2016 INTELLECTUAL PROPERTY INSTITUTE

8 FEDERAL JUDGES
• Hon. Andrew Guilford (C.D. Cal.) • Hon. Alex Kozinski (9th Cir.) • Hon. Pierre Leval (2d Cir.)
• Hon. Barbara Lynn (N.D. Tex.) • Hon. Beverly Reid O’Connell (C.D. Cal.)
• Hon. Sharon Prost (Fed. Cir.) • Hon. Gail Standish (C.D. Cal.) • Hon. Leonard Stark (D. Del.)

Email questions for the judges to cle@law.usc.edu

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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 dress, and related fields. Join Chief Judges Prost (Fed. Cir.) and Stark (D. Del.), Judges Guilford (C.D. Cal.), Kozenzki (9th Circ.), Leval (2d Circ.), Lynn (N.D. Tex.), O’Connell (C.D. Cal.), and Standish (C.D. Cal.), the General Counsel and Associate Register of Copyrights, plus 6 leading academicians, 11 in house counsel, and top practitioners for a breezy day of learning and networking at the beach.

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7:00 AM
Registration and Continental Breakfast

7:30 AM
Women in IP Breakfast
Join us for the third annual women's networking breakfast, which will combine a networking opportunity and a 30 minute panel discussion focusing on issues of interest to women in the IP area, including successful strategies for many different legal careers enjoyed by women in IP attorneys, how to network to get to where you want to go, and the importance of mentoring women joining us in this field. Breakfast will be served.

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8:40 AM
Welcome and Opening Remarks

8:45 AM
The Experts Discuss Fair Use
Join four of the nation's leading experts as they discuss the future of the fair use doctrine. As the use of protected content on the Internet explodes, how should courts analyze questions of fair use? Is a uniform standard possible and how do international norms and treaty obligations affect copyright protection in the United States? Learn how these prominent thinkers believe the balance should be struck between content protection and user's rights in this digital era.

Questions for the panelists? Email your questions to cle@law.usc.edu and we will share your questions anonymously with the panelists before the Institute.

Jane C. Ginsburg
Morton L. Janklow Professor of Literary and Artistic Property Law Columbia Law School New York, NY

Judge Beverly Reid O'Connell
U.S. District Court (C.D. Cal.)

Cynthia Lock Tregillis
Senior Director, Global Brand Protection & Trademark Law Western Digital Corporation

Wayne M. Barsky
Institute Chair Gibson, Dunn & Crutcher LLP

Leanna Izuel
Institute Executive Director USC Gould School of Law

Judge Alex Kozinski
U.S. Court of Appeals (9th Cir.)

Judge Pierre N. Leval
U.S. Court of Appeals (2d Cir.) New York, NY

David Nimmer
Adjunct Faculty UCLA School of Law Irell & Manella LLP

MODERATOR
Jane C. Ginsburg
Morton L. Janklow Professor of Literary and Artistic Property Law Columbia Law School New York, NY

10:05 AM – Networking Break
Music Copyright Wars: From Marvin Gaye to Taylor Swift and Everything In Between

The Copyright Office recently called for comprehensive review and revision of the law governing the music marketplace, lamenting that the music industry is “increasingly doing business in legal quicksand.” Because of its cultural and economic importance, music has become a flashpoint in the copyright debates that are playing out in legislative and administrative forums in Washington and courts throughout the country, as well as in the press and over social media. This panel of leading music industry experts will address the critical issues in music copyright, including developments concerning the DMCA’s safe harbor provisions; royalty rates for streaming music; fairness and transparency in licensing; public performance rights in pre-1972 sound recordings; fair use; and what the future may hold.

Emerging Trends in Patent Litigation

Hear judges and practitioners discuss the practical impact of rapidly evolving case law and procedural developments and effective case management trends for dealing with them. The session will highlight the effects of the latest Supreme Court decisions and the competing views of plaintiff’s and defense counsel, case management issues arising out of Alice motions, concurrent district court and PTAB proceedings, and damages disclosures. The panelists will also address evolving issues in claim construction, subject matter eligibility, willfulness, divided infringement post-Akamai, laches, patent exhaustion, and injunctive relief.

Trademark and Trade Dress Challenges in Protecting Hard-to-Protect Designs

From restaurant layouts to faucet configurations, companies have long sought trademark protection for all manner of trade dress. But what do companies need to do to ensure that they will be successful in these efforts? This panel of in house counsel will explore key pitfalls and best practices in obtaining protections for product designs, particularly as infringers and counterfeiters have evolved to avoid traditional trademark enforcement mechanisms. The panel will also discuss using alternative forums such as the U.S. International Trade Commission to enforce designs.
SHARON PROST was appointed to the Court of Appeals for the Federal Circuit by President George W. Bush in 2001 and assumed the duties of Chief Circuit Judge on May 31, 2014.

Prior to her appointment, Chief Judge Prost served as Minority Chief Counsel, Deputy Chief Counsel, and Chief Counsel of the Committee on the Judiciary, United States Senate from 1993 to 2001. She also served as Chief Labor Counsel (Minority), Senate Committee on Labor and Human Resources from 1989 to 1993. Prior to her work on Capitol Hill, she served for 15 years in five different agencies of the executive branch. These agencies included the Department of the Treasury, National Labor Relations Board, and General Accounting Office.

Chief Judge Prost received a B.S. from Cornell University, an M.B.A. from George Washington University, a J.D. from the Washington College of Law, American University, and an LL.M. in tax law from George Washington University School of Law.

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 attorneys, practice experience through our Intellectual Property and Technology Law Clinic, and internship opportunities at leading media 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://lawweb.usc.edu/why/academics/certificates/entertainment.cfm or contact the Director, Professor Jonathan Barnett, at jbarnett@law.usc.edu. USC Gould School of Law students can earn academic credit through the “entertainment practicum,” in which students acquire practical experience in the legal departments of media and entertainment firms. Interested in learning more about this opportunity? Contact Professor Scott Altman at saltman@law.usc.edu.
PATENT TRACK SESSION 2B
The Role and Effectiveness of Big Data In Patent Disputes
Abundant data and statistics are available on virtually every aspect of patent disputes. The panel will focus on what precisely is the practical, everyday significance of this information and how to best assess and use it in patent litigation and PTAB proceedings to drive results. Trends in the data, outcome predictability, limitations on its effectiveness, and its use for case management will be highlighted.

COPYRIGHT TRACK SESSION 2A
Video Programming Distribution in the Era of Disruptive Technology
Modern technology has revolutionized the distribution of video programming and the expectations of consumers. Movie theaters and over-the-air TV have yielded ground to cable and satellite TV and video-on-demand and, more recently, to streaming services, mobile technology and “TV anywhere.” This distinguished panel of industry leaders and regulators will discuss the copyright and licensing challenges facing the motion picture and TV industries as they continue to adapt to new technologies and consumer demands in the digital era. Topics will include the extent of public performance liability for Internet distributors after Aereo and TV Catchup, the breadth and utility of compulsory licensing, the E.U. Digital Single Market and its significance in Europe and elsewhere, and the use of licensing and private negotiation to supplement or supplant formal regulation.

1:00 PM

Judge Daniel L. Brenner
Los Angeles Superior Court
Lecturer in Law
USC Gould School of Law
Jacqueline J. Hayes
Senior Vice President
General Counsel,
Legal and Business Affairs
Warner Bros. Home Entertainment
Christopher D. Libertelli
Vice President, Global Public Policy
Netflix, Inc.
Washington, D.C.
Troy D. Dow
Vice President
Counsel, Government Relations and IP Legal Policy & Strategy
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Washington, D.C.

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Northwestern University School of Law
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ACCOUNTANTS. Continuing Professional Education (CPE): This program meets the guidelines set by the California State Board of Accountancy in the amount of 7 hours.
New Trends and Developments in Trademark Asset Management, Including Strategies for Protection of Non-Traditional Marks

As brands strive to remain relevant and appealing to consumers, the traditional rules for trademark prosecution and protection are being challenged and pushed. This panel will discuss new trends and developments in trademark asset management. The speakers will focus on strategies for protecting non-traditional trademarks (such as hashtags, color and designs), including trademark prosecution and litigation considerations, and legal and business considerations in using, protecting or rejecting disparaging or edgy trademarks.

Bryce D. Coughlin
Senior Counsel, Intellectual Property
Fox Entertainment Group

Christine Haight Farley
Professor of Law
American University
Washington College of Law
Washington, D.C.

Cynthia Lock Tregillis
Senior Director, Global Brand Protection & Trademark Law
Western Digital Corporation

MODERATOR
Robert L. Raskopf
Quinn Emanuel Urquhart & Sullivan, LLP
New York, NY

2:10 PM – Networking Dessert Break

2:30 PM
The IP Year in Review: Patent Law, Trademark Law and Right of Publicity and Copyright Law

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.

Christine Haight Farley
Professor of Law
American University
Washington College of Law
Washington, D.C.

Mark A. Lemley
William H. Neukom Professor of Law
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Director, Berkeley Center for Law & Technology
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U.S. District Court (N.D. Tex.)
Dallas, TX

Chief Judge Sharon Prost
U.S. Court of Appeals for the Federal Circuit
Washington, D.C.

Chief Judge Leonard P. Stark
U.S. District Court (D. Del.)
Wilmington, DE

MODERATOR
Daralyn J. Durie
Durie Tangri LLP
San Francisco, CA

4:35 PM
Judicial Perspectives on the New World of Intellectual Property

Join prominent Federal judges as they discuss changes in the courtroom now and for the future for trials, experts, damages, discovery, forum selection, and other areas. Know the playbook now for the future.

Questions for the judges? Email your questions to cle@law.usc.edu and we will share your questions anonymously with the judges before the Institute.

Judge Barbara M.G. Lynn
U.S. District Court (N.D. Tex.)
Dallas, TX

Chief Judge Sharon Prost
U.S. Court of Appeals for the Federal Circuit
Washington, D.C.

Chief Judge Leonard P. Stark
U.S. District Court (D. Del.)
Wilmington, DE

MODERATOR
Daralyn J. Durie
Durie Tangri LLP
San Francisco, CA

5:45 PM
Networking Reception

Meet the Institute speakers at our cocktail reception, co-hosted by TM Financial Forensics, LLC
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frequently asked questions

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