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14th Annual Recent Developments in IP Law and Policy Conference

William T. Gallagher

Golden Gate University School of Law, wgallagher@ggu.edu

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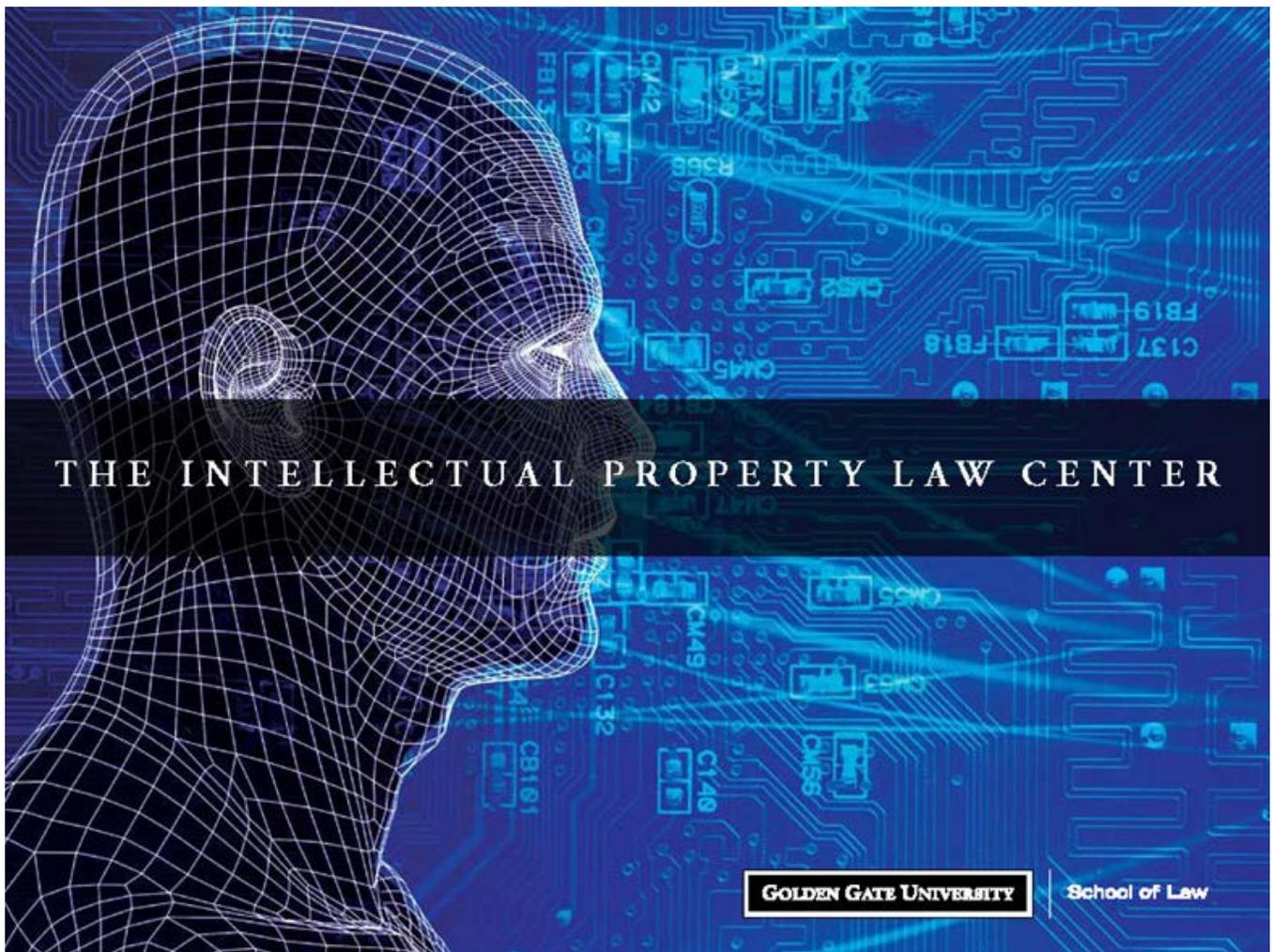
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GGU INTELLECTUAL PROPERTY LAW CENTER'S
**14TH ANNUAL RECENT
DEVELOPMENTS
IN IP LAW AND POLICY CONFERENCE**
OCTOBER 30, 2015

GOLDEN GATE UNIVERSITY INTELLECTUAL PROPERTY LAW CENTER

DIRECTOR

WILLIAM GALLAGHER
PROFESSOR OF LAW

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TO: IP Law Conference Participants
FROM: GGU IP Law Center and IP Law Faculty
DATE: October 30, 2015
RE: Welcome!

Welcome to the 14th Annual Conference on Recent Developments in Intellectual Property Law and Policy, presented by the Intellectual Property Law Center of Golden Gate University School of Law. This annual tradition, begun in late September 2001, was one of the first events developed as part of the foundation of our new IP Law Program. Over the years we have hosted presentations by leading thinkers in the area of IP Law, including Professor & former Senior Advisor to the Obama Administration Justin Hughes, New Yorker writer Ken Auletta, Professor Dan Burk, Professor Susan Scafidi of the Fashion Law Institute, and many others.

We are pleased to present another great line-up of speakers and panels in this, our fourteenth year. The speakers at today's conference are experts in the fields of patents, copyrights, trademarks, and right of publicity law. They are addressing some of the cutting-edge issues that face practitioners and academics in IP law today.

In the future, the IP Law Center also plans to bring important participants in the IP bar and academy to the University to present their views as part of our Distinguished IP Law Speaker Series. Past speakers have included Judge Alex Kozinski of the 9th Circuit Court of Appeals, Professor Pamela Samuelson from U.C. Berkeley School of Law, and Professor Mark Lemley of the Stanford Law School. I look forward to announcing a future speaker in this Series.

The IP Center's online presence continues to grow as well. Our highly praised, peer-reviewed journal *The IP Law Book Review* is in its first segment of its fifth volume. Bookmark the main site page, www.gguiplc.com to stay abreast of all of the IP Law Center's activities.

Lastly, enjoy the conference, and let us know what you think of the program. We are always looking for ways to improve your experience, and thank you for your attendance and support of IP law at Golden Gate.

Sincerely,



William Gallagher

Director
Golden Gate University
Intellectual Property Law Center

We kindly ask that you set the sound on all of your electronic devices to “silent” mode in order to minimize distractions during the program. Thank you and we hope you enjoy the conference.

At 12:30, lunch will be distributed in the 2nd floor lobby. Please form a single line and enjoy your lunch outside of the lecture hall. We have several locations where you can eat on campus including the Plaza (one level below the 1st floor), the GGU café in the GGUhub on the 1st floor, and the 6th floor has a large lounge—take the elevator to 6 and exit the elevators with a sharp left. Please rejoin the lecture hall at 1:30-1:45 for the afternoon sessions.

14th Annual Recent Developments in IP Law and Policy Conference
Golden Gate University School of Law
Program Schedule
October 30, 2015 Room 2202

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Registration/Check-in	8:30 - 9:00	2 nd floor lobby
Welcoming Remarks	9:00 - 9:15	Director William Gallagher
Patent Law Year in Review	9:15 - 10:15	- Justin Beck (Beck, Bismonte & Finley LLP) - Robert Morrill (Morrill ADR)
Morning Break	10:15 - 10:30	
Perspectives on Privacy Panel	10:30 - 11:30	- Alexandra Vesalga (TRUSTe) - Sharon Anolik (Privacy Panacea) - Debra Farber (Visa) - Kenesa Ahmad (Promontory Financial Group)
IP and Innovation: Policy and Legal Issues	11:30 - 12:30	Daniel Nazer (Electronic Frontier Foundation)
Lunch	12:30 - 1:45	Pick up lunch in 2 nd fl. lobby
Trademark Hot Topics	1:45 - 2:45	- Tim Cahn (GGU School of Law) - Naomi Jane Gray (Harvey Siskind LLP)
Afternoon Break	2:45 - 3:00	
Copyright's Termination Law: Problem Solver or Problem Creator?	3:00 - 4:00	Marc Greenberg (GGU School of Law)
Careers in IP Law (Panel)	4:00 - 5:00	- Eric Gelwicks (Live Nation Merchandise) - Margaux Savee (Novak Druce) - Jennifer Lam (Airbnb) - Beth Seals (Squire, Patton, Boggs)
Closing Remarks	5:00 - 5:15	Director William Gallagher
Post-conference Reception	5:15 - 7:00	Room 6210



William Gallagher is Professor and Director of the IP Law Center at the Golden Gate University School of Law, where he teaches courses on intellectual property litigation, intellectual property law, torts, and legal ethics. He has been a Visiting Scholar at the Center for the Study of Law and Society at the UC Berkeley School of Law (2009-2011) and will return in that capacity in the fall of 2015.

Professor Gallagher received his JD from the UCLA School of Law; his Ph.D. from the University of California, Berkeley School of Law (Jurisprudence and Social Policy Program); his MA from the University of Chicago; and his BA from the University of California, Berkeley.

Professor Gallagher is the Founding Editor of the online, peer-reviewed journal, *The IP Law Book Review*. He is also the Co-Founder of the Law and Society Association collaborative research network on “Culture, Society, and Intellectual Property”.

Professor Gallagher is the author of articles on intellectual property law and professional ethics, which have appeared in journals such as the *Santa Clara Law Review*, *The Santa Clara Computer & High Tech Law Journal*, *The John Marshall Review of Intellectual Property Law*, *Pepperdine Law Review*, *Law and Social Inquiry*, *Jurisprudence and Social Policy Program Faculty Working Papers* (University of California, Berkeley School of Law), and the *Law and Politics Book Review*. His edited book, *International Essays in Law and Society: Intellectual Property*, was published in 2007 by Ashgate Press. A second book, *Intellectual Property Law in Context: Towards a Law and Society Perspective*, is forthcoming from Cambridge University Press (2015).

Before entering full-time academia, Professor Gallagher was a partner in a San Francisco law firm, where he specialized in patent, copyright, trademark, trade secret, and related intellectual property litigation in both state and federal courts nationwide.



Justin Beck has practiced intellectual property law for more than 30 years and is currently a partner in Beck, Bismonte & Finley, LLP, in San Jose, California. Before the formation of Beck LLP, he had been a partner at Skjerven Morrill for 15 years, specializing in patent and copyright litigation and headed that firm's litigation department. Previously, he had been in-house counsel for two Silicon Valley technology companies, performing litigation and licensing efforts. Justin has had success handling patent and copyright disputes in a broad range of technologies, including wafer processing machinery, computer systems, memory devices, microprocessors, software, and medical devices. He has been an Adjunct Professor of Law at Golden Gate University in San Francisco for many years, teaching

patent litigation and copyright, and at the University of Oregon School of Law, teaching patent litigation. He also frequently writes on intellectual property matters for legal publications. He participates in competitive bridge and enjoys sports and his dogs in his free time.



Robert B. Morrill has been an independent arbitrator, mediator and special master in San Francisco since 2012, specializing in intellectual property, licensing, technology and commercial matters. He previously was a partner at Sidley Austin LLP from 2003 to 2012 and was a founder and partner at the IP boutique Skjerven Morrill MacPherson LLP from 1976 to 2003. He has been an adjunct professor at Golden Gate Law School, where he taught Patent Litigation and Patent Law. Mr. Morrill is currently named as a Northern California Super Lawyer in Intellectual Property Litigation, a Martindale-Hubbell Top Rated Lawyer in

Intellectual Property Law and by Best Lawyers in America in Intellectual Property Litigation and Patent Law. He is admitted to practice in California and Nevada, all U.S. District Courts in California and Nevada, the U.S. Courts of Appeal for the Ninth and Federal Circuits, the U.S. Patent and Trademark Office and the U.S. Supreme Court. He is a graduate of the University of Nevada, Reno and Harvard Law School (cum laude), a co-founder and past president of the San Francisco Bay Area Intellectual Property Inn of Court and a member of the Northern California International Arbitration Club



Alexandra Vesalga is a California attorney, consultant, Certified Information Privacy Professional, and Internet and technology obsessive.

As a Regulatory Intelligence Analyst at TRUSTe, Alexandra develops legal content and specialized privacy assessments for enterprise-level clients. As a consultant, Alexandra works with organizations at all stages to develop and implement comprehensive privacy programs that emphasize safe information practices while maximizing business potential.

Previously, Alexandra was an attorney for the California Office of the Attorney General, Privacy Enforcement and Protection Unit, investigating and litigating privacy matters on behalf of the People and State of California.

Alexandra earned her J.D. with honors and specialization in Intellectual Property from Golden Gate University School of Law, where she served as the Editor-in-Chief of Golden Gate University Law Review. Alexandra earned her B.A. in Philosophy from San Francisco State University. Alexandra serves on the Golden Gate University IP Law Center Advisory Board.

Outside of all things privacy, Alexandra's interests include urban hikes, philosophy, yoga, mid-century modern architecture, music, and dance. Contact Alexandra at avesalga@gmail.com.



Sharon A. Anolik is President and Founder of Privacy Panacea, a firm providing strategic privacy and compliance solutions to forward-thinking companies. A member of the Department of Homeland Security's Data Privacy and Integrity Advisory Committee and a seasoned privacy and compliance executive, Sharon brings expertise culled from two decades of leadership in building privacy and compliance programs and solutions for prominent organizations.

Most recently, Sharon was Vice President and Global Privacy Risk and Strategy Leader for McKesson Corporation, a Fortune 15 health care services and information technology company. Sharon built and led McKesson's first enterprise privacy program with a focus on quality, strategy, and innovation, enabling McKesson to improve health care and realize opportunities through the trusted use and protection of information.

Previously, Sharon served as Chief Privacy Official and Director of Corporate Compliance and Ethics for Blue Shield of California. There, she was responsible for overseeing privacy, corporate compliance and ethics, records management, and legislative compliance administration programs. Sharon directed all programs related to Blue Shield's Code of Business Conduct and privacy policies, oversaw compliance and privacy investigations, and ensured that its workforce was trained in privacy and compliance. Under Sharon's leadership, Blue Shield's privacy and corporate compliance and ethics programs received awards for innovation and effectiveness.

Sharon served as a Privacy Specialist in the enterprise risk management practice at Deloitte & Touche LLP, where she advised global companies on privacy issues, provided recommendations regarding compliance with state, federal, and international privacy regulations, and enhanced privacy and security processes.

Sharon also served as Associate General Counsel and Chief Privacy Officer for Ask Jeeves, a leading provider of Web search technologies of its time. Sharon spearheaded Ask Jeeves' privacy program and policy-making worldwide. Before that, Sharon served as a judicial clerk to the California Supreme Court, and in-house counsel for several technology companies.

A published author, frequent industry speaker, and Certified Information Privacy Professional, Sharon is the Vice Chair of the Compliance, Privacy, and Audit Committee of El Camino Hospital's Board of Directors, and serves on the Future of Privacy Forum's Advisory Board and several other privacy advisory boards. Sharon is the co-inventor of a pending privacy indicator method patent (pending), an adviser to the American Law Institute's Information Privacy Principles project, a judge for the SIIA 2015 and 2106 CODiE awards, a member of ODBMS.org's panel of experts, and a former professor of Cyberlaw and Privacy at Golden Gate University School of Law.

Sharon can be reached at datastrategy@yahoo.com.



Debra J. Farber, JD, CISSP-ISSMP, CIPP/US/G, CIPM, CIPT is the Senior Director of Public Policy Development (Global Privacy & Data Management) at Visa where she compiles critical insights on a range of public policy topics impacting the electronic payments industry generally and Visa Inc. specifically, with a focus on the global issues associated with the management of data including: cross-border data flows, data security, privacy and big-data. She has over a decade of experience in setting enterprise-wide strategy for PII and PHI; assessing privacy and security risk for the protection of information assets; overseeing policy development; implementing privacy protections and security controls; advising on product and technical requirements for “privacy by design” (“PbD”); spearheading training initiatives and awareness campaigns;” leading compliance efforts; assisting with audit and assurance; and setting up breach prevention, response, and notification programs.

Just prior to her role at Visa, Debra was a Senior Consultant and Product Manager at TRUSTe, where she lead privacy consulting engagements for clients, served as an internal privacy subject matter expert, and advised on the development and implementation of new product offerings. Previously, she was the Founder and President of Farber Strategies Inc., a privacy and data protection consulting firm based out of San Francisco, CA. In addition, she has led significant privacy initiatives at Medtronic, The Advisory Board Company, IBM, American Express, and Numera.

Debra loves to serve her community. She is a Co-Founder an Executive Board Member of Women in Security and Privacy (WISP), a significant community of SF Bay Area women who work in, or are interested in, the information security and data privacy industries. She also is also a Faculty Member with IANS, the leading provider of information security insights and decision support.

Debra holds a JD from Brooklyn Law School and a BA in English from Binghamton University. She has also earned prominent privacy and security credentials including the CIPP/US, CIPT, CIPM, and CISSP-ISSMP. Currently, she is pursuing an Executive Certificate in Business Excellence from The UC Berkeley Haas School of Business.



Kenesa Ahmad is a consultant in the Privacy and Data Protection practice at Promontory Financial Group. Kenesa assist clients with a variety of privacy and information governance issues including incident response, the development and implementation of global privacy and risk governance, and emerging technology and business models. During her

time with Promontory, Kenesa has worked with a wide range of clients across the financial, retail, technology, and health sectors. Prior to joining Promontory, Kenesa served as the 2010-2012 legal and policy fellow at the Future of Privacy Forum in Washington, D.C. She is co-author of the two principal texts used for the Certified Information Privacy Professional/United States (CIPP/US) program.



Daniel Nazer is a Staff Attorney and Mark Cuban Chair to Eliminate Stupid Patents at the Electronic Frontier Foundation. Prior to joining EFF, he was a Residential Fellow at Stanford Law School's Center for Internet and Society. He also practiced at Keker & Van Nest, LLP, where he represented technology clients in patent and antitrust litigation. Daniel clerked for Justice Susan Kenny of the Federal Court of Australia and Judge William K. Sessions, III of the U.S. District of Vermont. Daniel has a B.A. in Philosophy from the University of Western Australia, an M.A. in philosophy from Rutgers, and a J.D. from Yale Law School.



Mr. Tim Cahn has practiced trademark and copyright law and litigation for over twenty years. His focus has been protecting and enforcing the trademarks and copyrights of successful consumer brand companies, including Apple, Inc., Levi Strauss & Co., Williams Sonoma, Inc., Sony Computer Entertainment, and many others. During his tenure as a partner at Kilpatrick, Townsend, and Stockton, a 600-attorney firm based in Atlanta, he was co-chair of the firm's copyright practice and its hiring partner.

Currently, Mr. Cahn is General Counsel to Park Sunset Housing Corp., a non-profit corporation formed in 1973 that specializes in supporting affordable housing and community improvement. Mr. Cahn also is Adjunct Professor of Law at Golden Gate University and a director of several non-profit boards.



Naomi Jane Gray
Harvey Siskind LLP
San Francisco, California

Ms. Gray focuses her practice on intellectual property (including copyrights, trademarks and trade secrets) and commercial litigation, prosecution and counseling. She has managed complex cases in all phases of litigation, from prelitigation counseling through appellate review. Her extensive copyright experience includes representing a magazine publisher in a series of cutting-edge lawsuits at the intersection of traditional print media and emerging electronic technologies which ultimately established the publisher's right to reproduce its flagship magazine in electronic format (see, e.g., *Faulkner, et al. v. National Geographic Society, et al.*, 294 F. Supp. 2d 523 (S.D.N.Y.

2003); *aff'd*, 409 F.3d 26 (2d Cir. 2005)).

Ms. Gray serves as an arbitrator on the Commercial Panel of the American Arbitration Association, and in 2015 was appointed to the Silicon Valley Arbitration and Mediation Center's list of the world's leading technology neutrals. She authors blogs on copyright and trademark law (Shades of Gray®, www.shadesofgraylaw.com) and alternative dispute resolution (Shades of Gray™, www.shadesofgrayadr.com).

Ms. Gray graduated from the University of Michigan Law School in 1995, where she served as an editor of the Michigan Journal of International Law and the Michigan Journal of Gender and Law. She obtained bachelor's degrees in Government and French Studies from Smith College in 1992, where she competed at the 1992 World Debating Championships in Dublin, Ireland and the 1992 National Debating Championships in Boston, Massachusetts. She also holds a *Certificat d'Etudes Politiques* from the Institut d'Etudes Politiques in Paris, France. She is fluent in French.



Marc Greenberg is Professor of Law and founding Director of the Intellectual Property Law Center and Program at Golden Gate University of Law. A member of the faculty since 2000, he teaches Intellectual Property Survey, Internet and Software Law, Intellectual Property and New Technology, and Entertainment Law in the IP curriculum. He also teaches Civil Procedure, Business Associations and related courses in the general curriculum. He was the 2010-2011 Chair of the Art Law Section of the American Association of Law Schools, and is a past co-chair of the Copyright Section of the San Francisco Intellectual Property Law Association. He is presently a member of the Books Editorial Board of the IP Law Section of the ABA, and the Vice Chair of the Working Group on Literary Works for the IP Section.

Professor Greenberg received his A.B. degree in English Literature from the University of California, Berkeley; and his J.D. from the University of California, Hastings College of the Law, where he served as an articles editor of the *Hastings Constitutional Law Quarterly* and published the first of his scholarly works analyzing the First Amendment cases of the Supreme Court's 1978 term.

Professor Greenberg's scholarship has focused on legal issues pertaining to content on the Internet, obscenity law in online contexts, and copyright issues both in the U.S and in China. In 2014 his book, *COMIC ART, CREATIVITY AND THE LAW* was published by Edward Elgar Publishing. He is currently writing a book on copyright termination law for publication in 2016 by the IP Section of the ABA. His articles have been published in the *Berkeley Technology Law Journal*, *The Syracuse Journal of Law and Technology*, *The John Marshall Review of Intellectual Property Law*, and *The Loyola Chicago University Journal of International Law*.

Before joining the GGU faculty, Professor Greenberg practiced IP, entertainment and business law, in both transactional work as well as litigation, in several firms in Northern California. He is still an active practitioner, serving as attorney of counsel for 50 Balmy Law, a San Francisco Mission District Arts, Entertainment and Nonprofit Law firm.



Eric Gelwicks is Associate Counsel and Manager of Business Affairs at Live Nation Merchandise, Inc. where he manages the intellectual property matters and in-bound and out-bound IP licensing for Live Nation's bands and performers along with other entertainment business transactions. Prior to joining Live Nation, Eric was an Associate at Owen, Wickersham & Erickson, P.C., a specialized intellectual property law firm based in San Francisco, and worked in the legal department of the entertainment-media start-up company, MEVIO, Inc. Eric serves on the boards of the San Francisco Intellectual

Property Law Association and Bar Association of San Francisco Barrister's Intellectual Property and Internet Law Section. Eric earned his law degree from Golden Gate University School of Law with a specialization certificate in intellectual property law, and has an undergraduate degree in Political Science from the University of California, Santa Barbara.



Margaux Savee is a partner at Novak Druce Connolly Bove + Quigg LLP. She has been a distinguished member of the firm's nationally recognized Patent Post Grant Review, Litigation and Prosecution Practice Groups since January 2009. Ms. Savee frequently represents a broad array of international clients in litigation-driven patent post grant review proceedings. She has worked on more than 100 inter partes reviews and ex parte reexaminations, as well as managed several post-grant review proceedings, involving a variety of technologies, including medical devices,

computer software and hardware, biochemistry, chemistry, and biotechnology. She is adept in managing large and complex international patent portfolios. Ms. Savee has successfully litigated matters before the International Trade Commission (ITC) and various U.S. District Courts, and has had appellate experience before the U.S. Court of Appeals for the Federal Circuit and Patent Trial and Appeal Board (PTAB). Ms. Savee's extensive prosecution, litigation and post-grant review/reexamination experience has given her a knowledge base that has enabled her to achieve outstanding results in managing multi-jurisdictional disputes, drafting patent licensing agreements, and counseling clients through mediation and settlement negotiations. Ms. Savee earned an MBA from University of Oxford - Said Business School, a JD from Golden Gate University School of Law, and a BS in Biochemistry/Chemistry from University of California, San Diego.



Jennifer Lam is Product Counsel at Airbnb, an online marketplace for people to list and book accommodations. Jennifer leads Airbnb's trademark program and counsels on a full-range of issues related to product development, including compliance with US and international laws, privacy, advertising, and promotions. Prior to joining Airbnb, she was IP and Product Counsel at Zynga, focusing on copyright prosecution and enforcement, licensing, domain name and DMCA disputes, and general content regulation. Jennifer earned her law degree from Golden Gate University School of Law with a

specialization certificate in intellectual property law, and has an undergraduate degree in Business Administration and Marketing from San Jose State University.



Beth Seals is a Senior Associate at Squire Patton Boggs (US) LLP. Beth's practice focuses on intellectual property matters, covering a broad range of US and international transactional matters in a wide variety of areas including computer technology, biotechnology and pharmaceuticals, Internet and media and entertainment. Her experience includes providing assistance in e-commerce and Internet transactions, issues related to social media and Web 2.0, trademark registration and protection, and patent and software licensing. Beth earned her law degree from Golden Gate University

School of Law, with highest honors, and was the Associate Editor of the Golden Gate University Law Review. Beth's undergraduate degree is from Missouri State University, summa cum laude.