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16th Annual Recent Developments in IP Law and Policy Conference

Golden Gate University School of Law

William T. Gallagher

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Dear Attendees:

I am very pleased to welcome you to our 16th Annual IP Law and Policy Conference. As usual, we have an exciting lineup of interesting speakers and topics. Intellectual property law and related areas, such as privacy law, have undergone significant changes since our last conference, and this year’s speakers will help us make sense of some of these changes.

I am also very pleased this year to have an outstanding line up of speakers from practice, as well as visiting IP scholars – Colleen Chien from Santa Clara University, and Lisa Ramsey from University of San Diego School of Law.

I look forward to meeting all of you at this exciting event.

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. 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. Please rejoin the lecture hall at 1:30-1:45 for the afternoon sessions.

Wireless internet access is available! Instructions for login are below:

1. Open your list of Wi-Fi connections and select "GGU-Guest".
2. There is no key or token needed to connect.
3. Once connected, open a browser. The browser or your device’s software will redirect you to a login page.
4. Use the username/password credentials:
   a. Username: iplaw1
   b. Password: dbf6eI
5. On the next page, review and accept GGU’s Acceptable Use Policy (AUP) to proceed.

A digital copy of the program can be found by visiting law.ggu.edu/ip.
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Speaker(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:30 - 9:00</td>
<td>Registration/Check-in</td>
<td></td>
</tr>
<tr>
<td>9:00 - 9:15</td>
<td>Welcoming Remarks</td>
<td>Director William Gallagher, Dean Anthony Niedwiecki</td>
</tr>
<tr>
<td>9:15 - 10:15</td>
<td>Non-Traditional Trademarks</td>
<td>Lisa Ramsey (University of San Diego School of Law)</td>
</tr>
<tr>
<td>10:15 - 10:30</td>
<td>Morning Break</td>
<td></td>
</tr>
<tr>
<td>10:30 - 11:30</td>
<td>Privacy in Genetic Information (Panel)</td>
<td>Moderator: Adam Sand (Shopkick.com), Sharon Anolik (Privacy Panacea), Tom Brida (Invitae), Adriana Beach (23andMe)</td>
</tr>
<tr>
<td>11:30 - 12:30</td>
<td>Updates on Copyright, Patent, and Trade Secret Law</td>
<td>William Gallagher, Marc Greenberg, Samuel Ernst (Golden Gate University School of Law)</td>
</tr>
<tr>
<td>12:30 - 1:45</td>
<td>Lunch</td>
<td>Pick up lunch in 2nd fl. lobby</td>
</tr>
<tr>
<td>1:45 - 2:45</td>
<td>Innovation, IP, and Inequality</td>
<td>Colleen Chien (Santa Clara University School of Law)</td>
</tr>
<tr>
<td>2:45 - 3:00</td>
<td>Afternoon Break</td>
<td></td>
</tr>
<tr>
<td>3:00 - 4:00</td>
<td>Trademark Law Update</td>
<td>Sally Abel (Fenwick &amp; West LLP)</td>
</tr>
<tr>
<td>4:00 - 5:00</td>
<td>Careers in IP Law (Panel)</td>
<td>Moderator: Eric Gelwicks (LiveNation), Austin Phillips (Kilpatrick, Townsend, &amp; Stockton LLP), Rimma Budnitskaya (Splunk), RJ Pal (TrustArc)</td>
</tr>
<tr>
<td>5:00 - 5:15</td>
<td>Closing Remarks</td>
<td>Director William Gallagher</td>
</tr>
<tr>
<td>5:15 - 7:00</td>
<td>Post-conference Reception</td>
<td>Room 6210</td>
</tr>
</tbody>
</table>
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 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”.


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.
Lisa Ramsey is the Class of 1975 Endowed Professor at the University of San Diego School of Law, where she is a founding member of the Center for Intellectual Property Law and Markets. She teaches and writes in the areas of trademark law, intellectual property, and international intellectual property. Her recent major publications include *Non-Traditional Trademarks and Inherently Valuable Expression in The Protection of Non-Traditional Marks: Critical Perspectives* (Irene Calboli & Martin Senftleben eds., forthcoming Oxford University Press 2018); *A Free Speech Right to Trademark Protection?*, 106 Trademark Reporter 797 (2016); *Reconciling Trademark Rights and Free Expression Locally and Globally*, in International Intellectual Property: A Handbook of Contemporary Research 341 (Daniel Gervais ed. 2015); *Mechanisms for Limiting Trademark Rights to Further Competition and Free Speech*, 44 International Review of Intellectual Property and Competition Law 671 (2013) (with Jens Schovsbo); and *Free Speech and International Obligations to Protect Trademarks*, 35 Yale Journal of International Law 405 (2010). Before joining the University of San Diego law faculty, Professor Ramsey was an intellectual property litigator for several years in San Diego, California.
Adam Sand leads the legal and business development teams at shopkick and supports the entire shopkick business. Shopkick is a leading location-based data and marketing company which was acquired by SK Telcom, a South Korean conglomerate. Prior to joining shopkick, Adam was lead counsel for Ancestry and AncestryDNA where he helped launch the DNA testing service worldwide; and worked for eBay and PayPal and international law firms Pillsbury Winthrop and Jones Day where he represented companies such as Apple, at&t and Chevron. When he isn’t facilitating deals, you will find Adam playing with his kids, teaching privacy law issues to future lawyers and advising startups in the genetics and medical fields or learning to create smart contracts based on the Ethereum system.
Sharon A. Anolik is President and Founder of Privacy Panacea, a firm providing strategic privacy and compliance advice to global 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 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. Sharon is also the co-inventor of a pending privacy indicator method patent (pending), an IAPP CIPP/US Exam Development board member, an adviser to the American Law Institute’s Information Privacy Principles project, a judge for the SIIA 2015 and 2016 CODiE awards, reviewer of several privacy guidance documents for the California Attorney General’s office, and a former professor of Cyberlaw and Privacy at Golden Gate University School of Law. Sharon also advises HBO’s “Silicon Valley” on privacy matters for the Seasons 4 and 5 storyline.
Tom Brida leads the legal team at Invitae and has more than 13 years of legal experience in the life science and diagnostic industries. He has a broad-based legal background and has advised both public and private multinational companies on transactional and corporate matters. Prior to joining Invitae, he was Associate General Counsel at Bio-Rad Laboratories and an associate in Orrick's corporate and technology group. He earned his B.A. from Stanford University and his law degree from U.C. Berkeley School of Law.
Adriana Beach is Privacy & Data Protection Counsel at 23andMe, Inc., a personal genetics and biotechnology company based in Mountain View, California. Prior to joining 23andMe, Adriana worked as Legal Counsel at shopkick, Inc., a location-based shopping rewards application. Before shopkick, she worked at TrustArc (formerly, TRUSTe), partnering with companies to assess, develop, and implement their internal and external privacy practices and policies.
Marc H. Greenberg is a Professor of Law and the founding Director of the Intellectual Property Law Center and Program at Golden Gate University School 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, Property, Wills and Trusts, and related courses in the general curriculum. He was the 2010-2011 Chair and is presently on the Executive Board 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 a member of the Books Editorial Board of the IP Law Section of the ABA, and the Vice Chair of the Literary Works Committee 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. While in law school 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 is still an active practitioner providing legal services to select clients via his firm, Law Office of Marc H. Greenberg.
Samuel F. Ernst is an Associate Professor at Golden Gate University School of Law. Professor Ernst teaches in the areas of intellectual property, contracts, patent law, and copyright law. Professor Ernst has authored numerous law review articles on patent law and contract law and is the co-author with Judge Timothy Dyk of the U.S. Court of Appeals for the Federal Circuit of the chapter on “Patents” in the treatise *Business and Commercial Litigation in the Federal Courts*. From 2013 to 2017, Professor Ernst was a professor at the Chapman University Fowler School of Law. Prior to entering academia Professor Ernst was a partner at the international law firm of Covington & Burling in San Francisco, practicing intellectual property and appellate litigation while maintaining an active pro bono practice focusing on veterans disability recovery, civil liberties, and homeless advocacy. During these years Professor Ernst also co-taught Pre-Trial Civil Litigation at the U.C. Berkeley School of Law. After law school Professor Ernst served as a law clerk to the Honorable Timothy Dyk on the U.S. Court of Appeals for the Federal Circuit. In 2010, Professor Ernst was recognized by the Federal Circuit Bar Association for his work on behalf of veterans. In 2006 and 2008, he received a Certificate of Excellence from the Berkeley Food and Housing Project.
Colleen Chien is an Associate Professor at Santa Clara University School of Law where she teaches, writes, and mentors students. From 2013-2015 she served in the Obama White House as a Senior Advisor, Intellectual Property and Innovation, working on a broad range of patent, copyright, technology transfer, open innovation, educational innovation, and other issues. Professor Chien is nationally known for her research and publications on domestic and international patent law and policy issues. She has testified on multiple occasions before Congress, the DOJ, the FTC, and the US Patent and Trademark Office on patent issues, frequently lectures at national law conferences, and has published several in-depth empirical studies, including of patent litigation, patent-assertion entities (PAEs) (a term that she coined), and the secondary market for patents. Prior to joining the Santa Clara University School of Law faculty in 2007, Professor Chien prosecuted patents at Fenwick & West LLP in San Francisco, as an associate and then Special Counsel, and was a Fellow at the Stanford Center for Law and the Biosciences. In 2017, Professor Chien was awarded the American Law Institute’s Early Career Medal, awarded every two years to up to two law outstanding professors; she also has received the Vanguard Award for Public Service, and has been named Eric Yamamoto Emerging Scholar, a Tech Law Leader, one of Silicon Valley’s “Women of Influence,” and one of the 50 Most Influential People in Intellectual Property in the world. Chien is a graduate of Stanford (Engineering) and Berkeley Law Schools and lives in Oakland with her husband and their two sons, Max and Benjie. She is the founder of civic engagement projects Wall of Us and ActLocal and an advisor to ClearAccessIP, an AI-driven patent analytics and enterprise software firm and CitizenBe, which works to create and sustain impactful political participation.
Sally Abel is Chair of Fenwick & West’s Trademark Group, focusing her practice on international trademark and trade name counseling, including the development and management of international trademark portfolios and trademark rights online.

Sally is ranked the top trademark lawyer in the United States in *Who’s Who Legal Trademarks 2015*. She has repeatedly won other international, national, state and Silicon Valley accolades including:

- *World Trademark Review 1000*: One of the top 9 trademark practitioners in the US (Gold ranking 2012-2018)
- *Euromoney’s Best of the Best Expert Guide 2017*: One of the Top 30 Trademarks Practitioners Worldwide and top 3 in the U.S.
- *The International Who’s Who of Trademark Lawyers*: Among the world’s leading trademark lawyers (2002-2017) Currently ranked among North America’s top 10 trademark thought leaders
- *Chambers USA Women in Law Awards*: One of the top 12 women IP lawyers in the US (2012)

Representative Clients:

- Cisco Systems
- Salesforce.com
- Facebook
- Symantec
- Fitbit
- NVIDIA
- Uber
Sally was a pioneer in the international debate over trademark rights on the Internet, including serving as INTA’s representative on the 11-member International Ad Hoc Committee (IAHC), the international body organized by the Internet Society, to restructure the domain name system. At the invitation of the World Intellectual Property Organization (WIPO), Sally also participated in WIPO’s First Meeting of Consultants on Trademarks and Internet Domain Names held in Geneva in February, 1997. Through WIPO and the National Arbitration Forum, she has served as a neutral panelist in over 60 domain name disputes brought under ICANN’s UDRP system.

Sally was a member of the INTA Board of Directors from 1998 to 2000. She chaired INTA’s Internet Subcommittee for two years, developed and chaired INTA’s Enforcement Committee, and currently serves on INTA’s Amicus Committee. She teaches trademark law annually at an IP conference for federal court judges and teaches international trademark law at Boalt Hall School of Law (Berkeley Law).

Sally is a member of the State Bar of California and is admitted to practice in several federal courts.
Eric Gelwicks is Associate Counsel and Manager of Business & Legal Affairs at Live Nation Merchandise, Inc., where he oversees the intellectual property transactions and enforcement for Live Nation’s artists and bands, including Bruce Springsteen, Coldplay, Madonna, Rihanna, U2 and many others, along with handling other business matters. Prior to joining Live Nation, Eric was an Associate at Owen, Wickersham & Erickson, P.C., a specialized intellectual property law firm, and worked in the legal department of the entertainment-media startup company, MEVIO, Inc. Eric serves on the board of the San Francisco Intellectual Property Law Association. Eric earned his law degree from Golden Gate University School of Law in 2010 with a specialization certificate in intellectual property law and has an undergraduate degree in Political Science from the University of California, Santa Barbara.
Austin Phillips focuses his practice on trademark and copyright law. Mr. Phillips has experience in all aspects of trademark practice, including clearance, prosecution, counseling, global portfolio management, enforcement, Trademark Trial and Appeal Board (TTAB) proceedings, and litigation. Prior to joining the firm, Mr. Phillips worked as in-house intellectual property counsel at a global cosmetics corporation, and previously worked as an Associate at a national law firm in its Intellectual Property and Technology practice group.
A legal, technology, and business professional, Rimma Budnitskaya has led growth, acquisition, management, and enforcement of strategic IP portfolios at top public Silicon Valley technology companies, including Splunk and NetApp, and Fenwick & West, a leading technology law firm.

Operating in Silicon Valley since 2000, Ms. Budnitskaya advises senior executives on international and domestic issues related to Intellectual Property, technology licensing, open source, and compliance— including regulatory compliance. As Director of Intellectual Property at Splunk, a leading data analytics company, Ms. Budnitskaya establishes and maintains strong collaboration with Product, Engineering, Marketing, Business Development, Human Resources, and Finance organizations to enable and protect the company’s brand and strategic innovation initiatives and drive projects and deals to resolution. She advises the Corporate Development team on strategic acquisitions that lead to technological and market sector expansion.

Originally from Moscow, Russia, Ms. Budnitskaya relocated to the Bay Area to earn her law degree at Golden Gate University School of Law after undergraduate studies in Applied Mathematics and Computer Science at the Moscow University of Economics, Statistics, and Information Technologies. By designing legal processes that leverage her law degree and technical background, Ms. Budnitskaya prioritizes streamlined legal operations, customer success, and sales velocity. Experienced in building in-house teams of IP professionals and managing large teams of legal services providers, Ms. Budnitskaya oversees a multi-million dollar departmental budget.
RJ Pal is a multidisciplinary worker who focuses on all things privacy from certification to consulting as well as technology that empowers privacy and compliance teams across the globe as Global Privacy Principal for TrustArc. He has helped many organizations achieve compliance with international data transfer agreements, including the EU-US Privacy Shield and the Asia Pacific Economic Cooperation's Cross Border Privacy Rule System. In addition, he works with clients and their Privacy and/or Compliance teams to ensure they have the proper technology in place to power their privacy initiatives. This task includes education and support, in addition to substantive help in the creation of privacy processes.

Mr. Pal graduated from Golden Gate University School of Law simultaneously earning a Juris Doctor and Master’s Degree in Business Administration. He is also a Certified Information Privacy Professional in regard to the United States Sector (CIPP/US), The European Sector (CIPP/E), as well as a Certified Information Privacy Technologist (CIPT). He has also been designated a Fellow of Information Privacy (FIP) by the International Association of Privacy Professionals.