

USC GOULD SCHOOL OF LAW | 2020 INTELLECTUAL PROPERTY INSTITUTE

IPI20

Plus: Women in IP Leadership
Half-Day Workshop on March 16
presented by USC Gould and ChIPs
(separate registration required)

9 FEDERAL JUDGES

- Hon. Kara Farnandez Stoll (Fed. Cir.)
- Hon. Alan Albright (W.D. Tex.) • Hon. Joseph F. Bataillon (D. Neb.)
- Hon. William M. Conley (W.D. Wis.) • Hon. Colm F. Connolly (D. Del.)
- Hon. Michael W. Fitzgerald (C.D. Cal.) • Hon. Lucy H. Koh (N.D. Cal.)
- Hon. S. James Otero (C.D. Cal.) • Hon. James V. Selna (C.D. Cal.)

LUNCHEON KEYNOTE

Charles H. Rivkin, Chairman and CEO, Motion Picture Association

LEADING ACADEMICIANS

Professors Crouch, Farley, Geluso, Greene, Nimmer and Rothman



the path to IP solutions

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<http://gould.usc.edu/cle/ip/>

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Prominent Speakers

Join over 600 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 Judges **Stoll** (Fed. Cir.), **Albright** (W.D. Tex.), **Bataillon** (D. Neb.), **Conley** (W.D. Wis.), **Connolly** (D. Del.), **Koh** (N.D. Cal.), **Otero** (C.D. Cal.) and **Selna** (C.D. Cal.) plus prominent government officials, leading academicians, in house counsel, and top practitioners for two days of learning and networking at the beach.

Don't Miss Out

The Institute will sell out early, so register online now at <http://gould.usc.edu/cle/ip/>

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MONDAY
MARCH 16, 2020

Women in IP Leadership Workshop: Defining Success and Redefining What's Next

Presented by the USC Gould Intellectual Property Institute
and the Los Angeles Chapter of Chiefs in IP (ChIPs)

12:00 PM

Workshop Check-In and Registration

Separate workshop registration and fee is required.

1:00 PM

Welcome and Opening Remarks

Laura M. Burson

Sheppard, Mullin, Richter & Hampton LLP

1:10 PM

Defining Progress: Metrics on Women and Diversity in Law Leadership

This panel, moderated by the Dean of UCI's Law School, will focus on the initiatives firms and companies are using to promote women and people of color into leadership positions. Representatives of Diversity Lab will discuss that organization's origins and purpose, as well as share data from its recent "Blue Chip Survey" about various initiatives that improve leadership opportunities in the law for women and diverse attorneys. The panel is rounded out with in-house and outside counsel who have worked with Diversity Lab in promoting diversity in the law.

B 1.25 hours of MCLE elimination of bias credit available.

2:30 PM

Redefining the Rules of the Game: Voices of Organizational Change Makers

From letter writing campaigns to proactive legislative efforts, various stakeholders will discuss meaningful ways to change corporate and law firm culture so that women and people of color gain leadership opportunities, equity, commensurate comp, and lead counsel roles. The panel discussion will include, among other things, the June 2019 letter lawmakers sent to Big Tech and the open letter to law firm partners from 170+ GCs pushing for greater diversity, as well as legislative efforts such as California's law mandating that publicly held companies headquartered in California have at least one female on its board of directors.

B 1.25 hours of MCLE elimination of bias credit available.

Deanna Kwong

Senior IP Litigation Counsel
Hewlett Packard Enterprise Company

Phyllis Turner-Brim

VP, Assistant General Counsel of
IP, Technology & Brand Protection
Starbucks

Jennifer Winslow

COO, Diversity Lab

Mitch Zuklie

Orrick, Herrington & Sutcliffe LLP

MODERATOR

Dean L. Song Richardson

Dean and Chancellor's Professor of Law
UC Irvine School of Law

Betsy Berkhemer-Credaire

CEO, 2020 Women on Boards
CEO, Berkhemer Clayton, Inc.

Hon. Holly J. Fujie

Los Angeles Superior Court

Fleur Knowsley

Director and Acting GC, Google Fiber

Cynthia Lock Tregillis

VP, Deputy GC – Contracts, Products & IP
Western Digital Corporation

MODERATOR

Annette L. Hurst

Orrick, Herrington & Sutcliffe LLP

3:45 PM – Networking Break

4:15 PM

Redefining Your Future: Strategies to Build Your Brand

This panel will focus on creative and constructive ways in which women and people of color can market themselves to build their personal and professional brands (whether in-house or outside counsel) so that their talents, expertise and aptitudes can be seen, heard and positively leveraged.

Debra Baker

Managing Director, GrowthPlay

Jess Ponce III

Principal Consultant and Coach
The A Factor

Annie Rogaski

Chief Operating Officer, Avegant

Sarita Venkat

Head of Global IP Transactions
Apple Inc.

MODERATOR

Christine Lawton

Nolan Heimann LLP

5:15 PM

Adjournment

TUESDAY
MARCH 17, 2020

2020 Intellectual Property Institute Program

7:00 AM

Institute Check-In and Continental Breakfast

7:15 – 8:15 AM

Copyright Formalities as the Bane of African-American Artists from Blues to Hip-Hop

African-American music artists are the foundation for the American music industry, having created entire genres of music, from ragtime and blues to funk music and hip-hop. However, there has been a wide gulf between the creative contributions and innovations of black artists, and their entitlement to ownership and compensation under copyright law. In this talk, Professor Greene will explore the critical role of copyright formalities, such as registration, publication and copyright terminations in facilitating wealth transfers from artists and creators to non-creators like record labels and music publishing companies, with proposals for copyright reform that target the least advantaged in society.

B 1 hour of MCLE elimination of bias credit available.

8:15 – 8:25 AM

Welcome and Opening Remarks

8:25 – 9:20 AM

Looking Over the Horizon for Patent Litigation

Join prominent Federal Circuit and District Judges as they share their views on where we are, where we are going, and what lies over the horizon for patent cases, including trials, damages, experts, the interplay with the Patent and Trademark Appeals Board proceedings, remedies for standard essential patents, statutory subject matter, and other issues. Learn the playbook for the future now.

Questions for judges? Submit your questions by email to cle@law.usc.edu or through the Institute app. We will share your questions anonymously with the judges before the Institute.

9:20 – 10:15 AM

Copyright and Trademark Litigation: A View from the Bench

With nearly 8,000 copyright and trademark cases filed in federal district courts every year, who better situated to comment on copyright and trademark litigation than the District Judges who preside over those cases? This panel of jurists from three different courts will discuss current issues in copyright and trademark litigation and how they can be addressed effectively in the courtroom. Topics may include surviving a motion to dismiss, the use of expert evidence, standards for statutory damages, the work made for hire and fair use doctrines, as well as establishing willfulness, the requirements for recovering an infringer's profits and more.

Prof. Kevin J. Greene

Professor of Law

Thomas Jefferson School of Law
San Diego, CA

INTRODUCER

Rachel M. Capoccia

Jeffer Mangels Butler & Mitchell LLP

Cynthia Lock Tregillis

INSTITUTE CHAIR

Western Digital Corporation

Hon. Kara Farnandez Stoll

U.S. Court of Appeals (Fed. Cir.)

Hon. Alan Albright

U.S. District Court (W.D. Tex.)

Hon. William M. Conley

U.S. District Court (W.D. Wis.)

Hon. Colm F. Connolly

U.S. District Court (D. Del.)

Hon. Lucy H. Koh

U.S. District Court (N.D. Cal.)

Hon. James V. Selna

U.S. District Court (C.D. Cal.)

MODERATOR

Morgan Chu

Irell & Manella LLP

Hon. Joseph F. Bataillon

U.S. District Court (D. Neb.)

Hon. Michael W. Fitzgerald

U.S. District Court (C.D. Cal.)

Hon. S. James Otero

U.S. District Court (C.D. Cal.)

MODERATOR

John C. Ulin

Arnold & Porter

10:15 – 10:30 AM – Networking Break

10:30 – 11:30 AM

IP Rights and Forced Technology Transfer in China: The Trade War Involving Intangibles

This distinguished panel of experts will discuss the national security and economic implications of China's trade regime and laws in the areas of intellectual property and technology transfer, including longstanding concerns about intellectual property theft, cyberattacks, forced technology transfer, foreign ownership restrictions, and China's new Cybersecurity law that may impose restrictions on foreign company protection of data and communications. The panel will also address the impact of the January 15, 2020 Phase One trade deal between the U. S. and China in the foregoing areas and the current status of any changes to China's foreign investment laws as relates to these areas.

David R. Hanke

Arent Fox LLP
Washington, DC

Brig. Gen. (Ret.) Robert S. Spalding III

Former Senior Director for Strategy
National Security Council, White House
Senior Fellow, Hudson Institute
Arlington, VA

Kevin J. Wolf

Akin Gump Strauss Hauer & Feld LLP
Washington, DC

11:30 – 11:35 AM – Passing Period

11:35 – 12:45 PM

COPYRIGHT TRACK SESSION 1A

Exploring the “Feud” Between Copyright and the Right of Publicity

What happens when famous athletes, performers and other celebrities appear in copyrighted works? How do their rights to protect their identities affect the rights of authors and copyright owners to create and protect copyrighted works?

And how will new state legislation expanding the right of publicity affect the balance? This panel of legal experts from the worlds of sports and entertainment and leading scholars and litigators will address the interplay of copyright and the right of publicity, addressing such issues as when copyright preempts publicity rights, First Amendment protection in right of publicity cases, and the extent to which copyright and the right of publicity are useful vehicles to address novel intellectual property challenges, including what to do about so-called “deep fakes.”

Duncan Crabtree-Ireland

Chief Operating Officer
General Counsel
SAG-AFTRA

Daniel M. Grigsby

Chief Legal Officer
General Counsel
The Los Angeles Lakers

Prof. Jennifer E. Rothman

Professor of Law
Joseph Scott Fellow
Loyola Law School

Kelli L. Sager

Davis Wright Tremaine LLP

PATENT TRACK SESSION 1B

Hot Topics in Patent Litigation, Licensing and Transactions

This panel will focus on trending issues in patent litigation, patent licensing in light of the FTC decision against Qualcomm, litigation strategies in light of recent case law, and important issues in patent sales and valuations.

Hon. Alan Albright

U.S. District Court (W.D. Tex.)

Kent Baker

Head of IP Strategy & Licensing
u-blox AG
San Diego, CA

Hon. Joseph F. Bataillon

U.S. District Court (D. Neb.)

Brad Watts

Majority Chief Counsel and Staff Director
Senate Judiciary Committee,
Subcommittee on Intellectual Property
Washington, DC

MODERATOR

Ellen S. Robbins

Akerman LLP

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A Survey of Surveys: Tips and Traps for Trademark Survey Evidence

The stakes are rising in trademark litigation and the Internet has changed both the marketplace and means for conducting surveys. At this panel, you will learn the most current developments on surveys used for likelihood of confusion, dilution, fame, and secondary meaning. The panel will discuss key attributes of each survey, and tips for preparing and using a persuasive, defensible survey. The panel will also discuss how to avoid common or uncommon pitfalls that may devastate a survey.

Sarah Butler
NERA Economic Consulting
San Francisco, CA

Matt Ezell
Ford Bubala & Associates

Hon. S. James Otero
U.S. District Court (C.D. Cal.)

Jedediah Wakefield
Fenwick & West LLP
San Francisco, CA

MODERATOR
Raffi Zerounian
Hanson Bridgett LLP

12:45 – 2:10 PM

Luncheon Keynote Presentation: The Future of the Entertainment Industry in an Expanding Global Market

Charles H. Rivkin, Chairman and CEO of the Motion Picture Association (MPA), joins us for a 30 minute presentation on the challenges and opportunities for the future of the entertainment Industry in an expanding global market.

Mr. Rivkin leads the MPA's global mission to advance and support the film, television, and streaming content industry by advocating for policies that drive investment in film and television production, protect creative content, open markets, and championing the economic and cultural power of film and television to communities around the world. The MPA's current members include Disney, Netflix, Paramount, Sony, Universal, and Warner Bros.

In 2018, Mr. Rivkin was appointed to the U.S. Trade Representative's Advisory Committee for Trade Policy and Negotiations. From 2014 to 2013, he was the U.S. Assistant Secretary of State for Economic and Business Affairs and from 2009 to 2013, he served as the U.S. Ambassador to France and Monaco. Before his government service, Mr. Rivkin worked in the media and entertainment sector for more than 20 years and served as President and CEO of the Jim Henson Company.



Charles H. Rivkin
Chairman and Chief Executive Officer
Motion Picture Association
Washington, DC

2:10 – 3:20 PM

COPYRIGHT TRACK SESSION 2A

The Piper Will Lead Us To Reason: Current Developments In Music Copyright

A multitude of recent high profile music plagiarism cases have explored such issues as to the extent to which various elements of songs are copyrightable, the standards for substantial similarity, the roles of courts and juries in deciding infringement and what may be considered in making that decision. This panel of experts from the worlds of music, film and copyright litigation and a leading musicologist, will explore whether courts view music disputes differently than other copyright litigation and the effect of recent legal proceedings on songwriters and others in the creative community. The panel will also discuss the Music Modernization Act, the Justice Department's ongoing review of the ASCAP and BMI consent decrees and other emerging issues.

Danielle Aguirre
EVP and General Counsel
National Music Publishers' Association
Washington, DC

Prof. Paul Geluso
Music Assistant Professor
Director, Music Technology Program
NYU Steinhardt

Edwin F. McPherson
McPherson LLP

Regan A. Smith
General Counsel
Associate Register of Copyrights
U.S. Copyright Office
Washington, DC

The Rise of Trade Secret Litigation

This panel will focus on the increased interest in trade secrets in the tech community, particularly in light of the uncertainty created by Section 101 jurisprudence and the enactment of the Defend Trade Secrets Act (DTSA) in 2016, as well as recent trends in trade secret litigation and key decisions.

Neel Chatterjee

Goodwin Procter LLP
Redwood City, CA

Jesse Mulholland

Assistant General Counsel
Western Digital Corporation

John Arthur Scott

Vice President, Legal Counsel
Qualcomm Incorporated
San Diego, CA

Wendy Wu

Principal
Pacific Intelligence & Cyber

MODERATOR

Andrea Weiss Jeffries

Jones Day

Unauthorized Use of Trademarks and Copyrights in Social Media and User-Generated Content: Where are the Boundaries and Who's Responsible?

Content sharing platforms such as social media attract visitors, publishers, and advertisers with convenient access to spontaneous and current content relevant to users' interests. But with this comes the increased publication of unauthorized content protected by trademark and copyright. This panel will explore and discuss the challenges faced in this environment, including how intellectual property owners, content platforms, users, and courts are interpreting the boundaries, and who is to be held responsible for overstepping those limits.

Michael Blend

Chairman and Co-Founder
System1

John F. Delaney

Perkins Coie LLP
New York, NY

Joseph Geisman

Vice President, Deputy General Counsel
Playboy Enterprises, Inc.

Tim Hance

Brands and Content IP Counsel
NBCUniversal

Matt Stratton

Associate General Counsel
Snap, Inc.

MODERATOR

Christian Tregillis

Hemming Morse, LLP

3:20 – 3:40 PM – Networking Dessert Break

3:40 – 5:40 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 of the past year.

Prof. Dennis D. Crouch

Author, Patently-O Blog
Associate Professor of Law
University of Missouri School of Law
Columbia, MO

Prof. Christine Haight Farley

Professor of Law, American University
Washington
College of Law
Washington, DC

Prof. David Nimmer

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

INTRODUCER

Prof. Jeffrey Pearlman

Clinical Assistant Professor of Law
USC Gould School of Law

5:40 PM – Networking Reception

Meet the Institute speakers at our cocktail reception, hosted by Signature Resolution.

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planning committee

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FTI Consulting

Andrea Weiss Jeffries*

Jones Day

Ronald L. Johnston*

Arnold & Porter

Hon. Victor B. Kenton, Ret.

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Jeff Kichaven Commercial Mediation

Olivia M. Kim

Wilson Sonsini Goodrich & Rosati

Jeffrey H. Kinrich

Analysis Group, Inc.

Kelly M. Klaus

Munger, Tolles & Olson LLP

Robert Knudsen

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USC Gould School of Law

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Gregory A. Pinsonneault

LitiNomics, Inc.

Edward G. Poplawski*

Wilson Sonsini Goodrich & Rosati

Ashish A. Pradhan

Cornerstone Research

Amy E. Proctor

Irell & Manella LLP

Rollin A. Ransom

Sidley Austin LLP

Wendy J. Ray

Morrison & Foerster LLP

Hon. Lorelei Ritchie*

Trademark Trial and Appeal Board, USPTO

Ellen S. Robbins*

Akerman LLP

Ben Sheffner

Motion Picture Association

Hon. Gail J. Standish

U.S. District Court (C.D. Cal.)

Jessica Stebbins Bina

Latham & Watkins LLP

Bob Steinberg

Latham & Watkins LLP

Sue Stuckwisch

Alvarez & Marsal Disputes and Investigations, LLC

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Berkeley Research Group, LLC

Michael J. Wallace

TM Financial Forensics, LLC

Bill Ward

Boies Schiller Flexner LLP

Russell G. Weiss

Sidley Austin LLP

Jeremy N. Williams*

Warner Bros. Entertainment

Renee C. Wong

Ankura Consulting Group

Sharon Wong

Intel Corporation

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USC Gould School of Law Media, Entertainment & Technology Law Program

The Media, Entertainment & Technology Law Program at the USC Gould School of Law offers students a unique educational experience that addresses the complex mix of legal and business issues in content and technology markets. Our innovative curriculum prepares students for practice through courses in intellectual property and business law taught by our research faculty, skills and simulation workshops taught by senior transactional and litigation attorney. USC Gould law students gain practical experience through our Intellectual Property and Technology Law Clinic, and externship opportunities in the legal departments of leading media, entertainment and technology firms. Students who wish to specialize in entertainment law have the opportunity to earn a Certificate in Entertainment Law, including courses at the USC School of Cinematic Arts. Interested in learning more about our program, students and graduates? We encourage you to browse our website at <http://gould.usc.edu/academics/media-entertainment-and-technology-law-program/> or contact the Director, Professor Jonathan Barnett, at jbarnett@law.usc.edu.

continuing education credits

LAWYERS. Minimum Continuing Legal Education (MCLE): USC Gould School of Law certifies that this activity qualifies for minimum continuing legal education credit in the amount of **3.50** hours for March 16 (of which **2.5** hours may apply to elimination of bias credit) and **9** hours for March 17 (of which **1** hour may apply to elimination of bias credit). The USC Gould School of Law is a State of California approved MCLE provider. This event may meet the requirements for continuing legal education credits in other states. Please check with the State Bar Association or Supreme Court in the state in which you are seeking continuing legal education credits to see if this program is eligible.

B indicates the hours of MCLE elimination of bias credit available for a particular session.

ACCOUNTANTS. Continuing Professional Education (CPE): This program meets the guidelines set by the California State Board of Accountancy in the amount of **215** minutes for March 16 and **520** minutes for March 17. The maximum amount of CPE credit is **14** hours.

frequently asked questions

REGISTRATION

Registration for Tuesday's Institute includes all sessions for the day, including the breakfast session, keynote luncheon, networking breaks, and cocktail reception. All registrations including Monday's Women in IP Leadership Workshop will receive continuing education credit, the Institute's mobile app (an online guide for the program) and an electronic download of the program syllabus materials. **Free WiFi will be available for all attendees!**

LOCATION AND ACCOMMODATIONS

The 2020 Intellectual Property Institute will be held at:

Fairmont Miramar Hotel & Bungalows

101 Wilshire Boulevard, Santa Monica, CA 90401

Information: **(310) 576-7777** Reservations: **(310) 319-3156**

Website: <http://www.fairmont.com/santa-monica/>

Reservations: <https://bit.ly/38dzgnp>

The Fairmont Miramar combines historic elegance, a beachfront location and modern appointments, offering a beautiful swimming pool, swaying palm trees, sea breezes, exquisitely manicured grounds and casually elegant guest rooms and suites. This luxury oceanfront hotel will provide an unforgettable experience.

A limited number of rooms are available at the Fairmont Miramar at a special rate of **\$385** per night for single or double occupancy when you mention the **USC Gould School of Law**. All reservations must be made by **February 16, 2020** to take advantage of this special rate.

PARKING

Parking at the hotel is very limited and may not be available when you arrive, so plan accordingly. Hotel parking, if available, costs **\$20** per day or **\$50** per night for overnight guests. **Self-parking** is available at the City of Santa Monica Parking Structures 2 and 4 (short walks from the Fairmont Miramar). You may also be able to reserve parking at nearby **private lots** using the ParkMe parking app. Visit <http://www.downtownsm.com/parking-info> or our website at <http://gould.usc.edu/cle/ip> for additional information.

CHECK-IN AND BADGE PICK-UP

Check-in begins at **7:00 AM for the Institute on Tuesday and 12:00 PM for Monday's Workshop**. Badges will be held at Will Call in the Wedgewood Foyer on the ground level of the hotel.

DIETARY RESTRICTIONS AND SPECIAL ACCESS NEEDS

USC Gould School of Law welcomes the participation of individuals with disabilities at our continuing legal education events. If you require special accommodations or have any questions, please contact us at cle@law.usc.edu or call **(213) 821-3580**.

AUDIO RECORDINGS AND SYLLABUS

Do you want to refer back to sessions after the Institute? Purchase audio recordings at a discount when you purchase an Institute registration.

Unable to attend? Purchase audio recordings and the Institute Syllabus to receive California MCLE self-study credit for listening to the sessions. Visit our website at <http://gould.usc.edu/cle/ip> for more information.

CANCELLATIONS

All registrations and purchases are final and non-refundable.

QUESTIONS?

Contact the USC Gould Continuing Legal Education Office at cle@law.usc.edu or call **(213) 821-3580**.

registration form

USC GOULD SCHOOL OF LAW **2020 INTELLECTUAL PROPERTY INSTITUTE**
MONDAY AND TUESDAY, MARCH 16-17, 2020
FAIRMONT MIRAMAR HOTEL & BUNGALOWS | SANTA MONICA, CALIFORNIA

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WOMEN IN IP LEADERSHIP WORKSHOP REGISTRATION (Monday, March 16)

- \$175 Standard Registration
- \$75 Full-Time Law Students

INSTITUTE REGISTRATION (Tuesday, March 17)

- \$599 Early-Bird Registration (sent on or before **February 14**)
- \$699 Standard Registration (sent after **February 14**)
- \$499 Three or More Registrations from the Same Organization (each)
(printed registration forms must be submitted together)
- \$450 In House Counsel
- \$329 Recent Law School Graduates (Classes of 2017-19) *(submit proof of graduation)*
- \$300 Government Employee
- \$275 Full-Time Law Students

Register for Breakfast Session (Tuesday, March 17)

- Yes No *(No additional fee for registrants of Tuesday's Institute)*

INSTITUTE AUDIO RECORDINGS *(Delivered after the Institute)*

- \$99 Purchased with a Registration
- \$199 Purchased without a Registration

PAYMENT METHODS

- 1 Check:** Mail checks payable to USC Gould School of Law with the completed form to:
USC Gould Continuing Legal Education
IPI20 Registration
699 Exposition Boulevard, Suite 326, Los Angeles, CA 90089
 Enclosed Check # _____ \$ _____

- 2 Credit Card:** Register and pay online at <http://gould.usc.edu/cle/ip>
If you attended one of our recent Institutes, an existing online account is linked to your email address. Passwords can be reset or sent to you.



contact information

USC Gould School of Law – Continuing Legal Education
699 Exposition Boulevard, Suite 326, Los Angeles, CA 90089
Telephone: (213) 821-3580 **Email:** cle@law.usc.edu
Website: <http://gould.usc.edu/cle>

Office hours are 9:00 a.m. to 5:00 p.m. Pacific Time



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