



2022 ANNUAL MEETING

September 18-20, 2022 | JW Marriott L.A. Live | Los Angeles, CA

IP in a Shifting World

Sunday, September 18

<u>TIME</u>	<u>FUNCTION</u>
10:00AM	IPO Board of Directors Meeting
12:30PM	<i>IPO Board Members and Alternates Only</i>
1:00PM	Networking Social Event hosted by the Women in IP Law Committee
2:00PM	<i>Co-sponsored by Finnegan, Henderson, Farabow, Garrett & Dunner, LLP; PCK IP; and Questel</i>
2:00PM	Committee Business Meetings
3:00PM	
3:15PM	Committee Business Meetings
4:15PM	
4:30PM	Welcome/Meeting Kick-off
6:00PM	
	Welcome Remarks by IPO President Karen Cochran , Shell Oil Company
	Keynote Speaker to be Announced
	Professional Development: Leadership Lessons from TED
	<i>Organizing Committee: Leadership Development</i>
	What do Teddy Roosevelt, Ted Koppel, Ted Lasso, various TED talks, and other great (and perhaps some less great) “TEDs” have in common? It’s not just their name. Relying on the inspirational words and actions of “TEDs,” a panel of IP leaders will address how leadership styles are actively evolving, moving from the old coercion style toward a more inclusive collaborative style that displays empathy and vulnerability. Panelists will share their views of the most effective leadership styles and how to best tailor styles for different situations and people. By the end of the session, attendees will have something in common, too—a better understanding of when, how, and why to hone their leadership styles.
6:00PM	Welcome Reception
8:00PM	<i>Sponsored by Ropes & Gray LLP</i>
7:00PM	IPO Board of Directors and Special Guests Dinner
8:30PM	<i>By invitation only</i>

Monday, September 19

<u>TIME</u>	<u>FUNCTION</u>
6:30AM	IPO Fun Run/Walk
7:30AM	<i>Sponsored by Banner & Witcoff, Ltd.</i> <i>Note: Grab and go breakfast will be provided</i>
7:30AM	Breakfast & IP Expo
8:30AM	<i>Breakfast sponsored by Leydig, Voit & Mayer, Ltd.</i>
8:30AM	IPO Awards and Keynote Address
9:15AM	Awards presented by IPO President Karen Cochran , Shell Oil Company Keynote Address by Director Kathi Vidal , US Patent and Trademark Office
9:15AM	General Session: KPIs for Effective Corporate IP Management and Operations in a Shifting World
10:15AM	<i>Organizing Committee: Corporate IP Management & Operations</i> Leveraging Key Performance Indicators (KPIs) is a beneficial tactic for effectively managing a corporate IP department in a shifting world. Whether to understand the measure of work in progress for the department, managing the patent life cycle, or achieving more accurate budget predictions, appropriate KPIs are the foundation for reaching actionable IP analytics, particularly in a dynamic business environment. IPO's Corporate IP Management and Operations Committee has developed a KPI Reference Guide that breaks KPIs into categories for effective IP management. Panelists will share best practices and insights from the KPI Reference Guide and from recent roundtable discussions.
10:15AM	Break & IP Expo
11:00AM	<i>Breaks sponsored by Leydig, Voit & Mayer, Ltd.</i>
11:00AM	Concurrent Sessions
12:00PM	Trademarks/Industrial Designs/Copyrights: IP in the Metaverse <i>Organizing Committees: Industrial Designs, International Trademark, and US Trademark Law</i> This session will cover emerging legal issues in design, trademark, trade dress, and copyright law arising from the expanding virtual world. Panelists will consider specific issues with respect to each type of right, such as subject matter eligibility, scope, enforcement strategies and litigation, licensing, and how to leverage IP assets in the metaverse.
	Patents: The Impact of USPTO Changes to AIA Proceedings: Comparing Key PTAB Statistics on Outcomes by Technology Sector <i>Organizing Committee: US Post-Grant Patent Office Practice</i> Over the past several years, some patent owners have argued that Patent Trial and Appeal Board (PTAB) AIA proceedings are unfair, and the USPTO has responded to concerns about balance by issuing guidance, precedential decisions, and rules. Today AIA filings remain strong, and the PTAB remains the most popular forum for challenging patent claims. While the USPTO publishes overall statistics demonstrating drops in institution rates, very little technology-specific data exists, particularly how specific technology areas fare compared to the overall

statistics or other technologies. This session will explore the changes to AIA proceedings and how they have impacted outcomes. The session also will dive into how changes to procedures, guidance, and rule have impacted individual technology sectors and outcomes in different industries – including variations from technology to technology. Related topics that will be addressed will be the change in USPTO leadership and the effect of discretionary denials on PTAB practice and related litigation.

12:00PM **Lunch & IP Expo**

1:00PM *Lunch sponsored by Schwegman Lundberg & Woessner, P.A.*

1:00PM **Concurrent Sessions**

2:00PM

Patents/Trademarks: Patent and Trademark Case Law Update

Organizing Committee: Amicus Brief

The US Supreme Court, the US Court of Appeals for the Federal Circuit, and district courts have authored several opinions in 2022 re-shaping, and in some cases clarifying, patent and trademark law. Speakers will provide key takeaways from these decisions and comment on cases to watch.

Industrial Designs: Clash of the Titans: IP vs Right to Repair

Organizing Committee: Industrial Designs

Right to Repair advocates claim that they have a right to repair anything they own and that they have a right to use it, modify it, and repair it whenever, wherever, and however they want. But these “rights” often clash with intellectual property rights. Panelists will explore the tension between a right to repair and the interests of IP owners. They will also review what statutory measures are currently being undertaken at the state and federal levels in support of the right to repair.

Professional Development: Increasing Diversity in Innovation Pledge: Achievements and Lessons Learned from the First Year

This session will provide a report on results from the Diversity Pledge’s first year. The pledge is a step that many companies are taking to increase diversity in innovation, with the understanding that more innovation can lead to increased market share, customer acquisition, employee retention, and more. Hear from companies that have taken the pledge, who will share their baseline numbers and discuss experiences and lessons learned along the way.

2:00PM **Break & IP Expo**

2:45PM *Breaks sponsored by Leydig, Voit & Mayer, Ltd.*

2:45PM **Concurrent Sessions**

3:45PM

AI: Best Practices for AI-Related Inventions

Organizing Committees: AI & New Emerging Technologies, Asian Practice, Pharmaceutical & Biotechnology, and Software Related Inventions

Artificial Intelligence (AI) has quickly emerged at the forefront of a fourth industrial revolution that is fundamentally changing the way we live, work, and interact with the environment around us. As AI grows in sophistication and power, questions have emerged about how innovations derived by AI programs should be treated and protected. Panelists will discuss the

risks and opportunities afforded by AI-derived innovations, whether AI should be listable as an inventor on patents, and the patenting process as it relates to AI.

Trade Secrets: Hold on to Your Trade Secrets: The Winds of Change Are Howling Around Employee Non-Compete Agreements

Organizing Committee: Trade Secrets

There is a growing tension between employee mobility, specifically the enforceability of non-compete and non-disclosure agreements post-employment, and strong trade secret protection, both of which intended to promote innovation and stimulate the US economy. This session will explore this tension and whether the focus on employee mobility is eroding trade secret protection in light of recent developments such as (1) President Biden's July 2021 Executive Order directing the Federal Trade Commission to consider issuing rules "to curtail the unfair use of non-compete clauses and other clauses or agreements that may unfairly limit worker mobility," (2) the Uniform Law Commission's newly proposed Uniform Restrictive Employment Agreements Act for possible adoption by states, and (3) various state laws and proposed legislation promoting employee mobility. Panelists will also explore steps trade secret owners can take in anticipation of recent and potential legislation favoring employee mobility.

Trademarks: TMI on the TMA: Everything You Need to Know About Trademark Modernization Act Implementation in Action

Organizing Committee: US Trademark Office Practice

In December 2021, the Trademark Modernization Act (TMA) created ex parte and inter partes nonuse cancellation proceedings to clear the US Federal Register of unused or inappropriately registered trademarks. In December 2022, the USPTO will implement flexible, shorter response periods for most office actions. This session will address best practices for filing expungement and reexamination proceedings, as well as actual data on petitions filed, instituted, and terminated to date. In connection with expungement and reexamination proceedings, this session will analyze when it is appropriate to file an ex parte petition as opposed to a petition to cancel before the Trademark Trial and Appeal Board (TTAB), and strategies for nonuse-based cancellation proceedings before the TTAB. The panel will also discuss how brand owners can begin preparing for flexible office action response periods now to ease the transition in December.

3:45PM **Break & IP Expo**

4:30PM *Breaks sponsored by Leydig, Voit & Mayer, Ltd.*

4:30PM **Concurrent Sessions**

5:30PM

Patents: Latest Developments at the USPTO Including Patent Center and the New DOCX Patent Filing Requirements

Organizing Committee: US Patent Office Practice

Patent Center, which currently is being rolled out by the USPTO, will soon become the platform for all patent-related submissions. Panelists will discuss what Patent Center is, the platform being replaced, and the various features of Patent Center. Panelists will discuss the new DOCX patent filing requirements, the related pros and cons, and offer best practice tips associated with DOCX filings.

Industrial Designs/Trademarks: Design Rights and Trade Dress: Maximizing Your IP Strategy
Organizing Committee: Industrial Designs

A product can have many different market differentiators. Some are protectable with both design rights and trade dress, while others can be protected using only one of these forms of intellectual property. What are the boundaries and differences in each type of protection, especially in view of recent trade dress cases that came before the US Supreme Court? Which form of protection should you use in a given scenario? And when should you use both? Panelists will evaluate protection strategies for hypothetical articles and advantages and disadvantages of design versus trademark protection in different enforcement scenarios.

AI/Copyright: Artificial Intelligence as Author and Inventor

Organizing Committee: AI & New Emerging Technologies and Copyright & Related Rights

Artificial intelligence (AI) is constantly being applied to new fields and commercial endeavors. Yet IP law concerning the protection of AI-created works and inventions is still developing. This session will provide an update on how the courts and IP offices (both patent and copyright) around the world have considered whether AI-generated inventions are patentable and AI-generated works are copyrightable, and if so who owns them. It also will give participants a better understanding of how existing rules governing inventorship and authorship may be applied to future fact patterns, particularly inventions and works that are created with modest human involvement.

7:00PM

Special Event: Dinner Reception at Petersen Automotive Museum

9:30PM

Busses transportation provided between the JW Marriott hotel and the Petersen Automotive Museum. Buses will begin departing the hotel at 6:30pm. The last bus will return to the hotel by 10:00pm.

Tuesday, September 20

TIME

FUNCTION

7:00AM

Breakfast & IP Expo

8:00AM

7:00AM

Chief IP Counsel Breakfast

8:00AM

By invitation only

8:00AM

Concurrent Sessions

9:00AM

Patents: PTAB Intersection with Patent Litigation: Year in Review

Organizing Committee: Patent Litigation and Remedies and US Post-Grant Patent Office Practice

This session will provide an overview of recent trends at the intersection of post-grant proceedings and federal patent litigation. Decisions in the Federal Circuit and the PTAB in the past year require parties challenging the validity of a patent to reconsider their strategies. Panelists will discuss issues such as where to bring prior art challenges and treatment of co-pending proceedings.

Professional: Update on the Rapidly Changing Diversity in Innovation Landscape

Organizing Committee: Women in IP Law

This session will provide updates on the legislative and administrative landscape for diversity in innovation in the innovation landscape including the IDEA Act, WIPO's Diversity initiatives, and the USPTO's diversity initiatives. Additionally, panelists will discuss IPO's Diversity in Innovation Toolkit and how it's being used around the world to increase diversity and inclusion in the innovation ecosphere.

Trademarks: High Maintenance: The Complexities of Brand Protection and Enforcement in the Cannabis Space

Organizing Committee: US Trademark Law

This session is for general information purposes. The information discussed is no intended to be and should not be taken as legal advice.

Cannabis is big business in the US, but the legal landscape for brand protection, enforcement, and anti-counterfeiting remains rife with complications. The panel will discuss a range of topics related to cannabis trademark protection including strategies for securing trademark rights at the federal and state level; leveraging alternative IP strategies for brands; enforcement strategies and hurdles; CBD, hemp, and the 2018 Farm Bill; and the imperfect patchwork of multi-state solutions.

9:00AM

Break & IP Expo

9:30AM

9:30AM

Concurrent Sessions

10:30AM

Patents/Trade Secrets: Why IP Owners Should Pay Attention to Data Legislation

Organizing Committees: European Practice and Trade Secrets

Data governance is one of the most widely discussed topics today. As the world embraces advanced digital technologies such as machine learning and artificial intelligence governments are examining current legal frameworks, the need for property protection systems, and harmonized rules on fair access to and use of data. Data laws vary around the world. In the US, although there is no general federal law covering data privacy, five states have enacted comprehensive consumer data privacy laws. In India, the Personal Data Protection Bill is likely to be replaced with a new National Data Governance Framework policy. While the EU has no separate IP right for data, the European Commission recently adopted the Data Governance Act and proposed the Data Act. Panelists will discuss the legal frameworks governing data and how they impact IP rights globally.

Trademarks: Brand Censored: Mitigating Challenges Facing Trademark Owners

Organizing Committee: International Trademark Law

Trademark owners are facing many challenges in using and registering marks in the current global marketplace due to sanctions, legal restrictions on specific goods, packaging requirements, and recent supply chain challenges. Panelists will summarize restrictions and sanctions in place on general commerce and specific goods and services, commercial challenges such as supply chain issues in various jurisdictions, and discuss potential strategies for maintaining trademark rights.

AI: Strategic Open Source and IP Considerations for AI Innovations

Organizing Committee: AI & Emerging Technologies

The field of Artificial Intelligence and Machine Learning (AI/ML) is saturated with open source projects. Most AI/ML innovation is likely to interact with open source in one or more ways. This session will provide an overview of open source through an AI/ML lens, including some of the popular licenses and major AI/ML projects, as well as different release models. Panelists will address options, open questions, and business considerations that drive the strategy for protecting your AI/ML innovation. They will also focus on the difficulties of balancing open source, trade secrets, and patents.

10:00AM **IPO Education Foundation Board of Directors Meeting**
12:00PM *Board members only*

10:30AM **Break & IP Expo**
11:00AM

11:00AM **Concurrent Sessions**
12:00PM

Patents: Utilizing Open Source Software In FRAND-Based Standards Development

Organizing Committee: IP Licensing & Related Issues

A frequent point of conversation has been the use of the open source development model by standards development organizations in the context of standards development and associated software projects. This is motivated, in part, by the desire to leverage the benefits of open source development and its record of successes. This session will address key traits of the two development models and high-level license-related considerations when merging open source and FRAND-based standards development models (fair, reasonable, and non-discriminatory).

Trademarks: Anti-Counterfeiting topic to be announced

Industrial Designs: Form vs. Function: Protecting IP in GUIs and Software Design

Organizing Committees: Industrial Designs and Software-Related Inventions

There's an app for everything. From electronics to mechanics, software applications provide insight and control into all aspects of modern life. As software continues to proliferate, driving improvements in the physical world and opening new virtual worlds for human interaction, protecting it has become more difficult. This session will provide an overview of the various IP protection strategies that can apply to software interfaces (GUIs). Panelists will discuss how strategies interrelate, how they differ, and how the degree of functionality associated with the interface impacts the available type(s) of protection. Focusing on issues related to functionality, the panelists will explore how too little, or too much, functionality affects options for IP protection.

12:00PM **Lunch & IP Expo**
1:00PM

1:00PM **Concurrent Sessions**
2:00PM

Patents/Trade Secrets: Protecting and Enforcing Trade Secret Rights in China

Organizing Committees: Asian Practice and Trade Secrets

This session will provide an overview of current Chinese trade secret law. Panelists will also discuss recent court decisions involving trade secrets and offer tips on the protection of trade secrets and enforcement of trade secret rights in China.

AI: AI at the Patent Offices

Organizing Committee: AI & New Emerging Technologies

Artificial Intelligence has impacted Patent Offices around the world in a variety of ways. On one hand, AI has increased burdens on the Offices due both to the raw numbers of AI-related patent applications and to the breadth of fields to which AI-related technologies are applicable. On the other hand, AI has begun to reduce burdens on the Offices due to the operational efficiencies it can produce. Patent Offices around the world have taken on the challenge of examining a wide variety of AI-related applications while also embracing the technology for their own use in translations, classification, and other areas. This session will address the current state of usage of AI in the various Patent Offices. Panelists will discuss whether AI-enabled examination is in our future and whether AI technology can reduce or eliminate the IDS burden. They will also discuss treatment and examination of AI-related patent applications from one Office to another.

Trademarks/Ethics: USPTO Scrutiny of Improper Behavior and Misconduct in Trademark Filings

Organizing Committee: US Trademark Office Practice

This session will focus on the efforts of the US Patent and Trademark Office to protect the accuracy and integrity of the federal trademark register through administrative sanctions and investigative and disciplinary actions taken against trademark owners and their counsel acting improperly. Topics include the US counsel rule, referrals to the Office of Enrollment and Discipline, sanctions cases involving trademark filers, and recent case law on fraud. Panelists will also discuss steps practitioners can take to ensure the veracity of claims of use and other statements made in trademark filings, the Trademark Office rules on signature and certification and compliance with the Rules of Professional Conduct.

2:00PM
2:30PM

Break & IP Expo

2:30PM
3:30PM

Concurrent Sessions

Patents: The Evolution of the Written Description and Enablement Requirements

Organizing Committee: US Patent Law

As technologies develop, has the scope of technology patents changed? In the past, technology patent claims were granted broad scope. More recently, the Federal Circuit has used the written description and enablement requirements to narrow the scope of technology patents across multiple fields. Panelists will discuss the evolution of the Federal Circuit's application of the written description and enablement requirements and look to the future of how written description and enablement may be used to limit claim scope in ways unforeseen to the patent drafter.

Copyright: Copyright Best Practices and Trends Around the World

Organizing Committee: Copyright & Related Rights

The Berne Convention deals with the copyright protection of works and the rights of their authors. Most countries are members of the Berne Convention, which means they have certain commonalities in the copyright protections they provide, but there are still significant differences in the copyright laws around the world. This session will compare copyright laws around the world. Panelists will discuss how the EU Directive on Copyright in the Digital Single Market is being implemented in EU countries and how Canada, Australia, and other jurisdictions have likewise updated their copyright laws, including changes under consideration in the US. The panel will also provide best practices in various jurisdictions.

Industrial Designs: Design Patent Battlegrounds in the US

Organizing Committee: Industrial Designs

Recent case law has sparked debate related to various design law jurisprudence. Is a design limited by the recited article? Can a would-be infringer avoid liability by simply applying trademarks or other branding to the product? Historically no, but recent Federal Circuit holdings have taken a 180 degree turn, and without thoughtful filing strategies, applicants may be surprised when trying to enforce their design rights. Panelists will review these cases, including *In re Surgisil* and *Columbia Sportswear North America, Inc. v. Seirus Innovative Accessories, Inc.*, and discuss their implications, how applicants can avoid unintentionally limiting rights, and what may be on the horizon.

3:30PM
4:00PM

Break & IP Expo

4:00PM
5:00PM

Ethics