USC GOULD SCHOOL OF LAW

2021 INTELLECTUAL PROPERTY INSTITUTE

7 FEDERAL JUDGES
• Hon. Alan Albright (W.D. Tex.) • Hon. Kent A. Jordan (3d Cir.)
• Hon. Lucy Koh (N.D. Cal.) • 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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INSTITUTE DEDICATION

JULIE YI

The Planning Committee of the Intellectual Property Institute acknowledges the many years of hard work that Julie Yi poured into making the Institute successful and is grateful for her attention to detail and selfless dedication. The Planning Committee dedicates the 2021 Intellectual Property Institute to Julie.

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

John C. Ulin
TroyGould

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.

Hon. Alan Albright
U.S. District Court (W.D. Tex.)
Hon. Kent A. Jordan
U.S. Court of Appeals (3d Cir.)
Hon. Lucy H. Koh
U.S. District Court (N.D. Cal.)
Hon. Mark C. Scarsi
U.S. District Court (C.D. Cal.)
MODERATOR
Hon. Andrew J. Guilford (Ret.)
Judicate West

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.

Adraea Brown
Assistant General Counsel, Trademarks
Harley-Davidson Motor Company
Milwaukee, WI

Anna A. Kim
Senior IP Attorney
Red Bull Americas/GmbH

MODERATOR
Joel Feldman
Co-Chair, Global Trademark & Brand Management Group
Greenberg Traurig LLP
Atlanta, GA

DAY 1 CONTINUED
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.

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.

1:45 PM
Adjournment
<table>
<thead>
<tr>
<th>Time</th>
<th>Session Title</th>
<th>Organizer</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:55 AM</td>
<td>Welcome and Opening Remarks</td>
<td>Sumedha Ahuja, Perkins Coie LLP Seattle, WA</td>
</tr>
<tr>
<td>9:00 AM</td>
<td>Driving Diversity in Innovation: PTO and Beyond</td>
<td>Valencia Martin-Wallace, Deputy Commissioner for Patents, USPTO, Alexandria, VA</td>
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<tr>
<td>10:15 AM</td>
<td>Is it Art? I’ll Know It When I See It. Does Copyright Protect It? I’ll Tell You When I Know.</td>
<td>Tonya M. Evans, Penn State Dickinson School of Law, Carlisle, PA</td>
</tr>
<tr>
<td>11:30 AM</td>
<td>Advanced Practice Before the TTAB</td>
<td>John L. Welch, Wolf, Greenfield &amp; Sacks, Boston, MA</td>
</tr>
</tbody>
</table>

**Panelists**

- Sumedha Ahuja, Perkins Coie LLP Seattle, WA
- Prof. Colleen V. Chien, Santa Clara University School of Law, Santa Clara, CA
- Andrea C. Hutchison, Senior Associate General Counsel, IP Litigation, Gilead Sciences, Inc., Foster City, CA
- Pending Approval, Valencia Martin-Wallace, Deputy Commissioner for Patents, USPTO, Alexandria, VA
- Prof. Tonya M. Evans, Penn State Dickinson School of Law, Carlisle, PA
- Luke Nikas, Quinn Emanuel Urquhart & Sullivan, LLP, New York, NY
- Brooke Oliver, Of Counsel, Procopio, Cory, Hargreaves & Savitch LLP, Palo Alto, CA
- Margot Stokol, Assistant General Counsel, J. Paul Getty Trust
- Hon. Christopher C. Larkin, Administrative Trademark Judge, Trademark Trial and Appeal Board
- Mary Beth Myles, Interlocutory Attorney, Trademark Trial and Appeal Board
- Hon. Lorelei Ritchie (Ret.), Assistant Professor, Southern Illinois University School of Law, Carbondale, IL
- John L. Welch, Wolf, Greenfield & Sacks, P.C., The TTABlog®
- Raffi V. Zerounian, Hanson Bridgett LLP
8:55 AM  
Welcome and Opening Remarks  
Laura M. Burson  
Sheppard, Mullin, Richter & Hampton LLP  

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).  

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  

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.  

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  

DAY 3 CONTINUED
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.

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

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