



The nonprofit educational arm of the Colorado and Denver Bar Associations

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# 15<sup>TH</sup>

# Annual Rocky Mountain Intellectual Property & Technology Law Institute

**June 1-2, 2017**

**At the Westin Westminster Hotel**

10600 Westminster Blvd., Westminster, CO



Co-sponsored by the Intellectual Property Law Section of the Colorado Bar Association, Stanford Law School, Stanford Program in Law, Science and Technology, the Copyright Society of the USA, and the ABA Section of Intellectual Property Law, and in cooperation with the Rocky Mountain Regional Office of the U.S. Patent and Trademark Office

Submitted For 15 General Credits, Including Up To 4 Ethics Credits



**BEFORE THE INSTITUTE:**

**2nd Annual PTO Day on May 31, 2017**

At the Rocky Mountain USPTO Offices (details inside)

**NEW!  
THIS  
YEAR**

**Brewery Walking Tour – May 31, 2017**

To Some of Denver's Best Breweries (details inside)



**HEAR FROM:**

- National practice and thought leaders
- The Chief Judge of PTAB and the Chief Judge of TTAB
- The PTO Regional Director and SPEs
- General Counsels of the US Olympic Committee, and the Denver Broncos, Colorado Rockies, Colorado Avalanche, Colorado Mammoth, and Denver Nuggets



**UPDATES ON DEVELOPMENTS IN:**

- Copyrights
- Licensing
- Open source
- Privacy and data security
- Marijuana and cannabis
- Patents
- Trademarks
- Trade Secrets



**LEARN:**

- The six things you and your clients can do to limit IP liability
- The NEW Defend Trade Secrets Act
- What's next from leaders in technology



**ENJOY:**

- The company of hundreds of colleagues
- Special SUPER 15th Anniversary Beer "Attorney Ale™" brewed by Odyssey Beerwerks, Arvada, Colorado
- IP After-Hours Networking Event (details inside)
- NEW THIS YEAR! Bike Ride to Boulder (details inside)
- WIN a weekend getaway in Snowmass, CO (details inside)
- Win a FREE website build from Bigfoot Web (details inside)

**DON'T MISS THE BEST IP CONFERENCE IN THE UNITED STATES!**

# 15<sup>TH</sup>

Annual Rocky Mountain

# Intellectual Property & Technology Law Institute

## TOP 10 REASONS TO ATTEND

10. The Institute was so good in 2016, you would be crazy not to attend this year!
9. Patents ... Trademarks ... Copyrights ... Licensing ... Technology & Transactions!
8. Learn best practices and practical tips that you can apply immediately (we said the same thing last year... but it really is true!)
7. Special panels of USPTO patent and trademark judges, and SPEs discussing developments at the USPTO
6. Beer! And Wine! Join IP After-Hours at Rock Bottom, pre-event brewery tour – and don't miss wine and beer tastings!
5. A rare chance to take a tour of the USPTO Rocky Mountain Regional Office on PTO Day
4. Receive the digital course materials AND the MP3 audio download for the ENTIRE Institute!
3. Some of the best IP thought leaders from across the nation come together to share their knowledge & insights with you!
2. Annual case law updates of all branches of IP law
1. **We said it before! We'll say it again! This Institute has quickly become "the place to be for the best IP" in the United States!**

**REGISTER TODAY!**  
@ [www.RMIPI.org](http://www.RMIPI.org)

### CUSTOMIZED CLE

- 41 Sessions
- 4 Ethics Credits
- After-Event Access to the MP3's for ALL 45 SESSIONS
- Digital Executive Summary

Spend two days in Denver, and get to know your colleagues from around the nation and learn about all major developments in IP and tech law, at one of the nation's largest gatherings of IP and tech law professionals.

## June 1-2, 2017

At the Westin Westminster Hotel

10600 Westminster Blvd., Westminster, CO

Submitted For 15 General Credits,  
Including Up To 4 Ethics Credits

### GET THE IP MOBILE APP!

Be sure to download the "CONVENE" app to your smart device! Prior to the conference, you will receive an invite code that will grant you access to the "15th Annual Rocky Mountain Intellectual Property & Technology Institute" conference app.

Here is what you will MISS if you don't download the APP:

- The IP Institute Executive Summary providing a concise list of takeaways from each session
- An easy reference guide to all of the sessions so you don't have to wonder where everything is happening
- Stay connected with colleagues! Start conversations with colleagues who have also downloaded the APP



**NO NEED TO CARRY AROUND PAPER – IT'S ALL ON YOUR DEVICE!**

- Plenary session on "Mile High Sports and Intellectual Property" with a panel of **major team general counsels**
  - Plenary session with a **national panel of federal district court judges** discussing trends in IP law and litigation
  - Plenary ethics sessions – ethics of artificial intelligence; ethics and disclosure exposure
  - Panels of **USPTO SPEs and ALJs** on the past year and ahead
  - **Chief Judge David Ruschke of the PTAB** on NEW developments
  - **Chief Judge Gerard Rogers of the TTAB** on NEW developments
  - Senior In-House Counsel on privacy and data security developments
  - **Mark Lemley** on the annual patent law year in review
  - **Ian Ballon** on the annual copyright year in review
  - **Jeff Dodd** on the annual licensing year in review
  - **James Pooley** on the annual trade secret year in review
  - **Marty Schwimmer** and **Theodore H. Davis, Jr.**, on the annual trademark and TTAB year in review
  - **Wayne Stacy** and **Orion Armon** on PTAB trends, statistics, pitfalls, and rules
  - The NEW DTSA and the workplace
  - Limiting IP Risk – SIX things you can do to protect your company and clients
  - **IP 2025 – The Future Today** - What's next, Drones and mapping the known world, and Gaming and reality
  - Big data, data breaches, open source, and more
  - How to search, clear, and register a trademark
  - Ransomware, robots, and raging machines
  - Getting indemnity agreements right
  - Recent developments at the intersection of IP and antitrust law
  - Commonly overlooked risks in licensing agreements
  - Marijuana and cannabis update
  - Asset protection for IP
  - Drafting and prosecution strategies
  - Not all is fair (use)
  - Estoppel in the district courts following PTAB decisions
  - Hot topics in bio-pharma prosecution
  - Trademarking pop culture
  - Marketing food, beverages and supplements
- ... AND MUCH MORE – REGISTER TODAY!

## 2017 INSTITUTE PLANNING COMMITTEE

*Celebrating 15 Years of Super Hero Feats at the IP Institute!*



**PROGRAM CHAIR:**  
**Nathaniel Trelease**  
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YOU ASKED FOR MORE NETWORKING OPPORTUNITIES! WE LISTENED!

# NETWORKING

## 2nd Annual PTO DAY

4:00 - 6:00 pm, Wednesday, May 31, 2017

USPTO Regional Office, 1961 Stout Street, Denver

Arrive early for the Institute, and meet **PTAB Chief Judge David P. Ruschke**, **TTAB Chief Judge Gerard Rogers**, **Regional Director Molly Kocialski**, and learn about the Technology Centers that are located in the Rocky Mountain USPTO!!! Plus, tour the USPTO Rocky Mountain Regional Office, network with colleagues and enjoy appetizers and drinks. Don't miss this unique opportunity. **Special thanks to the Intellectual Property Law Section of the Colorado Bar Association for sponsoring this event!**



## DENVER BREWERY WALKING TOUR

5:30 - 8:00 pm, Wednesday, May 31, 2017

Distinctly Denver!

Join us for a 2 1/2 hour custom, private, guided walking tour of popular North Denver's Sunnyside and LoHi neighborhood and its excellent microbreweries. The tour starts at Diebolt Brewing Company at 3855 Mariposa Street in Denver, where you will taste amazing craft beer and learn how unique handcrafted ales and lagers are made as you experience brew haven. Though the walk is short to each brewery, it provides a chance to learn about Denver and its craft beer scene. The tour is great for novices and experts alike. Included in the tour: Lots of great beer samples; behind the scenes tour of a brew house, visit 3 different breweries, AND build relationships with your fellow IP colleagues! Cost is \$32/person. **Spots are limited, so sign up early!**

## 2nd Annual IP AFTER-HOURS

6:30 - 8:30 pm, Thursday, June 1, 2017

Rock Bottom Brewery (Across the street from the Westin Hotel)

Hit Rock Bottom ... with **Molly Kocialski**, **USPTO Regional Director** and **Mike Drumm**, **The Beer Attorney**. After the Institute ends on Thursday, June 1, Join Molly and Mike in the lobby of the Westin Hotel for a short walk to Rock Bottom Restaurant & Brewery. Meet more of your IP colleagues in a small, informal group for cold brews and good food. Rock Bottom Brewery was started in 1991 in Denver and is one of the nation's first brewery restaurants. **Special thanks to Corsearch for hosting the first round and appetizers!**



Wolters Kluwer

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**The ONLY Institute With 3 BEER EVENTS!**



## ANY AVID BIKE RIDERS OUT THERE? 9:00 am - 3:00 pm, Saturday, June 3, 2017

Join a group of your fellow IP attorneys for a colorful, leisurely **bicycle ride from the Westin Hotel into nearby Boulder, Colorado**, where you'll ride through the famous Flatirons, and along the trails of the National Center for Atmospheric Research. The group will stop for lunch (on your own) along the famous Pearl Street Mall in Boulder before heading back to the Westin Hotel. This adventure will be **led by CBA-CLE's own highly experienced Program Director Heidi Ray**. Heidi has ridden her bicycle all over Europe and will happily guide your ride. Bring your own complete gear, or rentals will be available (let us know on the registration form if you require rental equipment). IP Institute guest room rate at the Westin is valid for 3 days following the Institute.

## WIN A LAW FIRM WEB SITE BUILDOUT\* ...

Win a website from BIGFOOT WEB! Drop your business card at the BIGFOOT WEB table during the conference for a chance to win! WHAT TO EXPECT: SquareSpace CMS ■ Modern Design ■ Mobile Responsive/ Mobile Friendly ■ Blog Functionality ■ Events Calendar ■ Best Team in the Biz ■ Up to 10 Page Website ■ 1 Round of Revisions/Feedback ■ \$10,000 value! Does not include: Logo Design, Domain Name, Content & Images, Web Hosting, or Stock Photography. Ongoing web support is available at an hourly rate. The winner will need to purchase hosting through SquareSpace, as well as a domain name. Client is responsible for providing full content and images. Winner will be invoiced for any stock photography purchased in order to complete the website. **Questions? Contact [adam@bigfootweb.com](mailto:adam@bigfootweb.com)**



**BIGFOOT** WEB

**WIN!**



**WIN!**

## WIN A WEEKEND GETAWAY\* In Snowmass, Colorado!

Attendees of this year's Institute will have an opportunity to win a weekend getaway in beautiful Snowmass/Aspen, Colorado. The winner will receive a certificate good for a complimentary two-night stay (resort fee, room & tax). **This offer is valid June 1, 2017 – June 1, 2018**, giving you the choice to visit Snowmass/Aspen during any season of the coming year! Enjoy a summer concert series and golfing, fishing, hiking or biking; or the majestic peaks of one of the finest ski resorts in the winter; or an amazing Indian summer with countless fall colors. So many choices – one amazing location! **To enter, please drop your business card at the Snowmass Tourism table in the conference foyer.**

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# SPONSORS

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Day One Luncheon Sponsor:



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 PARK  
IP TRANSLATIONS  
— welcome 2 —

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# FACULTY



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 Litigation Shareholder  
 Co-Chair  
 Global Intellectual Property &  
 Technology Practice Group  
 Greenberg Traurig LLP



**Judge James Donato**  
 US District Court  
 Northern District of California



**Valerie Calloway**  
 Chief Intellectual Property Counsel  
 Alltech, Inc.



**Paul Grewal**  
 Vice President and Deputy General  
 Counsel, Litigation  
 Facebook  
 Former Magistrate Judge  
 US District Court  
 District of Northern California



**William Covey**  
 Director  
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 USPTO



**David Kappos**  
 Partner  
 Cravath Swaine & Moore LLP  
 and former Undersecretary of  
 Commerce and Director  
 US Patent and Trademark Office



**Theodore H. Davis Jr.**  
 Partner  
 Kilpatrick Townsend & Stockton LLP



**Mollybeth (Molly) R. Kocialski**  
 Director  
 Rocky Mountain Regional Office  
 US Patent and Trademark Office



**Jeff C. Dodd**  
 Partner  
 Andrews Kurth Kenyon LLP



**Mark Lemley**  
 Stanford University Law School  
 Partner  
 Durie Tangri, LLP





**Arrienne "Angel" Lezak**  
Partner  
Kilpatrick Townsend & Stockton LLP



**Chief Judge David P. Ruschke**  
Patent and Trial Appeal Board



**Judge Paul Michel** (ret.)  
Former Chief Judge  
US Court of Appeals for the  
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**Wayne Stacy**  
Partner  
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**Chief Judge Gerard Rogers**  
Trademark Trial & Appeal Board




**Gretchen West**  
Senior Advisor  
Hogan Lovells

Conference Wi-Fi Sponsored by **PERKINS COIE LLP**Charging Station Sponsored by **HOGAN LOVELLS**7:45 am **Registration**7:45 am **Continental Breakfast** – Sponsored by **SHERIDAN ROSS P.C.**8:45 am **Welcoming Remarks**


- **Nathaniel Trelease**, Program Chair
- **Vincent J. O'Brien**, Executive Director, Colorado Bar Association CLE

8:45 - 10:00 am **A View From the Bench on IP Litigation**


- **Judge James Donato**, US District Court for the Northern District of California
- **Paul Grewal**, Vice President and Deputy General Counsel, Litigation, Facebook, Former Magistrate Judge, US District Court, District of Northern California

10:00 - 10:15 am **Networking and Refreshment Break** – Sponsored by **SEED INTELLECTUAL PROPERTY LAW GROUP LLP****DAY 1 TRACKS BEGIN:** Please select the track you wish to attend on the registration form



**TRACK A:**  
PATENTS/PATENT  
LITIGATION




Moderated by  
**Molly Kocialski**




**TRACK B:**  
TRADEMARKS/  
COPYRIGHTS




Moderated by  
**Hope Hamilton**



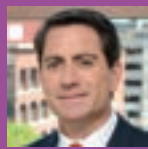
**TRACK C:**  
LICENSING



Moderated by  
**John Ritsick**



**TRACK D:**  
TRANSACTIONAL/  
E-COMMERCE



Moderated by  
**Ryan Arney**

10:15 - 11:05 am

**2017 Patent Law Update**

- Everything you need to know about the last year
- **Mark Lemley**, Stanford University Law School, Partner, Durie Tangri, LLP, Co-Founder, Lex Machina Inc., San Francisco, CA

10:15 - 11:05 am

**A Needle in a Haystack: How to Search and Clear and Trademark**

- **Chris Doninger**, Trademarks Group Director, USPTO, Alexandria, VA
- **Dana Jozefczyk**, Merchant & Gould P.C., Denver, CO
- **Barbara Barron Kelly**, Director of US Market Planning, Corsearch, Chicago, IL
- **W. LaNelle Owens**, Walmart, Bentonville, AR

10:15 - 11:05 am

**Mitigating IP Risk: The SIX Things You Can Do, Part 1**

- Key options for dealing with patent risk
- Determining the best options for your client's situation
- Real world strategies and war stories from patent trenches
- **Cindy Mitchell**, Senior Corporate IP Counsel, Zimmer Biomet, Denver, CO
- **William Pigott**, Of Counsel, Hawley Troxell, Boise, ID
- **Chris Ricci**, General Counsel, NextEV, San Francisco, CA
- **Douglas Swartz**, Shareholder, Sheridan Ross P.C., Denver, CO
- **Andrea Till**, Managing Counsel, Oracle America, Denver, CO

10:15 - 11:05 am

**2017 Privacy and Data Security Updates**

- Recent legal and regulatory developments
- Significant litigation, enforcement actions and settlements
- Areas to watch in the next year
- **Dale Skivington**, Dell, Austin, TX
- **Jonathan Soll**, Western Union, Denver, CO
- **Deborah Shinbein Howitt**, Lewis, Bess Williams & Weese, Denver, CO

**Did you know ...**

Calvin's dad, from the comic strip Calvin and Hobbes, was a patent attorney?

DAY 1 TRACKS CONTINUE: Please select the track you wish to attend on the registration form

<b>TRACK A:</b> PATENTS/PATENT LITIGATION Moderated by <b>Molly Kocialski</b>	<b>TRACK B:</b> TRADEMARKS/ COPYRIGHTS Moderated by <b>Hope Hamilton</b>	<b>TRACK C:</b> LICENSING Moderated by <b>John Ritsick</b>	<b>TRACK D:</b> TRANSACTIONAL/ E-COMMERCE Moderated by <b>Ryan Arney</b>
11:10 am - 12:00 pm <b>2017 PTAB Update</b> <ul style="list-style-type: none"> <li>Trends of the PTAB</li> <li>Statistics of PTAB</li> <li>How to avoid pitfalls in PTAB rules</li> <li>- <b>Wayne Stacy</b>, Partner, Baker Botts L.L.P., Dallas, TX and San Francisco, CA</li> <li>- <b>Orion Armon</b>, Partner, Cooley LLP, Broomfield, CO</li> </ul>	11:10 am - 12:00 pm <b>Nuts &amp; Bolts: Applying to Register a Trademark</b> <ul style="list-style-type: none"> <li>- <b>Brian Brown</b>, Faegre Baker Daniels LLP, Denver, CO</li> <li>- <b>Chris Doninger</b>, Group Director, Trademarks, USPTO, Alexandria, VA</li> <li>- <b>Chief Judge Gerard Rogers</b>, Trademark Trial &amp; Appeals Board, Alexandria, VA</li> </ul> <b>Moderator: Marc Levy</b> , Seed Intellectual Property Law Group LLP, Seattle, WA	11:10 am - 12:00 pm <b>Mitigating IP Risk: The SIX Things You Can Do, Part 2</b> <ul style="list-style-type: none"> <li>- <b>Cindy Mitchell</b>, Senior Corporate IP Counsel, Zimmer Biomet, Denver, CO</li> <li>- <b>William Pigott</b>, Of Counsel, Hawley Troxell, Boise, ID</li> <li>- <b>Chris Ricci</b>, General Counsel, NextEV, San Francisco, CA</li> <li>- <b>Douglas Swartz</b>, Shareholder, Sheridan Ross P.C., Denver, CO</li> <li>- <b>Andrea Till</b>, Managing Counsel, Oracle America, Denver, CO</li> </ul>	11:10 am - 12:00 pm <b>Ransomware, Robots, and Raging Machines: Evolving Cybersecurity Threats for the Post-Data Breach Era</b> <ul style="list-style-type: none"> <li>Ransomware, Extortion, and Cybercrime</li> <li>Evolving Data Breach Threats</li> <li>The Evolution of Defense</li> <li>- <b>Lucas Amodio</b>, C EH, Armstrong Teasdale LLP, St. Louis, MO</li> <li>- <b>Daniel Nelson</b>, C EH, CIPP/US, Armstrong Teasdale LLP, Denver, CO and St. Louis, MO</li> <li>- <b>Josh Snider</b>, Armstrong Teasdale LLP, Denver, CO</li> </ul>

12:00 - 1:15 pm

**LUNCHEON – Sponsored by KILPATRICK TOWNSEND & STOCKTON LLP**

Brief Remarks by Colorado Bar Association Intellectual Property Law Section Leadership



**Mile High Sports and Intellectual Property**

- **Christopher McCleary**, General Counsel, US Olympic Committee, Colorado Springs, CO
- **Harold Roth**, General Counsel, Colorado Rockies, Denver, CO
- **Rich Slivka**, General Counsel/Executive Vice President, Denver Broncos, Denver, CO
- **Jaimie Wolf**, Vice President and Assistant General Counsel, Kroenke Sports & Entertainment (Denver Nuggets, Colorado Avalanche, and Colorado Mammoth), Denver, CO
- **James Leonard**, Partner, Faegre Baker Daniels LLP, Denver, CO

**Moderator: Leigh Augustine**, Owner and Managing Member, Augustine Law Firm, LLC, and Adjunct Professor of Sports Law, University of Denver Sturm College of Law, Denver, CO

*Lunch is included with your registration. Please indicate on the registration form if you plan to attend.*



1:15 - 1:30 pm


**DESSERT – Sponsored by WILMERHALE**




**Did you know ...**

90% of patents in Canada are for improvements to existing patents?


DAY 1 TRACKS RESUME: Please select the track you wish to attend on the registration form




**TRACK A:**  
PATENTS/PATENT  
LITIGATION




Moderated by  
**Molly Kocialski**




**TRACK B:**  
TRADEMARKS/  
COPYRIGHTS




Moderated by  
**Hope Hamilton**




**TRACK C:**  
LICENSING



Moderated by  
**John Ritsick**



**TRACK D:**  
TRANSACTIONAL/  
E-COMMERCE



Moderated by  
**Ryan Arney**

1:30 - 2:20 pm  
**The PTAB Speaks: A Discussion with the Chief Judge**  
- **Chief Judge David P. Ruschke**,  
*Patent and Trial Appeal Board, Alexandria, VA*  
**Moderator: Natalie Hanlon Leh**,  
*Partner, WilmerHale, Denver, CO*

1:30 - 2:20 pm  
**2017 Trademark and TTAB Update**  
• Everything you need to know about the last year  
- **Martin Schwimmer**,  
*Partner, Leason Ellis, LLP, White Plains, NY*  
- **Theodore H. Davis Jr.**,  
*Partner, Kilpatrick Townsend & Stockton LLP, Atlanta, GA*

1:30 - 2:20 pm  
**Getting Indemnity Agreements Right**  
- **Stafford Matthews**,  
*Technology Law Managing Partner, Dentons US, LLP, Palo Alto, CA*

1:30 - 2:20 pm  
**Recent Developments at the Intersection of IP and Antitrust Law**  
- **Jeffrey A. Bartholomew**,  
*Robinson, Waters & O'Doriso, P.C., Denver, CO*

2:20 - 2:40 pm **Networking and Refreshment Break – Sponsored by *BROWNSTEIN HYATT FARBER SCHRECK, LLP***

2:40 - 3:30 pm  
**The PTO Speaks – Panel of SPEs**  
• The roles and relationships of SPEs with examiners  
• Update on 101 rejections  
• Best practices for SPEs, examiners, and practitioners  
• The P3 program – is it working?  
- **Stephen Koziol**, *Supervisory Patent Examiner, USPTO, Denver, CO*  
- **Mark Radtke**, *Supervisory Patent Examiner, USPTO, Denver, CO*  
- **Shelley Self**, *Supervisory Patent Examiner, USPTO, Denver, CO*  
- **Florian (Ryan) Zeender**, *Supervisory Patent Examiner, USPTO, Denver, CO*  
**Moderator: Kirstin Stoll-DeBell**,  
*Partner, Merchant & Gould, P.C., Denver, CO*

2:40 - 3:30 pm  
**2017 Copyright Update**  
• Everything you need to know about the last year  
- **Ian Ballon**, *Co-Chair, Global Intellectual Property & Technology Practice Group, Greenberg Traurig LLP, Silicon Valley/Los Angeles, CA*

2:40 - 3:30 pm  
**Commonly Overlooked Risks in Licensing Agreements**  
• Examination of lesser known risks that frequently arise when drafting license agreements  
• Special risks arising from trademark, patent and copyright licenses  
• Risks from warranty, indemnification and limitation of liability clauses  
- **Peter Kinsella**, *Partner, Perkins Coie, LLP, Denver, CO*

2:40 - 3:30 pm  
**Where IP Valuation and Damages Collide**  
• Key considerations in IP valuation  
• Similarities and differences between IP valuation and damages  
• Exploring the intersection of IP valuation and damages  
- **Michele Riley**, *CPA/CFF, CFE, Managing Director, Stout | Risius | Ross, Inc., Washington, DC*  
- **Scott Weingust**, *Managing Director, Stout | Risius | Ross, Inc., Chicago, IL*

DAY 1 TRACKS CONTINUE: Please select the track you wish to attend on the registration form

<b>TRACK A:</b> PATENTS/PATENT LITIGATION Moderated by <b>Molly Kocialski</b>	<b>TRACK B:</b> TRADEMARKS/ COPYRIGHTS Moderated by <b>Hope Hamilton</b>	<b>TRACK C:</b> LICENSING Moderated by <b>John Ritsick</b>	<b>TRACK D:</b> TRANSACTIONAL/ E-COMMERCE Moderated by <b>Ryan Arney</b>
3:35 - 4:25 pm <b>ETHICS!</b> <b>Ethical Issues in Patent Prosecution</b> <ul style="list-style-type: none"> <li>Defending and preventing patent related malpractice claims</li> <li>Conflicts in prosecution and related activities with particular emphasis on evolving standards for conflicts in prosecution work</li> <li>Conflicts in litigation, with particular emphasis on issues that arise from calling the validity of the patents into question, and recommended practices</li> <li>- <b>Ragesh Tangri</b>, Partner, Durie Tangri, LLP, San Francisco, CA</li> </ul>	3:35 - 4:25 pm <b>Strategic Tour with In-house Counsel</b> <ul style="list-style-type: none"> <li>Cyber issues, prosecution and enforcement – perspectives from inside</li> <li>Staying out of the in-house dog house – tips for outside counsel</li> <li>- <b>Valerie Calloway</b>, Chief Intellectual Property Counsel, Alltech, Inc., Lexington, KY</li> <li>- <b>Ashley Krause</b>, Senior Counsel, Re/Max, Denver, CO</li> <li>- <b>Janet Shih Hajek</b>, Corporate Counsel, Agilent Technologies, Inc., Denver, CO</li> <li>- <b>W. LaNelle Owens</b>, Walmart, Bentonville, AR</li> <li><b>Moderator: Hope Hamilton</b>, Holland &amp; Hart LLP, Boulder, CO</li> </ul>	3:35 - 4:25 pm <b>Open Source is Dead, Long Live Open Source!</b> <ul style="list-style-type: none"> <li>Open source in cloud-hosted services</li> <li>Employee participation in open source projects</li> <li>Corporate sponsorship of open source projects</li> <li>Vetting open source for IT security concerns</li> <li>The current view of open source in corporate transactions</li> <li>- <b>Jason Haislmaier</b>, Partner, Bryan Cave LLP, Boulder, CO</li> <li>- <b>Matthew Jacobs</b>, Vice President &amp; General Counsel, Black Duck Software, Boston, MA</li> </ul>	3:35 - 4:25 pm <b>Marijuana and Cannabis Update</b> <ul style="list-style-type: none"> <li>An overview of the intersection between cannabis and IP law</li> <li>Updates on state and federal cannabis litigation and the application of those decisions to cannabis IP rights</li> <li>A look into state and federal cannabis regulatory law changes as a result of the 2016 election</li> <li>- <b>Todd Blakely</b>, Co-President, Sheridan Ross, P.C., Denver, CO</li> <li>- <b>Pamela Hirschman</b>, Shareholder, Sheridan Ross, P.C., Denver, CO</li> <li><b>Moderator: Kelly Rosenberg</b>, Vicente Sederberg LLC, Denver, CO</li> </ul>

4:25 - 6:00 pm **IP Institute Wine Tasting Reception – Sponsored by COOLEY LLP**  
 Take this time to network with distinguished faculty and colleagues. Included in your registration!  
*(Please note on the registration form if you plan to attend the wine tasting reception.)*

6:30 - 8:30 pm **IP After-Hours** (meet Mike and Molly in the Westin lobby at 6:15 pm)  
*Special Thanks to CORSEARCH for the first round and appetizers!*



## Did you know ...

NASA has an airborne observatory called SOFIA that flies thousands of miles every night mapping the stars in the sky?

# PROGRAM AGENDA • DAY TWO • JUNE 2, 2017

# DAY TWO

Conference Wi-Fi Sponsored by **PERKINS COIE LLP**

Charging Station Sponsored by **HOGAN LOVELLS**

7:45 am **Continental Breakfast**


8:50 am **Welcome Back Remarks**  
 - **Nathaniel Trelease**, Program Chair  
 - **Vincent J. O'Brien**, Executive Director, Colorado Bar Association CLE

9:00 - 10:30 am **IP 2025 – The Future Today**


- **What's Next?**  
 - **Jim Deters**, Co-Founder & CEO, Galvanize, LLC, Denver, CO
- **Drones and Mapping the Known World**  
 - **Gretchen A. West**, Senior Advisor, Hogan Lovells, Menlo Park, CA
- **Gaming and Reality: Augmented and Virtual Reality**  
 - **Mark Lemley**, Stanford University Law School, Partner, Durie Tangri, LLP, Co-Founder, Lex Machina Inc., San Francisco, CA
- **So, You Want To Be a Judge?**  
 - **Michael L. Bender**, Partner, Coie, L.L.P., Former Chief Justice, Colorado Supreme Court, Denver, CO

10:30 - 10:45 am **Networking and Refreshment Break – Sponsored by **DORSEY & WHITNEY LLP****


**DAY 2 TRACKS BEGIN:** Please select the track you wish to attend on the registration form




**TRACK A:**  
**PATENTS/PATENT LITIGATION**




Moderated by **James Brogan**



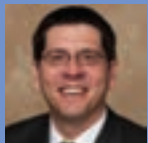
**TRACK B:**  
**TRADEMARKS/ COPYRIGHTS**




Moderated by **Michael Drumm**




**TRACK C:**  
**LICENSING**



Moderated by **John Ritsick**



**TRACK D:**  
**TRANSACTIONAL/ E-COMMERCE**



Moderated by **Ryan Arney**

10:45 - 11:35 am  
**Patent Eligibility Under Section 101 – The Current State of the Law and Perspectives on Future Developments**  
 - **Judge Paul Michel** (ret.) former Chief Judge, US Court of Appeals for the Federal Circuit, Washington, DC  
 - **David Kappos**, Partner, Cravath Swaine & Moore LLP, and former Undersecretary of Commerce and Director, US Patent and Trademark Office, New York, NY  
**Moderator: Heidi Keefe**, Partner, Cooley LLP, Palo Alto, CA

10:45 - 11:35 am  
**Where in the World is My Trademark? Lessons from Rocky Top**

- What trademark limitations exist on a municipality changing its name?
- What qualifies as fair use?
- Is there historical context in U.S. or international law to such issues?

- **Ryan Levy**, Shareholder, Patterson Intellectual Property Law, Nashville, TN  
 - **Gary Montle**, Shareholder, Patterson Intellectual Property Law, Nashville, TN

10:45 - 11:35 am  
**2017 Licensing Update**

- Everything you need to know about the last year

- **Jeff C. Dodd**, Partner, Andrews Kurth Kenyon LLP, Houston/Austin, TX

10:45 - 11:35 am  
**Asset Protection for IP**  
 - **Jonathan Gopman**, Partner, Akerman, Naples, FL



## Did you know ...

The original brand name for the soft drink 7-Up was “Bib-Label Lithiated Lemon-Lime Soda”?

DAY 2 TRACKS CONTINUE: Please select the track you wish to attend on the registration form

<b>TRACK A:</b> PATENTS/PATENT LITIGATION Moderated by <b>James Brogan</b>	<b>TRACK B:</b> TRADEMARKS/ COPYRIGHTS Moderated by <b>Michael Drumm</b>	<b>TRACK C:</b> LICENSING Moderated by <b>John Ritsick</b>	<b>TRACK D:</b> TRANSACTIONAL/ E-COMMERCE Moderated by <b>Ryan Arney</b>
11:40 am - 12:30 pm <b>Drafting and Prosecution Strategies – A Big Data Approach</b> <ul style="list-style-type: none"> <li>Describe drafting better patent applications that are likely to get more favorable treatment at the office</li> <li>Discuss tools and strategies for managing and evaluating prosecution of your portfolio</li> <li>Using big data to improve your results at the patent office</li> </ul> - <b>Arrienne “Angel” Lezak</b> , Partner, Kilpatrick Townsend & Stockton LLP, Menlo Park, CA - <b>Tom Franklin</b> , Partner, Kilpatrick Townsend & Stockton LLP, Denver, CO	11:40 am - 12:30 pm <b>Use It or Lose It! What Counts as Use in Interstate Commerce</b> <ul style="list-style-type: none"> <li>Why it matters: The consequences of failure</li> <li>How much is enough?</li> <li>Bootstrapping via websites and social media</li> <li>Which creative techniques work and why?</li> </ul> - <b>Stephen Horace</b> , Partner, Lathrop & Gage LLP, Boulder, CO	11:40 am - 12:30 pm <b>2017 Trade Secret Update</b> <ul style="list-style-type: none"> <li>Everything you need to know about the last year</li> </ul> - <b>James Pooley</b> , Senior Counsel, Orrick, Herrington & Sutcliffe, San Francisco, CA	11:40 am - 12:30 pm <b>ETHICS!</b> <b>Ethics of Licensing</b> <ul style="list-style-type: none"> <li>What’s the line between puff and posture vs. outright deception?</li> <li>Duty to disclose substantive mistakes by adversaries</li> <li>What to do if you discover scrivener’s errors?</li> </ul> - <b>Thomas Spahn</b> , McGuireWoods LLP, Tysons, VA - <b>Mark Peterson</b> , Senior Vice President and Executive Director, AON Risk Solution, Omaha, NE

12:30 - 1:50 pm **ETHICS!** Luncheon – Sponsored by **HOLLAND & HART LLP**  
 - Sponsor remarks by **Hope Hamilton**, Holland & Hart LLP, Boulder, CO

**Last Year Today - Updates from the Rocky Mountain IP Office**  
 - **Mollybeth (Molly) R. Kocialski**, Director, Rocky Mountain Regional Office, US Patent and Trademark Office, Denver, CO

**Ethics and Disclosure Exposure** (presentation - 12:40-1:30)  
 - **David Hricik**, Mercer University Walter F. George School of Law, Macon, GA  
 - **William Covey**, Director, Office of Enrollment and Discipline, USPTO, Alexandria, VA  
 - **David McCombs**, Partner, Haynes and Boone, LLP, Dallas, TX

*(Lunch is included with your registration. Please indicate on the registration form if you plan to attend.)*




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Please share any updates and messages about the Institute before the conference – we’ll also have our Twitter Wall for real-time commentary on conference programs and speakers!

**Just include #IPInstitute2017 in your Tweet**


DAY 2 TRACKS RESUME: Please select the track you wish to attend on the registration form




**TRACK A:**  
PATENTS/PATENT  
LITIGATION




Moderated by  
**Orion Armon**




**TRACK B:**  
TRADEMARKS/  
COPYRIGHTS




Moderated by  
**Michael Drumm**




**TRACK C:**  
LICENSING



Moderated by  
**John Ritsick**



**TRACK D:**  
TRANSACTIONAL/  
E-COMMERCE



Moderated by  
**Ryan Arney**

1:55 - 2:45 pm

### Life After PTAB: Estoppel and Courts

- Is there meaningful estoppel under Section 315(e), or do the exceptions swallow the rule?
- “Shoulda Coulda Woulda”: the dreaded “reasonably could have raised” standard, who is a skilled searcher, and when is her search diligent?
- Pick your battle ... and battlefield: bring some invalidity arguments in the PTAB, others in the District Courts
- **Lucky Vidmar**, Partner, Hogan Lovells, Denver, CO and San Francisco, CA
- **Katy Rankin**, Hogan Lovells Denver, CO

1:55 - 2:45 pm

### Copyright Fair Use and the Limits of Protection

- Principles of fair use in copyright and trademark law
- Application and limits of “fair use” in practice
- Practical considerations and cautionary tales
- **Christina Saunders**, Partner, Sparkman + Foote LLP, Denver, CO
- **Nathaniel Edwards**, Counsel, Lewis Roca Rothgerber Christie, Phoenix, AZ

1:55 - 2:45 pm

### Departing Employees, Trade Secrets and Protecting IP

- **William Kelly**, Founding Member, Kelly & Walker, LLC, Denver, CO
- **Sean Radcliffe**, Senior Vice President and General Counsel, Ciber, Denver, CO

1:55 - 2:45 pm

### Discovery Rules Limitations

- Overview of 2015 amendments to Rule 26 – how courts have addressed the “proportionality” requirement
- Interplay of local patent rules and the Federal Circuit’s model E-discovery order for patent cases
- Practice tips and avoiding pitfalls
- **Lee Johnston**, Partner, Dorsey & Whitney LLP, Denver, CO
- **Mark Miller**, Partner, Holland & Hart LLP, Salt Lake City, UT

2:50 - 3:40 pm

### Hot Topics in Bio-Pharma Prosecution

- Section 101 patentability and new approaches to covering diagnostics
- Cannabis – patentable but are patents on a schedule 1 drug enforceable?
- New law evolving around double patenting
- **Karl Hermanns**, Partner, Seed Intellectual Property Law Group, LLP, Seattle, WA

2:50 - 3:40 pm

### Trademarking Pop Culture – Who Dat?

- Trademark registration and famous marks
- Trademark infringement, copyright infringement, or both?
- Right of publicity
- **Daniel Ackerman**, Of Counsel, Brownstein Hyatt Farber Schreck LLP, Denver, CO
- **Maggie Arcaro**, Polsinelli, Denver, CO

2:50 - 3:40 pm

### Trends in IP Litigation and How You Can Avoid Being Part of Them

- Recent trends in litigation involving IP, including increasing damages awards in non-patent IP cases
- How proactive drafting of agreements can help mitigate these risks
- How to craft termination clauses that improve your client’s ability to extricate from an IP deal gone bad without litigation
- **Chad Nitta**, Partner, Kutak Rock LLP, Denver, CO
- **Kenneth Witt**, Of Counsel, Kutak Rock LLP, Denver, CO

2:50 - 3:40 pm

### Food for Thought: Marketing Food, Beverages and Supplements Under a Microscope

- Navigating the regulations enforced by state and federal agencies
- Competitive challenges: NAD and Lanham Act claims
- How to avoid the courtroom (other than just skipping California)
- **Justin Prochnow**, Shareholder, Greenberg Traurig, LLP, Denver, CO
- **Lee Mayberry**, Global Legal Regulatory Coordinator, Whole Foods Market, Denver, CO



- 3:40 - 4:00 pm **BEER TASTING** – *Sponsored by* **MERCHANT & GOULD P.C.**
- 2015: Voir Dire Beer
  - 2016: Infringement IPA
  - NEW FOR 2017: Attorney Ale



- 4:00 - 4:50 pm **PLENARY SESSION BEGINS (1 ETHICS CREDIT)**  
**Ethics, Artificial Intelligence and Machine Learning**  
- *Thomas Spahn, McGuireWoods LLP, Tysons, VA*

**ETHICS!**

- 4:50 pm **Adjourn - Thank you for Attending the 2017 Intellectual Property and Technology Law Institute!**



***LOOKING FORWARD! SAVE MAY 31 - JUNE 1, 2018 ...  
for the 16th Annual Rocky Mountain Intellectual Property  
& Technology Law Institute!***

The IP&TI is proud to recognize the **National Inventors Hall of Fame (NIHF)**, the nation's foremost nonprofit inspiring innovation in America. NIHF operates the NIHF Museum in Alexandria, VA, Collegiate Inventors Competition, and national PreK-12 education programs including Camp Invention, the country's largest summer program inspiring innovation and creativity in children.

NIHF's programs recognize our nation's most impactful inventors and use their inspirational stories to educate young people. Camp Invention is an exciting, weeklong summer adventure with activities that explore connections between science, technology, engineering, and innovation where children seek solutions to real-world problems and sharpen critical 21st Century skills. In partnership with the United States Patent and Trademark Office, Camp Invention also instills Intellectual Property Literacy™ as participants create patents and trademarks for their new innovations. To learn more, call **800.968.4332**, or visit [www.campinvention.org](http://www.campinvention.org).



National Inventors  
Hall of Fame®



### **Did you know ...**

The first webcam was deployed at Cambridge University computer lab – its sole purpose was to monitor a particular coffee maker and hence avoid wasted trips to an empty pot.

**Want to be up to date on PTAB's leading decisions regarding post-grant proceedings?**

Take advantage of the Institute's 50% discounted price of \$100 + tax for the newly released *PTAB Digest Deskbook*, published by LexisNexis. Post-grant proceedings covered include inter partes reviews (IPRs) and covered business method reviews (CBMRs). Invaluable in-depth analysis of thousands of notable decisions is also featured. *The Deskbook* is designed to complement Chisum's Patent Law Digest covering Supreme Court and Federal Circuit decisions.

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**SPECIAL THANKS** to Baker Botts L.L.P. for making this very special offer possible! Thanks, too, to LexisNexis for its support, and to Deskbook authors, Wayne Stacy, Esq., Baker Botts L.L.P., and Orion Armon, Esq., Cooley, LLP for the hours and hours and hours they devoted to creating this one- of- a- kind publication.

**HOTEL INFORMATION:****Westin Westminster Hotel**

10600 Westminster Blvd.  
Westminster, CO 80020  
Phn: (303) 410-5000

CBA-CLE has reserved a small block of rooms for attendees of the Institute at the Westin Westminster Hotel. **Room rates start at \$179 plus applicable taxes.** Rooms are being held at the group rate until **May 17, 2017.** After May 17, 2017, rates are subject to prevailing rates and availability. Please do not wait until May 17th to make your reservation as the hotel fills up quickly.

**To make your reservation, please call central reservations at 1-888-627-8448, or contact the Westin directly at (303) 410-5000.**

In order to receive the group room rate, please indicate that you are an attendee of the Colorado Bar Association Intellectual Property & Technology Institute. Please note: The Group rate is available 3 days prior to and 3 days after the Institute (subject to availability).

Online reservations can be made here:

[www.starwoodmeeting.com/events/start.action?id=1607222044&key=39CDC515](http://www.starwoodmeeting.com/events/start.action?id=1607222044&key=39CDC515)



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### Or MAIL form to...

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 1900 Grant St, Suite 300  
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### Or Register ONLINE...

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## LIVE PROGRAM ORDER FORM

### IP & TECHNOLOGY LAW INSTITUTE TUITION: (IP060117L)

**Course tuition includes course materials, admission to the entire Institute, admission to both lunches, and both receptions.**

#### COURSE MATERIALS\*: Get Your Materials via Digital Download and Save!

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| <input type="checkbox"/> Non-Member: .....\$579                   | <input type="checkbox"/> CBA Member: .....\$529                     |
| <input type="checkbox"/> CBA IP Section Member: .....\$489        | <input type="checkbox"/> Copyright Society of the USA Member: \$489 |
| <input type="checkbox"/> ABA IP Section Member: .....\$489        | <input type="checkbox"/> <b>CLE Basic Pass Holder: .....\$279</b>   |
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#### PRINTED BOOK

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| <input type="checkbox"/> <b>New Lawyer Edge Partner: \$279.50</b> | <input type="checkbox"/> <b>CLE Elite Pass Holder: .....\$249</b>   |

\*PLEASE NOTE: All paid registrants will receive a link to the course materials 24-48 hours prior to the Institute.

**BONUS!** When you register and pay for the Institute, you are eligible to receive the digital course materials and the MP3 audio download for the ENTIRE Institute - that means you receive the recordings for any tracks you were not able to attend, and you can claim all credits for this conference once you have completed the homestudy.

## TRACKS, LUNCHEONS, RECEPTIONS, AND SOCIAL EVENTS

### THURSDAY, JUNE 1, 2017

#### • Track Selection: Please select one track for Thursday

- TRACK A     TRACK B     TRACK C     TRACK D

#### • Luncheon (included in registration fee)\*

- YES – I will attend the luncheon. I require a  Vegetarian selection     Gluten-free selection  
 NO – I will not attend the luncheon

\* If you do not RSVP for lunch, one will NOT be ordered for you.

#### • Wine Tasting (included in registration fee):

- YES – I will attend the Wine Tasting     NO – I will not attend the Wine Tasting

### FRIDAY, JUNE 2, 2017

#### • Track Selection: Please select one track for Friday

- TRACK A     TRACK B     TRACK C     TRACK D

#### • Luncheon (included in registration fee)\*

- YES – I will attend the luncheon. I require a  Vegetarian selection     Gluten-free selection  
 NO – I will not attend the luncheon

\* If you do not RSVP for lunch, one will NOT be ordered for you.

#### • Beer Tasting (included in registration fee)

- YES – I will attend the Beer Tasting     NO – I will not attend the Beer Tasting

### ADDITIONAL NETWORKING OPPORTUNITIES

#### Count me in for the following activities:

- PTO DAY:** 4:00 - 6:00 pm, Wednesday, May 31, USPTO Regional Office  
 **Denver Brewery Walking Tour:** 5:30 - 8:00 pm, Wednesday, May 31 (\$32/person)  
 **IP After Hours:** 6:30 - 8:30 pm, Thursday, June 1  
 **Bike Ride to Boulder, CO,** Saturday, June 3, Approximately 9:00 am - 3:00 pm  
 I will need to rent equipment. Please send me information.  
 I have my own gear

**LIVE PROGRAM ORDER FORM TOTAL \$ \_\_\_\_\_**

## HOMESTUDY ORDER FORM

Homestudy is available in 2 formats: MP3 Audio Download or Audio CD. When ordering, please indicate which format you wish to receive. Institute home study materials include ALL tracks from the live conference.

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\*Submitted for 42 General CLE Credits, Including 4 Ethics Credits.

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Price \$ \_\_\_\_\_  
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E-Mail Address \_\_\_\_\_

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Street Address \_\_\_\_\_

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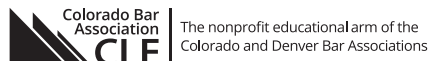
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**INSTITUTE CANCELLATIONS:** Cancellations by May 24, 2017 will receive a full refund of tuition paid. After May 24, 2017 no refunds will be issued, but substitutions are welcome. This program is not eligible for transfer to homestudy.

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# 15<sup>TH</sup> Annual Rocky Mountain Intellectual Property & Technology Law Institute



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# 15<sup>TH</sup> Annual Rocky Mountain Intellectual Property & Technology Law Institute

**June 1-2, 2017**

**At the Westin Westminster Hotel**

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