



# On-Demand Sessions

## IP in the Metaverse (and NFT's too!)

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.

**Organizing Committees:** Industrial Designs, International Trademark, and US Trademark Law

**Moderator:** Matthew Owen, Caterpillar Inc.

**Speakers:**

Nick Aries, Bird & Bird LLP

Eric Ball, Fenwick & West LLP

Elizabeth Ferrill, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

## Patent and Trademark Case Law Update

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.

**Organizing Committee:** Amicus Brief

**Speakers:**

Paul Berghoff, McDonnell Boehnen Hulbert Berghoff LLP

Gregory Castanias, Jones Day

Wendy Larson, Pirkey Barber PLLC

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

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.

**Organizing Committee:** Trade Secrets

**Speakers:**

Russell Beck, Beck Reed Riden LLP

Nicholas Clifford, Tucker Ellis LLP

Robert Isackson, Leason Ellis LLP

Dawn Mertineit, Seyfarth Shaw





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## A New Age: The USPTO Move to DOCX and Patent Center

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 platforms 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.

**Organizing Committee:** US Patent Office Practice

Moderator: Ron Ventola, Panitch Schwarze Belisarios & Nadel LLP

Speakers:

David Easwaran, Womble Bond Dickinson LLP  
Kevin Hawkes, Adam R. Stephenson, LTD.  
Rick Seidel, US Patent and Trademark Office  
Mary VanAtten, Bristol Myers Squibb Company

## Why IP Owners Should Pay Attention to Data Legislation

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.

**Organizing Committees:** European Practice and Trade Secrets

Speakers:

Benjamin Herbert, Kirkland & Ellis LLP  
Nick Aries, Bird & Bird  
Ken Corsello, IBM Corp.

## Utilizing Open Source Software in FRAND-Based Standards Development

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.

**Organizing Committee:** IP Licensing & Related Issues

Moderator: Jennifer Carnahan, Dow Chemical Co.

Speakers:

Sean Evans, Dell Technologies  
Michele Herman, JusTech Law  
Jeff Kettle, Qualcomm Incorporated





# On-Demand Sessions

## The Evolution of the Written Description and Enablement Requirements

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.

**Organizing Committees:** US Patent Law

**Moderator:** Laura Donnelly, Johnson & Johnson

**Speakers:**

Prof. Dennis Crouch, University of Missouri School of Law  
Henry Hadad, Bristol-Myers Squibb Company  
Eldora Ellison, Sterne Kessler Goldstein & Fox

## Ethics Issues in IP: Transactions, Prosecution, and Litigation

This program covers the common ethics issues that IP attorneys confront on a regular basis. Topics include:

- New rules and key opinions
- Confidentiality and privilege in IP cases, including issues arising from protective order violations
- Duty of loyalty and conflict issues
- Duties related to candor to the USPTO and courts
- Duties regarding third parties
- USPTO OED rule changes and disciplinary decisions

**Speakers:**

Michelle Galloway, Cooley, LLP  
Eric Prager, Venable LLP





# On-Demand Sessions

**Bonus!** The following sessions will be available on-demand. However, **NO CLE credit** will be offered for these sessions.

## KPIs for Effective Corporate IP Management and Operations in a Shifting World

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.

**Organizing Committee:** Corporate IP Management & Operations

Speakers:

Arvie Anderson, Eli Lilly and Co.  
Dan Enebo, Cargill, Incorporated  
Peter Mattei, Tenneco Inc.  
KaRan Reed, BP America, Inc.  
Laura Zager, Thermo Fisher Scientific Inc.

## Update on the Rapidly Changing Diversity in Innovation Landscape

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.

**Organizing Committee:** Women in IP Law

Moderator: Sandra Nowak, 3M Innovative Properties Co.

Speakers:

Samantha Aguayo, Intellectual Property Owners Association  
Elodie Carpentier, World Intellectual Property Organization  
Holly Fechner, Invent Together  
Valencia Martin Wallace, US Patent and Trademark Office

