



Intellectual Property Litigation

The Future Is Now:
Practical Litigation Strategies
for the Modern Age

Discover the IP opportunities and unexpected pitfalls resulting from the latest technological advances

Learn innovative new strategies for litigating cases across all aspects of IP: patent, trademark, copyright, and trade secret

Get your ethics credit in a session focusing on the timely issue of cybersecurity and data privacy

Enjoy networking opportunities with IP litigators from across the nation in one of the country's greatest cities

May 11-12, 2017

Gleacher Center, University of Chicago
Booth School of Business
Chicago, IL

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resources
to build
your practice■

Virtual reality. Legalized marijuana. Hacking. The world is changing rapidly, especially as technology seems to advance at ever-increasing rates these days. The law is attempting to keep up with these advances. Are you?

Join us at the Gleacher Center in Chicago for two days of educational, stimulating, and thought-provoking sessions focused on innovative approaches to litigating the IP case in these exciting times. Learn about fascinating technologies such as virtual reality and food e-commerce, and the IP issues relating to both. In addition to the educational sessions, join us for a number of fun networking activities in the heart of the Windy City. Get to know new colleagues or reconnect with existing ones at a number of networking events designed to take advantage of the seminar's Chicago setting, including events jointly sponsored by the Intellectual Property Litigation Committee and the Commercial Litigation Committee, which is holding its seminar at the same time. *Please note that some events will be held at the Loews Chicago Hotel, 455 North Park Drive, a short walk from the Gleacher Center. See the seminar schedule for more details.*



Clinton H. Brannon
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Committee Chair



Brian K. Brookey
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Lisa L. Boswell
Committee Vice Chair



Jeffrey A. Holmstrand
Law Institute



See what others have to say about DRI seminars

PRESENTED BY **DRI's Intellectual Property Litigation Committee**



What You Will Learn

- The state of the law on enhanced damages after *Halo* and *Stryker*
- What law firms need to know about the ethical implications of their cybersecurity efforts
- Patent and copyright issues inherent in virtual reality headsets, autonomous vehicles, and food e-commerce
- Domain name registration and the current state of cybersquatting laws
- A summary of the latest Supreme Court decisions in intellectual property and a preview of upcoming decisions likely to affect the IP litigator
- The emerging trademark issues involving legalized marijuana
- A deeper understanding of the Defend Trade Secrets Act
- Strategies for addressing copyright issues, ranging from fair use in political campaigns to the different results in the “Blurred Lines” and “Stairway to Heaven” trials



Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 5 Share on social media   

Maximize Your DRI Seminar Experience

No one gets you connected like DRI.

Access the **DRI Intellectual Property Litigation Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.

PROGRAM SCHEDULE

Click on any speaker name to view bio.

WEDNESDAY, MAY 10

Loews Chicago Hotel

6:00 p.m. **Registration** | *Loews Chicago Hotel*

6:00 p.m. **Networking Reception** | *Loews Chicago Hotel*

SPONSORED BY **Tucker Ellis LLP**

Wood Smith Henning & Berman LLP

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants (*on your own*)

7:30 p.m. **Women in the Law Dine-Around** | For more information, please contact Jan Pirozzolo-Mellowes at jpirozzolo-mellowes@foley.com.

THURSDAY, MAY 11

Gleacher Center, University of Chicago Booth School of Business

7:00 a.m. **Registration** | *Gleacher Center*

7:00 a.m. **Continental Breakfast** | *Gleacher Center*

SPONSORED BY **Dickinson Wright PLLC**

8:00 a.m. **Welcome and Introduction** | *Gleacher Center*

Jeffrey A. Holmstrand, *Grove Holmstrand & Delk PLLC*, Wheeling, WV

Clinton H. Brannon, *Mayer Brown LLP*, Washington, DC

8:15 a.m. **Virtual Reality, Real IP**

Virtual reality has been the “next big thing” for years, but recent technological developments have resulted in a significant market for virtual reality products and services. Hear from a thought leader about what IP issues arise from virtual reality and from such “augmented reality” applications as Pokémon Go.

Jonathan M. Purow, *Gottlieb Rackman & Reisman PC*, New York, NY

9:00 a.m. **You’re Fired! Trademark Protection of Catchphrases and Slogans**

Trademarks and service marks are typically designed to designate the source of goods or services. During this fascinating discussion learn how trademark law applies to well-known catchphrases and slogans.

Tywanda Harris Lord, *Kilpatrick Townsend & Stockton LLP*, Atlanta, GA

9:45 a.m. **Copyright Fair Use in the Context of Political Campaigns**

The 2016 presidential campaign raised issues of fair use with regard to the use of stock photography and the playing of music at campaign events. This presentation will address the doctrine of fair use under copyright law within the context of political campaigns.

William T. McGrath, *Davis McGrath LLC*, Chicago, IL

10:30 a.m. **Refreshment Break**

10:45 a.m. **Effective Use of Technology in Jury Trials**

One challenge in litigating IP cases is making complex technological and legal issues comprehensible to a jury. An experienced litigation consultant will offer suggestions for creating and effectively using presentations that a jury will find easy to understand and persuasive.

Tessa Eckholm, *RLM | TrialGraphix*, Chicago, IL

11:15 a.m. **Licensing Standard Essential Patents After Microsoft v. Motorola**

Recent court decisions in the United States and Europe have called into question the value of patents encumbered with fair, reasonable, and non-discriminatory (FRAND) licensing commitments. This session will review the current state of SEP licensing after the *Microsoft v. Motorola*, *Huawei v. ZTE*, and *Apple-Samsung* ITC decisions.

David W. Long, *Essential Patent LLC*, Oak Hill, VA

“My networking experience was excellent. This was the best DRI-Intellectual Property Litigation seminar to date.”

12:00 p.m. **Lunch** (*on your own*)

12:00 p.m. **SLG Lunch-Arounds** (more information available on-site)

1:30 p.m. **Autonomous Vehicles: Driving IP**

Driverless cars are hitting the road, paving the way for new legal issues. Learn the legal implications of this new technology for intellectual property, including ownership issues, privacy implications, and liability risks.

Richard C. Balough, *Balough Law Offices LLC*, Chicago, IL

2:15 p.m. **Domain Name Registrations and Latest Developments in Cybersquatting Law**

Cybersquatting continues to be a problem as infringers and hackers become more and more sophisticated. Understand the latest cybersquatting issues and how to protect your clients' rights in their domain names.

David J. Steele, *Tucker Ellis LLP*, Los Angeles, CA

3:00 p.m. **Refreshment Break**

SPONSORED BY **Exponent**

3:15 p.m. **Enhanced Damages After *Halo* and *Stryker***

In the recent *Halo* and *Stryker* decisions, the Supreme Court held that the "objective recklessness standard" was too strict, and endorsed a more flexible approach to the willfulness question. Learn how to apply the new test to protect your clients against willful infringement.

Eileen Hintz Rumfelt, *Miller & Martin PLLC*, Atlanta, GA

4:00 p.m. **District Court Reliance on PTAB and TTAB Decisions**

In *B & B Hardware, Inc. v. Hargis Industries, Inc.*, the Supreme Court held that district courts

must give reference to TTAB decisions on likelihood of confusion. Discover how that decision affects claim construction in cases before the PTAB.

Michael J. Shea, *Nixon & Vanderhye PC*, Arlington, VA

4:30 p.m. **Supreme Court IP Review**

Listen to seasoned Supreme Court litigator Andy Pincus, counsel for Impression Products in a case currently before the Supreme Court, discuss the Court's recent and upcoming intellectual property decisions.

Andrew J. Pincus, *Mayer Brown LLP*, Washington, DC

5:00 p.m. **Adjourn**

5:15 p.m. **Intellectual Property Litigation Committee Meeting** (*open to all*) | *Loews Chicago Hotel*

6:00 p.m. **Networking Reception** | *Loews Chicago Hotel*

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants (*on your own*)

FRIDAY, MAY 12

Gleacher Center, University of Chicago
Booth School of Business

7:15 a.m. **Continental Breakfast** | *Gleacher Center*

8:00 a.m. **Announcements** | *Gleacher Center*

Brian K. Brookey, *Tucker Ellis LLP*, Los Angeles, CA

8:05 a.m. **The Defend Trade Secrets Act**

On May 11, 2016, Congress enacted the Defend Trade Secrets Act—the first federal legislation directed specifically to the protection of trade secrets. In this session, you will learn about the

“It was an excellent program of diverse interests and good networking opportunities.”

many ways in which this new legislation will impact your clients.

José I. Rojas, *DLD Lawyers*, Coral Gables, FL

9:00 a.m. **IP Issues Related to Food E-Commerce**

Meal kit delivery. Grocery delivery. Prepared meal delivery. Learn about the ways in which intellectual property laws will affect the emerging, convenient, and flexible food e-commerce industry.

Jami A. Gekas, *Foley & Lardner LLP*, Chicago, IL

9:45 a.m. **The First Amendment and the Right of Publicity**

Media companies' right to publish newsworthy information typically outweighs an individual's right to control the use of his or her name and likeness. The balance begins to shift as media companies and marketers use different types of marketing and editorial content. Explore who can be liable and how in a burgeoning area of litigation.

Brendan J. Healey, *Mandell Menkes LLC*, Chicago, IL

10:30 a.m. **Refreshment Break**

10:45 a.m. **Marijuana and IP**

More than half of the states in this country have now legalized marijuana for recreational or medicinal use. This session will explore the intellectual property implications of this legal-

ization, particularly in light of the conflict between state and federal law.

Mitchell Kahn, *Greenhouse Group LLC*, Highland Park, IL

David H. Levitt, *Hinshaw & Culbertson LLP*, Chicago, IL

11:30 a.m. **Stairway to Blurred Lines: Two Music Copyright Cases, Two Opposite Verdicts**

In the "Blurred Lines" and "Stairway to Heaven" litigations, juries reached opposite conclusions. Counsel of record in the "Stairway to Heaven" litigation will provide insight into the different results reached in these cases and tips on trying complex copyright cases.

Helene M. Freeman, *Phillips Nizer LLP*, New York, NY

12:15 p.m. **Digital Ethics**

Social media, email, and cloud-based storage of data have all made our personal and professional lives easier and more efficient, while increasing the risk of lawyers inadvertently violating ethical rules. This session will arm you with the guidance that you need to comply with your ethical obligations as you incorporate new digital technologies into your practice.

Geoffrey (Geof) L. Oberhaus, *Dinsmore & Shohl LLP*, Cincinnati, OH

1:15 p.m. **Adjourn**

“Meaningful content and good opportunity to network with others in the same practice area.”

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

Seminar Location

Gleacher Center, University of Chicago Booth School of Business, 450 North Cityfront Plaza Drive, Chicago, IL 60611

CLE Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **11.50** hours, including **1.0** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availabil-

ity and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.

Registration Policy

Save \$100 when you register by April 18, 2017. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks and networking receptions. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **April 18, 2017** (please allow 10 days for processing). Registrations received after **April 18, 2017**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 18, 2017**. Cancellations received after **April 18** and on or before **April 25, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **April 25** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **April 18, 2017**. After **April 18**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Intellectual Property Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.



A limited number of discounted hotel rooms have been made available at **Loews Chicago Hotel, 455 N. Park Drive, Chicago, IL 60611** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$299 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Intellectual Property Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 312.840.6600** and mention the **DRI Intellectual Property Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **April 18, 2017**, to be eligible for the group rate. Requests for reservations made after **April 18** are subject to room and rate availability.

Hotel Accommodations

FACULTY *Click on any name to view bio.*

Michelle L. Alamo, Dickinson Wright PLLC, Detroit, MI

Richard C. Balough, Balough Law Offices LLC, Chicago, IL

Lisa L. Boswell, Wood Smith Henning & Berman LLP,
Los Angeles, CA

Clinton H. Brannon, Mayer Brown LLP, Washington, DC

Brian K. Brookey, Tucker Ellis LLP, Los Angeles, CA

Tessa Eckholm, RLM | TrialGraphix, Chicago, IL

Helene M. Freeman, Phillips Nizer LLP, New York, NY

Jami A. Gekas, Foley & Lardner LLP, Chicago, IL

Brendan J. Healey, Mandell Menkes LLC, Chicago, IL

Jeffrey A. Holmstrand, Grove Holmstrand & Delk PLLC,
Wheeling, WV

Mitchell Kahn, Greenhouse Group LLC, Highland Park, IL

David H. Levitt, Hinshaw & Culbertson LLP, Chicago, IL

David W. Long, Essential Patent LLC, Oak Hill, VA

Tywanda Harris Lord, Kilpatrick Townsend & Stockton LLP,
Atlanta, GA

William T. McGrath, Davis McGrath LLC, Chicago, IL

Geoffrey (Geof) L. Oberhaus, Dinsmore & Shohl LLP,
Cincinnati, OH

Andrew J. Pincus, Mayer Brown LLP, Washington, DC

Jonathan M. Purow, Gottlieb Rackman & Reisman PC,
New York, NY

José I. Rojas, DLD Lawyers, Coral Gables, FL

Eileen Hintz Rumfelt, Miller & Martin PLLC, Atlanta, GA

Michael J. Shea, Nixon & Vanderhye PC, Arlington, VA

David J. Steele, Tucker Ellis LLP, Los Angeles, CA

View faculty bios on the Intellectual Property Litigation Seminar webpage; click on "View speakers" button.



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May 4–5
Retail and Hospitality Litigation
Loews Chicago Hotel, Chicago, IL

May 11–12
Business Litigation
Loews Chicago Hotel, Chicago, IL

May 11–12
Drug and Medical Device
*Sheraton New Orleans,
New Orleans, LA*

May 17–19
Employment and Labor Law
*Hilton Nashville Downtown,
Nashville, TN*

June 15–16
**Diversity for Success and
Corporate Expo**
Swissôtel Chicago, Chicago, IL

June 22–23
Marijuana Law
Hotel 1000, Seattle, WA

July 20–21
Class Actions
*The Westin Washington DC
City Center, Washington, DC*

September 7–8
Cybersecurity and Data Privacy
Westin Michigan Avenue, Chicago, IL

Publications for Your Practice

Members can access
committee newsletters
and seminar course
materials via **DRI Online**
at **dri.org**.

Newsletter *The IP Update: Protect. Defend. Prevail.* (2 times a year)
Visit the **Intellectual Property Litigation Committee page** on **dri.org** for
information about the committee and related resources.

Intellectual Property Litigation focus in *For The Defense*
August 2017 (*upcoming*)
January 2016
January 2015

Defense Library Series
Defending Intellectual Property Claims: Remedies (*coming in 2017*)



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

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Please list any special needs _____

Are you a first-time attendee at this DRI seminar? ☐ Yes ☐ No

How many attorneys are in your firm? _____

What is your primary area of practice? _____

REGISTRATION FEE

Registration fee includes seminar attendance, networking events and course materials. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	On or before Apr. 18, 2017	After Apr. 18, 2017	
<input type="checkbox"/> Member	\$875	\$975	<i>For inclusion on the preregistration list and to receive course materials in advance, register by April 18, 2017.</i>
<input type="checkbox"/> Nonmember	\$1,110	\$1,210	
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<input type="checkbox"/> Group Discount*	\$775	\$875	
		(*as defined on page 5)	

PAYMENT METHOD

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- Stay current through the community calendar
- Share resources in the community library
- Network using the member directory
- Learn about volunteer opportunities

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