SUMMARY: Join us for a special joint meeting between the Intellectual Property Law and Litigation Sections in Raleigh. In parallel and overlapping tracks learn about the latest developments in patent, trademark, and copyright law and intellectual property litigation.

- Hear from former USPTO Director David Kappos about shifts in U.S. IP policy and practice
- Gain insight from in-house counsel on how they interact with outside counsel
- Learn about recent updates on offensive trademarks
- Discuss patent eligibility with the counsel that argued *Enfish* at the Federal Circuit
- Earn ethics credit through a discussion on malpractice traps in IP

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Program Agenda

Friday, May 4, 2018, 7:45a–5:00p

7:45a  Registration and Continental Breakfast
       (included at Live program only)

8:15   Welcome and Introductions

8:30   Shifting U.S. IP Policy and Practice: Recent, Present and Upcoming
       David J. Kappos
       This presentation explores changes in the operation and measurable outcomes of the IP system in recent years, as well as policy implications for the innovation economy going forward.

9:30   Break

9:45   The Intellectual Property Year in Review
       Anthony P. DeRosa, Darrell A. Fruth and Brenda Reddix-Smalls
       Intellectual property experts review the latest developments in patents, trademarks, copyrights and trade secrets.

11:30  Intellectual Property Law Section Annual Meeting
       David M. Sigmon, J. Bennett Mullinax LLC, Greenville, SC, 2017-2018 Section Chair, presiding

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

12:45p Breakout Sessions (Please choose one.)

       The Supreme Court articulated a two-step test for patent eligibility in Mayo v. Prometheus and clarified its test in Alice v. CLS Bank. Since Alice was decided, the Federal Circuit has issued several precedential decisions interpreting the § 101 standard. Learn how the law has evolved with each Federal Circuit decision, and the current standards for patent eligibility of life sciences and software patents.

   •  Trademarks: The Decisions in Tam and Brunetti: The Effects Go Far Beyond Disparaging Marks | John R. Sommer
       Mr. Sommer discusses the Supreme Court’s decision in Tam and the Federal Circuit’s decision in Brunetti. Those cases invalidated Section 2(a)’s prohibition on disparaging, immoral and scandalous marks. He analyzes the broader implications of the First Amendment to intellectual property. Whether consent of a living individual is still always required (TRUMP toilet paper, DUMP TRUMP), and whether a trademark can be used without the owner’s consent (such as the use of WALMART by a labor union attempting to organize Walmart employees). Will trademark owners be unable to prevent use or registration of their trademarks when used to criticize? What about national flags and symbols and geographic indications, and even misdescriptive marks if the applicant is making some type of statement.
Interfacing ith In-House Counsel
Jason A. Friday, Karen A. Magri, Scott C. Mayhew, Angela Wilson and Timothy K. Wilson

Break

Breakout Sessions (Please choose one.)

• Patents: Developing Issues in Post Grant Patent Challenges | Justin L. Krieger
  Hear a discussion on several topics of developing interest in post grant challenges before the Patent Trial and Appeals Board (PTAB) starting with an overview of Inter Partes Review (IPR) and Post Grant Review (PGR) proceedings. Learn about recent changes and trends in motion to amend practice, as well as the highly anticipated Oil States Energy Services, LLC v. Green’s Energy Group, LLC case, currently before the Supreme Court, which has the potential of turning IPR/PGR practice on its head. Receive updates on recent issues in IPR/PGR practice such as claim construction, indefiniteness, proposed USPTO regulations and the STRONGER Patents Act.

• Copyrights: Is Machine Learning Copyright Infringement? | Matt Schneller
  Artificial intelligence and machine learning techniques are increasingly used by all sorts of businesses. Both humans and machines learn (or “learn”) by relying on copyrighted materials. Human memory doesn’t constitute a copyright infringement, but does machine-learning? The talk summarizes common AI techniques and how they might create copyright concerns, walks through the copyright fair use analysis, and discusses some ways businesses might be able to reduce those risks.

4:00 Attorney Malpractice Traps in IP*  
Amy E. Richardson
The presentation covers the common elements of a malpractice claim, methods to minimize risks of such claims and common malpractice traps for attorneys handling IP cases.

5:00 Adjourn

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Program Information

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- Leon T. Cain II, Olive Law Group PLLC, Cary
- Laura M. Kelley, Myers Bigel PA, Raleigh
- Robert A. Schwartzman, Myers Bigel PA, Raleigh
- R. Matthew Van Sickle, Lynch Van Sickle PLLC, Cary

Speakers
- Orion Armon, Cooley LLP, Broomfield, CO
- Anthony P. DeRosa, Myers Bigel PA, Raleigh
- Jason A. Friday, Lenovo Inc., Morrisville
- Darrell A. Fruth, Brooks Pierce McLendon Humphrey & Leonard LLP, Raleigh
- David J. Kappos, Cravath Swaine & Moore LLP, Washington, DC
- Justin L. Krieger, Kilpatrick Townsend & Stockton LLP, Washington, DC
- Karen A. Magri, Syngenta Biotechnology Inc., Raleigh
- Scott C. Mayhew, Zoetis Inc., Durham
- Brenda Reddix-Smalls, North Carolina Central University School of Law, Durham
- Amy E. Richardson, Harris Wiltshire & Grannis LLP, Washington, DC and Raleigh
- Matt Schneller, Schneller IP PLLC, Franklin, TN
- John R. Sommer, Stüssy Inc., Irvine, CA
- Angela Wilson, GlaxoSmithKline (GSK), Research Triangle Park
- Timothy K. Wilson, SAS Institute Inc., Cary

We extend our sincere gratitude to the NCBA Intellectual Property Law and Litigation Sections as well as the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the very highest quality.

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