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INSTITUTE
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MONDAY – TUESDAY
MARCH 20-21, 2023

USCGould
School of Law

USC GOULD SCHOOL OF LAW

2023 INTELLECTUAL PROPERTY INSTITUTE

JUDGES

- Hon. Beth Labson Freeman (N.D. Cal.) • Chief Judge Philip S. Gutierrez (C.D. Cal.)
- Hon. Mark C. Scarsi (C.D. Cal.)

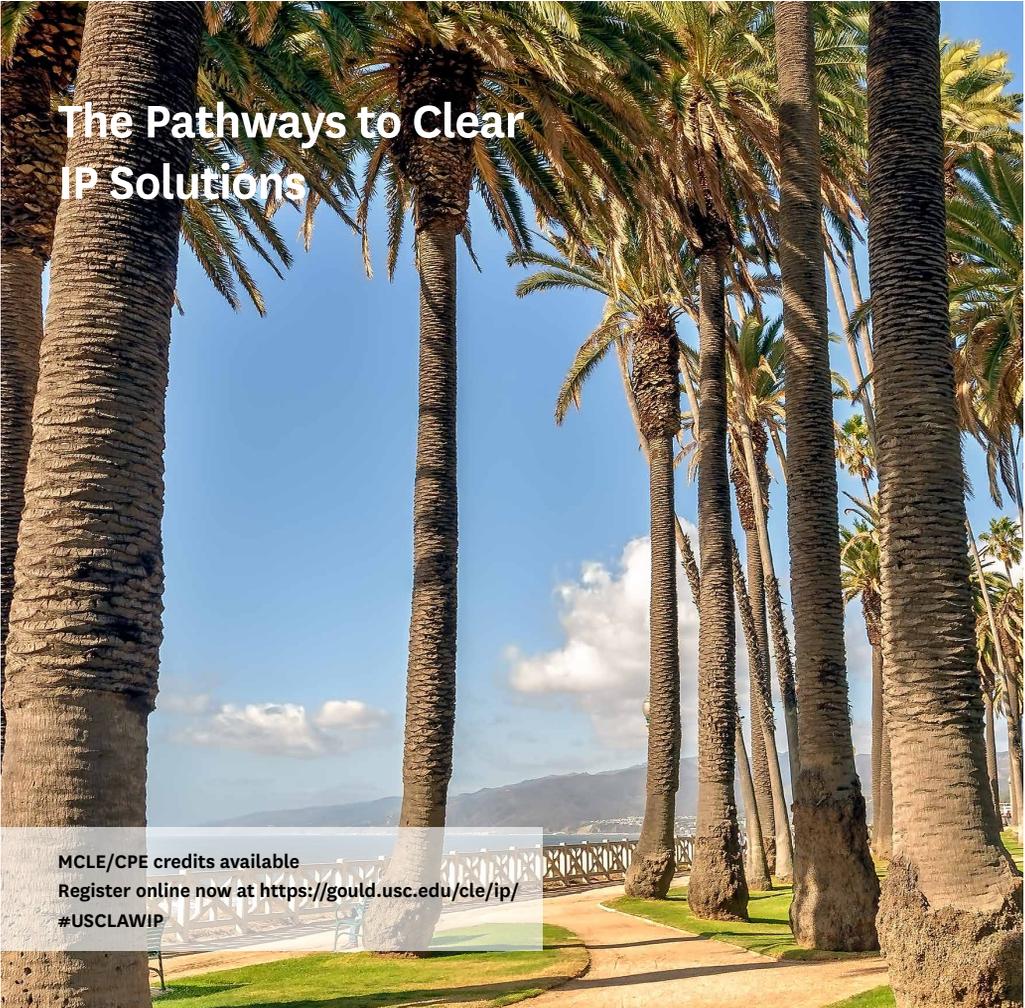
LUNCHEON KEYNOTE

Jeremy Bash (Member of President's Intelligence Advisory Board/Founder and Managing Director of Beacon Global Strategies LLC)

ACADEMICS

Professors Abbott, Balganesch, Burk, Craig, Goodman, Menell, Morris and Rothman

PLUS: Damages Half-Day Workshop on Monday, March 20



The Pathways to Clear
IP Solutions

MCLE/CPE credits available

Register online now at <https://gould.usc.edu/cle/ip/>

#USCLAWIP

Prominent Speakers

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 secret and related fields. Join Judges **Labson Freeman** (N.D. Cal.), **Gutierrez** (C.D. Cal.), and **Scarsi** (C.D. Cal.) plus prominent government officials, leading academics, in house counsel, and top practitioners for two days of learning and networking at the beach.

Don't Miss Out

The Institute will sell out early, so register online now at <https://gould.usc.edu/cle/ip/>

Intellectual Property Institute Sponsors

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Please visit our website at <https://gould.usc.edu/cle/ip/> for a complete and up-to-date list of Institute contributors.

MONDAY

MARCH 20, 2023

2023 Intellectual Property Institute

DAMAGES WORKSHOP PROGRAM

11:30 AM

Workshop Check-In and Registration

Separate workshop registration and fee are required.
Boxed lunches will be provided.

11:50 AM – 12:00 PM

Workshop Opening Remarks

Christian Tregillis

Partner, Forensic and
Financial Consulting
Services Group
Hemming Morse, LLP

12:00 PM – 1:30 PM

Apportionment in Patent Damages

Reasonable royalties in patent infringement matters necessarily represent the portion of the infringer's profits attributable to the claimed invention. This session will dig into what apportionment means in this context, what tools are available and have been used, and how courts have received such analyses and related testimony. The discussion is expected to address the use of surveys, analysis of patent claims, proving non-infringing substitutes, the role of technical experts, and the concept of apportionment in the calculation of lost profits.

John L. Hansen

Partner
TM Financial Forensics,
an HKA Company

Gregory Pinsonneault

Managing Director / CEO
LitiNomics, Inc.

Amy E. Proctor

Irell & Manella LLP

Bitra Rahebi

Morrison Foerster LLP

MODERATOR

Russell W. Mangum III, Ph.D.

Executive Vice President
Cirque Analytics

1:30 PM – 1:45 PM – Networking Break

1:45 PM – 3:15 PM

**Use of Licenses and Other Tools to
Estimate a Reasonable Royalty**

Tools to estimate a reasonable royalty are varied and the use of those tools is almost always nuanced and debated.

This session will address the use of comparable licenses (and how to make adjustments to account for differences from the hypothetical negotiation), whether and how to adjust for the competitive relationship between the parties, adjustments for an ongoing royalty (as compared to a royalty on past sales), use of the analytic approach, and royalties on extraterritorial sales.

Charles S. Barquist

Maschoff Brennan

Elizabeth A. Dean

Managing Director
Alvarez & Marsal Disputes
and Investigations
San Francisco, CA

Erin Gibson

DLA Piper LLP (US) San Diego, CA

Jeffrey Kinrich

Managing Principal
Analysis Group, Inc.

MODERATOR

Justin Lewis

Managing Director
Ocean Tomo, LLC, a part of J.S. Held

3:15 PM – 3:30 PM – Networking Break

3:30 PM – 5:00 PM
Proving and Arguing Monetary Remedies in Copyright, Trade Secret and Trademark Disputes

In the context of allegations of infringement of copyrights, trade secrets, and trademarks, monetary remedies include lost profits, as well as an infringer's profits, and in some situations a reasonable royalty.

This session will look at issues such as burden-shifting, proof of offsets to revenue for costs and apportionment, requirements for the availability of a royalty, and statutory damages, as well as what can be done without proof of the use of a trade secret.

Sarah Butler
Managing Director
NERA Economic Consulting
San Francisco, CA

Suzanne Heinemann
Principal
Analytics WEST

Diana Hughes Leiden
Winston & Strawn LLP

James Pampinella
Senior Managing Director
Ankura Consulting Group
San Francisco, CA

Justin E. Pierce
Venable LLP
Washington, D.C.

5:00 PM
Adjournment

continuing education credits

LAWYERS. Minimum Continuing Legal Education (MCLE): USC Gould School of Law, a State of California approved MCLE provider, certifies that this activity qualifies for MCLE credit.

In-Person and Livestream Maximum: 4.5 hours for Monday 3/20 and 8 hours for Tuesday 3/21, of which 1 hour may apply to elimination of bias credit.

Videos On Demand Maximum: 4.5 hours for Monday 3/20 and 12.5 hours for Tuesday 3/21, of which 1 hour may apply to elimination of bias credit.

B indicates the hours of MCLE elimination of bias credit available for a particular session.

This event may or may not meet the requirements for continuing legal education in other states. We are partnering with the American Bar Association on out-of-state applications and credit reporting. The process will be handled differently than in years past. Please watch for future emails from mcle-uscgould@americanbar.org regarding affidavits and certificates after the Institute has concluded. Certificates will be available once the attendee fills out their personal affidavit after the Institute has concluded. We appreciate your patience while we verify attendance!

ACCOUNTANTS. Continuing Professional Education (CPE): This program meets the guidelines set by the California State Board of Accountancy in the amount of **270** minutes for Monday 3/20 and **490** minutes for Tuesday 3/21. The maximum amount of CPE credit is **760** minutes or **15** hours.



contact information

USC Gould School of Law – Continuing Legal Education
699 Exposition Boulevard, Suite 326, Los Angeles, CA 90089

Telephone: (213) 821-3580 **Email:** cle@law.usc.edu
Website: <http://cle.usc.edu>

Office hours are 9:00 a.m. to 5:00 p.m. Pacific Time

TUESDAY,
MARCH 21, 2023

2023 Intellectual Property Institute

INSTITUTE PROGRAM

7:30 AM

Institute Check-In and Continental Breakfast

7:50 AM – 8:00 AM

Institute Welcome and Opening Remarks

Laura M. Burson

INSTITUTE CHAIR

O'Melveny & Myers LLP

8:00 AM – 9:00 AM

JULIE H. YI DIVERSITY FORUM

Effectively Representing Clients Facing Geographic, Ethnic, or Personal Biases in IP Disputes

Hear from panelists in the judicial, practitioner, consultant, and academic sectors who will share their experience and offer their insights regarding best practices and strategies to identify and address implicit and explicit biases against individuals and entities in the courtroom and other litigation settings. Biases based on individuals' geographic origin, ethnicity, and other personal characteristics will be explored along with strategies to effectively represent clients facing these biases.

B 1 hour of MCLE elimination of bias credit

Hon. Beth Labson Freeman

U.S. District Court (N.D. Cal.)
San Jose, CA

Prof. Christine Chambers Goodman

Professor of Law
Pepperdine Caruso School of Law

Brian A. Sun

Norton Rose Fulbright US LLP

Dr. Daniel Wolfe, J.D., Ph.D.

Senior Director of Jury Consulting
Magna Legal Services
Chicago, IL

MODERATOR

Ellen S. Robbins

Akerman LLP

9:10 AM – 10:20 AM

Trends in IP Litigation: Federal Judges Speak

It's a rare treat to hear three federal judges in candid conversation about trends in IP litigation. Who can doubt the benefits of learning how these jurists view the IP litigation landscape, the cases we bring before them, and the strategies and tactics we employ? This panel is always one of the highlights of the Institute, and we promise you another blockbuster this year.

Hon. Beth Labson Freeman

U.S. District Court (N.D. Cal.)
San Jose, CA

Hon. Philip S. Gutierrez

Chief U.S. District Judge
U.S. District Court (C.D. Cal.)

Hon. Mark C. Scarsi

U.S. District Court (C.D. Cal.)

MODERATOR

Jeff Kichaven

Principal Mediator
Jeff Kichaven Commercial Mediation

10:30 AM – 11:40 AM

Artificial Intelligence Affects Intellectual Property Both Artificially and Intelligently

Join us for a lively panel with a trio of international experts, authors, and commentators on how AI is perceived by courts and regulators when addressing its impact, if any, on long-standing tenets of IP law such as authorship, copyrightability, patentability and trade secret protections for machine generated art, music, inventions, machine-learning algorithms, etc., and other ways that AI perniciously affects the legal landscape for IP practitioners. Or does it? Attend this panel to find out what the experts think.

Prof. Ryan Abbott

Partner, Brown, Neri, Smith & Khan Neutral, JAMS
Professor, University of Surrey School of Law

Prof. Dan Burk

Distinguished and Chancellor's Professor of Law
University of California, Irvine

Dr. Carys Craig

Associate Professor
Osgoode Hall Law School,
York University
Toronto, Canada

MODERATOR

Rachel Capoccia

Attorney at Law

11:40 AM – 12:00 PM – Networking Break

12:00 PM – 1:10 PM

COPYRIGHT TRACK SESSION 1A

Fair Use Transformed? Lessons from *Google v. Oracle* and *Warhol Foundation v. Goldsmith*

The Supreme Court has taken up fair use twice in recent years, in *Google LLC v. Oracle America, Inc.* and *Andy Warhol Foundation for the Visual Arts, Inc. v. Lynn Goldsmith*. What broader lessons or guiding principles can be drawn from these cases? How does one determine transformativeness or the extent thereof, and how much does that matter? Should these cases change the way clients are counseled when it comes to using code, photographs, or other types of works in the different kinds of works they want to create? This panel of experts involved in these cases will address the potential impact of these cases.

Dale Cendali

Kirkland & Ellis LLP
New York, NY

Prof. Peter Menell

Koret Professor of Law, Co-Director,
Berkeley Center for Law and
Technology
UC Berkeley School of Law
Berkeley, CA

Jaime A. Santos

Goodwin Procter LLP
Washington, D.C.

MODERATOR

Grace Davis Fisher

Munger, Tolles & Olson LLP
San Francisco, CA

PATENT TRACK SESSION 1B

Issues that Arise in Life Science Cases

Join our expert speakers as they discuss cases, strategies and best practices for representing and litigating life sciences. They will discuss *Amgen v. Sanofi* (Fed. Cir.) and similar cases on Section 112, damages and other critical intellectual property matters affecting the life sciences industry.

Carol Pitzel Cruz

Knobbe Martens
Seattle, WA

Amanda L. Major

Wilmer Cutler Pickering
Hale and Dorr LLP

Jake Oylo

Assistant General Counsel
AstraZeneca

Register online now at <https://gould.usc.edu/cle/ip/>

TRADEMARK TRACK SESSION 1C

Trademark Infringement and Fraud

This panel will explore new variants of fraud and trademark infringement on the Internet and otherwise. The panel will cover Amazon Brand Registry issues, phishing, domain name fraud, clone trademark applications, changing correspondence information on applications, improper use of supplier information, and other novel variants of fraud.

Amy Cotton

Deputy Commissioner for Trademark Examination Policy
United States Patent and Trademark Office
Arlington, VA

Aaron Fennimore

Director and Senior Legal Counsel
Western Digital

MODERATOR

Michael Moore

Associate General Counsel
Mattel, Inc.

1:10 PM – 1:35 PM Luncheon Break

**1:35 PM – 1:45 PM
SPECIAL PRESENTATION**

Philip H. Lam

Office of the City Attorney
City of Los Angeles

1:45 PM – 2:15 PM

KEYNOTE PRESENTATION: Jeremy Bash

Jeremy Bash, Member of the President's Intelligence Advisory Board and Founder and Managing Director of Beacon Global Strategies LLC, discusses the challenges and opportunities for technology and IP in a global market increasingly fraught with tension and conflict. Mr. Bash will discuss the intersection of IP and geopolitics and why IP practitioners should understand how geopolitics impacts their practices and clients.

Jeremy Bash

Member, President's Intelligence Advisory Board
Founder and Managing Director, Beacon Global Strategies LLC
Washington, D.C.

INTRODUCER

Cynthia Lock Tregillis

Senior Vice President and Deputy General Counsel, Government Affairs and Corporate Legal Services
Western Digital

2:30 PM – 3:40 PM

COPYRIGHT TRACK SESSION 2A

**More Tools in Your Tool Belt:
Protecting Copyright in 2023**

Karyn Temple, the immediate past Register of Copyrights and now Global General Counsel at the Motion Picture Association, will lead a lively discussion of copyright experts on the latest tools for protecting content in the global economy.

Cory Baskin

witkow | baskin
San Francisco, CA

Terrica Carrington

VP, Legal Policy and Copyright Counsel
Copyright Alliance

Karyn Temple

Senior Executive Vice President and Global General Counsel
Motion Picture Association

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PATENT TRACK SESSION 2B

SEP Licensing: Where Have We Been and Where Are We Going?

The panel will explore recent developments and practices in the area of licensing and enforcement of standard essential patents (“SEPs”). The SEP arena has experienced some dynamic changes in terms of the entities seeking to license SEPs, market practices driving license negotiations, litigation strategies and venues, and efforts to resolve SEP issues through legislation. The panel will seek to discuss some of these issues from the practices and perspectives of industry participants, economists, and policy makers. The panel will also discuss how recent developments may impact licensing for the next generation of 5G devices and the IoT space, as well as spur new regulatory proposals.

TRADEMARK TRACK SESSION 2C

Trademark Prosecution and Enforcement Tips in Light of the Trademark Modernization Act

This panel will discuss how the Trademark Modernization Act (TMA) has changed trademark clearance, prosecution, maintenance, and pre-litigation trademark enforcement strategies.

Kent Baker

Head of IP Strategy,
Litigation & Licensing
u-blox AG
San Diego, CA

Dr. Thomas Gniadek

Simmons & Simmons LLP
Munich, Germany

Michael Lasinski

Senior Managing Director
Ankura Consulting Group
Ann Arbor, MI

Alex H. Moss

Executive Director
Public Interest Patent Law Institute

MODERATOR

Stephen Korniczky

Sheppard, Mullin, Richter &
Hampton LLP
San Diego, CA

Amy Cotton

Deputy Commissioner for
Trademark Examination Policy
United States Patent and
Trademark Office
Alexandria, VA

Shannon King

VP and Associate General Counsel,
Chief IP & Marketing Counsel
Williams-Sonoma, Inc.
San Francisco, CA

Kenya L. Williams

Trademark Enforcement Counsel
Thermo Fisher Scientific Inc.

MODERATOR

Raffi V. Zerounian

Hanson Bridgett LLP

3:40 PM – 4:00 PM – Networking Dessert Break

4:00 PM – 6:00 PM

The IP Year in Review: Patent, Trademark and Right of Publicity, and Copyright

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.

Prof. Shyamkrishna Balganesh

Sol Goldman Professor of Law
Columbia Law School
New York, NY

Prof. Nicole Morris

Professor of Practice &
Director of the Legal Tech Initiative
Emory University School of Law
Atlanta, GA

Prof. Jennifer E Rothman

Nicholas F. Gallicchio Professor of Law
University of Pennsylvania
Carey Law School
Philadelphia, PA

6:00 PM – 7:30 PM – Networking Reception

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Andrea Weiss Jeffries*

Jones Day

Ronald L. Johnston*

Arnold & Porter

Molly Keelan

Ocean Tomo, LLC,
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Hon. Victor B. Kenton, Ret.

Judicate West

Jeff Kichaven*

Jeff Kichaven Commercial
Mediation

Elaine K. Kim*

Mitchell Silberberg & Knupp LLP

Olivia M. Kim

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City of Los Angeles

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Gibson, Dunn & Crutcher LLP

Christine L. Lofgren

Southwestern Law School

Joseph Lutz

Seyfarth Shaw LLP

Robin Maness*

USC Gould School of Law

Ryan J. Malloy

Morrison Foerster LLP

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Cirque Analytics

Caroline H. Mankey
Akerman LLP

Megan Martin
Warner Bros. Discovery

David Martinez
Robins Kaplan LLP

David Modzeleski
Warner Bros. Discovery

Emily O'Brien*
Google LLC

James Pampinella
Ankura Consulting Group

Jef Pearlman*
USC Gould School of Law

Dominic Persechini
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Akerman LLP

Ida T. Shea
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Ben Sheffner
Motion Picture Association

Jessica Stebbins Bina
Latham & Watkins LLP

Bob Steinberg
Latham & Watkins LLP

Sue Stuckwisch*
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Hemming Morse, LLP

Cynthia Lock Tregillis*
Western Digital

Paul D. Tripodi II
Akin Gump Strauss Hauer
& Feld LLP

John C. Ulin*
TroyGould PC

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Berkeley Research Group, LLC

Michael J. Wallace
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an HKA Company

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Ankura Consulting Group

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USC Office of the
General Counsel

Mike Young
Mike Young Mediation

Raffi Zerounian*
Hanson Bridgett LLP

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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, and transactional and litigation attorneys. USC Gould law students gain practical experience through our Intellectual Property and Technology Law Clinic, and externship opportunities in the legal departments of media and technology firms. Students who wish to specialize in these practice areas have the opportunity to earn our Media & Entertainment Law Certificate or Technology & Entrepreneurship Law Certificate. Interested in learning more about our program, students and graduates? We encourage you to browse our website at <http://gould.usc.edu/academics/media-entertainment-and-technology-law-program/> or contact the Director, Professor Jonathan Barnett, at jbarnett@law.usc.edu.



frequently asked questions

REGISTRATION

In-person registration for the Institute includes all sessions for the day, including the breakfast session, keynote luncheon, networking breaks, and cocktail reception. All registrations will receive continuing education credit and an electronic download of the program syllabus materials. Free Wi-Fi will be available for all attendees.

Virtual registration includes access to the live broadcast of the Institute sessions and available recordings of the on-demand sessions, continuing education credit, and an electronic copy of the Institute syllabus.

LOCATION AND ACCOMMODATIONS

The 2023 Intellectual Property Institute will be held at:

Fairmont Miramar Hotel & Bungalows

101 Wilshire Boulevard, Santa Monica, CA 90401

Information: (310) 576-7777 **Reservations:** (310) 319-3156

Website: <http://www.fairmont.com/santa-monica/>

Reservations: <https://book.passkey.com/go/GouldSchoolofLaw2023>

The Fairmont Miramar combines historic elegance, a beachfront location and modern appointments, offering a beautiful swimming pool, swaying palm trees, sea breezes, exquisitely manicured grounds and casually elegant guest rooms and suites. This luxury oceanfront hotel will provide an unforgettable experience.

A limited number of rooms are available at the Fairmont Miramar at a special rate of \$385 per night for single or double occupancy when you mention the USC Gould School of Law. All reservations must be made by February 21, 2023 to take advantage of this special rate.

PARKING

Parking at the hotel is very limited and may not be available when you arrive, so plan accordingly. Hotel parking, if available, costs \$20 per day or \$50 per night for overnight guests. Self-parking is available at the City of Santa Monica Parking Structures 2 and 4 (short walks from the Fairmont Miramar). You may also be able to reserve parking at nearby private lots using the ParkMe parking app. Visit <http://www.downtownsm.com/parking-info> for additional information.

CHECK-IN AND BADGE PICK-UP

Check-in begins at 11:30 AM on Monday and 7:30 AM on Tuesday. Badges will be held at Will Call in the Wedgewood Foyer on the ground level of the hotel.

DIETARY RESTRICTIONS AND SPECIAL ACCESS NEEDS

If you require special accommodations or have any questions, please contact us at cle@law.usc.edu or call (213) 821-3580.

ON-DEMAND VIDEO

Do you want to refer back to sessions after the Institute? For in-person registrations, on-demand video will be made available after the event. Please contact us at cle@law.usc.edu for access instructions.

CANCELLATIONS

All registrations and purchases are final and non-refundable.

QUESTIONS?

Contact the USC Gould Continuing Legal Education Office at cle@law.usc.edu or call (213) 821-3580.

Registration Form

USC Gould School of Law

2023 Intellectual Property Institute

Monday and Tuesday, March 20-21, 2023

Fairmont Miramar Hotel & Bungalows, Santa Monica, California

<https://gould.usc.edu/cle/ip>

It is strongly recommended that you fill out the registration form online.

CREDIT CARD: Register and pay online at <https://cle.usc.edu/IPI23>

CHECKS: Fill out form below, make check payable to **USC Gould School of Law**, and mail to:

USC Gould School of Law, CLE IPI Registration, 699 Exposition Boulevard, Suite 326, Los Angeles, CA 90089-0071

Registrant Name: _____

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Telephone: _____

Mobile Phone* : _____

Email: _____

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- Check here if you prefer **not** to share your contact information with our sponsors. (No information is sold.)
- Check here if you are a USC Gould alumnus (Class of _____).

Early-bird rates end at 5:00 PM on Tuesday, February 21, 2023.

SELECT REGISTRATION TYPE

DAMAGES WORKSHOP REGISTRATION (Monday, March 20)

- \$175 In-Person Registration
- \$225 Virtual Registration

INSTITUTE REGISTRATION (Tuesday, March 21)

- \$599 In-Person Registration (\$699 after February 21)
- \$649 Virtual Registration (\$749 after February 21)
- \$499 In-Person Groups of Three or More (each) *Must be from the same organization*
- \$549 Virtual Groups of Three or More (each) *Must be from the same organization*
- \$450 In-Person In House Counsel
- \$500 Virtual In House Counsel
- \$329 In-Person Recent Law School Graduates (Classes of 2012-22) *Must be from the same organization*
- \$379 Virtual Recent Law School Graduates (Classes of 2012-22) *Must be from the same organization*
- \$329 In-Person Government Employee
- \$279 Virtual Government Employee
- \$299 In-Person Full-Time Law Student
- \$349 Virtual Full-Time Law Student

REGISTER FOR BREAKFAST SESSION (Tuesday, March 21) Yes No (No additional fee.)

Cvent Event Platform Registration Instructions

Register Now: <https://gould.usc.edu/cle/ip/>

Returning Users: Emails used to register in 2022 will be recognized by the Cvent system and populate saved information. Verify information is still accurate and/or make changes. Continue and complete registration.

First Time Users: Complete all required fields and submit registration. Information will save for future registrations.

Questions? Email cle@law.usc.edu or call (213) 821-3580.