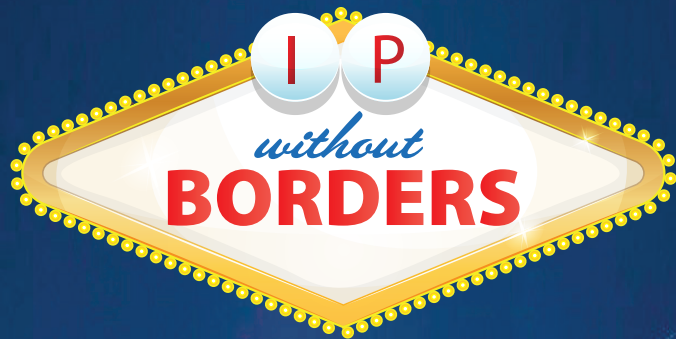


# 44<sup>TH</sup> INTELLECTUAL PROPERTY LAW SECTION INSTITUTE

EARN UP TO  
**12.5 HOURS**  
OF CLE CREDIT



## SCHEDULE OF EVENTS



THURSDAY - SATURDAY  
**NOVEMBER 14-16**

INCLUDES LEGAL ETHICS, COMPETENCY ISSUES  
AND RECOGNITION AND ELIMINATION OF BIAS  
IN THE LEGAL PROFESSION AND SOCIETY

CALIFORNIA  
LAWYERS  
ASSOCIATION

## THURSDAY, NOVEMBER 14 | CLE = 1.5 HRS

## Nuts and Bolts

**3:30 - 4:20 pm** [1] Patent: Patent Prosecution for New Attorneys?**Room: Montrachet I****Speaker:** TJ Singh, Klein, O'Neill & Singh, LLP

Practice tips regarding current topics in patent prosecution.

**CLE:** .75 Hour**[2] Trademark: How to Best Utilize TESS for Trademark Clearance and Prosecution****Room: Montrachet II****Speaker:** Pete Bromaghim, Womble Bond Dickinson, LLP

The USPTO's TESS database is familiar to all trademark practitioners, but understanding its finer points provides advantages not just in clearance searching, but also in prosecution, enforcement, and disputes.

**CLE:** .75 Hour**4:30 - 5:20 pm** [3] Licensing: What Are the Key Terms of a License Agreement?**Room: Montrachet I****Speaker:** Kevin DeBre, Stubbs Alderton & Markiles, LLP

The difference of a few words matters. Kevin DeBré, a 20+ year licensing attorney, will discuss familiar licensing provisions and how courts have interpreted them. You will never look at an indemnification clause the same way.

**CLE:** .75 Hour**Room: Montrachet II** [4] Copyright: What Are the Key Terms of a Work-For-Hire Agreement?**Speaker:** Carmen Aviles, Hopkins & Carley, ALC

Understanding the legal nuances in work made for hire agreements and their practical effect.

**CLE:** .75 Hour**6:00 - 8:00 pm** [22] Welcome Reception

Top Golf - MGM Grand Hotel &amp; Casino

Join us for a night of networking and golf! Appetizers and drink tickets will be provided, along with 2 hours of golf. Transportation will be provided.







## FRIDAY, NOVEMBER 15 | CLE = 6.0 HRS

**8:00 – 8:50 am** [23] Networking Breakfast **Room: Margaux II**

**8:50 – 9:00 am** Welcome and Opening Remarks **Room: Margaux I**

**9:00 – 10:00 am** General Session **Room: Margaux I**

### [5] Beating the Odds: Tips from the House About IP Litigation

#### Speakers:

Hon. Andrew P. Gordon, U.S. District Court, District of Nevada;  
Hon. Phillip M. Pro (Ret.), JAMS;  
Andrew Stroud, Hanson Bridgett, LLP

Ever wanted to know how things work behind the scenes, in the back of the house? Join United States District Judge, District of Nevada, Andrew P. Gordon and the Hon. Philip M. Pro (Ret.) as they discuss tips of the trade, and offer advice on how to hold a winning hand in your intellectual property matters filed in federal court.

**CLE:** 1.0 Hour

**10:05 – 11:05 am**

#### TRACK I: PATENT

### [6] Are the House Odds for Baccarat Really That Different at the EPO Than the Patent Trial and Appeal Board?

#### Speakers:

Albert Keyack, Kilburn & Strode, LLP  
Thomas Leonard, Kilburn & Strode, LLP

Ever wonder about the advantages and disadvantages of challenging a patent in an inter partes review or post grant proceeding before the PTAB instead of pursuing an opposition or nullity action before the EPO? Albert Keyack, former USPTO Intellectual Property attaché to Latin America, and EPO attaché to the United States, will discuss the applicable rules and procedures as well as the comparative outcomes for patent challenges before the PTAB & EPO, including costs of bringing action, findings on invalidity, estoppel, and standards of review.

**CLE:** 1.0 Hour **Room: Lafleur I**

#### TRACK II: OTHER

### [7] What Happens in the EU Doesn't Stay in the EU: Is the CCPA the New GDPR?

#### Speakers:

Christine Lyon, Morrison & Foerster, LLP  
Zerina Curevac, Eaze Technologies, Inc.  
Lorrie Ma, Uber Technologies, Inc.  
Catherine Gellis, CGA Counsel

This panel will discuss the new California Consumer Privacy Act of 2018 and make comparisons to GDPR as well as provide some tips on leveraging the work companies have done for GDPR compliance.

**CLE:** 1.0 Hour

**Room: Lafleur II**

11:20– 12:20 pm

## TRACK I: PATENT

### **[8] You Ain't Seen Nothing Yet: Litigating Pharmaceutical Trade Secrets Cases**

#### **Speakers:**

Jayashree Mitra, Zuber Lawler & Del Duca, LLP  
Thomas Wallerstein, Venable LLP

This panel will cover how life sciences companies are increasingly using the Defend Trade Secrets Act to protect and enforce their intellectual property rights, especially as trade secrets and know how become more relevant with fluid employee mobility and digital information sharing. The speakers will discuss recent developments in trade secret litigation matters, and practical strategies for in-house counsel and practitioners litigating such claims.

**CLE:** 1.0 Hour **Room:** Lafleur I

## TRACK II: OTHER

### **[9] So You Thought It Was a License Agreement...Craps! Avoiding the Franchise Surprise**

#### **Speakers:**

Dawn Newton, Donahue Fitzgerald  
Tal Grinblat, Lewitt Hackman

Not every trademark license is created equally. This program will discuss what constitutes a franchise, how a trademark license can inadvertently become a franchise arrangement, franchise regulations and disclosure obligations, risks of violating the franchise laws, and creative ways to avoid crossing the line and becoming a franchise.

**CLE:** 1.0 Hour **Room:** Lafleur II

12:30 – 2:00 pm

### **[24] Table Topic Lunch**

**NO CLE PROVIDED**

**Room:** Margaux II

During the lunch break a variety of table topics will be hosted by various conference speakers and practitioners to make lunch a lively and interactive opportunity for attendees. Registrants will have an opportunity to sign up for one table topic on-site at the registration table. Seats are limited per table and will be available on a first-come, first-served basis.



2:05– 3:05 pm

### TRACK I: PATENT

#### **[10] Is Doubling Down on Artificial Intelligence and Big Data Patents a Safe Bet or Gamble?**

##### **Speakers:**

Yoon Chae, Baker McKenzie, LLP  
Andrea Weiss Jeffries, Jones Day

The panel will discuss the recent surge in global patent filings in this area, which the UN has described as a “quantum leap,” and look into the various industries and markets that are impacted as well as the uncertainties & unique challenges with subject matter eligibility, inventorship, proving infringement, dual actor infringement issues, etc.

**CLE:** 1.0 Hour **Room: Lafleur I**

### TRACK II: OTHER

#### **[11] Ante Up - Waging Your Bet on Successful Enforcement Efforts in China**

##### **Speakers:**

Jason Yao, Wanhuida Peksung  
Beijing, China  
Devon Beckwith, Stussy

This panel of experts will explain enforcement strategies in China, including administrative, civil and criminal proceedings. Learn about recent changes to the trademark laws in China and how these changes will help brand owners tackle trademark squatting. This panel will explain how to play the game in China to ensure you have a winning hand.

**CLE:** 1.0 Hour **Room: Lafleur II**

3:10– 4:10 pm

## TRACK I: PATENT

### [12] Bet the Block: Blockchain and Smart Contract Patents and Licenses

#### Speakers:

David Randall, Brooks Kushman  
Pem Guerry, SIGNiX  
Bridget Smith, Lowenstein & Weatherwax LLP

Blockchain technology, while not necessarily new in terms of distributed computing, has some novel features, and is being and will be used in FinTech, Supply Chain Management, Smart Contracts and Licenses, Identity and Reputation Authentication, Cryptocurrency, and more. Some of the largest patent holders in the US and the world, such as IBM and Walmart have pursued and been granted patents, and are pursuing more. This panel will discuss blockchain related patents, "open source" patents, and might touch upon smart contracts and licenses for other intellectual property, such as copyrights and consumer use of content.

**CLE:** 1.0 Hour **Room:** Lafleur I

## TRACK II: OTHER

### [13] The Show Must Go On: Entertainment Agreements in the Live Entertainment Industries

#### Speakers:

Mark Tratos, Greenberg Traurig, LLP  
Jennifer Ko Craft, Dickinson Wright, PLLC

Entertainment law may seem glamorous and exciting and at times it is, but the moment your technology lease or IP licensing agreement is transformed into a more nuanced entertainment agreement, it may not seem all that fun anymore. If this sounds familiar, this is the presentation for you. Two of Las Vegas' most experienced entertainment attorneys will focus on key issues that commonly arise in live performance and personal services agreements – from two- and four-wall deals to meet and greets and endorsement agreements. This program will help you issue spot and recognize potential pitfalls in live entertainment agreements.

**CLE:** 1.0 Hour **Room:** Lafleur II



## FRIDAY, NOVEMBER 15

**4:20 – 5:20 pm**

**Room: Margaux I**

### **[14] Play to Win: Professional Responsibility and Practice Before the United States Patent and Trademark Office (USPTO)**

**Speaker:** William Covey, United States Patent and Trademark Office

William Covey, the Deputy General Counsel for Enrollment and Discipline of the USPTO, will provide an overview of common ethical issues faced by practitioners who practice either patent law or trademark law before the USPTO, and appear before the Patent Trial and Appeals Board (PTAB) and Trademark Trial and Appeal Board (TTAB). Mr. Covey will share OED guidelines as well as best practices for developing an ethical and competent practice that steers clear of OED scrutiny.

**CLE:** 1.0 Hours Legal Ethics

**6:00 – 8:30 pm**

**Room: Margaux II**

### **[25] Vanguard Awards Dinner**

**Host:** Tsan Abrahamson, Cobalt Law, LLP  
Separate tickets required. See registration form.

## SATURDAY, NOVEMBER 16 | CLE = 5.0 HRS

**8:00 - 8:50 am**

### **[26] Networking Breakfast** **Room: Margaux II**

**9:00 - 10:00 am**

### **General Session**

**Room: Margaux I**

### **[15] Winning Together: A Conversation About Courageous Collaboration and Implicit Bias**

**Speaker:** Dana Tippin Cutler, James W. Tippin & Associates

The language of inclusion is evolving. Most people don't want to offend, but inadvertently do so. During this session, you'll learn from an attorney (and court TV celebrity) known and honored for her outstanding leadership in promoting all aspects of diversity in her legal community. Dana will cover timely topics including micro-aggression, the #MeToo movement, and implicit bias. Dana will keep it real, keep it relevant and keep it entertaining.

**CLE:** 1.0 Hours Recognition and Elimination of Bias in the Legal Profession and Society



10:05 - 11:05 am

## TRACK I: PATENT

### [16] No Limit! The Extraterritorial Reach of Patent Damages

#### Speakers:

Jenny L. Colgate, Rothwell Figg Ernst & Manbeck

Andrew Michaels, University of Houston Law Center

In this panel, our speakers will discuss the practical impact of *WesternGeco*, examine the specific application of *WesternGeco* in recent cases, and explore ways in which practitioners can navigate their clients safely in increasingly global markets post-*WesternGeco*.

The presumption against extraterritoriality is a longstanding American principle that U.S. law applies only within the U.S. territorial jurisdiction. It plays an important role in maintaining political harmony and state sovereignty between the U.S. and foreign nations. In patent law, this presumption has been applied to exclude foreign profits flowing from domestic infringement. In 2018, the U.S. Supreme Court in *WesternGeco v. ION Geophysical* rejected the application of this presumption in awarding patent damages, effectively allowing patent owners to recover lost profits arising from foreign sales and strengthening the general damages principle that a patentee is entitled to full compensation regardless of where such damages occur.

**CLE:** 1.0 Hour **Room:** Lafleur I

## TRACK II: OTHER

### [17] Let's Roll the Dice!: Understanding the Legalities of Loot Boxes and Microtransactions

#### Speakers:

Sean C. Kane, Frankfurt Klein & Selz, P.C.  
Chrissie Scelsi, Wargaming, Inc.

Loot boxes and microtransactions are a core element of video game monetization in the modern era. However, as the international law on the topic becomes more expansive and complicated -- particularly when coupled with the laws at home -- setting up the legalities of loot boxes has become more and more difficult. Come learn the details of the law and best practices for this difficult topic.

**CLE:** 1.0 Hour **Room:** Lafleur II



## SATURDAY, NOVEMBER 16

### TRACK I: PATENT

11:20 - 12:20 pm

#### **[18] Win, Lose, or Draw: Managing Patent Due Diligence and Licensing in M&A Transactions**

##### **Speakers:**

Jill Hubbard Bowman, Intel Corporation  
Carrie Le Roy, Gibson, Dunn, & Crutcher, LLP

Overbroad or inappropriately narrow patent licenses, as well as covenants not to sue not infrequently buried in commercial agreements, require significant attention and create risk for many M&A transactions. Questionable patent prosecution histories and chain of title issues are similarly concerning to practitioners. Please join this experienced panel for a discussion of best practices in conducting patent due diligence in M&A transactions. Additionally, we will explore various risk mitigation techniques, including specific representations and warranties, indemnities, and closing conditions, to help ensure that the transaction will meet the needs and expectations of clients.

**CLE:** 1.0 Hour **Room:** Lafleur I

### TRACK II: OTHER

#### **[19] Avoiding the Crap Out: How IP Intersects with Employment, Estate, and Bankruptcy Laws**

##### **Speakers:**

Nannina Angioni, Kaedian, LLP  
Charles Kolstad, Withers Worldwide  
Robyn Sokol, Brutzkus Gubner Rozansky Seror Weber, LLP

This panel will address ways to protect IP during and after the employment relationship- along with examining the Dynamex decision and how a contractor/employee relationship change may affect IP protections. Learn how to examine the winners and losers when a party holding IP or licensing IP files for bankruptcy protection.

**CLE:** 1.0 Hour **Room:** Lafleur II

12:30 - 2:00 pm

#### **[27] Speed Networking Lunch**

Connect, Collaborate, Differentiate

**Room:** Margaux II

# SATURDAY, NOVEMBER 16

2:05 – 3:05 pm

## General Session

### [20] Meet Me at the Buffet: Food and Intellectual Property

**Speakers:** Beatrice Martinet, Sideman Bancroft, LLP  
Mark Leonard, Jelly Belly Candy Company

In the highly competitive food and beverage business companies are using IP to help distinguish their products from their competitors. This panel will discuss the increasing role of nontraditional marks and other novel protection schemes (patent, design, indication of origin, and trade secret) in the United States and European Union to protect novel features of their products and attract consumers.

**CLE:** 1.0 Hour **Room:** Margaux I

3:10 – 4:10 pm

## General Session

### [21] Competence and Mindful Lawyering

**Speaker:** Mark Fingerman, ADR Services, Inc.

Being skillful as a lawyer requires clarity of both intention and perception. The rigors of practice tend to reduce that clarity, with a cascading effect that adversely impacts a lawyer's work and clients. In this course, mediator and functional mindfulness teacher Mark Fingerman will identify and discuss mental issues that impair a lawyer's ability to practice skillfully and teach basic mindfulness practices which reduce that impairment. These simple practices develop the ability to calmly focus on what matters, to act rather than react, to have better relations, to live with less stress and to have an easier time getting better results at whatever you do.

**CLE:** 1.0 Hour Competence Issues **Room:** Margaux I

4:10 – 4:30 pm

## Raffle and Closing Remarks

5:00 – 7:00 pm

### [28] The Mob Museum

Join us for an interactive journey through the history of organized crime and law enforcement. **Mob Museum is a ticketed event. Tickets must be purchased separately. See registration form.**





## CONGRATULATIONS TO THE RECIPIENTS OF THE 2019 VANGUARD AWARDS!

The Executive Committee of the IP Law Section is pleased to honor outstanding legal professionals who are spearheading new developments in the world of intellectual property law.

### IN-HOUSE COUNSEL



**Catherine Lacavera**  
Vice President  
Google LLC

### PRIVATE PRACTICE



**Francoise Gilbert**  
CEO  
Data Minding Legal

### ACADEMIC



**Anthony Reese**  
Chancellor's Professor of Law  
University of California, Irvine

### JUDICIAL



**Hon. Michael Fitzgerald**  
United States District Court  
Central District of California

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