USC GOUlD SCHOOL OF LAW

2021 INTELLECTUAL PROPERTY INSTITUTE

6 FEDERAL JUDGES
• Hon. Alan Albright (W.D. Tex.) • Hon. Kent A. Jordan (3d Cir.)
• Hon. M. Margaret McKeown (9th Cir.) • Hon. Mark C. Scarsi (C.D. Cal.)
• Hon. Christopher C. Larkin (TTAB) • Hon. MaryJoan McNamara (ITC)

TIMELY DISCUSSIONS
• IP Protection and the Race to Vaccinate the World Against COVID-19
  featuring Robert DeBerardine (Johnson & Johnson)
• The Legacy of Justice Ruth Bader Ginsburg in IP Law

LEADING ACADEMICS
Professors Balganesh, Chien, Cohen, Evans, Lemley, Menell, Nimmer, Rai, Sunder and Tushnet

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It is more important than ever to stay up-to-date on the latest issues and build or maintain our IP community connections as we travel down the same virtual path. Take advantage of the Institute’s individual ticket pricing and the opportunity to interact with approximately 60 sponsoring organizations. Register online now at [http://cle.usc.edu/ip](http://cle.usc.edu/ip)

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Please visit our website at [http://cle.usc.edu/ip](http://cle.usc.edu/ip) for a complete and up-to-date list of Institute contributors.
Our beloved colleague, Julie Yi, lost her battle with cancer in 2021 after a five-year struggle. Julie was an essential member of the Gould School of Law for more than 13 years. Most recently, she was the Director of Development and Programming for the Gould Continuing Legal Education team. Before joining Gould in 2008, Julie worked as a Corporate Paralegal for Morrison & Forrester LLP and Gibson, Dunn, & Crutcher LLP. She and her family are fellow Trojans – she earned her BA in English from Dornsife.

At Gould, she was instrumental in shaping the annual Intellectual Property Institute, Institute on Entertainment Law and Business, Trust and Estate Conference, Tax Institute, Real Estate Law and Business and Institute for Corporate Counsel managed by the Gould CLE team. She was an enormously dedicated team member, often working countless hours, partnering with over 300 committee members and 80+ sponsors for the institutes annually.

Julie was beloved by everyone who knew her, especially those who had the good fortune of working closely alongside her. Her colleagues recall Julie’s selfless actions, work ethic, and willingness to make things better. She handled the relationships for all of the CLE programs, and each of the planning committees and sponsors loved working with her. She is the primary reason that our events sustained their success over the years. Julie was a private person, who liked to remain in the background even when responsible for putting the show together.

Julie rose to the occasion, no matter how much time and effort were required, whether or not it was part of her job. Her positive attitude and helpfulness earned Julie the admiration of her peers.

We are pleased to announce the creation of The Julie H. Yi Endowed Memorial Scholarship to remember Julie through a scholarship awarded to a USC Gould law student each year. If Julie touched your life and you would like more information about the scholarship, please reach out to Robin Maness, Associate Dean of Development, Alumni Relations, and Continuing Legal Education by emailing rmaness@law.usc.edu
8:55 AM
Welcome and Opening Remarks

9:00 AM
Bench Perspectives: Patent Cases
Join prominent Federal Circuit and District Judges as they share their views on where we are, where we are going, and what affects patent cases, including trials, damages, experts, the interplay with the Patent Trial and Appeal Board proceedings, remedies for standard essential patents, statutory subject matter, the recent ending of the Patent Pilot Program, and other issues.

10:15 AM
Trademark Clearance, Enforcement, and Licensing Strategies to Mitigate Reputation-Related Risk
This panel will guide trademark counsel on adapting brand management strategies to account for today’s “cancel culture,” where negativity towards a brand can escalate quickly and unexpectedly. The panel will examine the concept and the role of brand management before, during, and after a cancellation campaign, including how scrutiny of trademark-related decisions such as adoption, filing, and enforcement can lead to calls for cancellation, how third-party agreements should evolve, and whether trademark enforcement methods should be used to respond to social media criticism.
**11:30 AM**

**Navigating Section 337 Investigations: Start to Finish**

The panel will address a variety of issues concerning patent enforcement at the ITC, including OUII participation, the role of public interest factors, what qualifies as an imported article, and various pilot programs.

**Hon. MaryJoan McNamara**
Administrative Law Judge
U.S. International Trade Commission
Washington, DC

**Jeffrey Hsu**
Supervisory Attorney
Office of Unfair Import Investigations
U.S. International Trade Commission
Washington, DC

**Karin Norton**
VP and Senior Counsel
Samsung Electronics
Washington, DC

**MODERATOR**
Shamita Etienne-Cummings
Allen & Overy LLP
Washington, DC

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**12:45 PM**

**Guitars, Cadillacs, and Termination Disputes**

In 2013, when artists started trying to recapture their copyright interests in works copyrighted under the 1976 Copyright Act, an intricate dance ensued, bringing studios, publishers, and artists to the table to interpret the framework created by the 1909 and 1976 Acts, and to negotiate the complex factual issues underlying termination rights in a variety of works. This panel will discuss the issues raised by copyright termination disputes and the views of the various stakeholders in these matters.

**Tamerlin J. Godley**
Paul Hastings LLP

**Prof. Peter Menell**
Koret Professor of Law
UC Berkeley School of Law
Berkeley, CA

**Aaron J. Moss**
Greenberg Glusker

**MODERATOR**
Elaine K. Kim
Mitchell Silberberg & Knupp LLP

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**1:45 PM**

Adjournment

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**contact information**

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

Email: cle@law.usc.edu
Website: http://cle.usc.edu

Office hours are 9:00 a.m. to 5:00 p.m. Pacific Time
8:55 AM
Welcome and Opening Remarks

9:00 AM
Driving Diversity in Innovation: PTO and Beyond
This panel will focus on how to improve diversity in innovation. Leading panelists from the USPTO, industry, private practice and academia will discuss real world efforts and initiatives working to expand opportunities for diverse inventors and creators. Topics will include the National Council for Expanding American Innovation (NCEAI) and diversity and inclusion program of the U.S. IP Alliance (USIPA).

1 hour of MCLE elimination of bias credit available.

10:15 AM
Art law experts and practitioners explore copyright protection for graphic and fine arts. Cutting-edge topics include moral rights, the scope and limits of VARA, fair use in appropriation art, and the latest lightning-fast developments with NFTs.

11:30 AM
Advanced Practice Before the TTAB
Although practice before the Trademark Trial and Appeal Board (TTAB) may feel familiar for federal court practitioners, the rules are different and many traps await the unwary. This panel will discuss advanced practice tips for litigation before the TTAB, including non-obvious practical dos and don’ts and insights into how counsel can best present a case before the Board. The panel will touch on some of the features of the Trademark Modernization Act and their possible effect on TTAB law and procedure, as well as new developments like the TTAB Pretrial Conference Pilot Program.

12:30 PM Adjournment
9:00 AM
IP Cases Decided by the Supreme Court

Join an experienced panel of Supreme Court litigators as they discuss the Supreme Court's year in IP and what may be in store for 2022. Important IP cases decided in the last year range from the copyright trial of the century (Google v. Oracle) to the challenge of the legality of the PTAB (Arthrex).

10:15 AM
Keynote Discussion:
Intellectual Property Protection and the Race to Vaccinate the World Against COVID-19

As the public health community grapples with the challenges of vaccinating the entire global population against COVID-19 and eradicating the virus and its effects, a debate has emerged over the role of intellectual property protection in assuring the development, manufacture and distribution of the necessary vaccines. This keynote discussion brings together three of the world’s leading experts, each of whom has a different perspective, to discuss IP protection, waivers and the best way to assure that the COVID-19 vaccines and treatments are accessible to everyone, so that the virus can be contained and defeated.

Laura M. Burson
Sheppard, Mullin, Richter & Hampton LLP

Deanne E. Maynard
Morrison Foerster LLP
Washington, DC

Mark A. Perry
Gibson, Dunn & Crutcher LLP
Washington, DC

Kannon K. Shanmugam
Paul, Weiss, Rifkind, Wharton & Garrison LLP
Washington, DC

MODERATOR
Prof. Mark A. Lemley
William H. Neukom Professor of Law
Director, Program in Law, Science and Technology
Stanford Law School
Durie Tangri LLP
Stanford, CA

Robert DeBerardine
Chief IP Counsel
Worldwide Vice President
Johnson & Johnson
New Brunswick, NJ

Prof. Madhavi Sunder
Professor of Law and Associate Dean for International and Graduate Programs
Georgetown Law School
Washington, DC

MODERATOR
Prof. Arti K. Rai
Elvin R. Latty Professor of Law
And Faculty Director
The Center for Innovation Policy
Duke University School of Law
Durham, NC
The Legacy of Justice Ruth Bader Ginsburg in Intellectual Property Law

Justice Ruth Bader Ginsburg left an indelible mark on intellectual property law, as she did in many areas during her long career, and especially in her 27 years on the United States Supreme Court. She was the Court’s leading voice on copyright. She also authored several important patent decisions and her final opinion for the Court was in a trademark case. Join this panel of experts from across the federal judiciary, academia, the intellectual property bar, and the documentary filmmaking community, who knew and worked with Justice Ginsburg, as they explore her legacy in intellectual property law.

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.

Laura W. Brill
Kendall Brill & Kelly LLP

Julie Cohen
Oscar Nominated Filmmaker
RBG
New York, NY

Hon. M. Margaret McKeown
U.S. Court of Appeals (9th Cir.)

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Prof. David Nimmer
Professor from Practice
UCLA School of Law
Of Counsel, Irell & Manella LLP

Prof. Shyamkrishna Balganesh
Sol Goldman Professor of Law
Columbia Law School
New York, NY

Prof. Arti K. Rai
Elvin R. Latty Professor of Law
And Faculty Director
The Center for Innovation Policy
Duke University School of Law
Durham, NC

Prof. Rebecca Tushnet
Frank Stanton Professor of First Amendment Law
Harvard Law School
Cambridge, MA

INTRODUCER
John C. Ulin
TroyGould

upcoming USC Gould School of Law programs

ENTERTAINMENT LAW AND BUSINESS
Saturday, October 16, 2021

TRUST AND ESTATE
Friday, November 19, 2021

Email cle@law.usc.edu to join our mailing list and keep up to date with our programs.
Keynote

Robert DeBerardine

Robert DeBerardine is Worldwide Vice President and Chief Intellectual Property Counsel of Johnson & Johnson where he manages a group of about 270 IP professionals, of whom about 110 are patent and trademark attorneys. Before joining Johnson & Johnson, Robert was Chief Intellectual Property Counsel for Sanofi and Chief Intellectual Property Counsel for Abbott Laboratories. Prior to working in-house, Robert practiced at two international law firms where he handled transactional intellectual property matters and intellectual property litigation. Robert has a BS in Chemical Engineering from Lafayette College and a JD from Cornell University.

Prof. Madhavi Sunder

Professor Madhavi Sunder is a Professor of Law and Associate Dean for International and Graduate Programs at Georgetown Law School. She was named a Carnegie Scholar in 2006 and has been a Visiting Professor of Law at the Yale Law School, the University of Chicago Law School, and Cornell Law School. Her work traverses numerous legal fields, from intellectual property to human rights law and the First Amendment. Her book, From Goods to a Good Life: Intellectual Property and Global Justice, was published by Yale University Press in 2012.

Prof. Arti K. Rai

MODERATOR

Professor Arti Rai is the Elvin R. Latty Professor of Law and Faculty Director, The Center for Innovation Policy, at Duke Law School. She is an internationally recognized expert in intellectual property (IP) law, innovation policy, administrative law, and health law. Professor Rai currently serves as a Senior Advisor on innovation-related law and policy issues to the Department of Commerce’s Office of General Counsel. She also regularly advises other federal and state agencies as well as Congress on these issues.
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frequently asked questions

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Registration for the virtual Institute includes all sessions for the three days and on demand access to available recordings including additional bonus sessions. All registrations will also receive continuing education credit and electronic versions of the program syllabus materials.

VIRTUAL LOCATION
The 2021 Intellectual Property Institute will be held online at http://cle.usc.edu/ip.

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Unable to attend the Institute? Purchase on demand access to available session recordings and the Institute syllabus to receive California MCLE credit for viewing the sessions. Visit our website at http://cle.usc.edu/ip for more information.

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Contact the USC Gould Continuing Legal Education Office at cle@law.usc.edu.

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 attorney. USC Gould law students gain practical experience through our Intellectual Property and Technology Law Clinic, and externship opportunities in the legal departments of leading media, entertainment 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://gould.usc.edu/academics/media-entertainment-and-technology-law-program/ or contact the Director, Professor Jonathan Barnett, at jbarnett@law.usc.edu.

continuing education credits

LAWYERS. Minimum Continuing Legal Education (MCLE): USC Gould School of Law certifies that this activity qualifies for minimum continuing legal education credit in the amount of 11.5 hours, of which 1 hour may apply to elimination of bias credit. The USC Gould School of Law is a State of California approved MCLE provider. Please reference our website for questions about continuing legal education credits for other states.

- September 21: 4 hours
- September 22: 3 hours (of which 1 hour may apply to elimination of bias credit)
- September 23: 4.5 hours

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

ACCOUNTANTS. Continuing Professional Education (CPE): This program meets the guidelines set by the California State Board of Accountancy in the amount of 660 minutes. The maximum amount of CPE credit is 14 hours.

- September 21: 240 minutes
- September 22: 180 minutes
- September 23: 240 minutes
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