

September 2009

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▶ **Letter from the Council**

September's here and the Section is working hard to bring our membership much valuable information on IT law. So take a break from debate on health care reform and plan to attend some of the [upcoming events](#), including a seminar on cloud computing at the Annual Meeting on September 17 and on many interesting topics at the 2nd Annual IT Law Seminar on October 29.

If you missed it in your electronic mailbox, the [July 2009 edition](#) of the *Michigan IT Lawyer* is available at the IT Law Section's [website](#), as are all the past issues.

We welcome your comments on how to improve this *e-Newsletter* to better serve you and the rest of our membership. We also welcome contributions of anything that you think would be of interest to IT lawyers. If you would like to contribute, please contact Ron Nixon at [ron.nixon@kkue.com](mailto:ron.nixon@kkue.com) or Samuel Frederick at [sfrederick@fosterswift.com](mailto:sfrederick@fosterswift.com).

▶ **Upcoming Events**

**ABA Techshow Road Show 2009—September 11—Hotel Baronette (Novi)**

The ABA Law Practice Management Section and the Michigan Association for Justice are presenting what their [flyer](#) calls "Michigan's Biggest Legal Technology Show-Seminar" on Friday September 11, 2009, at the Hotel Baronette in Novi. The show is open to everyone interested in new technology to enhance their legal practice.

**Annual Meeting—September 17—Hyatt Regency (Dearborn)**

The [IT Law Section](#) will be holding its Annual Meeting from 2-4 p.m. on Thursday, September 17 in conjunction with the [Annual Meeting](#) of the [State Bar of Michigan](#) from September 16-18 at the [Hyatt Regency](#) hotel in Dearborn. The Annual Business Meeting will be held from 2-3 p.m. and the Annual Business Program will be held from 3-4 p.m. This year's program will feature an informative discussion on one of the latest IT trends, "cloud computing." Even if you are not interested in the business meeting, you should find the 3 p.m. presentation informative. If you have any questions, please contact Mark Malven at [MMalven@dykema.com](mailto:MMalven@dykema.com) or Chris Falkowski at [chris@falkowskipllc.com](mailto:chris@falkowskipllc.com).

**Second Annual IT Law Seminar—October 29—St. John's Conference Center (Plymouth)**

Save the date and [register today!](#) The Section and the Institute of Continuing Legal Education ([ICLE](#)) will host the 2nd Annual IT Law Seminar on Wednesday, October 29, 2009, at the [The Inn at St. John's](#). The seminar will cover important issues to enable you to better serve your clients, including such topics as the Legal Landscape of Web 2.0, Risk Allocation in Tech Services and License Agreements, and the Benefits and Risks of Open Source Software. If you have any questions, please contact Charlie Bieneman at [cab@raderfishman.com](mailto:cab@raderfishman.com).

**Sponsorship Opportunity!**

The IT Law Section is looking for law firms, businesses, professional associations, and other organizations to assist us financially by becoming sponsors of the upcoming October 29 seminar with ICLE. Sponsors will receive prominent mention on seminar and promotional materials, and an opportunity to exhibit at the seminar. Please contact Charlie Bieneman at [cab@raderfishman.com](mailto:cab@raderfishman.com) or (248) 594-0648 for more information.

▶ **IT Law in the News**

**Microsoft at a Possible Loss for Word(s)**

A judge in the U.S. District Court for the Eastern District of Texas issued an [injunction](#) on August 11, 2009, that prohibits Microsoft Corporation from selling Microsoft Word 2003, 2007, and any product that has the capability of opening a document in custom XML (.XML, .DOCX, or , .DOCM formats). Microsoft has sixty days to comply with the injunction, which was issued after the court held in a 65-page [opinion and order](#) that Microsoft willfully infringed the patent of Toronto-based i4i Limited Partnership. In addition to the injunction, the court also awarded i4i \$290 million in damages, enhanced damages, and interest. Microsoft has appealed the decision and is seeking a stay.

#### **Hackers Indicted for Theft of 130 Million Accounts**

[Wired](#) reported in an August 17, 2009, [article](#) that a 28-year-old Miami resident and two Russian hackers were indicted for stealing 130 million account numbers from Heartland Payment Systems Inc., 7-Eleven Corp., and others in real-time by using malware and SQL injection strings that were also programmed to evade detection by security measures. The article also includes a link to the 14-page [indictment](#) filed in U.S. District Court for New Jersey.

#### **Head in the Clouds**

Cloud computing will be the subject of a presentation at the [Section's Annual Meeting](#).

Coincidentally, [Sun Microsystems](#) has recently made available a free [primer on cloud computing](#) which provides some useful information in addition to outlining the company's own plans and capabilities for helping businesses enter into the clouds. To obtain the primer, which is more informational than advertising, you will have to register an account with Sun, but the process requires only minimal information (e.g., e-mail address, name, business, job title).

A recent [article](#) by Om Malik at [businessweek.com](#) also highlights some of the opposing viewpoints on the benefits and risks of cloud computing.