

14TH ANNUAL ROCKY MOUNTAIN

Intellectual Property & Technology Institute

Co-sponsored by the Stanford Law School, Stanford Program in Law, Science and Technology, the Copyright Society of the USA, the Intellectual Property Section of the Colorado Bar Association, and the ABA Section of Intellectual Property Law

LIVE: JUNE 2-3, 2016

At the Westin Westminster Hotel • 10600 Westminster Blvd., Westminster, CO

*Don't miss the
Rocky Mountain
Region's PREMIER
Intellectual
Property
Institute!*

2016 INSTITUTE HIGHLIGHTS:

- Plenary session on *"IoT: The Internet of Things – and the Intelligence of Things,"* by leading national technologist **Kenji Takeuchi**
- National panel of **federal magistrate judges** discussing trends in IP law and litigation
- Panels of **PTAB judges** and **SPEs** discussing developments at the USPTO
- **Chief Judge Gerard Rogers** on developments at the TTAB
- **Mark Lemley** on the annual patent law year in review
- **David Bernstein** on the annual trademark year in review
- **Ian Ballon** on the annual copyright year in review
- **Jeff Dodd** on the annual licensing year in review
- **Jim Pooley** on the annual trade secret year in review
- **Marty Schwimmer** on the TTAB's year in review
- **Wayne Stacy** and **Orion Armon** on PTAB developments
- Hear from **Lesley Fair** of the FTC on how to keep your clients out of trouble
- The sharing dilemma – fostering innovation and collaboration and protecting your client's trade secrets!
- Doing business in China and India – what your clients need to know
- Developments in privacy and data security
- Danger ahead: Is your license an inadvertent franchise?
- Breakdown of termination and service-level provisions in licenses
- IP and commercialization issues in the burgeoning marijuana industry
- Issues when representing the arts community
- Secured transactions, bankruptcy and tax issues in IP and technology law
- Estate planning for IP entrepreneurs
- Financing tech startups
- Ethics, Technology, and Intellectual Property

REGISTER FOR THE INSTITUTE ONLINE @ rockymountainintellectualpropertyinstitute.org

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IP&T 2016

TOP 10 REASONS to Attend the 2016 Intellectual Property & Technology Institute

10. Anyone who's anyone will be there!
And if you're not there, anyone
who's anyone will know
9. Patents ... Trademarks ...
Copyrights ... Licensing ...
Technology & Transactions!
8. Learn best practices and practical
tips that you can apply immediately
7. Special panels of USPTO patent
judges and SPEs discussing
developments at the USPTO
6. Over 40 sessions presented by
an all-star faculty of leading
IP practitioners
5. Grow your professional contacts
through networking opportunities
with IP attorneys from ... well ...
from all over!
4. Receive the digital course materials
AND the MP3 audio download for
the ENTIRE Institute!
3. Some of the best 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. **This Institute has quickly
become "the place to be
for the best IP" in the
western United States!**

***So ... what are you
waiting for?***

In 2016, the **Rocky Mountain Intellectual Property & Technology Institute** will provide you a real-world discussion of developments across all areas of IP and tech law. Patent law and litigation - trends in case law, in damages and in 101 practice and more. Patent prosecution - what's going at the PTAB, in international protection, and in design patents? Trademarks and copyrights - hear from the TTAB chief judge, hear from an in-house panel about brand enforcement strategies, hear about copyrights and the rise of Big Data. Transactions and licensing - hear about doing business in India and China, about data security and Big Data, about funding early stage tech companies, and much more.

In one place over two days in scenic Denver, learn about all major developments in IP and tech law, and spend time with colleagues from around the nation, at one of the largest gatherings of IP and tech law professionals.

WHAT PAST ATTENDEES HAVE TO SAY:

// Great programming packed with timely information.

Very well done - Again!

Great Conference. Well organized. Excellent speakers.

Fantastic conference – I definitely intend to come again.

***The plenary sessions were lively and filled
with practical tips.***



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TO CARRY
AROUND PAPER
– IT'S ALL
ON YOUR
DEVICE!**

NEW THIS YEAR!

Get the 2016 IP Institute App!

- Find the Guidebook Event App on your mobile device and download it
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- You'll find the complete schedule, room locations, faculty info, and more!

guidebook

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Kristen Mix

Magistrate Judge

US District Court for District of Colorado

Kristen L. Mix graduated from Middlebury College, cum laude, with a degree in English. She obtained her J.D. from the University of Colorado School of Law and practiced law in Denver until 2007, when she was appointed to the federal bench. Magistrate Judge Mix's expertise prior to her appointment was in labor and employment law. In 2006 and 2007, Judge Mix was recognized as a top employment lawyer by Chambers U.S.A. and named one of the top twenty-five women lawyers in Colorado by *5280 Magazine*.



Paul Grewal

Magistrate Judge

US District Court for District of Northern California

Since joining the court in 2010, Magistrate Judge Paul S. Grewal has presided over and settled criminal and civil cases in a wide range of areas, including patent, employment, civil rights, commercial contract, trademark, and federal misdemeanor cases. He serves as a member of the court's Technology Practice and Patent Local Rules Committees. Judge Grewal received his Bachelor of Science from MIT, and his law degree from the University of Chicago. Prior to becoming a Judge, his practice was focused on intellectual property litigation, with an emphasis on patent trials and appeals. He tried patent cases in various federal district courts across the country and argued appeals before several federal appellate courts, including the Federal Circuit. He was registered to practice before the Patent and Trademark Office, and his practice included re-examinations before the PTO.



Nina Wang

Magistrate Judge

US District Court for District of Colorado

Nina Y. Wang was invested as a magistrate judge for the U.S. District Court for the District of Colorado in February 2015. Previously, Nina was a partner in the Intellectual Property Group of the law firm of Faegre Baker Daniels LLP. Nina focused her practice on complex intellectual property litigation and related counseling and advice. She is a graduate of Harvard Law School and Washington University.



Gerard Rogers

Chief Judge

Trademark Trial & Appeal Board

The Honorable Gerard F. Rogers began his career in public service at the United States Patent and Trademark Office on December 7, 1987. He is now chief administrative law judge for the Trademark Trial and Appeal Board (TTAB or Board).



Nathan Kelley (invited)

Acting Chief Judge

Patent and Trial Appeal Board

Nathan Kelley, the former solicitor for the U.S. Patent and Trademark Office, is the acting chief judge of the agency's Patent and Trial Appeal Board. Kelley. He started his career at the USPTO in 1993 as a patent examiner. As solicitor, he played a major role in crafting the agency's position in some of the most important cases to go before the Federal Circuit in the brief history of the AIA. He holds both a law degree and a bachelor's degree from George Washington University.



Kenji Takeuchi

Flextronics

Kenji leads Products and Technology Management for the Flex's Connected Living and IoT Software business. In his tenure at Flextronics, Kenji has extensive experience with connected home and digital multimedia product design and development. Prior to joining Flextronics, as an entrepreneur, Kenji has founded and successfully exited high tech startup companies. He also has much experience working for leading technology companies such as Cisco/Scientific-Atlanta, Nagravision, and Iomega. Kenji has a bachelor's degree from Georgia Tech and a master's in engineering from U.C. Berkeley. He was also awarded multiple patents in Learning/Adaptive Algorithms for motor and servo controls.



Mark Lemley

Stanford University Law School,
and Durie Tangri, LLP

Mark Lemley is the William H. Neukom Professor of Law at Stanford Law School and the Director of the Stanford Program in Law, Science and Technology. He teaches intellectual property, computer and internet law, patent law, trademark law, antitrust and remedies. He is the author of seven books (most in multiple editions) and 144 articles on these and related subjects, including the two-volume treatise IP and Antitrust. His works have been cited nearly 200 times by courts, including ten United States Supreme Court opinions and almost 13,000 times in books and law review articles, making him one of the five most cited legal scholars of all time. He has published 9 of the 100 most-cited law review articles of the last twenty years, more than any other scholar and a 2012 empirical study named him the most relevant law professor in the country. Mark is a founding partner of Durie Tangri LLP. He litigates and counsels clients in all areas of intellectual property, antitrust, and internet law. Mark is also a founder and board member of Lex Machina, Inc., a startup company providing data and analytics around IP disputes to law firms, companies, courts and policymakers.



Mollybeth Kocalski

Denver, CO

Mollybeth (Molly) R. Kocalski is the Director of the Rocky Mountain Regional Office of the U.S. Patent and Trademark Office. As the Director of the Rocky Mountain Regional Office, Ms. Kocalski will carry out the strategic direction of the Under Secretary of Commerce for Intellectual property and Director of the USPTO, and is responsible for leading the Rocky Mountain Regional Office. Focusing on the region and actively engaging with the community, Ms. Kocalski will ensure the USPTO's initiatives and programs are tailored to the region's unique ecosystem of industries and stakeholders. Previously, Ms. Kocalski was the Senior Patent Counsel for Oracle America, Inc., where she was responsible for managing an active patent prosecution docket and all of the post-grant procedures and patent investigations for Oracle and its subsidiaries.



Patrick Boucher

Administrative Patent Judge
USPTO

Administrative Patent Judge Patrick Boucher has had a fruitful and diverse career of great legal and technical breadth. Prior to his appointment to the Patent Trial and Appeal Board at the United States Patent and Trademark Office, he practiced as a patent attorney at Pennie & Edmonds LLP in New York, and at Townsend and Townsend and Crew LLP and Marsh Fischmann & Breyfogle LLP in Denver. For several years before becoming an attorney, he was an Associate Editor of Physical Review B.



Melissa Haapala

Administrative Patent Judge
USPTO

Administrative Patent Judge Melissa Haapala graduated from the University of Colorado with a BS in Applied Mathematics with Computer Science. She received a Master of Science degree in Computer Information Systems from Regis University, and she earned a J.D. degree from the University of Denver. Prior to her appointment as an Administrative Patent Judge in 2014, Judge Haapala was Assistant General Counsel with Ricoh Corporation, and prior to this, she was Senior Counsel with Sun Microsystems. She was also in private practice for a number of years.



K Kalan

Administrative Patent Judge
USPTO

Administrative Patent Judge Kristina Kalan earned a J.D. degree from the University of Colorado and an A.B. degree in Chemistry from Harvard University. Judge Kalan served as Law Clerk for the Honorable Chief Judge Janice B. Davidson of the Colorado Court of Appeals. Following her clerkship, Judge Kalan joined the firm Berenbaum Weinshienk PC, where she practiced in the areas of patent, trademark, and copyright.

AGENDA • DAY 1 • THURSDAY, JUNE 2

7:45 am Registration

7:45 am Continental Breakfast – Sponsored by **FAEGRE BAKER DANIELS**

8:45 am Welcoming Remarks
 - Nathaniel Trelease, Program Chair
 - Gary Abrams, Executive Director, Colorado CLE

- Conference WI-Fi Sponsored by **PERKINS COIE LLP**
- Charging Station Sponsored by **HOGAN LOVELLS**

8:45 - 10:00 am **A View From the Bench – Panel of US Magistrate Judges on IP Litigation**
 - Kristen Mix, Magistrate Judge, US District Court for District of Colorado
 - Paul Grewal, Magistrate Judge, US District Court for District of Northern California
 - Nina Wang, Magistrate Judge, US District Court for District of Colorado
 Moderator: Celine Jimenez Crowson, Hogan Lovells



10:00 - 10:15 am Networking and Refreshment Break – Sponsored by **LEWIS ROCA ROTHGERBER CHRISTIE**

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

| TRACK TIMES: | TRACK A: PATENTS & PATENT LITIGATION Moderated by Wayne Stacy | TRACK B: TRADEMARKS/COPYRIGHTS Moderated by Marc Levy | TRACK C: LICENSING Moderated by John Ritsick | TRACK D: TRANSACTIONAL/E-COMMERCE Moderated by Ryan Arney |
|---------------------|--|--|--|--|
| 10:15 - 11:05 am | 2016 Patent Law Update <ul style="list-style-type: none"> • Comprehensive coverage of the year in Supreme Court and Federal Circuit patent decisions - Mark Lemley, Stanford University Law School, and Durie Tangri, LLP | 2016 Trademark Update <ul style="list-style-type: none"> • The most important developments in trademark law • Practical pointers on litigating trademark disputes in the post-B&B Hardware era • The growing impact of the First Amendment in trademark cases - David Bernstein, Debevoise & Plimpton, LLP | 2016 Licensing Update <ul style="list-style-type: none"> • Everything you need to know about the last year - Jeff Dodd, Andrews Kurth LLP | Financing the Tech Startup <ul style="list-style-type: none"> • Making the business case • Valuation metrics • Perspectives on IP protection - Ryan Arney, Davis Graham & Stubbs LLP - Andrew Lanoha, Lanoha Ventures |
| 11:10 am - 12:00 pm | 2016 PTAB Update <ul style="list-style-type: none"> • Trends of the PTAB • Statistics of PTAB • How to avoid pitfalls in PTAB rules - Wayne Stacy, Cooley LLP - Orion Armon, Cooley LLP | 2016 Copyright Update <ul style="list-style-type: none"> • Hot cases and litigation trends that service providers, copyright owners and technology companies should be concerned about • Liability risks associated with common law copyrights • Employees and copyright law • Trends in DMCA, fair use and damages case law • Comparing secondary copyright liability to comparable risks under trademark and patent law - Ian Ballon, Greenberg Traurig, LLP | 2016 Trade Secret Update <ul style="list-style-type: none"> • Case law developments • The Defend Trade Secrets Act • The EU Trade Secret Directive • What the TPP does and doesn't do • Emergence of information security standards and their impact on the "reasonable efforts" requirement • The patent/trade secret question in light of patent law developments - James Pooley, James Pooley, PLC | Taxes: Unique Issues for Technology Enterprises <ul style="list-style-type: none"> • Sales & use taxation in e-commerce • Application to software versus services • Other traps for the unwary - Bruce Nelson, EKS&H - Andres Vallejo, Morrison & Foerster LLP |

12:00 - 1:15 pm **LUNCHEON** – Sponsored by **KILPATRICK TOWNSEND & STOCKTON LLP**
USPTO Regional Director Presentation, and brief presentation about **Invent Now, Inc.**
 - **Molly Kocialski**, (invited)

Please refer to her bio on an earlier page.

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

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

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|----------------|---|---|---|--|
| 1:20 - 2:10 pm | <p>The PTAB Speaks: Decisions, Initiatives and More</p> <ul style="list-style-type: none"> Trends in PTAB decisions Updates re: comments received and updates to rules of practice <p>- Nathan Kelley, (invited) Acting Chief Administrative Patent Judge</p> <p>- Patrick Boucher, Administrative Patent Judge, USPTO</p> <p>- Melissa Haapala, Administrative Patent Judge, USPTO</p> <p>- K Kalan, Administrative Patent Judge, USPTO</p> <p>Moderator: David McCombs, Haynes and Boone, LLP</p> | <p>Trademark Prosecution & TTAB Update</p> <ul style="list-style-type: none"> Everything you need to know about the last year <p>- Martin Schwimmer, Leason Ellis, LLP</p> | <p>2016 Privacy and Data Security Updates, Trends & Tips</p> <ul style="list-style-type: none"> Significant litigation, enforcement actions and settlements Recent legal and regulatory developments Practical advice for preparedness and response <p>- Deborah Shinbein Howitt, Lewis Bess Williams & Weese</p> <p>- Clay James, Hogan Lovells US LLP</p> | <p>Commercialization of Marijuana: An Update</p> <ul style="list-style-type: none"> Available patent protection and related strategies in the cannabis industry Strategies for obtaining federal trademark and copyright protection in the cannabis industry State law issues regarding the manner of use of trademarks in the cannabis industry Overview of cannabis litigation involving IP <p>- Pamela Hirschman, Sheridan Ross P.C.</p> <p>- Todd Blakely, Sheridan Ross P.C.</p> |



2:15 - 2:30 pm **Networking and Refreshment Break** – Sponsored by **BROWNSTEIN HYATT FARBER SCHRECK**



Invent Now® and Camp Invention®

The IP&TI is proud to recognize Invent Now and Camp Invention. Invent Now is a not-for-profit organization which operates the National Inventors Hall of Fame, Collegiate Inventors Competition, and national education programs including Camp Invention, Invention Project, and Club Invention (grades 1 -6). The mission of Invent Now is to be a catalyst for change

through recognizing inventors and invention, promoting creativity, and advancing the spirit of innovation and entrepreneurship. Invent Now's goal is to highlight our nation's most prominent inventors and educate young people about inventing and intellectual property. Since 1990, Invent Now's education programs have served over 1 million children. In 2015 alone Camp Invention impacted nearly 1,400 schools and served more than 94,000 1st - 6th graders nationwide. Camp Invention is an exciting, weeklong summer adventure with activities that explore connections between science, technology, engineering and innovation where children rotate through various modules that encourage them to work together, seek solutions to real-world problems and sharpen critical 21st century skills. In partnership with the United States Patent and Trademark Office, several of the Camp Invention modules also instill key Intellectual Property learnings through hands-on activities. Locally, Camp Invention and Denver Public Schools run camp programs for underprivileged and underserved children and from a state-wide perspective approximately thirty camps run in Colorado each summer. To bring Camp Invention to a district near you, or to learn more about all the Invent Now programs, please stop by the registration desk. You can also learn more by visiting www.campinvention.org or calling **800.968.4332**.

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

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|----------------|---|--|---|--|
| 2:30 - 3:20 pm | <p>SPE Panel: Trends and Examination</p> <ul style="list-style-type: none"> • Update on examiner guidelines • Trends in examination • A discussion on various patent examining initiatives <p>Panel of SPEs – names to be announced Moderator: Michael Drapkin, Holland & Hart LLP</p> | <p>Developments at the TTAB</p> <ul style="list-style-type: none"> - Chief Judge Gerard Rogers, Trademark Trial & Appeals Board - Peter Cataldo, Administrative Trademark Judge, USPTO - Wendy Boldt Cohen, Trademark Trial and Appeal Board | <p>Recent Developments in EU Privacy Law</p> <ul style="list-style-type: none"> • EU General Data Protection Regulation to replace the 1995 EU Directive • The European Court of Justice's October 2015 decision in the <i>Schrems</i> case and its aftermath • Safe Harbor 2.0 • Data breach notification <ul style="list-style-type: none"> - Camila Tobón, Shook Hardy & Bacon LLP - Beth Magnuson, Thomson Reuters Practical Law | <p>The Sharing Dilemma: Managing the Risks of Open Innovation</p> <ul style="list-style-type: none"> • Innovation is often a function of collaboration and requires sharing and openness • But sharing entails substantial risks of company secrets that are essential to its value and success • Learn how to get the most out of these relationships without taking too much risk <ul style="list-style-type: none"> - James Pooley, James Pooley, PLC - Kurt Kappes, Greenberg Traurig, LLP |
| 3:25 - 4:15 pm | <p>Design Patent Update</p> <ul style="list-style-type: none"> • Review important recent design patent case law • Review of <i>Apple v. Samsung</i> • Status of the implementation of the Hague agreement, including problems seen so far and tips for smooth sailing <ul style="list-style-type: none"> - Margaret Polson, Polson Intellectual Property Law P.C. | <p>Practicing Before the TTAB: What You Need to Know</p> <ul style="list-style-type: none"> • The impact of the Supreme Court's <i>B&B Hardware, Inc.</i> decision on issue preclusion • The role of the interlocutory attorney • When to use Accelerated Case Resolution <ul style="list-style-type: none"> - Chief Judge Gerard Rogers, Trademark Trial & Appeals Board - Martin Schwimmer, Leason Ellis, LLP <p>Moderator: Marc Levy, Faegre Baker Daniels</p> | <p>The Overlooked but Critical Stepchild – Assignments and Ownership of IP Rights</p> <ul style="list-style-type: none"> • Overview of key provisions and impact of local law • Unique challenges in obtaining and enforcing assignments • Strategies for "fixing" bad assignments <ul style="list-style-type: none"> - Scott Alter, Lathrop & Gage LLP - Lee Johnston, Dorsey & Whitney LLP | <p>Estate Planning for IP and Technology Entrepreneurs</p> <ul style="list-style-type: none"> • How planning for IP/tech assets differs from planning for other types of assets • Help your clients identify IP and digital assets • Related topics such as incapacity, bankruptcy, and death of co-owners • Trust and estate law for non-estate and trust lawyers <ul style="list-style-type: none"> - Louisa Ritsick, Ritsick Law LLC |

4:15 - 5:30 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.



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8:00 am Registration Open and Continental Breakfast – *Sponsored by LATHROP & GAGE LLP*

9:00 - 10:30 am

IoT: The Internet of Things – The Future of Everything!

- The Internet of Things and the Intelligence of Things™
- The homes, cars, clothes, and bodies of the future – and how they all feed Big Data
- Insight into where technology is headed – are you prepared? Scared?

- *Kenji Takeuchi, Flextronics*

Moderator: *John Ritsick, Flextronics*



10:30 - 10:45 am

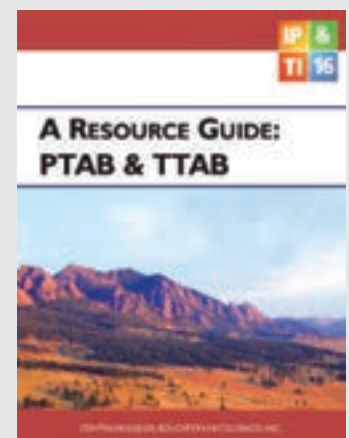
Networking and Refreshment Break – *Sponsored by DORSEY & WHITNEY LLP*

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|------------------|--|--|--|--|
| 10:45 - 11:35 am | Fee Shifting <ul style="list-style-type: none"> • Common factors for successful motions • Common factors for unsuccessful motions • Variances by jurisdiction - <i>Clem Roberts, Durie Tangri, LLP</i> | The FTC’s Law Enforcement Agenda – and Steps to Keep Your Client Off It <ul style="list-style-type: none"> • The science of compliance: What you need before your ad goes live • How established truth-in-advertising standards apply to reviews, tweets, blogs, and other social media content • Going mobile: Effective disclosures on the small screen - <i>Lesley Fair, Federal Trade Commission</i> | Doing Business in China and India <ul style="list-style-type: none"> • What worked 10 (or 5) years ago may not be the case today • Updates on the latest legal and regulatory environments • Discussion of critical IP challenges and concerns for operating in these jurisdictions - <i>Nelson Dong, Dorsey & Whitney LLP</i> | IP, Secured Transactions, and Bankruptcy: A Practical Guide <ul style="list-style-type: none"> • Understanding how to perfect a security interest in various forms of IP - patents, trademarks, copyrights • Practical foreclosure on default – what do you get and how do you get it? • Bankruptcy and IP – licensor/licensee default, remedies and rejection • Best practices in protecting against adverse consequences of bankruptcy for IP practitioners - <i>Steven Weise, Proskauer Rose LLP</i> |

THE PTAB DESK GUIDE 2016

A special feature of the IP & TI ... Each year the Institute proudly offers the newest edition of the PTAB Desk Guide as an added value to all participants. This desk guide brings together recent, essential authority for post-grant litigation practice before the Patent Trial and Appeals Board (PTAB). It includes hand-picked decisions on a range of procedural and substantive matters – arranged topically for easy reference. These decisions are taken from the PTAB Digest, an online resource found at <http://www.ptabdigest.com/>. Special thanks to **Wayne Stacy** and **Orion Armon** of Cooley, LLP, and their team, for the thousand+ hours devoted to assembling, classifying and organizing the hundreds of PTAB cases that constitute this book.



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|---------------------|---|---|--|--|
| 11:40 am - 12:30 pm | <p>Section 101: A Practice Update</p> <ul style="list-style-type: none"> Federal Circuit's views on 101 District Court's views on 101 Variances by jurisdiction Procedural mechanisms for addressing 101 <p>- Natalie Hanlon-Leh, <i>Wilmer Cutler Pickering Hale and Dorr LLP</i></p> <p>- Timothy Scull, <i>Merchant & Gould P.C.</i></p> <p>- Mindy Sooter, <i>Wilmer Cutler Pickering Hale and Dorr LLP</i></p> | <p>In-House Panel on Brand Management</p> <ul style="list-style-type: none"> Thinking ahead on M&A strategy and brand maintenance Communicating with the business client when there's no black/white & it's all yes/no Improving the way outside counsel present opinions Enforcement strategy in the margins: bullying v. public perception. How do you define success? <p>- Amber Leavitt, <i>eBay</i></p> <p>- Pamela Miller, <i>Anheuser-Busch</i></p> <p>- William Morris, III, <i>Hershey Chocolate & Confectionery Company</i></p> <p>Moderator: Hope Hamilton, <i>Holland & Hart LLP</i></p> | <p>CLOUD ATLAS – Advanced Contracting Issues in the Cloud</p> <ul style="list-style-type: none"> Recent click-wrap case law impacting enforceability Apparent authority issues Drafting enforceable limitation of liability provisions Failure of essential purpose and unconscionability Applicability to mobile apps <p>- Peter Kinsella, <i>Perkins Coie LLP</i></p> | <p>"I Can't Believe It's a Franchise!" – the License as an Inadvertent Franchise</p> <ul style="list-style-type: none"> Learn how licenses can easily become subject to federal and state franchise and business opportunity statutes Understand the consequences of becoming an inadvertent franchise – disclosure, registration, potentially criminal sanctions, and more Practical tips on drafting licenses to avoid becoming a franchise <p>- Michael Drumm, <i>Drumm Law Group, LLC</i></p> |

12:30 - 1:45 pm **LUNCHEON – Sponsored by HOLLAND & HART LLP**

1 Ethics Credit

Ethics: What's New and Important

- **David Hricik**, *Mercer University Walter F. George School of Law*

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



1:45 pm

DESSERT – Sponsored by WILMER CUTLER PICKERING HALE and DORR LLP



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|----------------|---|--|---|--|
| 1:45 - 2:35 pm | International/European Patent Protection <ul style="list-style-type: none"> Europe's Unified Patent Court and unitary patent Post-Alice USPTO update The EPO's PACE program in strategies for fast-tracking patent prosecution Accelerated prosecution options and statistics Analysis of a claim for the USPTO and the EPO to show comparative standards of patent eligibility for software - <i>Gene Bernard, Kilpatrick Townsend & Stockton LLP</i> - <i>Emma Graham, Mewburn Ellis</i> - <i>Angel Lezak, Kilpatrick Townsend & Stockton LLP</i> | Copyright and the Rise of Big Data and Machine Learning <ul style="list-style-type: none"> When can a service provider absorb content without a license and without copyright risk? What kinds of mass digitization, content transformation, and content mining will qualify as fair use? When is a database itself protectable, under copyright or otherwise? - <i>Simon Frankel, Covington & Burling LLP</i> | Attorneys for the Arts: Counseling Artist and Arts Organizations <ul style="list-style-type: none"> What you need to know to work with arts and entertainment clients Intellectual property, contract, and business law for artists and arts organizations Practice points and common issues - <i>Dave Ratner, Creative Law Network, LLC</i> - <i>William Kelly III, Kelly & Walker LLC</i> Session in conjunction with the <i>Colorado Business Committee for the Arts</i> | Contract Breakdown Series: Termination and Service Level Provisions in Licenses <ul style="list-style-type: none"> Perspectives from litigators and transactional attorneys Review pitfalls and discover less obvious problems in common provisions Learn from actual cases and experiences how to improve your deals and contracts - <i>Peter Korneffel, Jr., Bryan Cave LLP</i> - <i>Matt McKinney, Kendall, Koenig & Oelsner PC</i> - <i>T. J. Crowson, Helix Education</i> |
| 2:40 - 3:30 pm | QUICK HITS 2:40 - 3:05 pm Commil v. Cisco - <i>Amanda Tessar, Perkins Coie LLP</i> | QUICK HITS Perils of Settling a Trademark Dispute <ul style="list-style-type: none"> Naked Licensing - <i>Emily Bayton, Lewis Roca Rothgerber Christie</i> Accidental Franchises - <i>Mark Meyer, Lewis Roca Rothgerber Christie</i> Co-existence or License? - <i>Michael McCue, Lewis Roca Rothgerber Christie</i> | Pick the Right IP Agreement for the Relationship-Do's, Don'ts & Pitfalls <ul style="list-style-type: none"> Identify the type of relationship that you are establishing so that you DO protect your IP position DON'T compromise your IP with the wrong type of agreement Common PITFALLS in trying to use one-size fits all agreements - <i>Halina Dziewit, Lathrop & Gage LLP</i> | Rights of Publicity <ul style="list-style-type: none"> The history and current status of rights of privacy in the US Albert Einstein, Robin Williams and post-mortem rights of publicity Michael Jordan and the high cost of unauthorized endorsements Madden NFL & the future of sports video gaming Taylor Swift: the best defense is a good offense - <i>Justin Konrad, Hutchinson Black & Cook, LLP</i> |
| | 3:05 - 3:30 pm 103 at the PTO - <i>Cara Crowley-Weber, Brownstein Hyatt Farber Schreck</i> | | | |
| 3:35 - 4:45 pm | Beer Tasting – Sponsored by <i>MERCHANT & GOULD P.C.</i>, and Plenary Session PLENARY SESSION: Ethics for IP Lawyers - A Cornucopia of Things to Think About <ul style="list-style-type: none"> Exceptions to the duty of confidentiality MJP and UPL – advising clients in different jurisdictions Identifying your clients in the organizational solution - <i>Thomas Spahn, McGuireWoods LLP</i> | | | |



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4:45 pm **Adjourn**

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THURSDAY, JUNE 2, 2016

- **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 I require a gluten-free selection
- NO – I will not attend the luncheon

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