

Qualifies for up to
10.75 hours of CLE Credits
Plus 6 additional hours
for IP Section Members



THE STATE BAR OF CALIFORNIA
INTELLECTUAL PROPERTY LAW SECTION
**39TH ANNUAL
INTELLECTUAL
PROPERTY
INSTITUTE**
CELEBRATING
CREATIVITY
NOVEMBER 6 & 7, 2014
Hyatt Regency Orange County, Garden Grove

Hotel Deadline: October 22, 2014
Registration Deadline: October 30, 2014
Twitter: #CAIPSection

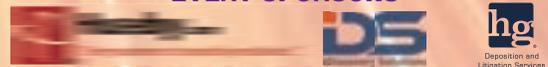
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Register Online by visiting: <http://ipsection.calbar.ca.gov>



Welcome to the 39th Annual IP Institute. This year, we get together to “Celebrate Creativity.” As intellectual property practitioners (and let’s face it, IP geeks), creativity is all around us – whether we represent artists, designers, inventors, publishers, media companies, wineries, internet providers, or tech start-ups. The IP Institute also celebrates the creativity of our nearly 7,000 members, a diverse community of innovative, savvy and passionate professionals, who rarely shy away from sharing their own creative points of view.

As forward-thinkers, IP Institute attendees return annually to keep current on cutting legal trends and industry practices. A highlight of the IP Section’s annual programming, the Institute provides invaluable opportunities to meet leaders of the IP community. During two days of lively meetings, breakout sessions, and networking events, you will encounter high level, hands-on CLE and “hot topics” panels covering a great array of topics affecting our community and our clients – such as trademarks, copyrights, licensing, litigation, entertainment law, right of publicity, trade secrets, sweepstakes, social media, ADR, privacy, and technology law, as well as a separate patent law track.

We are fortunate and excited to bring together preeminent speakers from leading companies and law firms to share with us their tips “from the trenches,” including attorneys from the Department of Justice and the U.S. Department of Commerce who have made the journey from Washington, D.C. to share the Federal perspective on current issues affecting practitioners and rights-holders.

Last, but not least, the IP Institute provides outstanding and unique networking opportunities. The Thursday night reception and strolling dinner will be memorable, not to be outshined by the IP Section’s FIRST EVER IP Trivia Night. Show off your IP and cultural knowledge, and laugh with (or at) your colleagues while competing for prizes and bragging rights, or just sharing a few drinks (if trivia is not your thing). On Friday, join us for the 6th IP Vanguard Award lunch, which will celebrate four outstanding California IP practitioners for their contributions to our community in a high-spirited setting.

Don’t miss another great IP Institute! Looking forward to meeting many of you.

Sophie Cohen
Cobalt LLP
Chair, 2014 IP Institute
#CAIPSection



2014 IP Vanguard Awards

Friday, November 7, 2014, 12:00 PM - 2:00 PM

The Executive Committee of the IP Section is pleased to honor four outstanding legal professionals who are spearheading new developments in the world of intellectual property. The 6th Annual IP Vanguard Awards will be presented during a special awards luncheon on Friday, November 7, 2014.



In-House Counsel

Dean S. Marks
Senior Vice President
Warner Bros. Entertainment Inc.



Judiciary

Honorable Paul S. Grewal
United States Magistrate Judge for the Northern District of California



Private Practice

Andrew P. Bridges
Partner
Fenwick & West LLP



Academic or Public Policy

Diane Peters
General Counsel
Creative Commons



PROGRAM SCHEDULE

Wednesday, November 5, 2014

12:30 – 4:30 PM
Executive Committee Meeting
(open to the public)

Thursday, November 6, 2014

8:30 AM – 4:30 PM
Registration and Exhibitors

8:30 AM – 4:30 PM
Interest Group Booths
(meet and mingle with our Interest Groups!)

8:30 AM – 9:30 AM
Networking Breakfast

9:00 Opening Remarks

General Session 9:15 AM – 10:30 AM

Current Battles over Copyright: What Every IP Lawyer Needs to Know

(1.25 Hours of CLE Credit)

Few areas of law have been as affected by the digital revolution as copyright law. As a result, the past year has seen a tidal wave of major copyright battles, both inside the courtroom and inside the Beltway. Professor Neil Netanel, a 2013 IP Section Vanguard winner, will provide an overview of 2014's most important cases (including *ABC v. Aereo*, *Garcia v. Google*, and *Oracle v. Google*) and highlight their practical implications. He will also discuss some of the key copyright reforms being discussed in Congress, as well as those being studied by the U.S. Copyright Office.

Speaker:

Neil W. Netanel, Pete Kameron
Professor of Law, UCLA School of Law

General Session 10:40 AM – 11:40 AM

Cybersecurity and Protecting Valuable Trade Secrets and Confidential Information While Balancing Innovation and Employee Mobility

(1.00 Hour of CLE Credit)

The experienced panel will discuss the latest developments and threats to cybersecurity and protecting valuable proprietary information, while cultivating a business culture where innovation thrives. The panel will have a candid dialogue on the competition, secrecy, human capital, and creativity issues that prudent companies should consider.

Moderator:

Robert B. Milligan, Seyfarth Shaw LLP

Speakers:

Luke Dembosky, Deputy Chief for Litigation, Computer Crime and Intellectual Property Section, U.S. Department of Justice
Orly Lobel, Don Weckstein Professor of Law, University of San Diego
Byron Yafuso, Senior Patent Counsel, Qualcomm

12:00 PM – 1:30 PM

Keynote Luncheon: "The OIPR Comes to California: Tips and Strategies for Enforcing IP Rights Abroad"

(Ticketed event \$60 per person)



Raquel E. Cohen, Office of Intellectual Property Rights, U.S. Department of Commerce

The Office of Intellectual Property Rights (OIPR) of the U.S. Department of Commerce International Trade Administration works with U.S. companies and firms to help them protect intellectual property abroad. Officials from the OIPR will provide useful information about tools and resources available to help U.S. IP owners navigate foreign legal systems and enforce their rights outside of the United States, particularly in China.



Concurrent Sessions 1:45 PM – 2:45 PM

[1] Patent Law Update

(1.00 Hour of CLE Credit)

This session will provide an update on important recent patent law developments in the courts and their implications for practitioners, focusing mainly on the Federal Circuit and the Supreme Court. Our speakers will cover the highlights and a few cases people may not have noticed along the way.

Speakers:

*Jason S. Angell, Freitas Angell & Weinberg LLP
Glenn E. Von Tersch, SVPC*

[2] Rights of Publicity: Has Elvis Left the Building?

(1.00 Hour of CLE Credit)

Experts in the rights of publicity will discuss recent events, changes, and case decisions, including: publicity rights issues in cyberspace (social media and video games); insurance coverage of infringement claims; state-by-state updates on the status of proposed publicity rights legislation; measuring damages in rights of publicity cases; licensing issues; and, a discussion of special interests' attempts to amend rights of publicity law by moving the law from common law to statutory law.

Speakers:

*Professor Tyler T. Ochoa, High Tech Law
Institute, Santa Clara University School of Law
Douglas Mirell, Harder Mirell & Abrams LLP
Vans Stevenson, Sr. VP, State Government
Affairs, MPAA*

[3] Checking In on Internet and Privacy Law
(1.00 Hour of CLE Credit)

The last year and a half has seen some critical shifts in Internet and privacy law. From the most basic rules governing the flow of data across networks to the complex laws controlling access to and storage of the data itself, the medium that has defined the Age of Communication is in flux. Join us to discuss major transitions in net neutrality, global top level domain names, big data, and surveillance of Internet users by both corporations and governments.

Speakers:

*Bennet Kelley, Internet Law Center
Hannah Poteat, Poteat Law*

**2:45 PM – 3:00 PM
Networking Break**

Concurrent Sessions 3:00 PM – 4:00 PM

[4] The New Battlefield: Patent Review Proceedings Under the America Invents Act (AIA)

(1.00 Hour of CLE Credit)

The America Invents Act has called for a new trial proceeding at the Patent Office to allow any party to challenge the validity of a granted patent. This presentation will examine the new proceeding and the associated lower burden of proof for invalidating a patent under the new guidelines, including a detailed empirical analysis of all *inter partes* review opinions to date. The panelists will also share tips to avoid common pitfalls, wrong assumptions, and mistakes made by practitioners during this new proceeding period.

Moderator:

Jason Far-hadian

Speakers:

*Ehab M. Samuel, Dickstein Shapiro LLP
Yasser El-Gamal, Dickstein Shapiro LLP*



[5] Hot Topics in California Trade Secrets Law
(1.00 Hour of CLE Credit)

Editors and authors of the Intellectual Property Law Section’s *Trade Secret Treatise* and prominent trade secret litigators will review the latest developments in California trade secrets law, including preemption, trade secret protection for ideas, designations, injunctive relief, damages, digital forensic investigations, and restrictive covenants. The experienced panel includes a leading digital forensics expert.

Moderator:

Bec Edelson, Steptoe and Johnson LLP

Speakers:

*James Hardin, Newport Trial Group
Randy Kay, Jones Day
Jim Vaughn, iDiscovery Solutions*

[6] No Trade, No Trademark: An Examination of the Nuances of Trademark Use

(1.00 Hour of CLE Credit)

This program will examine a variety of trademark use issues such as use sufficient for federal registration, analogous trademark use for determining priority, and the effects on common law users’ markets when a federal registration issues.

Speaker:

Paul W. Reidl, Law Office of Paul W. Reidl

4:00 PM – 4:15 PM

Networking Break

General Session 4:15 PM – 5:15 PM

To Use or Not to Use? Character Licensing in a World of Changing Technology

(1.00 Hour of CLE Credit)

In a world of copyleft consumers and cutthroat competitors, intellectual property owners are desperate to protect and monetize any rights they may control. This panel will explore the various ways content creators can attempt to protect a single character and the challenges they will face when dealing with emerging technologies, social media, and the courts.

Speakers:

*Gregory G. Economos, Senior VP, Global Consumer Products, Sony Pictures Consumer Marketing
Christopher Miller, Head of Litigation & Technology Law, DreamWorks Animation SKG, Inc.
Patrick T. Perkins, VP, Senior Intellectual Property Counsel, Warner Bros. Entertainment*

Interest Group Meetings

5:30 PM – 6:00 PM

- [7] Copyright**
- [8] International**
- [9] Licensing**
- [10] Trade Secret**
- [11] Entertainment & Sports**

6:00 PM – 6:30 PM

- [12] Technology, Internet & Privacy**
- [13] In-House Counsel**
- [14] Litigation**
- [15] Trademark**
- [16] Patent**



7:00 PM – 8:30 PM

Welcome Reception and Strolling Dinner

8:45 PM – 12:00 midnight

The IP Section’s First Ever TRIVIA NIGHT!

Let your inner Intellectual Property geek shine and join one of the trivia teams that will participate in this epic IP Trivia night. In a fun, yet fierce, battle of the minds, you will vie for cool prizes – and a year’s worth of bragging rights (minimum!). If trivia is not your thing, join us for beer and after-dinner snacks – and an opportunity to encourage (or be entertained by) your colleagues. *Sponsored by Branfman Law Group.*

Friday, November 7, 2014

7:30 AM – 4:00 PM

Registration and Exhibitors

7:30 AM – 4:00 PM

Interest Group Booths

(meet and mingle with our Interest Groups!)

7:30 AM – 8:15 AM

Networking Breakfast

Concurrent Sessions 8:15 AM – 9:15 AM

[17] Update on European Patent Practice for the U.S. Practitioner

(1.00 Hour of CLE Credit)

This presentation covers various topics and recent developments in patent prosecution practice in Europe, specifically from a U.S. practitioner perspective, including practical aspects of “must know” recent rule changes or best time for taking particular actions in the course of prosecution. This presentation also provides some broader perspectives, such as the upcoming Unitary Patent Package in the EU, implications of the Patent Prosecution Highway (PPH) program on prosecution in the EU, and differences in statutory subject matters that can be protected in Europe in comparison to protectable statutory subject matter in the U.S.

Speakers:

*Enrica Bruno, Steinfl & Bruno, LLP
Alexander R. Schlee, Schlee IP International, P.C.*

[18] Coupons and Sweepstakes and Ads, Oh My! An Overview of Recent Legal Updates and Marketing Trends Affecting Brands

(1.00 Hour of CLE Credit)

Recent changes in state law, increasing use of viral marketing, major updates to federal law, and the increasing use of social media to disseminate advertising all mean companies can destroy their brand overnight if they’re not careful. The program will look at trends in marketing, including native advertising, use of big data, and social media promotions, as well as identify recent legal updates, including the new Telephone Communications Privacy Act, state law regarding, gift cards, group coupons, rebates, the FTC dot com disclosures, and more.

Speaker:

Tsan Abrahamson, Cobalt LLP

9:15 AM – 9:30 AM

Networking Break

Concurrent Sessions 9:30 AM – 10:30 AM

[19] Patent Troll Litigation — In House Strategies and Challenges

(1.00 Hour of CLE Credit)

Patent litigation brought by non-practicing entities (NPEs) has been the focus of much attention in recent years. According to the U.S. Government Accounting Office, such entities filed nearly 60% of all patent infringement suits in 2012, up from 24% five years before. This program will ask two experienced in-house counsel for their views of the challenges, the solutions (if any), and the strategies they consider in addressing the problem.

Moderator:

Robert W. Payne, LaRiviere, Grubman & Payne, LLP

Speakers:

*Scott Hansen, Senior IP Counsel,
Western Digital
David Ruschke, VP and Chief Patent Counsel,
Medtronic Cardiovascular*



[20] Clearances for Television and Film: When Free Speech and IP Rights Collide

(1.00 Hour of CLE Credit)

Ever wonder why some television shows blur names and logos or conspicuously avoid referring to real-life people or brands? Or whether these practices are legally required? The answers may surprise you. This panel will explore “clearances” in the entertainment industry and the collision between content creators’ First Amendment rights and third parties’ interests under copyright, trademark, and right of publicity law.

Speakers:

- Robyn Aronson, Senior Production Counsel, NBC Universal*
- Susan E. Seager, VP, Fox Group Legal*
- Alonzo Wickers IV, Davis Wright Tremaine LLP*

10:30 AM – 10:45 AM

Networking Break

Concurrent Sessions 10:45 AM – 11:45 AM

[21] Studio Magic: Patents in the Digital Age

(1.00 Hour of CLE Credit)

For the first time on any stage the leading patent counsels from four major motion picture studios will provide an interactive, collaborative presentation on patents in content creation, distribution and monetization. The current state of patent activity in film, television, theme park, cruise ship and immersive media entertainment will be described. Additionally, our speakers will chart the illustrious history of patents in mass entertainment reaching back over one hundred years.

Moderator and Speaker:

Georgann S. Grunebach, VP, Intellectual Property, Fox Group Legal, 21st Century Fox

Speakers:

- Alex C. Chen, Principal Counsel, Patents, The Walt Disney Company*
- Moses Mares, VP, Information Technology Legal, Paramount Pictures*
- Wayne M. Smith, Senior VP, Senior Litigation and Chief Patent Counsel, Warner Bros. Entertainment*

[22] Tricks of the Trademark Search: The Foundations and Finer Points of Using TESS

(1.00 Hour of CLE Credit)

The USPTO’s TESS database is an extremely powerful tool for domestic trademark practice once you know how to harness it. Recapping and expanding on a series of popular webinars, Peter Bromaghim, a former USPTO examining attorney, will familiarize practitioners with free-form searching in TESS, including essential and advanced functions used for both pre-filing clearance and post-filing prosecution.

Speaker:

Peter Bromaghim, Blakely Sokoloff Taylor Zafman LLP

12:00 PM – 2:00 PM

Vanguard Award Luncheon

(Ticketed event \$70 per person)

The Executive Committee of the IP Section is pleased to honor four outstanding legal professionals who are spearheading new developments in the world of intellectual property. Don’t miss the always lively event. For more information about the IP Vanguard Award Recipients, see page 3.



General Session 2:15 PM – 3:15 PM

Game of Thorns: Gaining the Advantage in Intellectual Property Mediations

(1:00 Hour of CLE Credit)

Mediation has increasingly become a reliable method for settling intellectual property disputes. This panel of distinguished IP mediators will explain how attorneys can successfully use mediation to resolve IP disputes, both pre-dispute and during litigation. The panel will also debunk common myths and misunderstandings about the mediation process, and provide tips and strategies attorneys can utilize in mediation to obtain the best outcome for clients.

Moderator:

Erica Bristol, EB Resolution Services

Speakers:

*Jeff Kichaven, Jeff Kichaven
Commercial Mediation*

Michael D. Young, Judicate West

Denise Madigan, MadiganADR

Greg David Derin, Mediator and Arbitrator

General Session 3:30 PM – 5:00 PM

Copyright, Content, and Trademark Licensing

(1.50 Hours of CLE Credit)

Using the theme of amusement parks, this program will discuss the issues of structuring, managing, and licensing the IPEP (intellectual property except patents) of a deal, including:

- The 'Who Owns What' analysis;
- Anticipating and managing the digital distribution and media issues;
- Considerations of copyright terminations;
- Issues of quality control in a dynamically changing venue with international implications;
- Addressing proactively the social media and user-generated content issues including age-related issues and
- Different considerations for licensing each of the different IP rights.

Speakers:

Katherine C. Spelman, K&L Gates LLP

Mark G. Tratos, Greenberg Traurig LLP

5:00 PM – 5:15 PM

Closing Remarks & Prizes

HOTEL & REGISTRATION INFORMATION

Hotel Reservations at Hyatt Regency Orange County, Garden Grove

We have reserved a limited block of sleeping rooms at the Hyatt Regency Orange County, 11999 Harbor Blvd., Garden Grove, CA 92840. Please contact the hotel directly at 888-421-1442 to make your reservation and identify yourself as part of the State Bar of California Intellectual Property Institute to obtain the special rate of \$169 single/double plus occupancy tax per night or on the Hotel's website www.organgeounty.hyatt.com.

Please make your reservation by October 22, 2014. Reservations made after the October 22, 2014 deadline will be made on a space available basis at the confirmed group rate.

How To Register

3 Ways to Register!

(Please keep a copy of your forms)

- 1. Online:** Register online at <http://ipsection.calbar.ca.gov>
- 2. Fax:** Complete the registration and course selector forms and fax to: Program Registrations at (415) 538-2368. Credit card payments only. *Do not mail original form if faxing.*
- 3. Mail:** Complete the registration and course selector forms and mail to Program Registrations, The State Bar of California, 180 Howard Street, San Francisco, CA 94105.

FREE MCLE for Members:

If you are a member of the Intellectual Property Law Section Member for 2014, take advantage of 6 hours of complimentary Self-Study CLE Credit. Visit the IP Section Members Only Web Page: <http://ipsection.calbar.ca.gov>.

Registration Fees:

Registration fees include admission, up to 10.75 hours of CLE instruction, course materials, continental breakfasts, the Thursday evening reception, and Trivia Night, plus 6 additional hours for IP section members

**Keynote and IP Vanguard Award Lunch tickets must be purchased separately. See registration form.

Cancellations:

All requests for refunds must be received in writing no later than October 30, 2014. Refunds will be issued less a \$50 non-refundable administrative cost. Refunds will not be available after October 30, 2014; however, registration substitutions are welcome.

Special Assistance:

Please call (415) 538-2375 for special assistance.

Information:

For more information, please call the Intellectual Property Law Section at (415) 538-2375.

For registration information, please call program registrations at (415) 538-2508.

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39th Annual Intellectual Property Institute | November 6 & 7, 2014

Registration Deadline: October 30, 2014

Note: One registrant per form. Photocopies may be used.

Bar Number: _____

First/Last Name: _____

Firm: _____

Firm Address: _____

City, State: _____ Zip: _____

Phone Number: _____

Fax Number: _____

E-mail Address:* _____

(Required for email confirmation)

Check here if you do not want your information released.

Non-Attorney Spouse/Guest(s) Name: _____

Registration Fees:

IP Section Members \$545

Non-Members of the Intellectual Law Property Section \$640
(includes enrollment in the Intellectual Property Law Section for 2015)

California Young Lawyers Association Members \$440

Law School Faculty/Paralegal/Government/Non-Profit/
Sponsors \$225

Law Student \$100

Subtotal of Registration Fee \$ _____

Special Events:

Thursday Reception: I will attend I will not attend

Trivia Night: I will attend I will not attend

Thursday Keynote Luncheon _____ @ \$60 = \$ _____

Vanguard Luncheon _____ @ \$70 = \$ _____

Subtotal of Special Event Fee \$ _____

Total Amount Enclosed OR to Be Charged \$ _____

Payment Method:

Registration fees may be paid by check, VISA or MasterCard. No other credit cards will be accepted. Make checks payable to The State Bar of California.

VISA MasterCard

Account Number: _____

Expiration Date: _____

Cardholder's Name: _____

Cardholder's Signature: _____

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Course Selector:

Please check the following programs you will attend.

Thursday, November 6, 2014

1:45 p.m. – 2:45 p.m.

- [1] Patent Law Updates
- [2] Rights of Publicity: Has Elvis Left the Building?
- [3] Checking in on Internet and Privacy Law

3:00 p.m. – 4:00 p.m.

- [4] The New Battlefield: Patent Review Proceedings Under the America Invents Act (AIA)
- [5] Hot Topics in California Trade Secrets Law
- [6] No Trade, No Trademark: An Examination of the Nuances of Trademark Use

5:30 p.m. – 6:00 p.m.

- [7] Copyright Interest Group
- [8] International Interest Group
- [9] Licensing Interest Group
- [10] Trade Secret Interest Group
- [11] Entertainment & Sports Interest Group

6:00 p.m. – 6:30 p.m.

- [12] Technology, Internet, & Privacy Interest Group
- [13] In-House Counsel Interest Group
- [14] Litigation Interest Group
- [15] Trademark Interest Group
- [16] Patent Interest Group

Friday, November 7, 2014

8:15 a.m. – 9:15 a.m.

- [17] Update on European Patent Practice for the U.S. Practitioner
- [18] Coupons and Sweepstakes and Ads, Oh My! An Overview of Recent Legal Updates and Marketing Trends Affecting Brands

9:30 a.m. – 10:30 a.m.

- [19] Patent Troll Litigations—In House Strategies and Challenges
- [20] Clearances for Television and Film: When Free Speech and IP Rights Collide

10:45 a.m. – 11:45 a.m.

- [21] Studio Magic: Patents in the Digital Age
- [22] Tricks of the Trademark Search: The Foundations and Finer Points of Using TESS

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San Francisco, CA 94105

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