



2016 Intellectual Property Law Section Annual Meeting

LIVE

Friday, March 18, 2016
Greensboro Marriott Downtown,
Greensboro

CLE CREDIT: 6.75 Hours

Includes 1.0 Hour Substance Abuse/
Mental Health



Planned by the NCBA Intellectual Property Law Section

SUMMARY Learn about the latest developments in patent, trademark and copyright law, including panel discussions on the interplay between the Patent Trial and Appeal Board, District Courts and the Federal Trade Commission, and on issues facing North Carolina brewers and distillers.

- Hear about The Slants case *In re Tam* from the lawyer who successfully argued that the disparagement provision of the Lanham Act violates the freedom of speech clause of the U.S. Constitution
- Gain insights into patent litigation from sitting judges
- Receive updates in copyright law and policy from a representative of the U.S. Copyright Office
- Learn practical lessons gleaned from recent cases in patent law, including prosecution tips for PTAB appeals
- Become familiar with recent developments in design patent law
- Consider the implications for both trademark and patent practice of the Supreme Court's decision in *B&B Hardware* regarding the preclusion effects of administrative agency rulings
- Obtain substance abuse/mental health credit through an attorney wellness session geared toward achieving health physically, mentally and professionally

The North Carolina Bar Association Foundation is accredited by the North Carolina State Bar as a provider of continuing legal education.

**NORTH CAROLINA
FOUNDATION
BAR ASSOCIATION**

2016 Intellectual Property Law Section Annual Meeting

#481IPM | Friday, March 18, 2016

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NCBA Member	\$305 <input type="checkbox"/> Live	\$365 <input type="checkbox"/> Live
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Friday, March 18, 2016, 7:45a–4:50p

7:45a **Registration and Continental Breakfast**

8:15 **Welcome and Introductions**
Ed Timberlake

8:30 **General Session—Intellectual Property Year in Review**
Rachel M. Blunk, JiNan Glasgow George and Robert A. Monath
Intellectual property experts review the latest developments in patents, trademarks and copyrights.

10:15 **Break**

10:30 **Track 1: Patents—Interplay Between PTAB and District Court/ITC Litigation**
Alton L. Absher III, Lance A. Lawson, Richard T. Matthews and Judge Michelle Nerozzi-Ankenbrand
The America Invents Act (AIA) revised and expanded the nature of post-grant patent proceedings including interpartes review (IPR), covered business method (CBM) and post grant review (PGR), all of which are brought before the Patent Trial and Appeal Board (PTAB). This panel presents and discusses current trends and statistics, recent rule amendments, perspectives and practice tips related to IPR, CBM and PGR. The panel also examines the interplay between the PTAB and patent litigation in both district courts and before the International Trade Commission.

Or

Track 2: Trademarks—On the (Un)Constitutionality of Section 2(a) of the Lanham Act

Ronald D. Coleman
In December, the Court of Appeals for the Federal Circuit held the disparagement provision of Section 2(a) of the Lanham Act unconstitutional under the free speech clause of the First Amendment. Hear from the lawyer for the appellant, Ron Coleman, on disparagement, freedom of speech, trademark examination and some likely effects of the ruling.

11:30 **Intellectual Property Law Section Annual Meeting**
Laura M. Kelley, Myers Bigel, Raleigh, presiding 2015-2016 Section Chair

11:45 **Networking Lunch** (included at Live program only)

12:30p **Track 1: Patents—Views from the Bench(es) and Bar**
Moderator: George F. Pappas
Panel: Judge Robert J. Conrad, Judge Kathleen M. O'Malley, Judge William L. Osteen Jr and Erin C. Wills

Gain perspective and insights into patent litigators from sitting federal judges, patent litigators, and patent preparation and prosecution attorneys.

Or

Track 2: Trademarks—Current Issues in North Carolina's Brewery & Distillery Industry

Laura Collier, Erik Lars Myers and John R. Szymankiewicz
Making a name for yourself (while staying in business) has never been easy, especially in rapidly growing fields such as brewing and distilling. Lawyers Laura Collier and John Szymankiewicz discuss a number of the branding, labelling and licensing challenges facing small businesses in these industries. Erik Lars Myers shares his perspective as brewer, small business owner and author of *North Carolina Craft Beer and Breweries*, as well as President of the NC Craft Brewers Guild.

1:30 **Transition Break**

1:35 **Track 1: Patents—The End of the Line: Prosecution Strategies for Appealing to the PTAB and (if needed) to the Federal Circuit**

Peter D. Siddoway

- Techniques for drafting appeal briefs to preserve arguments for the Federal Circuit
- Recent proposed changes to the rules and how they impact appeals
- Strategies for appealing PTAB decisions in post-grant proceedings to the Federal Circuit

Or

Track 2: Copyrights

Kimberley Isbell

2:35 **Break**

2:45 **Track 1: Patents—Design Patents Update**

Glenn Edwards and Darius C. Gambino

Once a sleepy jurisprudential backwater, there has been renewed interest in design patents with a corresponding surge in both filings and litigation. In this talk, which should be of interest to patent & trademark practitioners alike, Darius Gambino (co-author of *Trade Dress: Evolution, Strategy and Practice*) guides attendees through recent developments in this exciting area of law.

Or

Track 2: Trademarks—Issue Preclusion and the USPTO

Pamela S. Chestek

In 2015, the U.S. Supreme Court held that “courts should give preclusive effect to TTAB decisions if the ordinary elements of issue preclusion are met.” Go beyond the basic holding of *B & B Hardware* to review how it has been applied so far and where courts might take it, including whether patent practitioners need to be worrying about issue preclusion in PTAB proceedings.

3:45 **Transition Break**

3:50 **General Session—Attorney Wellness: Achieving Health Physically, Mentally and Professionally†**

Sarah E. Nagae

In this session, lawyers learn:

- Why attorneys are vulnerable to weight gain, heart disease, depression, anxiety, substance abuse and chemical dependency
- The ways stress and substance abuse are connected, in order to identify health behaviors which may be contributing to less-than-optimal job performance
- To pinpoint the skills they need to learn or adjustments they need to make to change these behaviors
- To develop realistic, achievable short-term and long-term wellness goals
- To formulate a plan for reaching their short-term and long-term wellness goals; why accountability is vital to achieving these goals and how to structure accountability into your wellness plan

*Indicates portion providing Substance Abuse/Mental Health credit

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Program Information



Planners

- Jeffrey W. Childers, Ward and Smith PA, Raleigh
- Robert A. Schwartzman, Myers Bigel, Raleigh
- Ed Timberlake, Timberlake Law, Carrboro
- Erin C. Wills, Jenkins Wilson Taylor & Hunt, Durham

Speakers

- Judge Kathleen M. O'Malley, Circuit Judge, U.S. Court of Appeals for the Federal Circuit, Washington, DC
- Judge Robert J. Conrad, U.S. District Judge, Western District of North Carolina, Charlotte
- Judge Michelle Nerozzi-Ankenbrand, Administrative Patent Judge, USPTO, Alexandria, VA
- Judge William L. Osteen Jr., Chief District Judge, Middle District of North Carolina, Greensboro
- Alton L. Absher III, Kilpatrick Townsend & Stockton LLP, Winston-Salem
- Rachel M. Blunk, Sharpless & Stavola PA, Greensboro
- Pamela S. Chestek, Chestek Legal, Raleigh
- Ronald D. Coleman, Archer & Greiner PC, New York, NY
- Laura Collier, Strike & Techel, Raleigh
- W. Glenn Edwards, Chief IP Counsel, Ingersoll Rand, Davidson
- Darius C. Gambino, DLA Piper, Philadelphia, PA
- JiNan Glasgow George, Neopatents, Durham
- Kimberley A. Isbell, Senior Counsel, Policy and International Affairs, United States Copyright Office, Washington, DC
- Lance A. Lawson, McNair Law Firm PA, Charlotte
- Richard T. Matthews, Williams Mullen, Raleigh
- Robert A. Monath, Raleigh
- Erik Lars Myers, Mystery Brewing, Hillsborough
- Sarah E. Nagae, Triangle Trademarks, Raleigh
- George F. Pappas, Covington & Burling LLP, Washington, DC
- Peter D. Siddoway, Myers Bigel Sibley & Sajovec, Raleigh
- John R. Szymankiewicz, Beer Law Center, Raleigh
- Erin C. Wills, Jenkins Wilson Taylor & Hunt PA, Durham

Hotel Information

Contact hotel(s) directly for reservations at the special NCBA room rate. Rates are based on availability and may sell out.

Greensboro Marriott Downtown 304 North Greene Street, Greensboro

Rate: \$129 single/double

Reservations: 1.800.228.9290 or 336.379.8000

Cut-off Date: February 25, 2016

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