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THE STATE BAR OF CALIFORNIA

INTELLECTUAL PROPERTY
LAW SECTION

40th Annual
IP Institute

The Final Frontier

November 12-13, 2015
Westin Mission Hills, Rancho Mirage

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Greetings fellow IP enthusiasts and welcome to the 40th Annual IP Institute! Please join us as we explore the outer limits of intellectual property in this content-packed conference that we have fondly named “IP: The Final Frontier.”



When we think of the outer limits of intellectual property, we recognize that “The Final Frontier” is always a moving target. Yesterday’s science fiction becomes today’s latest technology, and then is tomorrow’s antiquity. When the Intellectual Property Law Section held its first IP Institute in 1975, the latest technology included Motorola’s patent for the first portable mobile phone. Sony introduced Betamax and Matsushita/JVC introduced VHS. Bill Gates and Paul Allen developed a BASIC program for the Altair 8800, the first personal micro-computer, which was released later that year. Bill Gates founded Microsoft in Albuquerque, NM and first began using the trademark MICROSOFT.

Today Betamax and VHS are obsolete. The life of their successor technology, the laser disc, was short-lived, only to be replaced by the DVD, which itself is becoming obsolete due to the numerous other ways that content can be delivered to consumers, one of which is the mobile phone, another device that has vastly developed since 1975.

With those years behind us, at this year’s IP Institute we will explore new IP frontiers, which include topics relating to interactive media and augmented reality, drone technology, the Darknet, wearable technology, and cryptocurrencies. We will also learn about the latest developments in intellectual property laws affecting our practices. Our panelists, comprised of private practice attorneys, in-house counsel, academics, and government practitioners are leading experts in their fields and bring a wealth of information to share with the attendees.

We hope you will also join us in celebrating this year’s Vanguard Award winners with a memorable dinner ceremony in their honor. Additionally, we are very excited to introduce Adam Nimoy as our Keynote lunch speaker.

Looking forward to seeing you all at another fantastic IP Institute!

Deborah Greaves, Of Counsel
Ezra Brutzkus Gubner LLP
Chair
2015 IP Institute



2015 IP Vanguard Awards Dinner

Thursday, November 12, 2015, 7:00 PM – 10:00 PM

Sponsored by EBG

EBG

Ezra Brutzkus Gubner LLP

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Wine Sponsored by IP-Portunity

Congratulations to the Recipients of the 2015 IP Vanguard Awards!

The Executive Committee of the IP Law Section is pleased to honor outstanding legal professionals who are spearheading new developments in the world of intellectual property.

In-House Counsel



Mei-lan Stark

Senior Vice President
Intellectual Property
Fox Entertainment Group, USA

Academic



Dan L. Burk

Chancellor's Professor of Law
University of California
Irvine School of Law

Judiciary



Honorable M. Margaret McKeown

United States Court of Appeals
for the Ninth Circuit

Private Practice



Jonathan Pink

Lewis Brisbois Bisgaard
& Smith



PROGRAMS AT A GLANCE

Thursday, November 12, 2015

8:00 AM
Continental Breakfast

8:45 AM – 9:00
Welcome & Opening
Remarks with Deborah
Greaves, Chair of Intellectual
Property Law Section

9:00 AM – 10:00 AM
General Session—The
Undiscovered Country: What
Must Be Found In An IP Audit

10:15 AM – 12:00 NOON
General Session—Software:
Lost In Space

Interest Groups Luncheons
12:15 PM – 12:45 PM

Entertainment & Sports
Licensing
Litigation
Technology Internet &
Privacy
Trademark

12:45 PM – 1:15 PM
Copyright
In House Counsel
International
Patent
Trade Secret

1:30 PM – 2:30 PM
Concurrent Sessions

[1] The Final Frontier: Patent
Quality And the Voyages of
the Starship USPTO

[2] The Darknet: A Black Hole

2:45 PM – 3:45 PM
Concurrent Sessions

[3] Blurred Borders: An
Exploration of IP In
Wearable Tech

[4] The Trade Dress Universe

4:00 PM – 5:15 PM
General Session—
Cryptocurrencies: Evolving
Regulatory Issues and
Prospects for a Cashless
Society

7:00 PM – 10:00 PM
Vanguard Award Dinner
(Ticketed Event \$45)
Wine Sponsored by:



Friday, November 13, 2015

7:00 AM – 8:00 AM
Continental Breakfast

8:00 AM – 9:00 AM
Concurrent Sessions

[5] Attack of the Drones

[6] Bring Your Phasers:
Reasonable Secrecy
Measures and Criminal
Prosecution of Trade Secret
Misappropriation

9:10 AM – 10:10 AM
Concurrent Sessions

[7] Augmented Reality: A
Galaxy Not So Far Away

[8] Pushing the Boundaries: Is
There Room In Copyright Law
for the First Admendment To
Live Long And Prosper?

10:20 AM – 11:35 AM
General Session—IP in the
After Life: IP Asset Estate
Planning

11:45 AM – 12:15 PM
General Session—Update
from USPTO Director, John
Cabeca

12:15 PM – 1:30 PM
Keynote Luncheon Speaker
Adam Nimoy
(Ticketed Event \$35)

1:40 PM – 2:40 PM
General Session—Internet
Law Update

2:50 PM – 3:50 PM
General Session—In Search
Of Unidentified Objects:
Due Diligence In Privacy
Policies And Terms of Use
Agreements

4:00 PM – 5:00 PM
Drone Demonstration



PROGRAM SCHEDULE

Thursday, November 12, 2015

8:00 AM
Continental Breakfast
Sponsored by Huseby



8:00 AM – 4:00 PM
Registration and Exhibitors

8:45 AM – 9:00 AM
Welcome & Opening Remarks by Deborah Greaves, Chair of the Intellectual Property Law Section and the IP Institute

General Session 9:00 AM – 10:00 AM

The Undiscovered Country: What Must Be Found In An IP Audit

(1 Hour MCLE)
This panel will provide a comprehensive overview of the essential IP portfolio information that must be identified and understood in a competent, useful IP audit. The program will focus on understanding the strategic interrelation, including branding, technology, copyright, trade secret, and license relationships. Participants will learn about important categories of data, often overlooked, that can have major and often negative impacts on the value and integrity of an IP portfolio.

Speakers:
Joe Agiato, Senior Managing Director, Avenue M. Advisors
Dennis Loomis, Baker Hostetler LLP

General Session 10:15 AM – 12:00 PM

Software: Lost In Space

(1.75 Hours MCLE)
The results of *Alice* have caused a fire storm in the software protection space. Historically, patent protection for business method and software inventions was secured through the USPTO as a matter of course by financial institutions, start-ups, and multi-national internet and media companies.

ipsection.calbar.ca.gov

Suddenly, the scorched earth of one decision, and the fall out of Examiner rejections call into question this mainstay of IP protection. What is the best way to protect software, post *Alice*? Is it better to maintain software as trade secrets, file copyright registrations, or go back to the USPTO helmet in hand to beg for a patent and face the dreaded §101 rejection. For the first time anywhere, a panel comprising trade secret, copyright, and patent attorney experts will convene to ask and answer the simple question: “How do I protect my client’s software inventions in a world where patents are no longer guaranteed?”

Moderator:
Andrew Stroud, Hanson Bridgett LLP

Speakers:
George Gates, Gates and Cooper LLP
Naomi Jane Gray, Harvey Siskind LLP
Karineh Khachatourian, Duane Morris LLP

12:00 PM – 12:15 PM
Break

12:15 PM – 1:15 PM
Interest Groups Luncheon Meetings:
Each Interest Group (IG) meeting listed below is open to all Institute registrants. Please select the IG luncheon meeting you wish to attend by checking the appropriate box on the registration form

12:15 PM – 12:45 PM
Entertainment & Sports
Licensing
Litigation
Technology, Internet & Privacy
Trademark

12:45 PM – 1:15 PM
Copyright
In House Counsel
International
Patent
Trade Secret



Concurrent Sessions 1:30 PM – 2:30 PM

[1] The Final Frontier: Patent Quality And The Voyages Of The Starship USPTO

(1 Hour MCLE)

Looking for a way to provide a quality patent application to your clients? Struggling with challenges from legislative, administrative, judicial, and corporate constraints, firing fast and furious at your pending applications? This panel, including the Deputy Commissioner for Patent Quality, will provide unique, practical, and focused perspectives on drafting and prosecuting patent applications before the United States Patent and Trademark Office.

The panel will also address the enhanced quality initiatives embraced by the USPTO; the March 2015 Patent Quality Summit; the challenges of generating quality patents, and what in-house counsel can do to facilitate the filing of quality patents.

Speakers:

Valencia Martin-Wallace, Dep. Comm. for Patent Quality
Georgann Grunebach, Vice President, Intellectual Property, Fox Group Legal
Victor Cooper, Gates and Cooper LLP

[2] The Darknet: A Black Hole

(1 Hour MCLE)

High-tech criminal investigations over the last decade have witnessed a shift in the means and methods that criminals utilize to not only further their illegal activities, but to also launder ill-gotten proceeds. This session explores how criminals utilize crypto-currency and move traditional criminal activity onto the DarkNet to avoid detection. Criminals leverage virtual platforms such as those used in both Silk Road investigations and other sophisticated obfuscation techniques to anonymize their location and identity, commit a multitude of crimes, such as dealing in weapons, controlled substances, counterfeit and other contraband, and launder money. At the end of the presentation, you will walk away with

a solid understanding of the criminal tactics, techniques, and procedures used to facilitate a variety of crimes, and what your company or law firm can do to avoid becoming a victim.

Moderator:

Matt Powelson, 321-Law, Inc.

Speakers:

Jason Smolanoff, President, CISO Advisory & Investigations
Jensen Penalosa, Federal Bureau of Investigation
Tracy Wilkison, Assistant U.S. Attorney, Chief of Cyber & Intellectual Property Crimes Section, Los Angeles

Concurrent Sessions 2:45 PM – 3:45 PM

[3] Blurred Borders: An Exploration Of IP In Wearable Tech

(1 Hour MCLE)

One of the hottest multi-billion dollar industries is burgeoning—wearable technology. “Wearables” are being brought to market at a rapid pace and Fortune 500 companies, middle market companies, start-ups, and entrepreneurs who are involved in this industry need advice with respect to patents, trademarks, trade dress, copyrights, trade secrets, and other intellectual properties. Numerous industries are involved in wearable technology—medical and health devices, apparel, jewelry, sporting goods, baby products, personal security, pet accessories and others. Wearable technology presents a unique intellectual property challenge and lawyers must look at every aspect of the wearable product to assess what is appropriate for protection and how to minimize liability for claims of patent, trademark, trade dress, copyright, and trade secret infringement.

Speakers:

Kenneth D. Suzan, Barnes & Thornburg LLP
Rod S. Berman, Jeffer Mangels Butler & Mitchell LLP
Pankaj Kedia, Senior Director & Business Lead, Smart Wearables Segment, Qualcomm Technologies, Inc.



[4] The Trade Dress Universe

(1 Hour MCLE)

Learn about recent decisions involving the protection of consumer product designs by trade dress, design, and utility patents, and the practical considerations of protecting this kind of IP.

Speaker:

Charlene Morrow, Fenwick & West

3:45 PM – 4:00 PM

Networking Break

General Session 4:00 PM – 5:15 PM

Cryptocurrencies: Evolving Regulatory Issues and Prospects for a Cashless Society

(1.25 Hours MCLE)

In 2013, 93% of the United States money supply was exchanged in electronic form. This presentation traces the origin and development of cryptocurrencies such as Bitcoin, including emergence of cryptocurrency exchanges, virtual “wallets” and other kinds of supporting businesses. It describes the increasing flow of venture capital into the field and goes on to survey initiatives seeking to regulate cryptocurrencies, the opposition to such regulation, and how cryptocurrencies relate to the ongoing evolution of a new kind of cashless society.

Moderator:

Andrea Sloan Pink, Seraphim Fund LLC

Speakers:

Denis T. Rice, Arnold & Porter

*Andrew J. Beal, Crowley Corporate
Legal Strategy*

Steve Beauregard, CEO & Founder, GoCoin

7:00 PM – 10:00 PM

Vanguard Award Dinner

(ticketed event \$45)

Honoring leaders at the forefront of Intellectual Property.

Friday, November 13, 2015

7:00 AM – 8:00 AM

Networking Breakfast

7:00 AM – 4:00 PM

Registration and Exhibitors

7:30 AM – 4:00 PM

Interest Group Booths

(Meet and mingle with our Interest Groups!)

Concurrent Sessions

8:00 AM – 9:00 AM

[5] Attack of the Drones

(1 Hour MCLE)

You’ve heard that Amazon wants to deliver packages to your home and office via unmanned drones. While that may seem innovative, the debate over unmanned aircraft systems, including everything from airspace concerns to privacy rights, presents numerous legal issues. This panel will address the complex web of IP and other legal issues that need to be mastered as this industry grows.

Moderator:

Dave Branfman, Branfman Law Group, PC

Speakers:

John Pavolotsky, Intel Corporation

*Eric Hanscom, Managing Attorney,
InterContinental IP*





[6] Bring Your Phasers: Reasonable Secrecy Measures And Criminal Prosecution Of Trade Secret Misappropriation

(1 Hour MCLE)

Experienced professionals will share the latest in protecting and preserving a company’s trade secrets. A representative of the U.S. Attorney’s Office, along with a computer forensics investigator, will explore detection and criminal prosecution of trade secret theft when secrecy is breached and will discuss some of the latest criminal convictions.

Speakers:

- Wesley Hsu, The United States Attorney’s Office, Central District of California, Cyber and Intellectual Property Crime Section*
- Anne Walker, CREATE.ORG*
- Bruce Pixley, Pixley Forensics*
- Robert Milligan, Seryfarth Shaw LLP*

Concurrent Sessions 9:10 AM – 10:10 AM

[7] Augmented Reality: A Galaxy Not So Far Away

(1 Hour MCLE)

A panel of experts will discuss the development of, changes to, and case decisions affecting Augmented Reality, including: developing an AR patent portfolio; determining ownership interests when developing AR technology; monetization and licensing of AR technology; current state of the art; challenges of AR; overlap with Virtual Reality; and the impact of *Alice Corp. v. CLS Bank International*.

Speakers:

- Chris Ullrich, Vice President, UX Immersion Corp.*
- Ben Esplin, Sheppard, Mullin, Richter & Hampton LLP*
- Ari Popper, CEO & Founder, SciFutures*

[8] Pushing The Boundaries: Is There Room in Copyright Law for the First Amendment To Live Long And Prosper?

(1 Hour MCLE)

This session will examine continuing developments in judicial interpretations of fair use and evaluate the tensions between copyright law and the First Amendment.

Speakers:

- Peter Marcus, Berkes Crane Robinson & Seal LLP*
- Barry Slotnick, Loeb & Loeb*

10:10 AM – 10:20 AM

Break

General Session 10:20 AM – 11:35 AM

IP in the After Life: IP Asset Estate Planning (1.25 Hours MCLE)

This panel will provide an overview of the estate planning and administration processes as they relate to intellectual property assets. Areas to be covered include the selection of the proper vehicle for transfer of patents, copyrights, and trademarks; income and estate tax considerations; use of a literary executor; methods for clearing a chain of title post-death; preservation of copyright termination rights; right of publicity issues; and what happens when there is no estate plan in place. Relevant case law illustrating how these issues play out in court will also be discussed

Speakers:

- Timothy Kay, Snell & Wilmer*
- Glenn W. Trost, Snell & Wilmer*



General Session 11:45 AM – 12:15 PM

John Cabeca

Director of the Silicon Valley United States Patent and Trademark Office

(0.5 Hours MCLE)

As the Director of the Silicon Valley United States Patent and Trademark Office (USPTO), John Cabeca carries out the strategic direction of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, and is responsible for establishing and leading the Silicon Valley satellite office. Focusing on the region and actively engaging with the community, Mr. Cabeca ensures the USPTO’s initiatives and programs are tailored to the Silicon Valley’s unique ecosystem of industries and stakeholders. In his talk, John will provide more details about the services and programs available to the IP community through the new Silicon Valley Office. He will also discuss Key USPTO priorities and highlight important initiatives under way at the Agency.

Keynote Luncheon 12:15 PM – 1:30 PM

Speaker: Adam Nimoy

Sponsored by BakerHostetler

(0.5 Hours MCLE)



Adam Nimoy practiced entertainment law for seven years. Seizing an opportunity, he switched careers and became a television director. He has directed over forty-five hours of network

television including episodes of *The Practice*, *Ally McBeal* and *NYPD Blue*. In 2008 Pocket Books published his memoir, “My Incredibly Wonderful, Miserable Life,” and he is currently working on a documentary entitled “For The Love Of Spock,” about his father Leonard Nimoy and Nimoy senior’s most iconic role. Adam will be discussing his journey from the practice of law into the creative arena as well as some of the areas where the two paths continue to meet.

General Session 1:40 PM – 2:40 PM

Internet Law Update

(1 Hour MCLE)

This session will address some of the hottest issues and latest cases in internet law, including copyrights, trademarks, search engines, and privacy and how they may affect your practice.

Speaker:

*Eric Goldman, Professor & Co-Director,
High Tech Law Institute,
Santa Clara University School of Law*

General Session 2:50 PM – 3:50 PM

In Search Of Unidentified Objects: Due Diligence In Privacy Policies And Terms Of Use Agreements

(1 Hour MCLE)

Terms of Use and Privacy Policies are often viewed as that pesky fine print at the bottom of almost every website. Learn how these policies can be best used to protect your clients’ IP, as well as recent regulations and case law updates, and discover tools and processes for due diligence and data management.

Speakers:

*Heather Antoine, Antoine Law Group, A.P.C.
Alan Friel, Baker Hostetler LLP
Rebeca Perry, Jordan Lawrence, Inc.*

4:00 PM – 5:00 PM

Drone Demonstration

Ever seen a drone fly in person? Here’s your chance: Attorney and drone pilot Eric Hanscom will demonstrate how drones really work right on the premises of our hotel.



Hotel Reservations

**Westin Mission Hills
Golf Resort & Spa
71333 Dinah Shore Drive
Rancho Mirage, CA 92270**



\$169 per night + taxes

Reservation Deadline: October 12, 2015
For Reservations Call: (877) 253-0041

A limited number of rooms have been reserved at the Westin Mission Hills Golf Resort & Spa at the special rate of \$169 per night + taxes. *Please identify yourself as part of The State Bar of California IP Institute to obtain the special rate.*

Registration Fees

Registration fees include admission, up to 12.25 hours of MCLE instruction, course materials, Thursday and Friday continental breakfast, and IG lunch.

The Thursday Dinner and Friday Keynote Luncheon are ticketed events. Tickets must be purchased separately. See registration form.

How To Register

There are 3 ways you can register. Complete Registration Form & Course Selector.
Please keep a copy of your form for your records.

1. Register Online:

<http://ipsection.calbar.ca.gov>

2. Fax: Fax completed registration form to (415) 538-2368. Faxed registration forms must include credit card payment. Receipt of faxed registration forms cannot be confirmed over phone.

3. Mail: Program Registrations
The State Bar of California
180 Howard Street
San Francisco, CA 94105.

Cancellations

All requests for refunds must be received (not postmarked) in writing by November 6, 2015. Refunds will be issued less a \$50 non-refundable service charge. Refunds will not be available after November 6, 2015, however, registration substitutions are welcome.

Registration & Special Assistance

For registration information please call Program Registrations at 415-538-2508.

For more information or special assistance please call 415-538-2375.

FREE MCLE for IP Section Members

If you are a member of the Intellectual Property Section for 2015, take advantage of 6 hours of complimentary self-study CLE credit. Visit the IP Section Members Only web page: www.ipsection.calbar.ca.gov



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The State Bar of California and the Intellectual Property Law Section are approved State Bar of California MCLE Providers.

40th Annual IP Institute | November 12-13, 2015

Registration Deadline: November 6, 2015

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

Bar Number:

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Zip:

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(Required for email confirmation)

Check here if you do not want your information released.

Non-Attorney Spouse/Guest(s) Name:

Registration Fees:

<input type="checkbox"/> IP Section Members	\$595
<input type="checkbox"/> Non-Members of the IP Section	\$690
<i>(includes enrollment in the Intellectual Property Law Section for 2016)</i>	
<input type="checkbox"/> California Young Lawyers Association Members	\$490
<input type="checkbox"/> Law School Faculty/Paralegal/Government/Non-Profit/ Sponsors	\$275
<input type="checkbox"/> Law Student	\$150
Subtotal of Registration Fee	\$ _____

Special Events:

	# of tickets	Cost	Total
Thursday Vanguard Dinner:	_____	@\$45 = \$	_____
Friday Adam Nimoy Luncheon:	_____	@\$35 = \$	_____
Subtotal of Special Event Fee Total		\$	_____
Total Registration & Event Fee		\$	_____
Enclosed OR to Be Charged		\$	_____

Course Selector

Please check the programs you will attend.

Thursday, November 12, 2015

12:15 PM – 12:45 PM

- Entertainment & Sports Licensing Litigation
 Technology, Internet & Privacy Trademark

12:45 PM – 1:15 PM

- Copyright In House Counsel International
 Patent Trade Secret

1:30 PM – 2:30 PM

- [1] The Final Frontier: Patent Quality And The Voyages Of The Starship USPTO
 [2] The Darknet: A Black Hole

2:45 PM – 3:45 PM

- [3] Blurred Borders: An Exploration of IP In Wearable Tech
 [4] The Trade Dress Universe

Friday, November 13, 2015

8:00 AM – 9:00 AM

- [5] Attack of the Drones
 [6] Bring Your Phrasers: Reasonable Secrecy Measures and Criminal Prosecution of Trade Secret Misappropriation

9:10 AM – 10:10 AM

- [7] Augmented Reality: A Galaxy Not So Far Away
 [8] Pushing The Boundaries: Is There Room in Copyright Law for the First Amendment To Live Long And Prosper?

Payment Method:

Make check payable to: The State Bar of California
 Paying by credit card? Fax registration form to 415-538-2368

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Intellectual Property Law Section
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Hotel Deadline: October 12, 2015
Registration Deadline: November 6, 2015



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The Final Frontier

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