Clark, Joseph G. Davis and David B. Esau  
WILKIE FARR & GALLAGHER LLP ..... Page 22
- **Second Circuit Vacates Portions Of EPA's CAFO Rule**  
Kenneth J. Warren  
WOLFBLOCK Page ..... Page 24
- **Corporate Governance Does Not End With Sarbanes-Oxley**  
Jeffrey M. Shapiro and Steven M. Skolnick  
LOWENSTEIN SANDLER PC ..... Page 37
- **Department Of Justice Makes An Offer Most Corporations Cannot Refuse**  
James J. Graham  
JONES DAY ..... Page 39
- **Winston & Strawn: A Chicago Foundation For A Global Presence**  
Interview: Governor James R. Thompson  
WINSTON & STRAWN LLP ..... Page 61

**Special Feature Articles**

- **Partnering In The New Legal Environment — Barton, Barton & Plotkin LLP**  
Interview: Roger E. Barton and Johnnie M. Jackson, Jr.  
BARTON, BARTON & PLOTKIN LLP ..... Page 25
- **Effective Collaboration: 20 Practical Considerations For Corporate Counsel To Obtain Value While Containing Costs**  
W. Scott O'Connell and Marcus E. Cohn, PC  
NIXON PEABODY LLP ..... Page 26
- **Representations And Warranties In Share Purchase Transactions: Latest Trends In The Italian Practice**  
Stefano Crosio and Roberta Fabbri  
GIANNI ORIGONI GRIPPO & PARTNERS ..... Page 27
- **New Jersey Appellate Court Rules That Mandatory Drug Testing Of Job Applicants Is Lawful**  
Richard S. Zackin  
GIBBONS, DEL DEO, DOLAN, GRIFFINGER & VECCHIONE, P.C. .... Page 28
- **Top 10 Things To Know Before You Launch A Comparative Advertising Campaign**  
Ethan Horwitz and Jessica S. Parise  
GOODWIN PROCTER LLP ..... Page 29
- **Chadbourne & Parke LLP Brings A Seasoned IP Practice Into The Fold**  
Interview: Joseph A. Calvaruso, Walter G. Hanchuk and Kenneth S. Weitzman  
CHADBOURNE & PARKE LLP ..... Page 30
- **Expanding The Brand: The Role Of Trademarks In The Growth Industry Of Franchising**  
Linda A. Tancs  
NORRIS, McLAUGHLIN & MARCUS, P.A. .... Page 31
- **A Brief Analysis Of Cross-Border IP Litigation Issues**  
Kenneth L. Wilton  
SEYFARTH SHAW LLP ..... Page 32
- **Hedge Funds Under Fire: Is There Body Armor Out There?**  
Ernest E. Badway  
SAIBER SCHLESINGER SATZ and GOLDSTEIN, LLC ..... Page 33
- **Does Canada Deserve To Be On The USTR's Intellectual Property Watch List?**  
Peter Wilcox and Damien McCotter  
TORYS LLP ..... Page 34
- **How Far Must Employers Go To Accommodate Their Employees' Religious Beliefs, Practices And Observances?**  
Lisa M. Brauner  
GROTTA, GLASSMAN & HOFFMAN, P.C. .... Page 35
- **Vital Role Of Criminal Defense Counsel In The New Legal Environment**  
Interview: John P. Lacey  
CONNELL FOLEY LLP ..... Page 40
- **Voluntary Disclosure, Independent Compliance Monitors, And Other FCPA Enforcement Issues**  
Homer E. Moyer, Jr.  
MILLER & CHEVALIER, CHARTERED ..... Page 41
- **Have You Reviewed Your Foreign Trade Compliance Program?** Interview:  
Robert B. Silverman  
GRUNFELD, DESIDERIO, LEBOWITZ, SILVERMAN & KLESTADT LLP ..... Page 42
- **An Insider's View**  
Interview: Jeffrey Steinberg  
ERNST & YOUNG ..... Page 48
- **State Of The Art Compliance Training**  
Interview: Robert T. Joseph, Martin R. Castro, Mindy H. Chapman and Gary Senner  
SONNENSCHNEN NATH & ROSENTHAL LLP ..... Page 52

**Editorial**

- **Intellectual Property In The Online World: An Ongoing Digital Dilemma**  
Richard S. Eisert and Gary Kibel  
DAVIS & GILBERT LLP ..... Page 19

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## The Honorable Tommy G. Thompson Brings A New Dimension To Health Care In The Private Sector

*The Editor interviews the Honorable Tommy Thompson, Partner, Akin Gump Strauss Hauer & Feld LLP, who prescribes a new formula for improving health care in the private sector.*

**Editor:** Mr. Thompson, you have a long history of public service; would you tell our readers about some of the highlights of your term as Secretary of Health & Human Services?

**Thompson:** My term of four years as Secretary of Health and Human Services was an extremely dramatic and unparalleled time in history, the first time we have ever put the country on a national health emergency basis. No secretary had ever before been responsible for securing vaccines for the entire U.S. — for smallpox, anthrax and SARS. At the time of 9/11 there were only 14,000 doses of smallpox vaccine. We increased this amount to 400,000,000 doses in the course of preparing the country for such emergencies. We set up a War Room where we used innovative technologies in assuring there was no food adulteration. Our department oversees the CDC, NIH, Medicare for 42,000,000 individuals, health care for Native Americans, and the FDA, which is the oversight body for 25 percent of our GDP.

**Editor:** As the only Governor of Wisconsin to be re-elected for a third and fourth term, your tenure in that office brought about such notable accomplishments as the welfare-to-work program, parental school choice program, and expansion of welfare for low-income people. What accomplishments during your term as Governor do you consider to have the greatest historical importance?

**Thompson:** The Wisconsin Welfare-to-Work reform program caused a national and international awakening as to how to restructure welfare. We also started a program to help low-income minority children. It provided them with the opportunity to choose whatever school they wanted, whether religious or sectarian. That program is still in existence and continues to grow and prosper. Another program provided for assistance to low-income families who needed to provide for children's medical care.

We had some remarkable achieve-



The Honorable Tommy Thompson

ments during my tenure, and I was pleased with the successes we accomplished.

**Editor:** How do you believe that these experiences will assist in your transition into the private sector?

**Thompson:** I am a firm believer that your future successes are influenced by what you were able to accomplish in the past. Living productively means a lifetime of learning. The experiences I had as governor of the state for 15 years in managing innovative programs and as head of the largest federal agency in the U.S. dollar-wise, in each case overseeing enormous budgets, give me the background knowledge and experience to make an important contribution to the private sector and should be beneficial to my employers, in this case Akin Gump.

**Editor:** What factors went into your decision to join Akin Gump?

**Thompson:** Akin Gump has a long history of expertise in many areas and enjoys a wonderful reputation. I have been greatly impressed with their accomplishments. When I was interviewed, I was most favorably impressed by their attitude and the use they planned for my services. It is an outstanding law firm with a firm culture of pro bono and public service that fits my desire to continue to do good things in the health care field. Because of its high professional standards, it also satisfies my desire to continue to do things as a professional, from which I derive great personal satisfaction.

I like the atmosphere, I like their attitude and I like what they have done in the past and intend to do in the future. Service with the firm fulfills my desire to continue serving the public. My role there also provides me with the opportunity to do other things.

Please turn to page 67

## Midwest – Corporate Counsel

# Chicago Bar Foundation Presents The Exelon Outstanding Corporate Counsel Award To Steven M. Cook Of Sears

Corporate attorneys are often overlooked when we think about all of the great pro bono work in the legal community. The Exelon Outstanding Corporate Counsel Award underscores that many attorneys in the corporate legal community can and do make exemplary contributions by improving access to justice for the less fortunate.

The Chicago Bar Foundation (CBF) and the Chicago Bar Association (CBA) created this special award to recognize the generally unsung contributions of attorneys in the corporate sector and to encourage other corporate attorneys to volunteer their time and talents to help those in need. To underscore its commitment to pro bono in the corporate sector, the Exelon Corporation has generously endowed the award, allowing the winner to designate a special Chicago Bar Foundation grant to the legal aid or public interest law organization of his or her choice. William A. von Hoene, Jr., Senior Vice President and Deputy General Counsel for Exelon Corporation, explains, "We at Exelon view pro bono and community service as an integral part of our legal depart-



**Bill von Hoene (right) presents Exelon award to Steve Cook.**

ment's work, and we are proud to support this award."

Steve M. Cook, Vice President and

Deputy General Counsel for Sears, Roebuck & Co. received the award this past year. Cook was the driving force behind the creation of Sears' acclaimed pro bono program.

He has always made pro bono work a priority in his career, actively participating in many projects during his years at law firms before coming to Sears, where he has been a leader in the legal department's pro bono efforts. He is able to integrate Sears' overall charitable goal of increasing home ownership into his volunteer work by emphasizing real estate closings projects and transactional work. Steve also works with the Community Economic Development Law Project (CEDLP), the Public Interest Law Initiative, Lawyers for the Creative Arts, and Northwestern University School of Law's Center on Wrongful Convictions. And, he led Sears to take the innovative step of partnering with the law firms Mayer Brown Rowe & Maw LLP and Sonnenschein, Nath & Rosenthal LLP to work together on pro bono projects.

Steve highly recommends partnering on pro bono project. He explains, "It enables cross-training and development (each of us learns from the other) and provides additional resources and backup to a project. We can be there for each other if necessary. We can also use each other's contacts and networks to spread the reach of pro bono."

The Chicago Bar Foundation improves access to justice for people who are impacted by poverty, abuse and discrimination. The CBF's mission is grounded in the belief that access to justice is central to our democratic society and that the concerted efforts of a few can make a real improvement in the lives of many. The CBF accomplishes its mission by awarding grants and other assistance to more than legal aid and public interest organizations, encouraging the legal community to contribute time and money, functioning as a clearinghouse for information and resources, and providing leadership in the community on access to justice issues. For more information about the CBF, please call (312) 554-1204 or visit [www.chicagobarfoundation.org](http://www.chicagobarfoundation.org).

## Tommy Thompson

*Continued from page 1*

**Editor: Please describe Akin Gump's Health Industry Practice Group and the type of services you will be providing in that group.**

**Thompson:** I am of a firm belief that the U.S. is at a crucial point in terms of its health care policies, which need to have a complete transfusion as well as transformation. It is too expensive, too inefficient, and too many people are uninsured. It is my hope to use my position at Akin Gump to continue to push for the transformation of health care and the practice of medicine across this country. I do this in my speeches, in my advice to our clients, in my writings in trying to make people understand that we have the best health care system in the world but it is very stretched and stressed. Unless we do something about it, and rather quickly, there is a chance that it will deteriorate to the point where there will be a push for a government-controlled system. This would be extremely unfortunate.

**Editor: Given your experience in the Department of Health and Human Services, what health care issues do you believe need immediate attention?**

**Thompson:** There are six health care issues that need immediate attention. First, we have to change our health care system from a curative system to one of prevention by starting at the medical schools as well as involving individuals in being concerned about their own well-being. Lifestyle changes are essential. Last year the deaths of seven out of ten people in America could have been prevented had the victims stopped smoking, eaten properly and exercised. Smoking is still the biggest driver in health care costs today, amounting to over \$155

billion and 442,000 lives per year; the second health care problem is diabetes. Eighteen million Americans are type 2 diabetics, and 41 million are pre-diabetic. The cost of \$135 billion (or one out of every \$12 of health care expenditures) for this disease is a terrible burden on the delivery system; the third issue, and the fastest-growing one, is obesity. I have been on a four-year quest to educate people to eat properly, to exercise and to adopt lifestyles that make for longevity. Not only should we try to improve the system of prevention, but we should also monitor diseases.

The second area that calls for attention is getting the health care sector to use more and better technology. This is one sector in our economy that is behind the times in the use of technology. Even though the health care industry expends about 15.4 percent of the Gross National Product, there is a great lack in technology usage, resulting in errors that cost lives.

The third area is the uninsured. There are between 42 and 45 million uninsured persons. This must be addressed since it constitutes a huge drag on the economy. Providers are paying this cost as are all employers who pay higher health insurance premiums for their employees.

Medicaid is the biggest driver of state budgets. Acute care should be the responsibility of states while long-term and institutional care should be the responsibility of the federal government.

The fifth area is Medicare. We need to do a better job of transforming the system, even though we made major progress with the Medicare Modernization Act passed in 2004. We still have not transformed the system to a preventative one.

The last area has to do with Section 501 liability insurance. We have to overhaul the tort system. Malpractice insurance is too high, and good doctors are being driven out of the system.

Those are the six areas that will improve efficiencies as well as reduce expenditures in health care.

**Editor: How do you believe that the**

**increasing costs in health care should be addressed? Would you elaborate a bit on the following suggestions that have been mentioned:**

- 1) direct negotiation between government agencies and the pharmaceutical industry.
- 2) technological advancements pharmaceutical industry, i.e. e-prescribing.
- 3) purchasing FDA-approved drugs from Canada

**Thompson:** Congress has decided that negotiations should be done by people that are in the marketplace, the Prescription Benefit Managers, rather than government officials. Hopefully, this will hold down drug prices.

I am passionate about transforming medicine so that all doctors e-prescribe. The Institute of Medicine stated that 98,000 people died from mistakes made in clinics, hospitals, and by physicians and other providers. They went on to say that 50 percent of deaths could have been prevented by correct prescribing. The wrong medicine to the wrong patient in the wrong amount and at the wrong time can be attributed to faulty handwriting. E-prescribing would improve the system immediately.

Canadian imported-drugs is becoming less an issue and will become even less so in the future owing to the Medicare Modernization Act. Seniors who have been going to Canada will be receiving those drugs after January 1, 2006 at a 50 percent discount owing to U.S. government subsidy. In watching these drugs find their way to the U.S., we noted that more than 80 percent were mislabeled, poorly packaged or were counterfeit. We believe the current system for procuring drugs in the States is the best way and will be the least costly.

**Editor: Your philosophy of including "medical diplomacy" in U.S. foreign policy ties into our Project: Global Citizenship, in that both view humanitarian aid and economic development as a means to hasten the development of global markets and win the War on**

**Terror. Please describe to our readers what "medical diplomacy" is and why it should be an essential component of our foreign policy.**

**Thompson:** As secretary I traveled the world visiting 38 countries in the last four years. In every country the common denominator and goal of all people is quality health care. If you are ever going to win this war on terror, humanitarian causes and medical help will do much more than anything else. In the Department we were able to provide for improved hospitals – including Rabia Balkhi Hospital in Kabul – where we treated women and children. In Afghanistan we set up a Global Fund to fight AIDS, tuberculosis and malaria. As chairman of the Global Fund for the past two years, I've watched it grow from zero to \$5.8 billion, having given out \$3 billion in aid. We're in 128 countries and have over 200 programs. People all over the world respond to good health care. America has the opportunity under a revised Marshall Plan, called "Medical Diplomacy," that can do more good than anything else in our foreign policy by exchanging doctors, providing expertise at military hospitals, giving people the opportunity to become vaccinated and improving the quality of life by improving their health.

**Editor: How does Akin Gump's commitment to pro bono services and community service connect with this vision on a domestic level?**

**Thompson:** Akin Gump is a law firm that not only provides excellent pro bono legal services but also gives members of the Akin Gump family a chance to do things for the community – whether it be providing better legal services, advising about health care or making other improvements. You start with the family, then go to the community, then beyond. Akin Gump is involved in all these venues. That is a necessary formula for success – whether it be a law firm, a hospital, or a charitable organization.