



2019 Annual Meeting
Tuesday-Thursday
September 24-26, 2019
Marriott Marquis, Washington, DC
ipo.org/AM2019

PRELIMINARY PROGRAM

TUESDAY, SEPTEMBER 24

<u>TIME</u>	<u>FUNCTION</u>
10:30 AM - 7:30 PM	REGISTRATION/CHECK-IN
11:00 AM - 12:30 PM	NETWORKING LUNCH & FIRESIDE CHAT <i>Organized by IPO's Women in IP Committee</i>
12:00 PM - 4:00 PM	IPO BOARD OF DIRECTORS MEETING <i>Board Members and Alternates only</i>
3:30 PM - 6:00 PM	COMMITTEE BUSINESS MEETINGS <i>Business meetings will be held from 3:30-4:30 pm or 5:00-6:00 pm</i>
5:00 PM - 6:00 PM	CONNECTIONS & COCKTAILS: IPO ORIENTATION <i>New, long-time, and prospective members are welcome to attend this brief orientation to learn about member benefits.</i>
6:00 PM - 8:00 PM	WELCOME RECEPTION
7:00PM - 8:00PM	RESOURCE GROUP GATHERINGS <i>Members of IPO's newly formed resource groups will get together for a meet-and-greet. Anyone interested in learning more about IPO's resource groups are welcome to join. Current resources groups include:</i> <ul style="list-style-type: none">○ <i>Asian IP Professionals</i>○ <i>Black IP Professionals</i>○ <i>Hispanic IP Professionals</i>○ <i>Pride and Allies IP Professionals</i>
8:00 PM - 10:00 PM	IPO BOARD OF DIRECTORS & SPECIAL GUESTS DINNER <i>By invitation only</i>

WEDNESDAY, SEPTEMBER 25

<u>TIME</u>	<u>FUNCTION</u>
6:00 AM - 7:15 AM	FUN RUN/WALK
7:00 AM - 8:00 AM	REGISTRATION & CONTINENTAL BREAKFAST & IP EXPO
8:00 AM - 9:00 AM	WELCOME REMARKS & KEYNOTE SPEAKERS <i>Speakers:</i> António Campinos , <i>President, European Patent Office, Munich, Germany</i> Andrei Iancu , <i>Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office, Alexandria, VA</i>
9:00 AM - 10:00 AM	GENERAL SESSION: IP Automation – What’s Here Today, Not Years Away? <i>Organized by IPO’s Corporate IP Management Committee</i> Artificial Intelligence, Machine Learning, and Robotic Process Automation have been touted as poised to revolutionize IP organizations. However, many still view these technologies as years or decades away. Come learn what tools are available today, and where you can begin. Speakers will demonstrate how existing tools are making a difference in how their IP departments work and how you can use these tools to improve your IP operations.
10:00 AM - 10:45 AM	COFFEE BREAK & IP EXPO
10:45 AM - 11:45 AM	CONCURRENT SESSIONS PATENTS: The Road Ahead for Patent Subject Matter Eligibility: A Cross-Sector Breakdown of the Current and Future State of § 101 Since the U.S. Supreme Court’s <i>Alice</i> decision in 2014, § 101 has been the source of much angst, debate, and commentary. From the USPTO’s release of the “2019 Revised Patent Subject Matter Eligibility Guidance” on January 7, 2019 to heightened discussions of reforming § 101, patent owners and their legal counsel continue to grapple with assessing patent eligibility. To further complicate matters, various industry sectors often view the patent eligibility discussion differently. Speakers will discuss recent developments regarding § 101 and provide guidance for navigating a patent eligibility landscape that continues to change. PATENTS: Writing High-Quality Patent Applications for Effective Prosecution The concept of “patent quality” is an elusive topic often having different meanings depending on the perspective. Critics of the patent system often cite lack of “patent quality” and a need to remove “bad” patents as basis to weaken the patent system. To the patent owner, “patent quality” can mean a property right that can be procured efficiently and enforced/defended with predictability and certainty. Speakers will review “patent quality” from various perspectives, as well as provide practical tips for procuring the highest quality patents efficiently. TRADEMARKS/COPYRIGHTS/INDUSTRIAL DESIGNS: Case Law Update - So Similar, So Different, So Much Intellectual Property Trademark, copyright, and industrial design law in the U.S. each are intended to serve distinct purposes and work differently. Yet, in many ways, they involve similar issues. This panel will consider recent cases that raise issues common to these areas of IP and describe how they are similar and how they differ.
12:00 PM - 1:00 PM	NETWORKING LUNCHEON
1:15 PM - 2:15 PM	CONCURRENT COMMITTEE BREAKOUT SESSIONS Effective Management of Parallel Proceedings to Ensure Consistency, Credibility and Success <i>Organizing Committees: U.S. Post-Grant Patent Office Practice, Litigation, and U.S. International Trade Commission</i> Ensuring consistency among the various facets of patent infringement litigation can be complex. Speakers will address strategic concerns impacting complex patent disputes across tribunals, including issues such as the

availability of a stay, time-to-trial, burdens of proof, claim construction standards, and coordinating multiple work-streams. Careful consideration of these issues before and during parallel proceedings is paramount to ensuring consistency, credibility, and increased likelihood of success.

Double Patenting – Are You in Double Trouble?

Organizing Committees: Pharma & Biotech Issues, Canadian Practice, European Practice, Latin American Practice, and U.S. Patent Office Practice

Double patenting issues can arise for many types of applications (including divisionals, continuations, priority, convention filings), and the different practices within and across patent offices can cause serious difficulties for applicants trying to protect commercially important inventions; particularly outside the U.S. where terminal disclaimers are not available.

Dawn of a New Era: Licensing and Standards in the Coming Age of 5G

Organizing Committee: IP Licensing and Standard Setting

The world is excited about the roll-out of 5G – the 5th generation cellular wireless/broadband connection. It not only will allow faster communications for mobile phones but will enable data communications with existing and yet to be created products in a way not seen before. The Internet of Things (IoT) is liable to explode. The 5G/IoT revolution will give rise to new IP licensing considerations and will require such licensing for radical new business models. Speakers will discuss the intersection of 5G and standard essential patents, licensing considerations, disparate technologies and business models, appropriateness of FRAND licensing, and considerations regarding research and development.

Trademark Issues in Pop Culture: Ripped from the Headlines

Organizing Committee: U.S. Trademark Law

This session will look at what the press gets wrong, what they get right, and what really happened behind some recent press stories involving trademark, copyright, and fair use issues. Speakers will discuss Olivia Jade’s misplaced comma, the SpongeBob and Empire Records cases, Netflix and the Choose Your Own Adventure (Bandersnatch) dispute; Ivanka and Donald’s trademark adventures in China, and why there are so many trademarks issues in the Craft Brewery industry.

**2:00 PM -
4:00 PM**

IPO EDUCATION FOUNDATION BOARD OF DIRECTORS MEETING

Board Members only

**2:15 PM -
3:00 PM**

COFFEE BREAK & IP EXPO

**3:00 PM -
4:00 PM**

CONCURRENT COMMITTEE BREAKOUT SESSIONS

The On-Sale Bar after *Helsinn*: From the Supreme Court to Practice

Organizing Committee: U.S. Patent Law

This session will explore the state of the law with regard to the on-sale bar, including discussing the U.S. Court of Appeals for the Federal Circuit’s *en banc* decision in *Medicines Company v. Hospira*, which adds another wrinkle to the analysis in holding that a supplier’s offer of “manufacturing services” did not invalidate the patent. Speakers will provide insights on the impact of these cases and other recent decisions from the Federal Circuit and district courts.

Protecting Medical Cannabis Innovation – Up in Smoke?

Organizing Committees: Pharmaceutical & Biotechnology Issues and U.S. Patent Office Practice

Disclaimer: The material in this session is for informational purposes only. It is not legal advice.

This session will provide a brief overview of patenting in the field of medical cannabis including metrics regarding who the applicants are, from which countries, and what role does government funding play. The number of patent filings in this area has grown logarithmically over the last several years. Speakers will discuss patentable subject matter for medical cannabis; challenges for incentivizing research; challenges for obtaining and enforcing medical cannabis patents; and trademark, trade secret, and privacy considerations for medical cannabis.

IP Protection for Data

Organizing Committees: Open Source, Software Related Inventions, and Trade Secrets

Data is now the primary asset for many businesses, from gathering data for use in training artificial intelligence software, to protecting it as the output of new technologies, to use in understanding consumers and their preferences. This session will address the different ways that data and databases are protected under U.S. law compared with data protection laws outside the U.S. Speakers will discuss how data is being used to drive businesses, strategic choices

that businesses are considering to protect their data, and the open data movement in which advocates promote the application of open source software principles to the collection and distribution of data.

Is the New EU Copyright Directive Going to Break the Internet?

Organizing Committees: Copyright Law & Anti-Piracy and European Practice

This session will examine whether the recently passed EU Copyright Directive concerning payments that will be due to creators by content sharing platforms constitutes a minor and fair rebalancing of negotiating power or a paradigm shift that will “break” the Internet. The panel will describe the new law, discuss its future national implementation, compare the situation in the EU with the U.S. DMCA, and discuss the implications of it for international commerce.

**4:00 PM -
4:45 PM**

COFFEE BREAK & IP EXPO

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

CONCURRENT SESSIONS

PATENTS: The PTAB Playing Field – Impact of Recent Changes

This session will provide an overview of recent decisions from USPTO’s Patent Trial and Appeals Board (PTAB) as well as the proposed PTAB rules changes. Speakers will discuss the impact of the rules changes and recent decisions, considering all proposed grounds of invalidity and claim interpretation standards. Speakers will also present effective ways to succeed in IPR proceedings and assertive use of estoppel.

PATENTS: Trade Secrets Trends – Comparative Law in the U.S., China, and Europe

Organized in cooperation with the Trade Secrets, Asian Practice, and European Practice Committees

This session will explore the fundamental substantive and procedural differences in trade secret law, including new developments in the U.S., Europe, and China. The session will begin with an overview of the basic framework for trade secrets law including understanding enforcement options, developing strategies for protecting trade secrets, understanding cross-border risks, and making informed choice of law decisions when contracting. Next, the panel will do a deep dive into substantive trade secret law in the U.S., China, and Europe and compare and contrast the statutory and substantive law.

TRADEMARKS/COPYRIGHTS/INDUSTRIAL DESIGNS: Protection of Packaging

This session will address advanced practices in protecting product and product packaging trade dress, as well as strategies to obtain and maintain rights. The interplay of patent, trademark, and trade dress rights and methods to layer rights to provide protection will be presented as well as examples of protectable and non-protectable products. Speakers will address distinctions in protectability among different international and domestic jurisdictions, risks and rewards of registering product and product packaging rights, and strategies for companies to work with product development teams to assist in creating protectable rights.

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

IPO DINNER RECEPTION AT SMITHSONIAN’S NATIONAL MUSEUM OF NATURAL HISTORY

THURSDAY, SEPTEMBER 26

<u>TIME</u>	<u>FUNCTION</u>
7:00 AM - 8:00 AM	REGISTRATION & CONTINENTAL BREAKFAST & IP EXPO
7:00 AM - 8:00 AM	CHIEF IP COUNSEL BREAKFAST <i>By invitation only</i>
8:00 AM - 9:00 AM	WELCOME REMARKS & KEYNOTE SPEAKER <i>Speaker: Cathy Engelbert, Deloitte's first female CEO (2015-2019) and first-ever Commissioner of the Women's National Basketball Association (beginning July 17, 2019)</i>
9:30 AM - 10:30 AM	CONCURRENT SESSIONS PATENTS: Lost Innovation Opportunity as a Result of Gender Inequality – Actions that can be Taken to Enhance Your Bottom Line <i>Organized by IPO's Women in IP Committee</i> This session will address the role that gender and personality play in innovation and what is being done to educate companies and their attorneys regarding these issues. This panel will identify and provide systems to improve gender parity, better utilize your human resources, develop diversity and inclusion heads, and create a better and more innovative work environment. TRADEMARKS/COPYRIGHTS: Combatting Counterfeits on E-commerce Platforms—Who's Job Is It? Counterfeit goods sold online continue to pose a serious concern for both brand owners and consumers. Major e-commerce platforms have responded by continuously developing and revising strategies to help brand owners address the counterfeiting challenge. But are these measures enough? Panelists will discuss key online marketplace platforms and the mechanisms in place, both proactively and reactively, that address the sale of counterfeit goods. Attention will be given to recent legal and regulatory decisions in the U.S., Europe, and Asia relating to online platforms, and the current legal framework for intermediary liability with respect to these particular issues. INDUSTRIAL DESIGNS: Making Sense of Different Global Design Rules Industrial design protection is nowhere near as unified globally as is utility patent protection. Join us to learn about key differences to know when protecting or enforcing your design across the globe. Speakers will address examination versus registration; what designs can be protected, and how; and the pros and cons of the Hague System.
10:30 AM - 11:15 AM	COFFEE BREAK & IP EXPO
11:15 AM - 12:15 PM	CONCURRENT SESSIONS PATENTS: Strategy Considerations for Global Patent Litigation <i>Organized by IPO's Litigation, European Practice, and Asian Practice Committees</i> Companies are increasingly initiating or defending concurrent lawsuits in foreign jurisdictions—each with its own opportunities and risks. Thus, any company competing in the global economy cannot ignore the global patent litigation landscape. Speakers will address opportunities and risks presented by various jurisdictions, as well as important strategic considerations in managing concurrent disputes throughout the world. TRADEMARKS: Best Practices for Trademark Searches and Clearances This session will provide strategies and best practices for conducting U.S. and international trademark searches and address the importance of conducting a trademark availability search. Speakers will present the types of searches available, what tools and databases to use, when to consider searching the mark in a foreign language or transliteration, and how to evaluate the results. INDUSTRIAL DESIGNS: Enforcing Industrial Design Rights Outside the Courts Astute design rights holders don't just—or even primarily—look to the courts to enforce their rights and protect their products. Industrial design rights provide other ways to keep infringers at bay. Many of these ways are

cheaper, faster, and unavailable to utility patents. Speakers will discuss takedown requests in online marketplaces and custom seizures.

**12:15 PM -
1:15 PM** **NETWORKING LUNCHEON**

**1:30 PM -
2:30 PM** **CONCURRENT SESSIONS**

PATENTS: Recent Case Law Update

This session will provide an overview of recent patent case law and provide IP transaction tips in view of recent decisions.

TRADEMARKS/COPYRIGHTS: Tips on How to Protect Your Brand in China

This session will provide strategies and best practices for protecting and enforcing trademarks in China. Speakers will discuss how to build a brand protection program in China; the China subclassification system and why it is important; filing strategies (Madrid vs. nation filings; file early and often); the role of copyright in China; protection of characters and fonts; and enforcement, including collaborating with law enforcement.

INDUSTRIAL DESIGNS: The Science of Design Patent Infringement - You Might Not Know What You See

Design infringement standards might seem a bit “squishy.” How can you know when something looks substantially similar? Or when a purchaser might buy one thing thinking that it’s the other? Learn from a pioneer in the field of perception science why you might think two designs are similar or different. This expertise is invaluable in helping courts come to reliable and consistent outcomes when assessing design infringement—an area that might otherwise be fraught with subjectivity.

**2:30 PM -
3:15 PM** **COFFEE BREAK & IP EXPO**

**3:15 PM -
4:00 PM** **CONCURRENT SESSIONS**

PATENTS: Judges Panel

A panel of judges from various courts will discuss what the courts are doing to promote diversity and younger lawyers in the courtroom.

TRADEMARKS: Ethical Dilemmas Faced by TM Practitioners

Organized by IPO’s U.S. Trademark Office Practice Committee

This session will address recent efforts by the USPTO and trademark practitioners to ensure the U.S. Federal Trademark Register is accurate. Speakers will provide best practices for counseling clients on ensuring that claims of use/specimens of use are valid and accurate. Speakers will also discuss legal and business clearance of conflicts.

**4:30 PM -
5:30 PM** **CONCURRENT SESSIONS**

SUBSTANCE ABUSE/MENTAL HEALTH: Depression and Mental Health in the (IP) Bar

Recent studies show that one in three lawyers suffer elevated feelings of psychological distress including inadequacy, inferiority, anxiety, social alienation, and isolation. This session will provide a brief overview of the eye opening statistics around depression, substance abuse, and mental health in the bar. Speakers will discuss when, how, and why it occurs and what firms and corporations can do to help attorneys. They will provide practical tips and resources for organizations and their attorneys including examples of employee benefits, diversion programs, and checklists for new employees regarding depression and mental health.

ETHICS: Litigation Funding

This session will address ethics and issues around litigation funding in view of the old issues of barratry, champerty, usury, and maintenance. Panelists will also discuss discovery and disqualification issues.