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2022 INTELLECTUAL PROPERTY INSTITUTE

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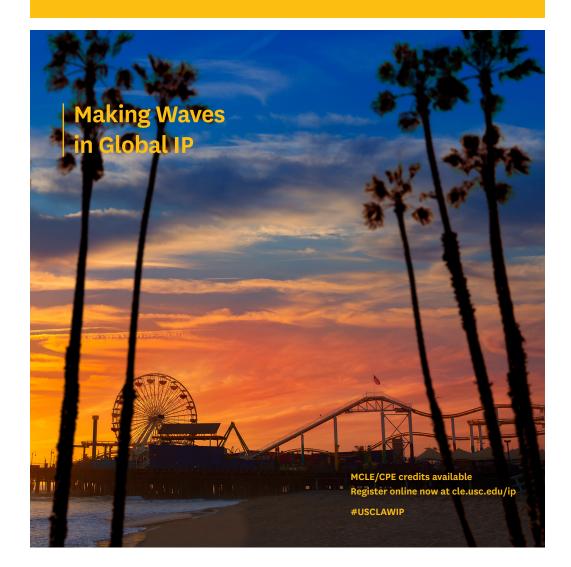
- Hon. Gary S. Feinerman (N.D. Ill.)
- Hon. Kathleen M. O'Malley (Ret.) (Fed. Cir. & N.D. Ohio)
- Hon. Klaus Grabinski (Federal Court of Justice, German Supreme Court)
- Hon. Rian Kalden (Court of Appeal, The Hague)
- Hon. Su Zhifu (Ret.) (Beijing High Court)

KEYNOTE

Congressman Ted W. Lieu, 33rd District of California, U.S. House of Representatives

LEADING ACADEMICS

Professors Balganesh, Hoyng, Menell, Nimmer, Nordemann, Okediji, Rai, Rothman and Tang



Prominent Speakers

Join IP professionals for an unrivaled gathering of national speakers and a sophisticated discussion of emerging issues and best practices in copyright, patent, trademark, trade secret and related fields. Join Federal and International Judges Feinerman (N.D. Ill.), O'Malley (Ret.) (Fed. Cir. & N.D. Ohio), Grabinski (Federal Court of Justice, German Supreme Court), Kalden (Court of Appeal, The Hague) and Zhifu (Ret.) (Beijing High Court) plus prominent government officials, leading academics, in house counsel, and top practitioners for three days of learning.

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TUESDAY MAY 10

2022 Intellectual Property Institute

8:55 AM - 9:00 AM Welcome and Opening Remarks

John C. Ulin INSTITUTE CHAIR TroyGould PC

9:00 AM - 10:00 AM Innovation Policy: Using Government Regulation to Spur Innovation

It is well known that private industry plays a key role in innovation and governmental policies protect the creative process. Join seasoned professionals to learn about today's top innovation policy issues and how industry can play a role in the ongoing debates.

Walter G. Copan, Ph.D.

VP, Research and Technology Transfer Colorado School of Mines Former Under-Secretary of Commerce for Standards and Technology and Former Director of the NIST Golden, CO

David W. Jones

Executive Director
High Tech Inventors Alliance

Hon. Kathleen M. O'Malley (Ret.)
U.S. Court of Appeals (Fed. Cir.) and
U.S. District Court (N.D. Ohio)

MODERATOR

Andrei Iancu

Irell & Manella LLP Former Under-Secretary of Commerce for IP and Former Director of the USPTO

10:15 AM - 11:15 AM

JULIE H. YI DIVERSITY FORUM

Diversity in Action: Making Your Pipeline Work

For equality and an evolving business environment, the legal industry has experienced an increasing focus on accelerating, with speed and scale, diversity and inclusion efforts; especially following the social inflection point of the George Floyd killing. Hear from panelists in the academic, corporate and outside counsel communities about how to rapidly improve your diversity efforts in a matter of months, not years. Our expert panelists will provide practical tips for identifying the inhibitors to diversity in your environment; concrete steps that have worked to unlock diversity and leverage the creativity and new perspectives that come from a diverse workforce; and takeaways to embrace in your environment.

B 1 hour of Bias credit

Demarron A. Berkley

Senior Litigation Counsel Google LLC

David Kirschner

Associate Dean of Admissions and Financial Aid USC Gould School of Law

Dominique Shelton Leipzig

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Ann I. Park

President-Elect, LACBA Folev & Mansfield

MODERATOR

Jennifer M. Martinez

Chief DEI Officer Hanson Bridgett LLP San Francisco, CA

11:30 AM - 12:30 PM NFTs and IP: The Future is Now

NFT's are known widely known for their use as "collectibles" such as digital moments (e.g. NBA Top Shots) and artwork (e.g. Beeples The First 5000 days), creating an entirely new field for copyright law. But they are rapidly becoming serious business tools as well that impact patents and trademarks and the internet itself. As one example, IBM has indicated it plans to turn patents into NFTs this year, claiming it will be a "trillionplus dollar market" patents being represented as NFTs recorded on a blockchain network. In this future world, any and all IP rights will be tokenized allowing those rights to be more easily sold, traded, commercialized or otherwise monetized and bring new liquidity to this asset class for investors and innovators. Join a panel to discuss the future of NFT's and what IP lawyers need to know to help their clients win in this brave new world.

12:45 PM - 1:45 PM Trade Dress in a Post-Pandemic Market

Brand owners are refreshing their packaging, image and appearance in an effort to attract consumer attention, build brand equity, and gain competitive advantage. This panel will address current developments in trade dress law, how it can be used in an evolving brand development environment, and what its limitations are. What is the interplay among trade dress, trademark, copyright and design patent and how does that affect judicial perceptions of trade dress claims? What are the risks and benefits of seeking to resister trade dress at the USPTO? How should courts address secondary meaning in a social media era when products can "go viral" and build enormous followings and sell millions of units in a very short time? How will they resolve the current circuit split over the meaning of functionality in trade dress? Finally, what can brand owners do to build and protect enforceable trade dress in a fast-moving marketplace that bridges digital and brick-and-mortar environments?

> 1:45 PM Adjournment

Michael Cheng

VP, Head of M&A and IP Dapper Labs

Claire Hart

General Counsel and Head of Legal & Business Affairs Genies, Inc.

Sarah Conley Odenkirk

Cowan, DeBaets, Abrahams & Sheppard LLP

MODERATOR

Jeremy Goldman

Frankfurt Kurnit Klein & Selz PC

Hon. Gary S. Feinerman
U.S. District Court (N.D. Ill.)

Ryan Osterweil

Senior Attorney - Trademarks Jack Daniel's Properties, Inc. Brown-Forman Brands

AnnaBelle Sartore, Ph.D.

President

Ford Bubala & Associates

MODERATOR

John C. Ulin

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WEDNESDAY 2022 Intellectual Property Institute

8:55 AM - 9:00 AM Welcome and Opening Remarks

9:00 AM - 10:00 AM Entertainment Trademarks in the U.S. and Abroad

More films and television shows are being produced than ever before with an ever-expanding geographic reach. At the same time, associated merchandising programs are growing while global trademark application filings are reaching record heights. These recent developments have complicated trademark clearance, prosecution, and enforcement for owners of entertainment properties globally. This panel will discuss the nuances of trademark issues relating to films and television show and related merchandising and strategies for clearing and enforcing trademark rights for entertainment properties in the US and abroad. The panel may also explore trends in the recognition of merchandising rights abroad (e.g., the KUNG FU PANDA bad faith filing decision in China). The panel will also discuss how Rogers v. Grimaldi and its progeny affects trademarks in entertainment properties.

10:15 AM - 11:15 AM European Copyright Developments

This panel will address ongoing developments in European copyright law, including the newly adopted EU Copyright Directive and its requirements for web intermediaries, the Broadcasters Directive, and the implementation of the EU Digital Single Market, among others. The panel will also address how certain copyright topics are handled differently in EU courts, and the availability of certain copyright protections, such as moral rights and a making available right, which are not expressly protected by U.S. law.

Emily O'Brien

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Allen & Overy London, United Kingdom

MODERATOR

Patrick Perkins

SVP Chief IP Counsel Warner Bros. Discovery

Prof. Dr. Jan Bernd Nordemann, LL.M.

NORDEMANN Law Firm Berlin, Germany

Charlotte Lund Thomsen

Legal Counsel Charlotte Lund Thomsen IP Legal & Policy Advice

Renee Viljoen

Global Policy Specialist: IP & Trade Netflix

MODERATOR

Emilie Anthonis

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11:30 AM - 12:30 PM **Cross-Border Patent Disputes**

Standards essential patent (SEP) enforcement strategies, clashes between multinational competitors, integrated supply chains and other causes increasingly result in patent litigation that spans multiple countries and continents. Join prominent jurists, industry participants, and practitioners as they grapple with the factors driving this trend and strategic considerations for parties facing such litigation, including forum selection, antisuit injunctions, discovery considerations, efforts to centralize patent disputes, and strategies to harden multinational firms against such suits.

Hon. Klaus Grabinski

Federal Court of Justice German Supreme Court Karlsruhe, Germany

Prof. Willem Hoyng

Professor of IP Law **Tilburg University** Hoyng Rokh Monegier The Netherlands

Hon. Rian Kalden

Senior Judge Court of Appeal, The Hague The Netherlands

Johnson Li

Wanhuida Intellectual Property Beijing, China

Kimberly Schmitt

Associate General Counsel, Head of Patent Litigation Intel Corporation

Hon. Su Zhifu (Ret.)

Intellectual Property Division Beijing High Court Beijing, China

MODERATOR

James M. Dowd

Wilmer Cutler Pickering Hale and Dorr LLP

12:45 PM - 1:45 PM **Authorship and Inventorship** in International IP Law

Join Professor Okediji to hear about the role of international IP law in resolving issues at the intersection of Artificial Intelligence and authorship/inventorship. She will address emerging policy approaches to AI and IP in several countries, and how recent developments intersect with implementation of the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), including questions regarding protection for Traditional Knowledge and genetic resources.

> 1:45 PM Adjournment

Prof. Ruth L. Okediji

Jeremiah Smith, Jr. Professor of Law Harvard Law School Director, Berkman Klein Center for Internet and Society, Harvard University Cambridge, MA

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THURSDAY 2022 Intellectual Property Institute

8:40 AM - 8:45 AM Welcome and Opening Remarks

8:45 AM - 9:45 AM The Supreme Court's Evolving Fair Use Jurisprudence

No sooner has the earthquake subsided from Justice Breyer's majority decision in *Google v. Oracle* than the perennial matter of fair use has returned to the Supreme Court's docket – at a time that Justice Ketanji Brown Jackson will have replaced her mentor. At issue this time is the seemingly simple matter of an Andy Warhol silkscreen print of rock legend Prince. What motivated the grant of review? Will the resulting decision focus on applicability of *Google v. Oracle* or will it address other aspects of fair use doctrine? How will the Court further transform the doctrine of transformativeness that rose to prominence since its 1994 decision of *Campbell v. Acuff-Rose?*

10:00 AM - 10:30 AM KEYNOTE PRESENTATION

Congressman Ted W. Lieu, U.S. House of Representatives, discusses the challenges and opportunities for technology and IP in an expanding global market.

10:45 AM - 11:15 AM What's New at the Copyright Office?

Former Walt Disney Company Deputy General Counsel, Suzy Wilson, is well known in the Los Angeles entertainment law community. Suzy now serves as General Counsel to the Copyright Office and Associate Register of Copyright. Join Suzy as she discusses the office's recently published copyright strategic plan for 2022-26 and the new Copyright Claims Board and its oversight of copyright small claims among other current developments.

11:30 AM - 1:30 PM The IP Year in Review: Patent, Trademark and Right of Publicity, and Copyright

In this popular session, top scholars in patent, trademark and right of publicity, and copyright highlight and explain the most significant developments in IP law.

Laura M. Burson

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Koret Professor of Law UC Berkeley School of Law Berkeley, CA

Prof. David Nimmer

Professor from Practice UCLA School of Law Of Counsel, Irell & Manella LLP

Prof. Xiyin Tang

Assistant Professor of Law UCLA School of Law

Congressman Ted W. Lieu

33rd District of California U.S. House of Representatives

Suzy Wilson

General Counsel and Associate Register of Copyrights U.S. Copyright Office

INTERVIEWER

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Prof. Arti K. Rai

Elvin R. Latty Professor of Law Faculty Director, The Center for Innovation Policy Duke University School of Law Durham, NC

Prof. Jennifer E. Rothman

Nicholas F. Gallicchio Professor of Law University of Pennsylvania Carey Law School Philadelphia, PA

1:30 PM Adjournment

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2022 INTELLECTUAL PROPERTY INSTITUTE

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