



# SDIPLA News



## November 18, 2004 SDIPLA Lunch (MCLE 1hr) “The Convergence of Antitrust Law and Intellectual Property”

By **EUGENE CREW** and **RICHARD GROSSMAN**  
 Partners at Townsend and Townsend and Crew



For the past 20 years, one problem that has bedeviled our courts more than most others is how to manage the stormy relationship between intellectual property and antitrust law. "At the border of intellectual property monopolies and antitrust markets lies a field of dissonance yet to be harmonized by statute or the Supreme Court." *Image Tech. Services, Inc. v. Eastman Kodak*, 125 F.3d 1195, 1217 (9th Cir. 1997). The "eye" of that storm has been whether an intellectual property monopolist may be held liable under the antitrust laws for refusing to share its intellectual property

with others for the purpose of preventing or eliminating competition.

In the long history of government and private antitrust litigation against Microsoft, including Townsend's consumer action brought against Microsoft under the Cartwright Act of California, Microsoft has repeatedly asserted that its discriminatory refusal to share information about its legally protected computer software with others is immune from antitrust liability. Microsoft has consistently lost that claim. Townsend partners Gene Crew and Rick Grossman will explain why.

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**NOVEMBER LUNCH MEETING:**

***“The Convergence of Antitrust Law and Intellectual Property”***

Date/Time/Location:

November 18, 2004  
 11:45 a.m.—1:00 p.m.  
 San Diego Marriott Del Mar  
 11966 El Camino Real  
 Del Mar, California

This meeting is at the Del Mar Marriot.

This is a lunch meeting.

Speakers: Eugene Crew and Richard Grossman

Directions:

I-5 to Del Mar Heights Road;  
 Turn right on Del Mar Heights Road;  
 Turn right on High Bluff Drive;  
 Make a right on El Camino Real  
 Stop at 11966 El Camino Real

Notes:

**SDIPLA**  
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**Professional Profile (Continued from Page 1)**

**November 18, 2004 Lunch (MCLE 1hr)**  
**Antitrust Law**  
**and Intellectual Property**

**Speakers:**

**Eugene Crew and Richard Grossman**

**EUGENE CREW:**

Eugene Crew is a frequent speaker on antitrust and unfair competition issues at ABA and California State Bar conferences and has been Adjunct Professor of Antitrust Law at the University of California, Hastings College of the Law, since 1995.

**Publications and Speaking Engagements:**

"Microsoft's Copyright Defense," Symposium, Intellectual Property Antitrust 2000 Practicing Law Institute, June-July 2000;

"*Antitrust* and the Suppression of Technology in the United States and Europe: Is There A Remedy?" Symposium, *Antitrust Law Journal*, 1998;

"*Antitrust* Litigation Reform: A Modest Proposal," ABA publication, *Antitrust*, Summer 1993;

"*Matsushita v. Zenith: The Chicago School Teaches the Supreme Court a Dubious Lesson*," ABA publication, *Antitrust*, October 1986

Mr. Crew has specialized in antitrust and unfair business practices litigation for the past 35 years, and has tried a wide variety of commercial disputes: antitrust, patent disputes, contract disputes, theft of trade secrets, commercial fraud, trade libel, and Lanham Act violations, etc., and has argued cases before the United States Supreme Court and numerous federal and state trial and appellate courts throughout the country.

**EDUCATION**

University of San Francisco, LL.B., 1963, *cum laude*

*McAuliffe Scholastic Law Honor Society, Member*

University of Portland, A.B., 1954, *Economics, cum laude*

**ADMISSIONS AND MEMBERSHIPS:**  
American Bar Association, Member

American College of Trial Lawyers; *Fellow*  
Associations of Business Trial Lawyers *Member*,  
*Board of Governors*  
Bar Association of San Francisco

Judicial Conference for the Ninth Circuit, 1991-1993,  
*Lawyer Representative*  
San Francisco Bay Area Intellectual Property Inn of  
Court, *Member*  
State Bar of California, 1963

**RICHARD GROSSMAN:**

Richard Grossman is an experienced trial lawyer whose work is concentrated primarily in the area of complex business litigation.

The former chairman of Townsend's Litigation Practice Group, his practice has frequently emphasized high-technology litigation matters; however, his clients include a wide variety of businesses and individuals with legal disputes covering a broad range of issues, including unfair competition, business fraud, antitrust, contract disputes, trade secret litigation, licensing disputes, class action litigation and intellectual property litigation. In addition, he has broad experience in a variety of alternative dispute resolution techniques including arbitration and mediation of commercial disputes.

**EDUCATION**

Duke University School of Law, J.D., 1979  
Northwestern University, B.S., 1976, *Journalism*

**ADMISSIONS AND MEMBERSHIPS**

American Bar Association  
Association of Business Trial Lawyers  
Bar Association of San Francisco  
*Member, sections on Litigation, Antitrust, Patent, Trademark and Copyright*  
State Bar of California, 1984  
State Bar of Ohio, 1979  
United States Court of Appeals, Sixth, Seventh and Ninth Circuits  
United States District Courts, Northern and Central Districts of California and Northern District of Ohio

## Reservation Form for November 18, 2004 Meeting

### *“The Convergence of Antitrust Law and Intellectual Property”*

By **EUGENE CREW** and **RICHARD GROSSMAN**

Thursday

November 18, 2004

San Diego Marriott Del Mar  
11966 El Camino Real, Del Mar

Registration starts at 11:45 a.m.  
Lunch starts at 12:00 p.m.  
Presentation starts at 12:15 p.m.

**The Menu**

Italian Buffet

Freshly Brewed Coffee & Select Herbal Teas

Due to the large number of attendees expected at this event, the SDIPLA is again requesting **Pre-Registration and Pre-Payment**.

To reserve your place, please fill out the below registration, indicate your meal choice, and send it **WITH YOUR CHECK MADE PAYABLE TO ‘SDIPLA’** to:

Thomas E. Coverstone  
SDIPLA Secretary  
c/o Townsend and Townsend and Crew  
12730 High Bluff Drive, Suite 400  
San Diego, CA 92130  
(858) 350-6100  
Fax: (858) 350-6111  
tec@townsend.com

Please include Jeanette Olivera  
(jolivera@townsend.com) on all e-mail  
reservations.

**Please fill out a separate form  
for each attendee.**

## REMINDERS

- Please mail, fax, or e-mail your reservation to Thomas Coverstone at the address, fax, or e-mail address indicated for receipt **no later than Noon, Monday, November 15, 2004**.
- The reservation deadline is dictated by the hotel and not by the SDIPLA.
- This program has been approved for MCLE credit by the State Bar of California in the amount of one (1.0) unit.

### NOTE MEAL PRICES

**\$40.00 SDIPLA Member**

**\$45.00 Non-Member**

## Registration

Name: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Firm/Employer: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Member of SDIPLA? (circle one) YES NO

**NO CANCELLATIONS ACCEPTED AFTER 12:00 P.M. ON MONDAY, NOVEMBER 15, 2004**

## OFFICE SPACE AVAILABLE

Well appointed office space available with an intellectual property law group on High Bluff Drive in the Del Mar area of San Diego. Well suited for start-up, spin-out, solo or small law groups.

Space can be furnished or unfurnished. A variety of office equipment could be made available. Various arrangements can be evaluated.

Inquire to: David Preston of David R. Preston & Associates, APC  
12625 High Bluff Drive, Suite 205, San Diego, CA 92130  
Phone: 858.724.0375 x 102  
Fax: 858.724.0384  
E-mail: [preston@drpna.com](mailto:preston@drpna.com)

SDIPLA COMMITTEES: SDIPLA has Amicus, Awards Editorial, Events, and Sponsorship committees. Please contact an officer if you are interested in joining a committee. Go to the SDIPLA website at [www.sdipla.org](http://www.sdipla.org) for more information about these committees and SDIPLA.

### Applications for SDIPLA Membership

The following individuals have applied for SDIPLA membership. Active Members may oppose membership status to these individuals by lodging a formal notice of opposition. The opposition must include relevant grounds for disqualification and should be submitted to the Secretary on or before November 30, 2004.

Pamela Bechtel

Melissa R. Leuenberger-Fisher

**ARTICLES:** If you have an article for the newsletter, please send it to Tom Coverstone.

**DUES:** To pay or renew your **membership dues**: Please use the form on the web page, and send form via mail or fax to Tom Coverstone.

**SPONSORSHIP:** If your firm or company is interested in sponsoring a meeting, please contact Tom Coverstone.

**ATTORNEY**



Townsend and Townsend and Crew LLP, one of the premiere Intellectual Property law firms, is looking for candidates with an electrical engineering background and 2-5 years of patent prosecution experience to join our San Diego, California office.

Candidates should have:

- prosecution experience in the telecommunications industry
- excellent writing and communication skills
- prior admission to the California bar

Salary is highly competitive.

Please send resume and cover letter to:  
 Lindy Van der Reis, Esq.  
 Manager of Recruitment and Professional Development  
 Townsend and Townsend and Crew LLP  
 Two Embarcadero Center, Eighth Floor  
 San Francisco, CA 94111  
 mhv@townsend.com

**TOWNSEND and TOWNSEND and CREW LLP**  
 A Full-Service Intellectual Property Law Firm  
 www.townsend.com

**Announcements**

This Announcements section is designed to better serve the needs of the membership. This page may be used to advertise for positions offered or desired, as well as to provide a forum for announcements of interest to the San Diego IP community. Please contact Tom Coverstone if you would like to place an ad or announcement.

Date	Event	Speaker/Topic
November 18, 2004	SDIPLA meeting	Gene Crew and Richard Grossman/The Convergence of Antitrust and IP Law
December 8, 2004	SDIPLA dinner meeting	Holiday Party/Awards Presentation