THE 2015 MIDWEST

Intellectual Property Institute

Thursday & Friday,
September 17 & 18, 2015
Minnesota CLE Conference Center
Minneapolis, Minnesota

Featuring Agency Insights From:

Nathan Kelley
Acting Chief Judge
Patent Trial and Appeal Board

Carolyn Kosowski
Legal Advisor, Office of Patent Legal Administration
U.S. Patent and Trademark Office

Chief Judge Gerard Rogers
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office

Catherine Rowland
Senior Advisor to the Register of Copyrights
U.S. Copyright Office

Plus, National and Local In-House, Judicial and Private Practice Perspectives on Key Practice Issues

Bringing World-Class IP Education to You!

Delivering the Most Up-to-Da Analysis and Tips So You Can Better Handle Pressing Client

Attend the Midwest IP Institute – The Best Way to Keep Up on All the Important New Developments

Our goals are simple – to provide you with **targeted, practical, timely information that's immediately useful** in your work and to provide you with helpful resource materials – all in a fun conference setting with great opportunities to meet and make connections with others. A one-stop shop, the Institute provides **extensive coverage** of critical new developments, and concrete insights into *why* those changes matter and *how* to take the next steps in dealing with those developments. You'll get both high-level summaries and opportunities to drill-down into the details of the most talked-about intellectual property law issues today.

A Skilled Faculty with Diverse Practice Perspectives

The 2015 Midwest Intellectual Property Institute features an outstanding faculty committed to providing the best possible (and most practical) education for you. The conference faculty is drawn from the bench and in-house, private and government practice. This faculty mix leverages diverse insights, experience and perspective. Together they create a **roster of talent that provides unmatched education** – spotting and analyzing the oftentimes complex legal and business issues, and offering real-world advice and practice tips for tackling those issues.

2 New Tracks Add Even More Valuable Content and Flexibility to Customize Your Learning

The Institute offers more than 30 diverse, on-point and well-designed session options, addressing significant IP topics from numerous angles. The number and wide range of topics ensure that you can construct an agenda tailored to your particular work and interest.

In addition to the can't-miss plenary presentations, you'll choose from outstanding sessions in the following tracks:

- **Patent** – addressing important topics for patent prosecutors and patent litigators
- **Post-Grant Challenges** – with insights on IPR outcomes and strategies
- **Trademark/Copyright** – featuring hot topics such as the new *B&B Hardware* decision's implications
- **In-House Counsel** – a perennially popular track designed specifically with the needs of in-house counsel fully in mind
- **IP in Contracts** – tackling key contractual provisions related to various forms of IP
- **Legal Tech** – featuring popular legal technology speaker and consultant Paul Unger on how to best leverage technology to enhance your practice

Plus, you'll have options to earn **ethics and elimination-of-bias credit.**

Register today!

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te News,

Matters

"The" Annual Event for Networking and Relationship-Building at Its Best

The Institute provides a **fun and relaxed conference setting** in which to network. You'll have plenty of time to visit with friends, clients, potential clients and other colleagues throughout the two days – at the Institute luncheon, reception and between sessions.

And this year's conference includes a "table topics" option for the Institute luncheon. Here's a great chance for you to talk about a selected IP topic in a relaxed luncheon setting as you get to know your tablemates! Learn from your colleagues, share your own insights. An Institute planner will be there to moderate and contribute to the discussion. See page 8 of the brochure for more details.

High-Quality, User-Friendly Written Materials

The Course Manual

All attendees receive online access to helpful written materials prepared by faculty members to accompany their sessions. The online format is user-friendly and easy to navigate. And, as always, at the Institute, you'll be given hard copies of a session's written materials as you enter each session so that you can easily follow along and take notes.

The 2015 Edition of *The IP Book*

In addition to the *2015 Midwest IP Institute Course Manual,* we are publishing the all-new 12-chapter 2015 edition of *The IP Book,* prepared especially for the Institute. Every attendee will receive, at no extra charge, this fantastic resource that provides the IP practitioner with coverage of new case law, recent developments, and practice tips. We are confident this book will prove extremely valuable for anyone whose practice requires knowledge of intellectual property law.

GUEST PRESENTERS

Visiting Faculty

We welcome a host of talented visiting faculty to add to our own expert local team. Those guest presenters include:

From Government:

- Nathan Kelley – Acting Chief Judge, Patent Trial and Appeal Board
- Carolyn Kosowski – Legal Advisor, Office of Patent Legal Administration
- Chief Judge Gerard Rogers – Trademark Trial and Appeal Board
- Catherine Rowland – Senior Advisor to the Register of Copyrights

From In-House:

- Molly Kocialski – Senior Patent Counsel, Oracle
- Andy Mar – Assistant General Counsel, Legal and Corporate Affairs, Microsoft Corporation
- Sung Yang – Director and Corporate Counsel, Starbucks Coffee Company

From Private Practice:

- Jeffrey C. Totten – Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
- Jon Gowshall – Forresters
- John L. Welch – Wolf, Greenfield & Sacks, P.C.

And:

- Lisa A. Dolak – Professor of Law, Syracuse University
- Paul J. Unger – Affinity Consulting Group

PLUS – Valuable Local Judicial Perspectives

- Magistrate Judge Hildy Bowbeer – U.S. District Court – D. Minn.
- Judge Peter M. Reyes, Jr. – Minnesota Court of Appeals
- Magistrate Judge Becky R. Thorson – U.S. District Court – D. Minn.

INSTITUTE BENEFITS & BONUSES

1. Entertaining and Informative Plenary Sessions
Each day kicks off with sessions sure to both inform and energize!

2. 30+ Session Choices
With the numerous and diverse offerings, you can customize the agenda that best suits you.

3. Dozens of New Sessions
Valuable new sessions on important topics, all designed to meet real-world practice needs.

4. Helpful Course Manual
A wealth of helpful reference materials that accompany conference presentations.

5. The Brand-New Edition of *The IP Book*
12-chapter, bound collection of updates covering significant IP developments over the past year.

6. Free Bonus Webcasts
The Institute experience continues after the conference adjourns, through two webcasts that all attendees may view for free. See page 11 for descriptions.

7. Opportunity for Ethics and Elimination-of-Bias Credit
Two great breakout session options to help fulfill these credit requirements.

8. Confidence that You're Up to Date
Presentations and written materials make sure you're up to date when you leave the Institute.

9. Networking Galore
Your chance to spend two days with faculty, friends and more than 300 colleagues in the intellectual property law field.

10. Luncheon Table Topics
Optional – you may sign up at the event to join a table at which there'll be a moderated discussion of a designated IP topic.

11. Reception, Lunch, Prize Drawings and Other Amenities
The Institute includes amenities to make the entire conference a comfortable, enjoyable affair – breakfast each morning, snacks and beverages during breaks, a chance to win great prizes, the Institute luncheon, the popular annual reception, and more.

. . . And More!

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Sung Yang
Starbucks
Seattle, Washington

AT-A-GLANCE | DAY 1

PLENARY SESSIONS

8:15 – 8:50 a.m. CHECK-IN & CONTINENTAL BREAKFAST

8:50 – 9:00 a.m. WELCOME & INTRODUCTION

MAIN PLENARY

9:00 – 9:50 a.m.
And the Hits Just Keep on Coming: The Supremes and IP 2015
Felicia J. Boyd

9:50 – 10:30 a.m.
A PTAB Update from the Acting Chief Judge
Nathan Kelley

10:30 – 11:00 a.m.
News from the Trademark Trial and Appeal Board
Chief Judge Gerard Rogers

ALTERNATE PLENARY

9:00 – 11:00 a.m.
New Developments in Technology and Time Management for IP Lawyers
2.0 law office management CLE credits applied for
Paul J. Unger

11:15 a.m. – 12:15 p.m. BREAKOUT SESSION A

POST-GRANT REVIEW

TRADEMARK / COPYRIGHT
101
The Year in Trademark Law: Attorney's Fees, Laches, Fair Use, and More
Baird, Welch

PATENT
102
The Year in Patent Law at the C.A.F.C. and the U.S. Supreme Court
Dragseth, Kelley

IN-HOUSE COUNSEL
103
Treating Data as an Intellectual Property Asset
Martinez

IP IN CONTRACTS
104
Practice Considerations in Patent and Trademark Licensing
Grahn, Wrigley

12:15 – 1:30 p.m. INSTITUTE LUNCHEON – Radisson Blu Minneapolis

Luncheon sponsored by Morgan Stanley

AT-A-GLANCE | DAY 2

PLENARY SESSION

8:30 – 9:00 a.m.
CONTINENTAL BREAKFAST

9:00 – 10:00 a.m.
Inside Minnesota IP: Meet the Inventors and Entrepreneurs
Angie Bastian
Jodi A. DeSchane
Travis Kelley
Michelle MacCormick
Amy M. Salmela
Jeff Sommers
Garrett Weber
Rita Anne O'Keeffe (moderator)

10:00 – 10:30 a.m.
U.S. Copyright Office Update
Catherine R. Rowland

10:45 – 11:45 a.m. BREAKOUT SESSION E

PATENT
501 **(1.0 ethics credit applied for)**
Patent Subject Matter Conflicts: Risks, Issues, and Challenges for Prosecutors and Litigators
Dolak
ETHICS

TRADEMARK/ COPYRIGHT
502
The Year in Copyright Law: *Garcia v. Google,* the *Beastie Boys v. Monster Energy* and More
Litsey, Rivard, Rowland

IN-HOUSE COUNSEL
503
Key IP Issues in Advertising Law
Leviton

IP IN CONTRACTS
504
Moving Beyond Boilerplate: Key Considerations for Getting the Right Indemnification Provision in Your IP Licenses
West

11:45 a.m. – 1:00 p.m. LUNCH (on your own)

1:00 – 2:00 p.m. BREAKOUT SESSION F

601
Patent Litigation from the Other Side of the Bench: Insights for Litigators and Prosecutors
Bowbeer, Thorson

602
Two Hot Topics for Trademark and Copyright Lawyers: Social Media Takedown Strategies and Letters of Protest
Ewald, Walz

603
Patent Monetization in Challenging IP Times
Butler, Mills

604
They Can't Take It With Them, Can They? Protecting Your IP Through Employment Contracts and Independent Contractor Agreements
Mrkonich

1:30 – 2:30 p.m. BREAKOUT SESSION B

201
2015 Review of IPR and CBM PTAB Decisions
Totten, Whelan
Bianchi (moderator)

202
The Impact of the Supreme Court's *B&B Hardware* Decision on TTAB Practice and Practitioners
Hefte, Rogers, Welch
Johnston (moderator)

203
Where Are The Words? Added Subject Matter in Europe
Gowshall, Hotchkiss

See #204 below

204
IP ADR: Arbitration Clauses, Settlement Agreements and Practice Tips
Allgeyer

2:45 – 3:45 p.m. BREAKOUT SESSION C

301
Integrating Your PTAB and District Court Strategies
Grimsrud, McDaniel, Morton, Totten
Bianchi (moderator)

302
The 10 Weirdest Things About the Copyright Act: Quirky Law That May Trip Up Your Client
Boyd

303
The USPTO's New Interim Section 101 Guidelines Following *Alice, Mayo,* and *Myriad*
Kosowski

304
Brand Management – Big-Picture Strategies and How to Implement Them
Brennan, Kenny

PRACTICE TECHNOLOGY

305 (1.0 law office management CLE credit applied for)
iPad Tips and Techniques for IP Lawyers
Unger

4:00 – 5:00 p.m. BREAKOUT SESSION D

401
7 Strategies for Drafting Patents in Light of the AIA and IPR Trends
Koenck, Nelson

402
Top Tips on Responding to Trademark Cease-and-Desist Letters
Buckingham

403
Same Difference? Claim Construction and Indefiniteness After *Teva* and *Nautilus*
Kocialski, Werner

404
In-House Counsel Perspectives on Building Impactful Relationships with Their Stakeholder Clients
Lee, Mar, Perera, Yang
Camero (moderator)

405 (1.0 law office management CLE credit applied for)
Exciting New Technologies for IP Lawyers
Unger

5:00 – 6:00 p.m. RECEPTION

Register for a chance to win a $1000 Delta Airlines Gift Card or 1 of 3 Apple Watches!

The prize drawing will take place at the reception on Thursday, September 17, and you must be present at the reception during the prize drawing to win. Any person may receive an entry form on Thursday, September 17, at the Institute registration desk until the reception begins at 5:00 p.m. Registration for the 2015 Midwest IP Institute is not required. The following individuals are not eligible to win: employees of Minnesota CLE and the Minnesota State Bar Association, as well as family members of those employees.

Special thanks to our Sponsoring Firms for making the reception a truly five-star affair!

NETWORKING BREAK & BONUS PRIZE DRAWING

2:15 – 3:15 p.m. BREAKOUT SESSION G

701
Design Patent Law and Practicing Under the New Hague System
Fairbairn, Kadievitch

702
New Copyright and Trademark Developments in the Music Business
Spence

703
M&A in Today's Business Climate: What In-House IP Counsel Need to Know to Enhance Their Contributions to the M&A Team
Krivosha, Newby, Turoski

3:30 – 4:30 p.m. BREAKOUT SESSION H

801
What You Need to Know About Antitrust Developments and How They Relate to IP
Cotter, Flaherty, Krueger

802 (1.0 elimination of bias credit applied for)
Tackling Bias and Promoting Diversity in the Legal Profession – Insights Gained from Judicial Service & In-House and Private Practice
Daley, Kliebenstein, Martinez
Reyes (moderator)
ELIMINATION OF BIAS

803
The Broad Reach of the Foreign Corrupt Practices Act
Strom

AFTER THE CONFERENCE...

Attend 2 Institute Webcasts Free!

As another special bonus of attending the Institute, you may view one or both of the 2 webcasts listed below for free!

A coupon code, along with instructions on how to register for free at www.minncle.org, will be distributed at the Institute.

1 Thursday, September 24, 2015
9:00 – 10:00 a.m.

What Have We Learned in the Aftermath of the *Akamai, Alice* and *Nautilus* Decisions?

1.0 standard CLE credit applied for

Timothy A. Czaja
Jeffrey J. Hohenshell
Christopher J. McLaughlin
Terrence C. Newby
Aaron A. Myers, moderator

2 Wednesday, October 21, 2015
12:00 – 1:00 p.m.

How To Stay Out of Copyright Infringement Trouble

1.0 standard CLE credit applied for

Carrie A. Hefte

SESSION DESCRIPTIONS

DAY 1 – SEPTEMBER 17

8:15 – 8:50 a.m.
CHECK-IN & CONTINENTAL BREAKFAST

8:50 – 9:00 a.m.
WELCOME & INTRODUCTION

9:00 – 11:00 a.m.
MAIN PLENARY SESSION

9:00 – 9:50 a.m.

And the Hits Just Keep on Coming: The Supremes and IP 2015

The Supreme Court continued its active review of intellectual property cases in 2015. This session will look at the playlist of what the Supreme Court did, didn't do and perhaps declined to do in the past year, with a sneak peek of what may be released in 2016.

Felicia J. Boyd

9:50 – 10:30 a.m.

A PTAB Update from the Acting Chief Judge

Get the latest word on significant developments out of the Patent Trial and Appeal Board (PTAB), plus the opportunity for Q&A with the PTAB's Acting Chief Judge, Nate Kelley.

Nathan Kelley

10:30 – 11:00 a.m.

News from the Trademark Trial and Appeal Board

Chief Judge Gerard Rogers highlights recent TTAB-related developments including the Supreme Court's recent *B&B Hardware* decision and possible rules changes.

Chief Judge Gerard Rogers

9:00 – 11:00 a.m.
ALTERNATE PLENARY SESSION

9:00 – 11:00 a.m.

New Developments in Technology and Time Management for IP Lawyers

2.0 law office management CLE credits applied for

Own your technology – Don't let it own you! The very technology that we love is an enormous source of interruptions and distractions during the day. Learn how to manage the latest and greatest technology to take control of your daily tasks, and how technology can help you improve client communication and achieve your professional goals. Enhance your time management and technology skills to regain control of your law practice…and your life.

Paul J. Unger

11:00 – 11:15 a.m. BREAK

11:15 a.m. – 12:15 p.m.
BREAKOUT SESSION A

101

The Year in Trademark Law: Attorney's Fees, Laches, Fair Use, and More

Stephen Baird and John Welch examine the past year's most significant trademark decisions and their practical implications for in-house and outside counsel. The issues run the gamut from new standards for attorney's fee awards; risks associated with intent-to-use trademark applications; unexpected landmines in exclusive licenses; trade dress protection and liability for product packaging designs; the legality of utilizing third-party trademarks in video games; and the applicability of laches to trademark infringement claims.

Stephen R. Baird & John L. Welch

102

The Year in Patent Law at the C.A.F.C. and the U.S. Supreme Court

It's been another busy year for patent law in the courts. Two experienced appellate attorneys – one from private practice and one the immediate past Solicitor for the Patent Office, now the PTAB's Acting Chief Judge – will discuss the most important and/or the most interesting of these cases, with a goal of giving you practical insights for dealing with your client matters.

John A. Dragseth & Nathan Kelley

103

Treating Data as an Intellectual Property Asset

Whether your company is dealing with big data or little data, you're managing a huge asset. As businesses become more digital, they become even more dependent on data. But changing business considerations, as well as the emerging regulatory landscape and new litigation risks surrounding data, can all substantially enhance – or impair – the value of data. Furthermore, the acquisition, transfer, sharing and sale of data have numerous intellectual property implications. Join us for this session to learn more about managing data as an intellectual property asset.

Richard M. Martinez

104

Practice Considerations in Patent and Trademark Licensing

This session will cover key considerations in drafting and negotiating patent and trademark licenses such as the recent U.S. Supreme Court decision in *Kimble et al. v. Marvel Entertainment;* licensing standard-essential patents; impact of patent exhaustion; indemnification provisions; jurisdiction; recent bankruptcy decisions affecting trademark licenses; considerations in corporate spin-offs; and more.

Barbara Grahn & Barbara A. Wrigley

Luncheon Sponsored by
Morgan Stanley

12:15 – 1:30 p.m.
INSTITUTE LUNCHEON
Radisson Blu Minneapolis

IP ***"Table Topics"*** is a great option for those who want to talk about a designated IP topic in a relaxed luncheon setting as you get to know your tablemates. Learn from your colleagues, and share your own insights. An Institute planner will be there to moderate and contribute to the discussion. If you are interested, you'll sign up Thursday morning at the conference for the topic that interests you. Sign-ups limited to 10 per table topic, on a "first to sign up Thursday morning" basis.

There will be many open tables as well for those not interested in participating in a table topic discussion.

1:30 – 2:30 p.m.
BREAKOUT SESSION B

201

2015 Review of IPR and CBM PTAB Decisions

The AIA post-grant trials are in their third year, and the Patent Trial and Appeal Board (PTAB) has issued a number of interesting decisions affecting post-grant proceedings. Jeffrey Totten, Dorothy Whelan and Tim Bianchi will review and discuss significant recent PTAB decisions in inter partes review (IPR) and covered business method patent review (CBM) proceedings. They will also look beyond the statistics to reveal emerging trends and share their insights on the direction of IPR and CBM practice.

Jeffrey C. Totten & Dorothy P. Whelan
Timothy E. Bianchi (moderator)

202

The Impact of the Supreme Court's *B&B Hardware* Decision on TTAB Practice and Practitioners

The recent Supreme Court decision in *B&B Hardware v. Hargis Indus.* held that a TTAB decision on likelihood of confusion in an opposition proceeding can have issue preclusive effect in a subsequent federal district court action. An expert panel consisting of the TTAB's Chief Judge and experienced in-house and outside counsel will explore the ramifications of this surprising decision, including to what extent preclusion will be applied to ex parte TTAB decisions, how preclusion will likely play out for issues other than likelihood of confusion, and strategies for influencing and taking advantage of the preclusive effect of a TTAB decision.

Carrie A. Hefte, Chief Judge Gerard Rogers & John L. Welch
Scott W. Johnston (moderator)

203

Where Are The Words? Added Subject Matter in Europe

Frustrated by the EPO's extraordinarily strict rules on added subject matter? This session will review those rules, including hidden dangers for the validity of patents and priority claims, as well as restrictions on claim broadening and change of claim category during prosecution. The presenters will provide tips on getting the broadest available amendments in Europe and comment on the status of the EU unitary patent.

Jon Gowshall & Edward Hotchkiss

204

IP ADR: Arbitration Clauses, Settlement Agreements and Practice Tips

Considerations for drafting arbitration clauses and settlement agreements, advice for selecting the correct ADR process and neutral to resolve IP disputes, as well as practice tips for advocates in ADR proceedings involving intellectual property.

David A. Allgeyer

2:30 – 2:45 p.m. BREAK

2:45 – 3:45 p.m.
BREAKOUT SESSION C

301

Integrating Your PTAB and District Court Strategies

Through a series of hypothetical scenarios posing a range of problems, an expert panel will discuss practical and strategic considerations involved in post-grant assertion and defense, including integration with district court litigation, stays and estoppel issues.

Timothy E. Grimsrud, Karen D. McDaniel, Cyrus A. Morton & Jeffrey C. Totten
Timothy E. Bianchi (moderator)

302

The 10 Weirdest Things About the Copyright Act: Quirky Law That May Trip Up Your Client

Discover some of the hidden quirks of the Copyright Act and the oddities that can flow from the application of various provisions.

Felicia J. Boyd

303

The USPTO's New Interim Section 101 Guidelines Following *Alice, Mayo,* and *Myriad*

The U.S. Patent and Trademark Office recently released its much anticipated Interim Guidance on Patent Subject Matter Eligibility for determining subject matter eligibility under 35 U.S.C. § 101 in view of the United States Supreme Court's *Myriad, Mayo* and *Alice Corp* decisions. In this session, Carolyn Kosowski, a Legal Advisor in the Office of Patent Legal Administration, will discuss the new guidelines and how examiners are applying them in the examination process.

Carolyn Kosowski

304

Brand Management – Big-Picture Strategies and How to Implement Them

It pays to step back from the swirl of everyday in-house demands to consider big-picture strategies designed to protect and enhance your company's brand. Experienced in-house and outside trademark counsel provide concrete tips on establishing budgets, refining process and staffing, leveraging internal and external relationships, identifying and evaluating brand monitoring and enforcement options, and more.

Karen A. Brennan & Timothy M. Kenny

305

iPad Tips and Techniques for IP Lawyers

1.0 law office management CLE credit applied for

This session will show you how you can power your practice by using the iPad to carry a paperless client/matter file with you, reduce paper in the workplace and edit documents. Learn about the nuts and bolts, must-have apps for lawyers, how to use the iPad in litigation and much more! Bring your iPads for hands-on learning!

Paul J. Unger

3:45 – 4:00 p.m. BREAK

4:00 – 5:00 p.m.
BREAKOUT SESSION D

401

7 Strategies for Drafting Patents in Light of the AIA and IPR Trends

Two experienced patent prosecutors share advice for drafting patents to be more AIA-proof and to withstand inter partes review proceedings.

Alan M. Koenck & Rick W. Nelson

402

Top Tips on Responding to Trademark Cease-and-Desist Letters

Do you want to be more effective and efficient with responses to demand letters and with trademark defensive strategies? This session will discuss when to write (and not to write) responses to demand letters, what types of responses to send, who should send them, and when to involve intermediaries. It will explain when to increase, match or decrease the level of rhetoric contained in the demand letter, identify which counterclaims, defense, and evidence to include, and provide real-life examples of what to do (and not to do).

Elizabeth C. Buckingham

403

Same Difference? Claim Construction and Indefiniteness After *Teva* and *Nautilus*

The Supreme Court's decision in *Sandoz v. Teva* had the potential to provide greater certainty to district court claim construction rulings, while the modified "reasonable certainty" indefiniteness standard set forth in *Biosig Instruments v. Nautilus* opened the door to a reinvigorated 112 defense. This panel will examine the extent to which these seemingly landmark decisions have altered the world of claim construction, and whether the combined impact of these decisions has had a meaningful impact on indefiniteness.

Molly Kocialski & Todd S. Werner

404

In-House Counsel Perspectives on Building Impactful Relationships with Their Stakeholder Clients

Seasoned in-house counsel will share their experiences on effective ways to develop relationships inside the organization. This session is a must for new and experienced in-house counsel looking for practical advice on fostering and maintaining critical client connections that meaningfully impact in-house counsel's service to the business, as well as their own successful career path in Legal.

Krisann Kleibacker Lee, Andy Mar, Susan A. Perera & Sung Yang
Caldwell Camero (moderator)

405

Exciting New Technologies for IP Lawyers

1.0 law office management CLE credit applied for

Are Apple watches, tablets, smartphones and apps just fun toys or can they actually help you practice law better and manage your practice more efficiently? Did you know that Google just launched a new patent prior art search tool? Paul Unger reveals strategies for putting these new tech tools to work for you.

Paul J. Unger

Join us Thursday at 5:00 p.m. for the reception and prize drawings for a Delta Airlines Gift Card and Apple Watches!

8:30 – 9:00 a.m.
CONTINENTAL BREAKFAST

9:00 – 10:30 a.m.
PLENARY SESSION

9:00 – 10:00 a.m.

Inside Minnesota IP: Meet the Inventors and Entrepreneurs

Join this panel for a fun, behind-the-scenes exploration of four local IP stories. You'll hear from two entrepreneurs in the popcorn and ice cream businesses who have created strong brands as well as delicious treats. You'll also hear from two inventors who were guided by local attorneys to patent and launch their products as part of the LegalCORPS Inventor Assistance program. The panelists' attorneys will join them to discuss the IP strategy behind the stories.

Angie Bastian, Jodi A. DeSchane, Travis Kelley, Michelle MacCormick, Amy M. Salmela, Jeff Sommers & Garrett Weber
Rita Anne O'Keeffe (moderator)

10:00 – 10:30 a.m.

U.S. Copyright Office Update

The Senior Advisor to the Register of Copyrights discusses several reports recently published by the Copyright Office on orphan works and mass digitization, the music marketplace, recordation, and Copyright Office technology.

Catherine R. Rowland

10:30 – 10:45 a.m. BREAK

10:45 – 11:45 a.m.
BREAKOUT SESSION E

501

Patent Subject Matter Conflicts: Risks, Issues, and Challenges for Prosecutors and Litigators

1.0 ethics credit applied for

Those who practice patent law – whether prosecution, litigation, or opinion writing – must also practice vigilance regarding subject matter conflicts. This review of lawsuits, decisions, and ethics rules and opinions will highlight potential risks, identify unresolved issues, and recommend risk-limiting measures.

Lisa A. Dolak

502

The Year in Copyright Law: *Garcia v. Google,* the *Beastie Boys v. Monster Energy* and More

Catherine Rowland, the Senior Advisor to the Register of Copyrights, joins Cal Litsey and Ruth Rivard for an in-depth review of significant copyright decisions, as well as important developments regarding copyrightability, infringement, fair use, damages and other emerging issues.

Calvin L. Litsey, Ruth Rivard & Catherine R. Rowland

503

Key IP Issues in Advertising Law

What you need to know when reviewing client advertisements – an overview of IP considerations and common regulatory issues.

Joel D. Leviton

SESSION DESCRIPTIONS

DAY 2 – SEPTEMBER 18, CONT.

504

Moving Beyond Boilerplate: Key Considerations for Getting the Right Indemnification Provision in Your IP Licenses

Indemnification provisions are included in many intellectual property licenses, but they shouldn't be thought of as boilerplate portions of the agreement. The way such provisions are structured and the issues to consider can vary depending upon the different types of intellectual property that are being licensed. This breakout session will discuss some of the important issues to consider when drafting or negotiating indemnification provisions for different types of intellectual property licenses.

David C. West

11:45 a.m. – 1:00 p.m.
LUNCH (on your own)

1:00 – 2:00 p.m.
BREAKOUT SESSION F

601

Patent Litigation from the Other Side of the Bench: Insights for Litigators and Prosecutors

Two of Minnesota's newest magistrate judges (and experienced IP lawyers) share their experiences on the bench so far, advice for working with the courts, and tips for effective advocacy in patent litigation.

Magistrate Judge Hildy Bowbeer &
Magistrate Judge Becky R. Thorson

602

Two Hot Topics for Trademark and Copyright Lawyers: Social Media Takedown Strategies and Letters of Protest

1. Trademark and Copyright Enforcement on Social Media – This presentation will explore the best practices for quickly and effectively enforcing IP owners' rights in the social media space. It will cover DMCA takedown requests and other complaint filing mechanisms available through the major social media networks (Facebook, Instagram, Twitter, LinkedIn, Google+, Yelp, etc.) and will also discuss what to do when those standard mechanisms fail and more aggressive action is needed to gain compliance.
2. Letters of Protest – Learn what letters of protest are, when to use them as part of an opposition strategy, and the different standards of review.

Ashley Bennett Ewald & Bradley J. Walz

603

Patent Monetization in Challenging IP Times

Alicia Griffin Mills and Marla Butler will discuss strategies related to monetizing patent portfolios in an environment in which Congress, the courts and large corporations are working to place limits on patent assertion opportunities. The discussion will cover licensing, litigation and sale of patents by operating companies looking to extract value from home-grown IP, and by non-practicing entities looking to extract value from acquired assets. They will also explore options for funding IP monetization including contingency fees, litigation funding, and success fees.

Marla R. Butler & Alicia Griffin Mills

604

They Can't Take It With Them, Can They? Protecting Your IP Through Employment Contracts and Independent Contractor Agreements

This session provides an update on the intellectual property rules that apply to relationships with employees and contractors, and offers practical guidance on how best to draft enforceable agreements to protect your company's investments.

Marko J. Mrkonich

2:00 – 2:15 p.m. NETWORKING BREAK & BONUS PRIZE DRAWING

2:15 – 3:15 p.m.
BREAKOUT SESSION G

701

Design Patent Law and Practicing Under the New Hague System

Design patents have previously been thought of as less valuable than utility patents, that is, until the recent *Apple v. Samsung* tablet wars. Even further, on May 13, 2015, the U.S. adopted the Hague Agreement Concerning the International Registration of Industrial Designs ("Hague System"), which makes it easier and cheaper to file for design protection in different countries. This presentation will focus on the fundamentals of design patent law, recent cases elevating the importance of including design patents in your patent portfolio and strategies for using the new Hague System, including its advantages and traps for the unwary.

Kara K. Fairbairn & Natalie D. Kadievitch

702

New Copyright and Trademark Developments in the Music Business

Entertainment and IP lawyer, Mick Spence, reviews recent cases shaping the music industry; including the Blurred Lines copyright infringement case, the trademark registration case involving The Slants, and The Turtles copyright infringement cases against SiriusXM and Pandora. He will also discuss how music streaming and subscription services are changing entertainment business models, and issues recording artists and record/media companies are grappling with now and into the future.

Mick Spence

703

M&A in Today's Business Climate: What In-House IP Counsel Need to Know to Enhance Their Contributions to the M&A Team

This session will provide a practical overview of mergers and acquisitions including structure, current trends in M&A and how the IP lawyer can be a valuable contributor to the M&A team. The session will also discuss intellectual property issues from the seller's perspective, including steps to be taken before sale, timing, preparing for exit, and an exit-prep checklist. Learn how to be conversant with your M&A colleagues and to counsel your clients to prepare for and execute on M&A.

Terri Krivosha, Terrance C. Newby & Christopher M. Turoski

3:15 – 3:30 p.m. BREAK

3:30 – 4:30 p.m.
BREAKOUT SESSION H

801

What You Need to Know About Antitrust Developments and How They Relate to IP

There is a lot going on right now in the antitrust arena related to licensing and enforcement of patents. The FTC and DOJ are increasingly analyzing FRAND commitments for SEPs to determine whether companies are living up to their promises. Deceptive representations in cease and desist letters may make you a target of an FTC investigation. And the Supreme Court, in *Kimble v. Marvel,* has answered whether the payment of royalties after the expiration of a patent should be a per se unlawful. Join this panel of antitrust and IP scholars and practitioners as they discuss how the changing antitrust landscape affects intellectual property rights.

Thomas F. Cotter, Scott M. Flaherty & Bethany D. Krueger

802

Tackling Bias and Promoting Diversity in the Legal Profession – Insights Gained from Judicial Service & In-House and Private Practice

1.0 elimination of bias credit applied for

Using an interactive format, this session takes as its starting point a summary of key points from Justice Sonia Sotomayor's memoir, *My Beloved World.* The discussion will be led by the Honorable Peter M. Reyes, Jr., a Minnesota Court of Appeals Judge and former senior intellectual property counsel with both in-house and private practice experience. Judge Reyes will be joined by a panel of experienced attorneys who will discuss how the issues raised in that book relate to bias and diversity in the legal profession. They will tackle tough questions and offer suggestions and solutions to address these issues.

Annamarie A. Daley, Heather J. Kliebenstein & Richard M. Martinez
Judge Peter M. Reyes, Jr. (moderator)

803

The Broad Reach of the Foreign Corrupt Practices Act

Chief among anti-corruption laws is the U.S. Foreign Corrupt Practices Act (FCPA), which prohibits bribery of foreign (non-U.S.) government officials. Companies with business that extends abroad – whether through foreign suppliers, interactions with foreign administrative authorities, the use of third-party consultants, or employees who travel or live in other countries – should be mindful of the FCPA's broad reach. This presentation will explain how FCPA issues can arise in the IP context and provide tools for reducing risk.

Ryan E. Strom

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1 Thursday, September 24, 2015
9:00 – 10:00 a.m.

What Have We Learned in the Aftermath of the *Akamai, Alice* and *Nautilus* Decisions?

1.0 standard CLE credit applied for

Timothy A. Czaja, Jeffrey J. Hohenshell, Christopher J. McLaughlin & Terrance C. Newby
Aaron A. Myers, moderator

2 Wednesday, October 21, 2015
12:00 – 1:00 p.m.

How To Stay Out of Copyright Infringement Trouble

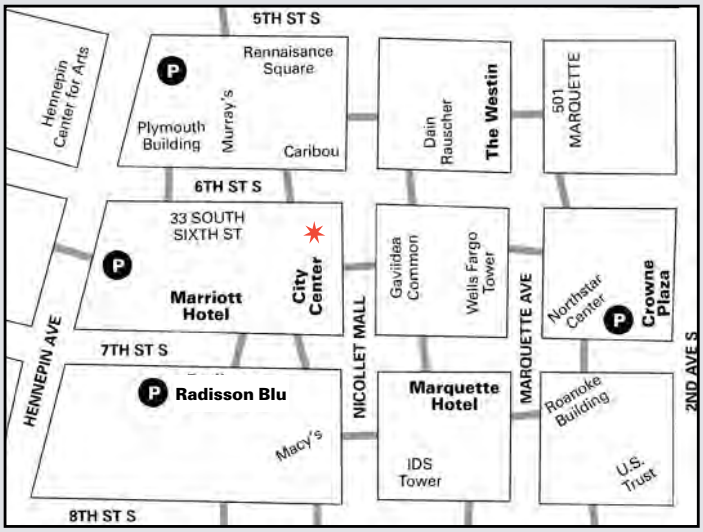
1.0 standard CLE credit applied for

Carrie A. Hefte

COURSE INFORMATION

DATE & LOCATION

Thursday & Friday, September 17 & 18, 2015
Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370 (Third Floor City Center)
Minneapolis, Minnesota



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Go to the Visit Minneapolis website to search for hotels and book your room. The closest hotels to the Minnesota CLE Conference Center are the Minneapolis Marriott City Center and the Radisson Blu Minneapolis.

http://www.minneapolis.org/

PARKING

Parking is available in the City Center parking ramp for only $12 per day if you arrive before 8:30 a.m. and leave after 1:00 p.m.

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