

IPLSPRING

2023 ABA-IPL Section Annual Meeting

April 12-14
Omni Shoreham Hotel
Washington, DC

Join us in DC!

Live CLE Programs and Networking

What you need to know

The latest in IP law from the experts in the profession

Register at ambar.org/iplspring



The ABA-IPL Section Annual Meeting (IPLSPRING) is the premier intellectual property conference of the year.

The meeting, featuring more than 20 CLE sessions, networking events, wellness programs, business meetings and more, will take place April 12-14, 2023, at the Omni Shoreham Hotel in Washington, DC. Don't miss this opportunity to meet with and learn from the leaders in our field. Registration is now open!

IPLSPRING



DON'T MISS

- Comprehensive IP Law Programs
- Updates on Issues Critical to Your Practice
- Guidance from Expert Practitioners
- A Full Year's CLE Credit
- Networking Opportunities
- A Chance to Connect In-Person!

Networking Opportunities



- Welcome Reception
- Fun Run/Walk with the Wellness Committee
- New Member/New Attendee Orientation
- Mindfulness Session with the Wellness Committee
- Opportunities for Publishing with the ABA-IPL Section Reception
- Restaurant Dine-Arounds
- Conference Reception

Dine-Arounds

We will offer optional restaurants "dine-arounds" on both Wednesday and Thursday evenings. Conference registrants will have the opportunity to sign up for small group dinners at various local restaurants to allow for small group casual networking. There is no fee to sign up and participants will pay for dinner on their own at the event.

HIGHLIGHTS

Thursday, April 13, 12:15 – 1:30 pm

ABA-IPL Conference Luncheon Featuring Mark T. Banner Award Presentation *(Ticketed)*

The 2023 Award will honor Ralph Oman, former US Register of Copyrights and Pravel Professorial Lecturer in Intellectual Property and Patent Law, George Washington Law School, Retired.

The Mark T. Banner Award recognizes excellence and unique contributions in the field of intellectual property law.



Ralph Oman

Friday, April 14 12:15 – 1:45 pm

Keynote Luncheon *(Ticketed)*

David S. Gooder, the Commissioner for Trademarks at the United States Patent and Trademark Office, will deliver remarks at our Keynote Luncheon. Tickets may be purchased at the time of registration.



Our luncheons are sponsored by



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CLE Board





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MaCharri Vorndran-Jones
Eli Lilly & Company, Indianapolis, IN

Kiley White
Tensegrity Law Group LLP, McLean, VA



Wednesday, April 12

(All times in Eastern Time Zone)

1:00 – 7:00p	Registration and Sponsor Expo
4:00 – 5:30p	<p>Managing IP Malpractice Risks: Best Practices for Avoiding Claims</p> <p>IP malpractice lawsuits can cost millions of dollars to defend and involve years of litigation. This program will identify the unique malpractice risks faced by IP prosecutors, litigators and transactional lawyers. Top legal malpractice defense and law firm risk management experts will address common causes of legal malpractice and best practices for IP lawyers to avoid such claims.</p> <p>Michael E. McCabe, Jr., McCabe Ali LLP, Potomac, MD (<i>Moderator</i>) Brian Faughnan, Faughnan Law, PLLC, Memphis, TN David Kramer, Gemini Risk Partners, Birmingham, MI Joanna Storey, Klinedinst PC, San Diego, CA</p>
5:45 – 7:00p	Welcome Reception
7:00 – 9:00p	ABA-IPL Leadership Dinner (<i>Invitation Only</i>)
7:00 – 9:00p	Restaurant Dine-Arounds



Continues



Thursday, April 13

(All times in Eastern Time Zone)

7:00a – 5:00p

Registration and Sponsor Expo

7:00 – 8:00a

Fun Run/Walk *Sponsored by the ABA-IPL Section Wellness Committee*

Let's get those muscles moving, that blood pumping, and that mind focused before a day of conference activities! Whether you are a walker or a runner, join us for an early morning guided jaunt around the Woodley Park neighborhood where we will boost our well-being, see some sights, have the opportunity to connect with one another, and get our steps in!

7:15 – 8:15a

Conference Connections

Newer Conference attendees and new Section members are invited to join us for this introductory session where they will have the opportunity to meet Section leaders and learn about opportunities offered by ABA-IPL.

8:30 – 9:30a

CONCURRENT CLE PROGRAMS

IP Legislation is Like a Box of Chocolates

The INFORM Consumers Act is bipartisan US legislation designed to help address illegal content, such as stolen or counterfeit goods, by requiring online marketplaces to collect certain information about sellers. The Digital Services Act (DSA) and Digital Markets Act (DMA) are legislative initiatives applicable across the EU to modernize the rules governing digital services, including illegal content and transparent advertising. The controversial push by some WTO member countries for a waiver under TRIPS of patents and trade secret protection applicable to production of COVID-19 vaccines was strongly opposed by other such countries; a compromise has been presented, but its adoption and implementation has been postponed. The Inventor Diversity for Economic Advancement (IDEA) Act if enacted would provide for USPTO collection of voluntarily submitted diversity data from inventors of new patent applications, regarding race/ethnicity, gender and veteran status; see ABA 2022 House of Delegates Resolution 510, which was adopted. Learn from experts the policy considerations that went into the legislation, the issues they intend to address and the practical implications for businesses and clients.

Daniel Dougherty, Alibaba Group, San Francisco, CA (*Moderator*)

Ian Ballon, Greenberg Traurig LLP, Los Angeles, CA

Stanton D. Weinstein, Attorney at Law, Fort Washington, PA

John Zacharia, Zacharia Law PLLC, Washington, DC

Reinventing Section 101 – The Future of Patent Subject Matter Eligibility

The new year has brought a new session of Congress, new Judiciary Committee leadership, and new questions about fixing section 101 of the Patent Act ("subject matter eligibility" ("SME")). Patent subject matter eligibility has been a fundamental requirement of the US Patent system for more than two hundred years. Today, however, the decisions of the Supreme Court in *Bilski*, *Mayo*, *Myriad*, and *Alice*, as well as subsequent applications of that precedent by the Federal Circuit have made patent subject matter eligibility ever more uncertain, ambiguous, and unpredictable. Recent federal court opinions have effectively left the system "broken" in the eyes of many. This workshop will review the history around this issue, upcoming future possible Supreme Court cases, and efforts in Congress to legislate a fix.

The Hon. Randall R. Rader (ret.), The Rader Group, Washington, DC

Chris Katopis, American Bar Association, Washington, DC

Maddie Vishwanathan, Alnylam Pharmaceuticals, Cambridge, MA

Copyright Roundup

Join copyright experts as they review recent important cases that will shape the future of US copyright law. The discussion will include *Warhol v. Goldsmith* and more.

Caleb Green, Dickinson Wright PLLC, Las Vegas, NV

Jan Jensen, Jensen Law Firm, Los Angeles, CA

Ashley Williams, Your Favorite Legal Counsel, Washington, DC



Thursday, April 13 (continued)

(All times in Eastern Time Zone)

9:45 – 10:45a

CONCURRENT CLE PROGRAMS

Connecting It to All: Finding Interoperability Within Web3 and the Metaverse

This panel will explore emerging legal issues and challenges with web3 and metaverse technologies from both philosophical and practical standpoints with discussions from legal minds at the forefront of these issues.

Eliana Torres, Nixon Peabody LLP, Chicago, IL (*Moderator*)
Joshua Lida, Twig, Trade, & Tribunal, Fort Lauderdale, FL
Idongesit Ebong, Nixon Peabody LLP, Chicago, IL

The Monochromaticity of Patent Law

Panelists will discuss the current state of affairs, where persons of color account for a very small percentage of patent practitioners. Panelists will also discuss the challenges in increasing diversity in patent law and possible pathways and programs to increase representation in the field.

Debodhonyaa Sengupta, Dentons, Washington, DC (*Moderator*)
Natalia Barzilai, Dannemann Siemsen, Rio de Janeiro, Brazil
Jordan Hameen, Perkins Coie LLP, Washington, DC
Clara Jiminez, Foundation for the Advancement of Diversity in IP Law Foundation, Washington, DC

Copyright Claims Board One Year In

The Copyright Claims Board (CCB), an alternative forum to federal court to resolve copyright disputes of \$30,000 or less, opened its doors in June 2022. Almost one year later, hundreds of cases have been filed. The three CCB Officers will provide an update on:

- how the CCB is progressing;
- the numbers and kinds of claims being brought;
- who is using the CCB;
- the status of opt outs;
- legal representation before the CCB;
- issues that parties are encountering; and
- resources to assist CCB participants.

Keith Kupferschmid, Copyright Alliance, Potomac, MD (*Moderator*)
Monica P. McCabe, Copyright Claims Board Officer, US Copyright Office, Washington, DC
Brad Newberg, Copyright Claims Board Officer, US Copyright Office, Washington, DC

11:00a – 12:00p

CONCURRENT CLE PROGRAMS

No-Sue Pledges: Enforceable or Performative

Many companies have publicly promised not to enforce patents on infringers in particular circumstances. For example, Moderna promised in October 2020 not to enforce its patents during the pandemic. Moderna updated its pledge in March 2022 and promised not to enforce its patents in certain low- and middle-income countries and that they expected companies elsewhere to respect its patents. Moderna subsequently sued Pfizer and BioNTech for infringement of several vaccine-related patents in August 2022. This case raises several general questions. (1) Is a no-sue pledge enforceable? (2) How is it determined whether the particular condition (e.g., COVID pandemic) is over and who determines it? and (3) Is it reasonable for a competitor to rely on a no-sue pledge and if so, under what circumstances?

Susan McGahan, AT&T, Bedminster, NJ (*Moderator*)
Brian Abramson, Vaccination Program Counsel, Falls Church, VA
Ana Santos Rutschman, Villanova University, Villanova, PA
John Todaro, Merck, New York, NY

Identifying the Article for Design Protection: Anticipation, Obviousness, Infringement and Damages

Identifying the Article of Manufacture for Design Protection has drawn increased attention following recent decisions from the Supreme Court and Federal Circuit, and might now more explicitly impact (i) prior art analysis for anticipation (novelty) and obviousness, (ii) infringement scope and comparison prior art, and (iii) damages from an infringer’s profit. Join us as we explore the latest developments in design patent jurisprudence, consider design patent prosecution and litigation strategy, and explore how the issue is handled in other major global design rights jurisdictions.

Christopher V. Carani, McAndrews, Held and Malloy, Ltd., Chicago, IL
Tracy-Gene G. Durkin, Sterne, Kessler, Goldstein & Fox P.L.L.C., Washington, DC

Update from the Copyright Office

Senior officials from the US Copyright Office will provide an overview of the Office’s recent activities in copyright law and policies, studies, operations, and modernization.

Robert Kasunic, US Copyright Office, Washington, DC (*Moderator*)
Erik Bertin, US Copyright Office, Washington, DC
Andrew Foglia, US Copyright Office, Washington, DC

Continues



Thursday, April 13 (continued)

(All times in Eastern Time Zone)

12:15 – 1:30p

ABA-IPL Conference Luncheon Featuring Mark T. Banner Award Presentation *(Ticketed)*

Honoring Ralph Oman, Former US Register of Copyrights and Pravel Professorial Lecturer in Intellectual Property and Patent Law, George Washington Law School, Retired

1:45 – 2:45p

Through the Eyes of Emerging Companies: The IP Journey

We often hear from the lawyers who represent “emerging companies” but we rarely hear from the clients themselves. From deciding on what type of IP to file first and where, to developing an IP and business strategy, to creating a brand and messaging that will propel you forward, to confronting infringers, and to dealing with investors and strategic partners, these companies will tell you how it really was and is for them. These companies will share their successes (and failures) and everything else IP-related. For the lawyers attending it will be a first-hand look at the genius, insights, instincts and fears behind the companies that hire them. Understanding this can only help you serve your clients well.

David Postolski, Gearhart Law, Summitt, NJ (*Moderator*)
Rebecca Birmingham, Arup, New York, NY
Riki Franco, Heatman Charcoal, LLC, New York, NY
Petur Hannes Olafsson, Onanoff, Ltd., Hong Kong
Anja Skodda, Paw Power-Happy Bond, Venice, CA

3:00 – 4:30p

CONCURRENT CLE PROGRAMS

IP Considerations in Asset Sales

The program will focus on the intellectual property considerations in asset sales, whether of substantially all assets of the seller or sale of business vertical. We will cover the different structures that can be used for carving out IP assets used by multiple business lines, the steps seller can take pre-sale to ensure that the relevant IP assets are held by the selling entity and examining the rights seller will need post-closing to continue operating its retaining businesses. We will also walk through the key areas of legal due diligence, distribution of assets (patents, trademarks and copyrights) and key negotiation points for the purchase agreement and any ancillary agreements. The program will also discuss issues such as transitional, continuing and long-term licenses that may be needed by the businesses post-sale and key considerations when drafting such agreements.

Shruti Chopra, Paul, Weiss, Rifkind, Wharton & Garrison LLP, New York, NY (*Moderator*)
Jennifer T. Criss, Orrick, Herrington & Sutcliffe LLP, Washington, DC
Andrew Ting, Panorama Education, Boston, MA
Alex Tolston, Hemisphere Media Group, Miami, FL
Macharri Vorndran-Jones, Eli Lilly & Company, Brownsburg, IN

UPC Ahoy: Essential Toolkit for Steering Your Patent Prosecution Portfolio

Traversing the ever-changing landscape of patent prosecution has become even more daunting given the introduction of the UPC. This program will dive into the essentials every patent prosecutor in the US as well as abroad needs to know for effectively steering patent applications under the UPC umbrella. Learn key consequences of your validation choices including costs, timelines, and prosecution differences.

While this program is not litigation focused, litigators will benefit from the guidance that will give them the necessary toolkit to provide informed counsel to clients regarding litigation consequences of prosecution choices.

Tammy Pennington Rhodes, Wenderoth, Lind & Ponack, LLP, Washington, DC (*Moderator*)
Rachel Bae, US Patent and Trademark Office, Washington, DC
Andrew Parker, Meissner Bolte, Munich, Germany

Tips From the Trenches: Hot Issues and Best Practices in Trying a Trade Secrets Claim under the Defend Trade Secrets Act (DTSA)

With the COVID pandemic slowing the trial of cases, many DTSA cases, especially jury trials, are only now seeing their day in court. Hear from a panel of litigators, a jury consultant and an in-house attorney who oversees trade secret litigation some of the novel trial issues presented under the DTSA, as well as best practices for trying a DTSA case especially to a jury.

Topics will include:

- Judge or jury? Who decides issues such as restitution damages and bad faith under the DTSA? What are the pros and cons of judges and juries as triers of fact in trade secrets cases;
- Best practices for jury selection, developing jury-focused winning case themes and legally sustainable and effective jury instructions and verdict forms; and
- Other unsettled legal issues under the DTSA including the standard for proving bad faith, the scope of DTSA preemption and which party has the burden of showing independent invention and under what circumstances.

Michael Biek, DecisionQuest, State College, PA
Nicole Galli, ND Galli Law LLC, Philadelphia, PA
John Marsh, Bailey Cavaliere LLC, Columbus, OH

Thursday, April 13 (continued)

(All times in Eastern Time Zone)

4:45 – 5:45p

CONCURRENT CLE PROGRAMS

Brand Protection in the Metaverse

The rise of the metaverse raises new issues for brand owners in the procurement, protection, and enforcement of trademark rights. Lawsuits recently filed in US courts by luxury brands, such as Hermes and Nike, challenge whether the creation, marketing, and sale of NFTs incorporating third-party trademarks and trade dress without authorization violate IP laws. This panel will focus on these pending cases and their potential to establish precedent for whether and how these laws will govern the use of enforcement in the metaverse.

Davide Schiavetti, Rothwell, Figg, Ernst & Manbeck, P.C., Washington, DC
(Moderator)

Shekinah Apedo, Deadfellaz, Washington, DC

Melanie Howard, Loeb & Loeb LLP, Los Angeles, CA

Eliana Torres, Nixon Peabody LLP, Chicago, IL

Lessons Learned from NETFLIX’s “The Partner Track”

“The Partner Track” is a NETFLIX® series focusing on the experience of Ingrid, a young lawyer trying to make partner in a prestigious law firm. It looks at her struggle in balancing her personal life, her work life, her identity, and her relationships. The show raises issues, such as workplace competitiveness, microaggressions, racism, unconscious bias, gender dynamics, and balancing mental health with expectations and professional success. The presenters will address these issues and encourage an open dialogue among the attendees.

At the end of the session, attendees will be able to:

- Identify the importance of creating an inclusive and equitable workplace;
- Examine red flags of a toxic work environment;
- Explore actions leadership can take in creating healthy workplaces; and
- Survey ways to balance life and work in a high-stress environment.

Babita Spinelli, Babita Spinelli Group and Opening the Doors Psychotherapy, New York, NY

Francine Ward, Law Office of Francine D. Ward and Of Counsel to Monty White, LLP, Palm Desert, CA

4:45 – 5:45p

Industry Partner Special Programming Presented by Round Table Group (4:45 - 5:15 pm) and LOT Network (5:15-5:45 pm)

5:45 – 6:45p

Publishing with ABA-IPL Reception

7:00 – 8:30p

Networking Reception

8:00 – 10:00p

Restaurant Dine-Arounds

9:00 – 10:30p

IAG Nightcap Reception Hosted by the ABA-IPL Section International Action Group



Friday, April 14

(All times in Eastern Time Zone)

7:00 – 3:00p

Registration and Sponsor Expo

7:00 – 8:00a

Morning Mindfulness *Sponsored by the ABA-IPL Wellness Committee*

There is no better way to center, re-focus, and be present for a day of conference programming than to start with a Mindfulness Morning! Join us for a guided mindfulness exercise and meditation where you will also learn some tips and practical take-aways on implementing meditation and mindfulness into your daily practice.

8:30 – 9:30a

CONCURRENT CLE PROGRAMS

Exploring European and US Agency Guidance on Antitrust and IP: Standardization Agreements, Patent Licensing, and Beyond

The foreign counterparts of the US Department of Justice and Federal Trade Commission often confront the same issues as the domestic agencies, but often take their own unique approach. The European Commission is preparing to issue a revised version of its antitrust guidelines governing horizontal agreements, which address, among other things, the antitrust analysis of the intellectual property policies of standard setting organizations. This panel will explore the proposed changes in the European guidelines and the implications for patent licensing, as well as how they compare to recent guidance issued by American agencies.

Taraneh Magham, Maghame IP Consulting PLLC, San Francisco, CA

Tolga Bilgic, Charles River Associates, Chicago, IL

Giuditta Caldini, Latham & Watkins, Brussels, Belgium

Emily Luken, Orrick, Herrington & Sutcliffe LLP, Washington, DC

Richard Taffet, Morgan Lewis, New York, NY

Inequitable Conduct Allegations in Patent Cases: Considerations and Takeaways from Recent Court Decisions

This session will be a primer on inequitable conduct law, an analysis of three recent Federal Circuit opinions, and an analytic summary of district court opinions from patent-heavy districts to show how such claims have fared in the district courts.

Joseph Falcon III, Barley Snyder, Malvern, PA (*Moderator*)

Emil Ali, McCabe Ali LLP, Los Angeles, CA

Lena Cavallo, Azurity Pharmaceuticals, Inc., Boston, MA

Richard Kurz, Haug Partners LLP, New York, NY

Creator Economy Law: Understanding Emerging Issues for Creators

The creator economy is estimated to have a market size of \$104 billion. Adobe estimates that between 2020 and 2022 the number of creators grew by 165 million people and now totals 303 million creators globally. The creator economy's rapid development over the last decade is due, in part, to a combination of open access to internet publishing platforms (from social media to online learning to interactive shopping) and the rapid development of electronic devices (turning anyone with a smartphone into a prosumer). Don't miss a panel discussion with in-house industry experts exploring: (i) what the creator economy means now and in the near future; (ii) how IP attorneys can best support the legal needs of creators and corporations/brands that engage with them; and (iii) recent developments in the creator economy ecosystem that impact the business models and intellectual property rights of creator businesses.

Franklin Graves, HCA Healthcare, Inc., Nashville, TN (*Moderator*)

Linna Chen, Spotify, New York, NY

Tobin Jaramillo, Creative Artists Agency, Los Angeles, CA

Heather Kamins, Jellysmack, Nashville, TN

Jess Miers, Chamber of Progress, Santa Clara, CA

Patrick Soon, Meta, Los Angeles, CA



Friday, April 14 (continued)

(All times in Eastern Time Zone)

9:45 – 10:45a

CONCURRENT CLE PROGRAMS

Mentoring 101:

A Guide for IP Attorneys

Learning... Leadership... Retaining Talent... Diversity & Inclusion... Career Transitions...Professionalism. These are just a few of the areas where mentoring can make a significant impact. For legal employers to develop and retain top talent, and to create work environments where practitioners remain productive and engaged, become successful leaders, and achieve their highest potential, mentoring is integral to that process. This roundtable will discuss how to be a mentor, including what makes a good mentorship match, how to communicate with your mentee, how mentorship can be mutually beneficial, and other tips and tricks for a successful mentorship relationship. This program will benefit practitioners in all stages of their careers – those looking to be a mentee or a mentor.

Tracy Kepler, CAN, Chicago, IL
(Moderator)

Jomy J. Methipara, Dickinson Wright, Chicago, IL

John Hocker, Cybernetic Law PLLC, Washington, DC

Alexander Slafkosky, Counsel, Scale LLP, San Francisco, CA

Section 112:

Update on Written Description and Enablement

This program will provide an update on recent decisions and trends in Section 112.

Tammy Pennington Rhodes, Wenderoth, Lind & Ponack, LLP, Houston, TX
(Moderator)

Dennis Crouch, University of Missouri, School of Law, Center for Intellectual Property and Entrepreneurship, Columbia, MO

Lauren Mitchell, Dana-Farber Cancer Institute, Boston, MA

Advanced Damages Techniques

The session will feature a discussion of tools available for the estimation of damages in matters involving patents, trademarks, and trade secrets. Panelists will address recent case law impacting damages, the use of surveys, regression analysis, and other advanced analytics techniques and common pitfalls of such approaches.

Chris Ponder, Sheppard Mullin, Menlo Park, CA (Moderator)

Erin Crockett, ECrockett Consulting, Orange, CA

Melissa Pittaoulis, NERA Economic Consulting, Philadelphia, PA

Julia Rowe, Kroll LLC, Chicago, IL



Continues



Friday, April 14 (continued)

(All times in Eastern Time Zone)

11:00a – 12:00p

Using All of the Tools in the Tool Kit to Combat Counterfeit Goods

Counterfeit goods have been estimated to cost the U.S. economy over \$100 billion on an annual basis, and the problem has continued to worsen with the explosive growth of e-commerce in recent years. Counterfeiters and other bad actors have taken advantage of online platforms to expand their reach, as has been demonstrated when they have abused such platforms to peddle fake medical devices and pharmaceutical products. During this program, a diverse panel comprised of seasoned speakers from industry, online platforms, government, think tanks, and private practice will discuss a wide range of practical solutions that can be used to curb the accessibility of goods sold under or bearing counterfeit marks available on online platforms. In addition, they will offer insights on how the recently enacted INFORM Consumers Act can be used to combat counterfeit goods and what other kinds of proposed legislation Congress may consider to help reduce the spread of this dangerous phenomenon (e.g., the SHOP SAFE Act).

Geoffrey Goodale, Partner, Duane Morris LLP, Washington, DC
(Moderator)

Kari Kammel, Center for Anti-Counterfeiting and Product Protection (A-CAPP), East Lansing, MI

Pervin Taleyarkan, Whirlpool Corporation, MI

Alaina Van Horn, US Customs and Border Protection, Washington, DC

Views from the Agencies: Standard Essential Patents and the Internet of Things

Today, technical standards for interoperability and innovation represent key protocols (WiFi, LTE, etc.) that ensure compatibility, promote competition, and underlie the development of an increasingly seamless internet-connected Internet of Things (IoT). Standard essential patents (SEPs) cover technology implemented into a technical standard to the degree that an implementer of the technical standard must use the patent. This session will feature a moderated panel consisting of US government agency experts (DOJ, FTC, USPTO) who will share perspectives on IP enforcement, emerging legal and policy developments across key venues, and the ultimate impact on the IoT.

Priya Nair, ACT | The App Association, Washington, DC *(Moderator)*

Jennifer Dixon, US Department of Justice, Washington, DC

Christian Hannon, US Patent and Trademark Office, Washington, DC

Anupama Sawkar, Federal Trade Commission, Washington, DC

Data Is the New Oil: Protecting Big Data in the 21st Century

The phrase “data is the new oil” is even more relevant now than it was when first coined over 15 years ago. “Big data” is plentiful and seemingly limitless, generated by everything from social media, apps and Internet of things (IoT) devices to business analytics and beyond. Our ability to make meaningful use of “big data” is also increasing, as technologies like machine learning and artificial intelligence are developed and perfected. Big Data exists in every sector of the economy and even the public sector, like in the criminal justice system. Law has not kept up well with these developments – copyrights and patents typically do not apply (at least not to the data itself; the database may be a different story) and there are no specific laws that protect non-personal data. That leaves us primarily relying on trade secrets and contracts. This session will examine the various issues and challenges faced by companies trying to protect Big Data, particularly in the age of data scraping bots. We will discuss applicable caselaw as well as best practices and practical strategies for protecting this valuable asset.

Andrew Costa, ND Galli Law LLC, Philadelphia, PA

Kim Jessum, Heraeus Incorporated, Yardley, PA

Stephen Chow, Hsuanyeh Law Group, Boston, MA

Elizabeth Rowe, University of Virginia Law School, Charlottesville, VA

12:15 – 1:45p

ABA-IPL Conference Keynote Luncheon *(Ticketed)*

2:00 – 3:00p

Counseling Clients on Mandatory Disclosures in Patent Litigation

This panel will prepare you for counseling clients on mandatory disclosure requirements and potential early impacts in patent litigation. The panel will discuss mandatory litigation disclosures generally that are required in all federal courts and then discuss heightened disclosures that exist in certain jurisdictions including Delaware, New Jersey, and California.

Joseph Falcon III, Barley Snyder, Malvern, PA *(Moderator)*

Colleen Tracy James, White & Case, New York, NY

Nicholas Kim, Microsoft, Redmond, WA

Stephanie Riley, Womble Bond Dickinson LLP, Wilmington, DE

Christopher Suarez, Steptoe & Johnson LLP, Washington, DC



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REGISTRATION & MEETING INFORMATION

The ABA-IPL Annual Meeting registration fee includes: all CLE programs, beverage breaks, access to program materials and admittance to all events not specifically identified as requiring a ticket.

To be included in the Attendee Roster, your registration must be received by April 1, 2023.

Register

Online: ambar.org/iplspring

Call: (800) 285-2221 (Please mention meeting code PT230423IPL)

Fax or Mail: Please visit ambar.org/iplspring for a printable registration form

Registration Fees

ABA-IPL Section Member <i>(Also ABA Section of Science & Technology Law, ABA Forum of Entertainment & Sports Law and ABA Dispute Resolution Section Members)</i>	\$895
ABA, but not IPL or co-sponsoring section member <i>(registration includes a one-year ABA-IPL Section membership)</i>	\$995
General Attendees (not ABA member)	\$1100
Solo/Small Firm	\$350
Government, Public Interest, Academic	\$350
Corporate Counsel	\$350
Law Student	\$250
Ticketed Events	
ABA-IPL Section Luncheon Featuring the Presentation of the Mark T. Banner Award	\$65
Friday Keynote Luncheon	\$65
Leadership Dinner (Invitation Only)	\$100 - \$125

Membership

Join ABA-IPL so you can take advantage of immediate savings for IPLSPRING registration. Though the year, you'll benefit from expert legal analysis of current trends in your specialty area.

Visit www.ambar.org/iplmembership to learn more and join.

In accordance with the American Bar Association policy, all ABA programs are open to media unless they are to conduct business sessions of a confidential nature.

Registration Confirmation

Confirmation of registration will be sent via e-mail in advance of the program for all registrations received prior to March 27. If using the printed registration form, indicate on the registration form if you would prefer to receive confirmation via e-mail or US mail.

Location & Lodging

The ABA-IPL Annual Meeting will be held at the:

Omni Shoreham Hotel

2500 Calvert Street, Northwest
Washington, DC 20008

The ABA group rate is \$249.00 single/double occupancy. All rooms are subject to tax and applicable fees. Make your reservation online at ambar.org/iplspring or call the Omni Shoreham directly at (800) 834-6664. Be sure to mention the ABA-IPL Annual Meeting to receive the special group rate.

Note: The cutoff date for the room block is March 20, 2023. Please make your reservation early as our inventory is limited and may be consumed prior to the deadline date. After March 2023, reservations may be available on space available basis only. The ABA will not be able to secure a room for you.



Health & Safety

The ABA takes the health and safety of our members, guests, and staff seriously. We know that the decision whether to attend a meeting is based upon a variety of personal and business considerations. We will continue to monitor a variety of sources, including the US Centers for Disease Control and Prevention (CDC) and US state and local health authorities for the latest public health updates, as well as applicable restrictions on events and gatherings. The ABA plans to hold this meeting in person but reserves the right to cancel or reschedule this event or convert it to a virtual event if health and safety restrictions require it. We will update the registrants and the website should the plans for this event change.

As part of the registration process to hold this ABA meeting in person, every attendee is required to affirm his/her commitment to comply with the in-person meeting guidelines. Please review the requirements carefully prior to registering for the meeting. You will be asked to accept the following affirmations during the registration process:

- **By registering for and attending the meeting, I affirm that I will provide, prior to the meeting, either proof of full vaccination as defined by the CDC or a negative viral COVID test administered by a healthcare professional taken within 3 days of my arrival at the meeting.** If a shorter interval is required by law, I will comply with the shorter interval testing, as instructed by ABA staff. I will wear my meeting badge (provided on site after verification of vaccination or negative COVID test) in meeting and event spaces at all times. I understand that collection of proof of vaccination and negative COVID tests will be handled by a third-party provider and instructions will be emailed to me closer to the meeting date.
- If I am bringing a guest to the meeting, I understand that my guest must be registered using an unique email address for the meeting to be in the meeting space or group functions associated with the event and must submit either proof of vaccination or negative viral COVID test administered by a healthcare professional taken within 3 days of my guest's arrival at the meeting. I understand that no one under 18 will be permitted at the meeting or events associated with the meeting at this time, regardless of vaccination status.
- By registering a guest, I understand that my guest may not be allowed to attend certain events or meeting functions. The ABA entity hosting the meeting will communicate which events are available to guests.
- By registering for and attending the meeting, I affirm that I will comply with all CDC, federal, state, local, and venue-specific laws, orders, directives, and guidelines related to COVID and attending the meeting.
- By registering for and attending the meeting, I affirm that I have read and will comply with CDC guidance related to hand sanitation, social distancing, and use of face coverings. I affirm that I will follow any more stringent state, local, or venue requirements related to hand sanitation, social distancing, and use of face coverings in place at the location of the meeting.
- I will also follow all travel restrictions in place at the location of the meeting and my point of origin at the time of the meeting.
- I will not attend the meeting if I have tested positive for COVID within fourteen (14) days of the meeting, am experiencing symptoms of COVID, or have been in close contact with someone who has COVID. If at any time during the meeting I begin to experience symptoms of COVID, or am in contact with someone experiencing symptoms, I will immediately leave the meeting and inform the ABA. If I test positive for COVID within 10 days after the meeting, I will inform the ABA.
- I understand that my guests and I may be required to complete health screening questions after arrival at the meeting to access ABA meeting and event spaces.

CLE Credit

The ABA will seek 12 hours of CLE credit in 60-minute states, and 14.4 hours of CLE credit for this program in 50-minute states including 2.5 hours of CLE Ethics credit in 60-minute states and 3 hours of CLE Ethics credit in 50-minute states, and 1 hour of CLE Diversity and Inclusion credit in 60-minute states and 1.2 hours of Diversity and Inclusion credit in 50-minute states. Credit hours are estimated and are subject to each state's approval and credit rounding rules.

Please visit americanbar.org/mcle for general information on CLE at the ABA.

Course Materials Available

Course materials are made available for viewing by registrants in advance on the Section website and the meeting app.

Special Tuition Assistance

A limited number of registration fee reductions are available. The fee-reductions will be determined on a one-time only, case-by-case, first-come first-serve basis. To apply, send a letter outlining the basis for your request of a fee reduction to Abby Phillips, Program Associate, ABA Section of Intellectual Property Law, 321 N. Clark St., Chicago, IL 60654 or abby.phillips@americanbar.org. Deadline for receipt: March 15, 2023. No cases will be considered after the deadline, and all standard registration fee rates will apply after March 15.

Questions?

Please contact us at (312) 988-6278 or at ipcle@americanbar.org.

