



DRAFT SCHEDULE

as of 21 June 2018

SUNDAY, 23 SEPTEMBER

<u>TIME</u>	<u>FUNCTION</u>
10:30 AM - 7:30 PM	EARLY REGISTRATION
11:00 AM – 12:30 PM	NETWORKING BRUNCH & FIRESIDE CHAT Exploring the Obstacles, Risks, and Rewards on the Path to Advancement in a Fulfilling & Productive Career <i>Organized by: IPO's Women in IP Committee</i> <i>Sponsored by: BakerHostetler; Brooks Kushman P.C.; Finnegan, Henderson, Farabow, Garrett & Dunner, LLP; Fitzpatrick, Cella, Harper & Scinto; Intellectual Ventures Management, LLC; Perry + Currier Inc. Currier + Kao LLP</i>
12:00 PM – 4:00 PM	IPO BOARD OF DIRECTORS MEETING <i>Board Members and Alternates only</i>
3:00 PM – 5:30 PM	COMMITTEE BUSINESS MEETINGS <i>Business meetings will be held from 3:00-4:00 pm or 4:30-5:30 pm</i> Anti-Counterfeiting Asian Practice Canadian Practice Copyright Law & Anti-Piracy Corporate IP Management Damages & Injunctions Emerging Technologies European Practice Industrial Designs International Patent Law & Trade International Trademark Law & Practice IP Licensing Latin American Practice Litigation Pharmaceutical & Biotechnology Issues Software Related Inventions Standards Setting Trade Secrets U.S. International Trade Commission U.S. Patent Law U.S. Patent Office Practice U.S. Post-Grant Patent Office Practice U.S. Trademark Law Women in IP
5:30 PM - 6:00 PM	CONNECTIONS & COCKTAILS: IPO ORIENTATION New, long-time, and prospective members are welcome to attend this brief orientation to learn about member benefits.
6:00 PM - 8:00 PM	WELCOME RECEPTION <i>Sponsored by: McDonnell Boehnen Hulbert & Berghoff LLP</i>
7:30 PM - 9:30 PM	IPO BOARD OF DIRECTORS & SPECIAL GUESTS DINNER <i>By invitation only</i>

MONDAY, 24 SEPTEMBER

<u>TIME</u>	<u>FUNCTION</u>
6:00 AM - 7:15 AM	FUN RUN/WALK <i>Sponsored by: Banner & Witcoff, Ltd.</i>
7:00 AM - 8:00 AM	REGISTRATION & CONTINENTAL BREAKFAST & IP EXPO <i>Breakfast Sponsored by: Leydig, Voit & Mayer, Ltd.</i>
8:00 AM - 9:00 AM	WELCOME REMARKS & KEYNOTE ADDRESS Keynote Address by: Hon. Andrei Iancu , <i>Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, Alexandria, VA</i>
9:15 AM - 10:15 AM	CONCURRENT SESSIONS <u>Patents: A Year in Review: Patent Case Law Update</u> Courts maintain a high level of activity in patent law which influences our practice in both procurement and enforcement. Panelists will review significant cases decided in the last year across U.S. federal courts and developments in Europe. <u>Trademarks: A Year in Review: Trademark Case Law and Practice Update</u> This session will focus on key trademark cases decided during the past year across U.S. federal courts and the USPTO Trademark Trial and Appeal Board, including cases addressing genericness, secondary meaning, trade dress, extraterritoriality, and preclusion. Panelists will discuss recent trends and the implications of these decisions.
10:15 AM - 11:00 AM	COFFEE BREAK & IP EXPO <i>Coffee Break Sponsored by: Leydig, Voit & Mayer, Ltd.</i>
11:00 AM - 12:00 PM	CONCURRENT SESSIONS <u>Patents: AIA Estoppel: A New Flavor of Collateral Estoppel and/or Res Judicata?</u> This session will focus on the impact of AIA estoppel at the USPTO Patent Trial and Appeal Board and in U.S. district courts. Panelists will offer varying perspectives on the impact of the SAS and Maxlinear decisions on the scope of estoppel and the different strategic and practical issues. <u>Patents: The Intersection of IP and Open Source</u> What is the general attraction of open source? Why should companies consider joining? This session will focus on best practices, from an IP portfolio management perspective, on when to contribute to the open source community. Panelists will discuss what to look for and common misunderstandings. <u>Trademarks: AI and the Trademark Lawyer: The Promise and Realities of Artificial Intelligence</u> The ability of artificial intelligence to transform the legal practice is proclaimed at every turn, but what can it really do for you in your everyday practice and what are the risks with its use? This panel will provide a practical overview of current uses of AI in the trademark legal practice, including trademark searching, online enforcement, discovery, and trademark litigation strategies and analysis. Panelists will also provide a glimpse into the future potential and limits of AI.
12:00 PM - 1:00 PM	NETWORKING LUNCHEON <i>Sponsored by: RPX Consulting</i>
1:00 PM - 2:00 PM	CONCURRENT SESSIONS <u>Patents: Navigating the E-Discovery Minefield; International Litigation and Availability of Discovery under 28 U.S.C. § 1782</u> This two-topic panel will discuss practical U.S. e-discovery tips concerning everyday patent application preparation and prosecution, as well as licensing and enforcement activities. Panelists will also discuss IPO's proposal to amend 28 U.S.C. § 1782 to require that information produced in U.S. courts for use in foreign tribunals be subject to adequate protections for confidential information, including trade secrets, in the foreign proceedings.

Patents: Business Methods (computer implemented inventions) Workshop

It is a widespread misconception based on the wording of Article 52 EPC that innovation in the field of business methods cannot be protected by patents in Europe. Whilst the grant rates are low, with the right approach it is possible to get a patent in this area provided that technical innovation is involved. Starting from the established examination practice for applications having a mix of technical and non-technical features, the speaker will illustrate how examiners analyse patent applications relating to business methods and what exactly they look at when deciding on the allowability of a claim.

Trademarks: A Trip Around the Globe: Challenges in Protecting Famous Trademarks Internationally

With an increase in trademark hijackers, bad faith filings, and infringement activity through online and social media platforms, brand owners and their counsel need to be on top of their game to protect famous marks around the globe. Panelists will review strategies and best practices in various jurisdictions, including how to establish a mark is famous and well-known with surveys and other evidence, and what can be expected from famous mark registries. Panelists will also explore alternative strategies for protection, such as copyright and industrial designs, and practical ways to deal with the increased need for enforcement.

2:00 PM -
4:00 PM

IPO EDUCATION FOUNDATION BOARD OF DIRECTORS MEETING

Board Members only

2:15 PM -
3:00 PM

CONCURRENT SESSIONS

Patents: The Supreme AIA Update: A Triple-Header

Recent U.S. Supreme Court and Federal Circuit decisions demonstrate the evolution of key issues arising from the AIA and its post-grant review procedures. *Oil States* started but did not resolve constitutional challenges to post-grant review procedures; *SAS* ended partial institution of IPRs, requiring that all claims challenged in a petition must be addressed in a final written decision (when the USPTO institutes which PTAB "guidance" sua sponte extended to all grounds for all such challenges); *Helsinn* is yet to finally resolve the Section 102 AIA public / private on sale / offer for sale conundrum. Panelists will review where things stand, the state of play regarding strategy and tactics tried to date, and debate what might happen next.

Patents: The Practice of IP Law in the Age of Machine Learning, Knowledge Management, and Blockchain

How will new technology like machine learning, knowledge management, and blockchain change the practice of law? Machine Learning will have an effect on document generation, discovery, and portfolio valuations. Knowledge management allows the capture and reuse of attorneys' collective wisdom by processing and identifying prior work and allowing the dissemination of accumulated expertise to solve legal and business problems. Finally, blockchain technology can be used for a variety of applications including evidence of creatorship, registering and clearing IP rights, providing evidence of first use in trade, digital rights management, and much more. Panelists will explain how attorneys can better leverage each technology to practice law more effectively and efficiently.

Trademarks: Where Have All the Trademarks Gone? The Problem of Trademark Congestion

Trademark registries are more crowded than ever and trademark practitioners are faced with burgeoning clearance reports. This panel will look at the problem of trademark congestion and provide a review of the current state of trademark registries and filing trends that show the problem is unlikely to change. Panelists will explore possible ways to mitigate these issues, such as more stringent use requirements, use audits, and expedited non-use proceedings, as well as how to clear a mark in this challenging environment.

3:00 PM -
3:45 PM

COFFEE BREAK & IP EXPO

Coffee Break Sponsored by: Leydig, Voit & Mayer, Ltd.

3:45 PM -
4:30PM

CONCURRENT COMMITTEE BREAKOUT SESSIONS

Protecting Your Trade Secrets in Today's Global Village

Organizing Committees: Trade Secrets; International Patent Law and Trade

Trade Secrets have become increasingly important to enabling business success at a time when manufacturing, research, and sales – and the related trade secrets – are dispersed throughout the world. Panelists will discuss how businesses can achieve effective protection of their confidential information in light of recent trade secret developments in Asia; implementation of the EU Trade Secret Directive; and global concerns as seen from the U.S., including options for bringing cases in U.S. courts to reach trade secret theft outside the U.S.

Domain Names 2018: Privacy, Prophecies, and Practice Tips

Organizing Committee: U.S. Trademark Law

This session will address the basis of the GDPR, and in particular its effects on ICANN's Whois requirements. Panelists will discuss how the Whois "blackout" has played out since May 2018 and how brand owners have adjusted their policing and enforcement strategies. The discussion will also include a review of ICANN's ongoing review of Rights Protection Mechanisms such as the URS and UDRP and its effect on brand owners. Panelists will also provide insights into the current state of the "new" gTLDs, including predictions concerning the promised forthcoming "round 2."

How Corporations Hedge Against Emerging Technology

Organizing Committee: Emerging Technologies

Learn how corporations are dealing with the rapid pace of development of emerging technologies. Panelists will discuss general strategies for managing risk and structuring IP departments related to emerging technologies.

Protecting Software in the Pharmaceutical and Health Care Industries

Organizing Committees: Pharmaceutical & Biotechnology Issues; Software Related Inventions; Emerging Technologies

This session will address different ways software is protected under U.S. law, including relevant case law and the benefits and disadvantages of different IP frameworks. It will highlight the particular eccentricities of protecting of new pharmaceutical and health care technologies such as body chemistry monitoring systems, robot and artificial intelligence technologies in labs, and so-called Software as a Medical Device.

**4:45 PM -
5:30PM**

CONCURRENT COMMITTEE BREAKOUT SESSIONS

Global Dossier

Organizing Committee: Patent Search

When looking for key information, you may have used USPTO PAIR (which will be replaced by eMod this summer or early Fall). Global Dossier provides that information and more. It is a single source of information concerning prosecution history and examination status, examiner search information, cited documents, indication of patent status, patent family information (extended INPADOC family = any priority in common), and translations of examination documents for IP5 countries. The session will consist of a live Global Dossier demonstration, using both the USPTO Global Dossier portal and Espacenet, including a demonstration of EPO Common Citation Document and USPTO Citation List.

Strategies for Addressing Gender Disparity in Patenting

Organizing Committee: Women in IP Law; Corporate IP Management

Women are significantly underrepresented in the innovation process. Recent studies show that "although women have more than quintupled their representation among patent holders since 1977, only 18.8 percent of all patents had at least one women inventor in 2010." Panelists will discuss the issue of gender diversity in patenting.

Managing Risks of Willful Infringement: Practical Considerations and Guidelines

Organizing Committee: Litigation; Damages and Injunctions

Under the new legal landscape since *Halo* and *Stryker* in 2016, companies failing to adequately manage risks created by the new subjective test for willful infringement can be open to multi-million dollar enhanced awards. The issues have quickly become complicated. Panelists will discuss considerations for addressing and resolving decisions that need to be made in managing risks.

Best Practices: Working with Customs to Fight Counterfeiting in the U.S. and China

Organizing Committee: Anti-Counterfeiting

U.S. and Chinese customs authorities provide a variety of often underutilized tools to help companies combat counterfeiting in these important jurisdictions. This panel of subject-matter experts will discuss best practices for working with customs to fight counterfeiting and trademark infringement, tools and resources that each agency provides, and cultivating business client support for engaging with customs on anti-counterfeiting efforts.

**7:00 PM -
10:00 PM**

IPO DINNER RECEPTION AT NAVY PIER

Sponsored by: StoneTurn

TUESDAY, 25 SEPTEMBER

<u>TIME</u>	<u>FUNCTION</u>
7:00 AM - 8:00 AM	REGISTRATION & CONTINENTAL BREAKFAST & IP EXPO <i>Breakfast Sponsored by: Akin Gump Strauss Hauer & Feld LLP</i>
7:00 AM - 8:00 AM	CHIEF IP COUNSEL BREAKFAST <i>By invitation only</i>
8:00 AM - 9:00 AM	WELCOME REMARKS & KEYNOTE ADDRESS
9:15 AM - 10:15 AM	CONCURRENT SESSIONS <u>Patents: Attorney-Client Privilege: Considerations for General Communications and Communications During Patent Preparation and Prosecution</u> This session will focus on attorney-client privilege issues concerning e-mail communications generally and communications during patent application drafting and prosecution. Topics include determining whether communications with and between international patent attorneys and patent agents, inventors, business colleagues located in the U.S. and outside the U.S., are privileged; privilege during submission; and review of invention disclosures; and privilege during drafting and prosecution of U.S. and foreign patent applications. <u>Copyrights: Copyright Year in Review</u> This session will focus on key copyright cases decided during the past year in the U.S. federal courts, including cases addressing infringement (<i>Williams v. Gaye</i> - Ninth Circuit decision) and fair use (<i>Oracle America, Inc. v. Google, Inc.</i> – Federal Circuit decision). Panelists will also discuss demand letters for licenses on music, photography, and fonts.
10:15 AM - 11:00 AM	COFFEE BREAK & IP EXPO <i>Coffee Break Sponsored by: Akin Gump Strauss Hauer & Feld LLP</i>
11:00 AM - 12:00 PM	CONCURRENT SESSIONS <u>Patents: Time to Call 911 (Emergency!) on 101: Is Patent Eligibility Doctrine Undermining U.S. Leadership in Innovation?</u> This session will focus on recent developments over the past year in the U.S. federal courts and USPTO regarding subject matter eligibility. Panelists will discuss recent decisions and whether the desire for a legislative fix is stronger or weaker than a year ago. Patent prosecution trends and tips relating to section 101 will also be discussed. <u>Trademarks (11:00-11:30): The Impact of Privacy Laws (and Scandals) on Brand Management</u> New privacy laws and highly publicized privacy scandals are leading to changes in the way trademark owners gather data from their consumers, enforce their trademarks online, and avoid damaging their brands through real or perceived breaches of consumers' privacy rights. The speakers will discuss privacy issues including the new EU privacy laws and their impact on online brand enforcement and brand reputation management, as well as exploring generally how brands can navigate the increased social consciousness around privacy issues in the digital age. <u>Trademarks (11:30-12:00): Brands in Crisis: Managing Brand Reputation in the Age of Viral Media</u> What happens when your brand is suddenly in the media for the wrong reasons? In the age of viral media, where demand letters, customer complaints, fake news, employee mistakes, and damaging videos can be spread to millions of consumers online instantly, trademark owners find it increasingly important to get out ahead of a crisis and protect the brand's reputation while still enforcing valuable trademark rights. Panelists will discuss crisis management strategies employed by successful brands, as well as ways trademark owners can head off crises and potentially turn them in a positive direction for the brand.
12:00 PM - 1:00 PM	NETWORKING LUNCHEON

1:00 PM -
2:00 PM

CONCURRENT SESSIONS

Patents: **Finding Common Ground: Best Practices for Efficiently Prosecuting Patent Applications at the USPTO**

Getting consistently high quality patents in a cost effective way is all about working productively and efficiently with the USPTO. But how is what you do and say during prosecution interpreted at the USPTO, and vice versa? Panelists will talk about the nuts and bolts of what works and what doesn't. This session will explore the various perspectives stakeholders bring to the table and best practices that facilitate positive communications, productive interactions, and consistent outcomes.

Trademarks: **What Every IP Lawyer Should Know About Social Media**

This session will focus on issues frequently encountered in marketing and customer engagement on social media. Topics covered will include managing risks associated with engaging influencers, use of third party intellectual property, marketing around tentpole events, ambush marketing, and right of publicity issues in the age of the selfie. Panelists will share experiences and strategies for navigating social media risks.

2:15 PM -
3:15 PM

CONCURRENT SESSIONS

Patents: **Portfolio Management: Strategy and Value Behind IP Audits**

Where do IP audits fit into your portfolio management strategy? What kind of audits are worth doing, and when? Panelists will discuss best practices for IP audits, including tips on priorities, timing, and the efficient use of outside counsel for maximizing value without breaking the budget.

Trademarks: **Protecting Marks in the Modern World: Challenges and Practical Tips**

Traditional ideas of "proper" trademark use no longer apply. This session will focus on how to protect marks in a rapidly changing world. Panelists will provide tips and tricks for guarding against genericide; how to protect marks that are not static; and how to protect marks that are gone, but not forgotten.

3:15 PM -
4:00 PM

COFFEE BREAK & IP EXPO

Coffee Break Sponsored by: Akin Gump Strauss Hauer & Feld LLP

4:00 PM -
5:30 PM

ETHICS SESSION: **Conflicts of Interest**

This session will focus on conflicts of interest, including business vs. legal conflicts, subject matter conflicts, employment conflicts, best practices for waivers, and hiring attorneys from competitors. Panelists will also address conflicts of interest within a company (re-organization, in-house attorneys to staff JVs, and M&A transactions).