

45th Annual IP Institute: Shifting Tides - Intellectual Property in a Changing World

Tuesday, Nov 09

09:10 AM - 10:10 AM

General Session: Navigating Uncharted Waters: Intellectual Property in the Evolving Geopolitical Landscape

1.0 MCLE

Pam Mallari
MARS

Robert Maier
Baker Botts

Scott Bornstein
Greenberg Traurig

As geopolitical issues evolve, so do their impact on intellectual property trends, and vice versa. This panel will discuss the interplay between geopolitics and current IP trends, technological innovation, and intellectual property law and policy. Among other issues, the panel will discuss the Innovation Competition Act, as well as how IP trends are shaped by recent global events, such as the US-China Trade policy, IP piracy, ransomware and cybersecurity, adoption of AI-enabled technologies, proposed TRIPS vaccine IP rights waivers at WTO, and Covid-19 vaccine collaboration and diplomacy.

Tuesday, Nov 09

10:20 AM - 11:20 AM

How to Ensure a Smooth Sail at the PTAB: Best Practices for Petitioners & Patent Owners

1.0 Hour MCLE

Patent Track

Bridget Smith
Lowenstein Weatherwax

Eldora Ellison
Sterne Kessler Goldstein & Fox

Kalyan Deshpande
Patent Trial and Appeal Board

Randy Wu
10X Genomics

PTAB trial proceedings are a significant hurdle to patent enforcement and monetization. The preliminary stage of a trial is perhaps the most critical period for patent owners. And discretionary denials and changes to patent owner testimonial evidence have greatly impacted the strategy for effective preliminary responses. If the patent owner is unable to avoid institution, the trial concludes in a final written decision. Potential pitfalls face parties here too, and an effective trial strategy requires briefing matters of significance, not wasting money on distractions, and a comprehensive understanding of direct testimony, cross-examination, briefing and motion practices, and inter partes and ...

Tuesday, Nov 09

10:20 AM - 11:20 AM

The Friendly Forum: All You Ever Wanted to Know About False Advertising Disputes Before the NAD

1.0 Hour MCLE

Non-Patent Track

Gabe Martinez
The Clorox Company

Jilana Miller
Epson America, Inc.

Terri Seligman
Frankfurt Kurnit Klein & Selz

Thomas Jirgal
Loeb & Loeb

Your competitor is getting a competitive edge by making advertising claims your company would never authorize. Your clients are outraged, but filing a lawsuit would cost too much, and take too long. The National Advertising Division (NAD) may be just what you need to clip your competitor's wings, level the playing field, and make your clients happy at a fraction of the cost. This panel will use funny ads as case studies to discuss the ins and outs of litigating at the NAD and explain why you need to know about the best kept secret in the world of advertising ...

Tuesday, Nov 09

11:20 AM - 11:50 AM

Networking Break--Table Topics

John Pavolotsky
Group Counsel, Intel Corporation

Tuesday, Nov 09

12:00 PM - 01:00 PM

General Session: Tips on Avoiding Ethical Riptides in Your IP Practice

1.0 Hour MCLE in Legal Ethics

Devika Kewalramani
Moses & Singer

John Steele
John Steele Law

Drawing from their extensive experience and expertise with advising law firms and lawyers on ethics, professional liability, and risk management, Devika Kewalramani and John Steele will discuss common ethical issues confronting attorneys in their intellectual property practices. They will share their insights on: (1) ethical dilemmas facing outside counsel and in-house lawyers; and (2) tips on avoiding missteps that often land practitioners in hot water with their clients and the bar. Among other topics, the speakers will discuss best practices for retainer/engagement and termination letters, disqualification of counsel, conflicts of interest and advance waivers, investing in the client's business, handling ...

Tuesday, Nov 09

01:10 PM - 02:10 PM

The Trademark Office on the Trademark Modernization Act

1.0 Hour MCLE

Non-Patent Track

Amy Cotton
USPTO

The Trademark Modernization Act of 2020 proposes significant changes to U.S. trademark law such as shortened response periods to office actions and new procedures for cancelling registrations for nonuse before the Director, rather than the Trademark Trial and Appeal Board. The USPTO will be issuing a final rule that lays out the new procedures in mid-December and which will be implemented by December 27, 2021. We are very fortunate to have Amy Cotton, Deputy Commissioner for Trademark Examination Policy for the USPTO, to walk us through some of the changes we can expect to see coming out of the Trademark ...

Tuesday, Nov 09

01:10 PM - 02:10 PM

Swim with the Tide: Best Practices for IP Licensing for Technology Transactions and M&A

1.0 Hour MCLE

Patent Track

Dora Gruner
NantKwest

Joe Yang
PatentEsque Law Group, LLP

Stephen Kong
Winston & Strawn

Commonly occurring mistakes in tech- and IP-related agreements can be fatal to both daily operations, as well as to future M&A prospects of a company. Missing, overbroad, or insufficiently scoped IP-related provisions (e.g., ownership, licenses, covenants not to sue, affiliate definitions, representations & warranties/indemnities, liability limitations, assignability clauses, and fee structures) can create waves, if not tsunamis, in your technology license agreement or M&A transaction. Please join an experienced panel of practitioners to discuss these terms, when they do and do not matter (much), how to identify them (systematic and well-planned due diligence!), and to how remediate them, through careful ...

Tuesday, Nov 09

02:20 PM - 03:20 PM

The Copyright Office Is on the Case Act

1.0 Hour MCLE

Non-Patent Track

David Carson

The Copyright Alternative in Small-Claims Enforcement (CASE) Act of 2020 brings a new option to the copyright enforcement landscape, by offering a voluntary alternative forum to the federal courts to decide copyright disputes. This has the potential to improve access to justice for both copyright claimants and users, for whom federal court was not a viable option. Now, the Copyright Office is preparing to open the doors to the new Copyright Claims Board to hear these new small copyright claims. We are lucky to have the Copyright Office join us to explain the ins and outs of the Act and ...

Tuesday, Nov 09

02:20 PM - 03:20 PM

Best Practices for Managing Open-Source Software in Product Development

1.0 Hour MCLE

Patent Track

Gideon Myles

Dropbox

Heather Meeker

O Melveny

Kevin Wang

FOSSA

Ning Bao

Juniper Networks

Open-source software is free of charge, robust, and ubiquitous in software development today. But to use it properly, companies need compliance processes in place to honor the terms of the licenses. This panel will discuss how to put together a workable corporate open-source compliance program. It brings together experts representing the perspective of in-house legal teams, M&A counsel, and engineering tooling providers, with deep expertise in setting up and running open-source compliance programs.

Tuesday, Nov 09

03:30 PM - 04:15 PM

Special Event: A Whale of a Time Making Chocolates

Join us for this interactive special event in which we make chocolate together! Meet Brazil's most loved dessert: the Brigadeiro. It's a cousin of the chocolate truffle but even more luscious and decadent. It's every chocolate lover's dream. In this class, we'll capture the excitement and richness of Brazil through the magic of rolling and decorating your own chocolate brigadeiros. <https://www.tinychocolate.com/pages/team-building-events>

Wednesday, Nov 10

08:00 AM - 09:00 AM

Unwind With a Cup of Tea or Three

Open Door Tea is a women-led "European" style café based out of Stratford, Connecticut. We share our passion for healthy and sustainable foods and teas to our local community and worldwide. The Virtual tea times provide a relaxing and comfortable atmosphere, a time to pause and be in the present. While steeping teas, the Open Door team will discuss brewing techniques, health benefits, tips on storing, blending, mindfulness and everything else surrounding the world of tea. See you there! <https://opendoorteatime.com/products/virtual-tea-tasting>

Wednesday, Nov 10

09:00 AM - 10:00 AM

General Session: Best Practices for Keeping Attorney Burnout and Chronic Stress at Bay

1.0 Hour MCLE; 1 Competence Issues

Michelle Galloway

Cooley LLP

Leading teams and organizations is demanding. This program spotlights current research on the impact of chronic stress and how it can negatively impact you. After learning how to identify stressors, specific strategies for increasing your capacity to handle stress will be covered, including mindfulness practices, creating good habits, listening, and focus. By addressing chronic stress in practice, you can be healthier mentally and physically for peak performance.

Wednesday, Nov 10

10:10 AM - 10:30 AM

Virtual Vanguard Award For Lifetime Achievement

Wednesday, Nov 10

10:30 AM - 11:30 AM

The Knock-Off Economy: How Imitation Sparks Innovation

1.0 Hour MCLE

Non-Patent Track

Christopher Sprigman

Kal Raustiala
UCLA

Staci Jennifer Riordan

In their book, *The Knock-Off Economy*, Kal Raustiala and Christopher Sprigman provocatively argue that creativity can not only survive in the face of copying but can thrive. This panel will discuss Raustiala's and Sprigman's thesis regarding imitation and creativity in industry and whether copyright protections are a necessity. In some creative fields, copying is kept in check through informal industry norms enforced by private sanctions. In others, the freedom to copy promotes creativity.

Wednesday, Nov 10

10:30 AM - 11:30 AM

The Changing Climate on Pharma Patents, Healthcare Investment, and Drug Pricing & Accessibility

1.0 Hour MCLE

Patent Track

Cara Coburn

Christopher Morten
Columbia University

Ha Kung Wong
Venable LLP

Due to evolving social and legal issues, including the COVID-19 pandemic, the climate on pharmaceutical patents and their intersection with healthcare, drug pricing, and accessibility has changed. This panel will discuss the impact of recent policy changes and proposals for reform on incentives for drug development and patient accessibility. Discussion topics will include the relationship between drug development costs and pricing, the importance of incentives such as intellectual property, and the role of the government in drug development and access for evolving patient needs.

Wednesday, Nov 10

11:30 AM - 12:00 PM

Networking Break--Table Topics

John Pavolotsky
Group Counsel, Intel Corporation

Wednesday, Nov 10

12:00 PM - 01:00 PM

The Brave New World of AI-Enabled Technologies: IP Protection & Ethics

1.0 Hour MCLE

Patent Track

David Wallace

Johnson & Johnson

Donna Haddad

IBM Data & Watson AI

Lee Tiedrich

Partner, Covington & Burling

Artificial intelligence (AI)-enabled technology has widespread applications and is increasingly becoming important to the production of goods and services. Commercialization of AI-enabled technology and big data processes requires an incentive system such as intellectual property protection to help promote investment and innovation. This, however, poses legal and ethical challenges. This panel will address IP rights in AI, ethical concerns in the use of AI, and tips on operationalizing AI ethics for your company to achieve the right balance between adequate protection and ethical use.

Wednesday, Nov 10

12:00 PM - 01:00 PM

Wading Through State Privacy Compliance: From CPRA and Beyond

1.0 Hour MCLE

Non-Patent Track

Mary Stone Ross

Tanya Forsheit

Travis LeBlanc

Cooley LLP

State-level momentum for comprehensive privacy bills is at an all-time high. After the California Consumer Privacy Act passed in 2018, multiple states proposed similar legislation to protect consumers in their states. This panel will discuss the commonalities held among recent state privacy legislation and what companies can do to adapt to these recent changes.

Wednesday, Nov 10

01:10 PM - 02:10 PM

Building Brands for Student Athletes: What NCAA Images and Likeness Rights Mean For Your Clients

1.0 Hour MCLE

Non-Patent Track

Brandon Leopoldus

Leopoldus Law

Jaia Thomas

The Law Office of Jaia Thomas

Jeremy Evans

CEO, Founder & Managing Attorney, California Sports Lawyer®

After California's Fair Pay to Play Act set the stage for changes to how image and likeness rights were treated when it comes to student athletes, we have seen an explosion of activity across the nation at the state and even federal level. As the NCAA works to respond to these changes, new bills on the topic continue to crop up with increasing frequency. Join us as we explore these changes to the legal landscape for student athletes, how companies are moving into this area to provide service in light of these changes, and what these changes mean for building ...

Wednesday, Nov 10

01:10 PM - 02:10 PM

Shifting Tokes – Cannabis-Related Patents in a Changing World

1.0 Hour MCLE

Patent Track

Erich Veitenheimer

Cooley LLP

Gina N. Cornelio

DORSEY & WHITNEY LLP

Gretchen L. Temeles

Hiller, PC

Marc Hankin

Hankin Patent Law, APC

A discussion on thoughtful strategies for protecting cannabis and related products in light of a quickly changing legal landscape. Learn how to outline and execute an IP strategy that builds value from seed to smoke and be ready for the next big transaction or to ensure fair and honest competition in the marketplace.

Wednesday, Nov 10

02:20 PM - 03:20 PM

General Session: Beyond the Mansfield Rule: Guidelines for the DEI Journey

1.0 Hour MCLE; 1 Recognition and Elimination of Bias in The Legal Profession and Society

Stacey Gordon

Rework Work

We spend a lot of time on the recruiting of diverse professionals, but sometimes we forget about retention. For law firms whose representation of senior lawyers is lacking, Stacey Gordon will discuss how to address micro-messages in the workplace. She'll also touch on what biased micro-messages are, how to identify them, and how to interrupt them. Equitable, inclusive workplaces are not possible until the legal industry addresses unconscious bias at work.

Wednesday, Nov 10

03:20 PM - 03:30 PM

Closing Remarks

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