2-20-2015

13th Annual Recent Developments in IP Law and Policy Conference

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GGU INTELLECTUAL PROPERTY LAW CENTER’S
13TH ANNUAL RECENT DEVELOPMENTS
IN IP LAW AND POLICY CONFERENCE
FEBRUARY 20, 2015

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WILLIAM GALLAGHER
PROFESSOR OF LAW
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TO: IP Law Conference Participants  
FROM: GGU IP Law Center and IP Law Faculty  
DATE: February 20, 2015  
RE: Welcome!

Welcome to the 13th 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. Our program leads off with Justin Beck and Ron Finley talking about this year’s development in Patent Law, David Tollen reviewing Cloud Computing Contracts, and Adam Sand giving a his presentation entitled “You are Big Data: Genetics and Privacy.”

Following our lunch break, we are pleased to present a program by Karen Frank, who will be speaking about developments in Fashion law.

And to ring things out, we’ll be holding 2 panels, IP Issues in Tech Start-Ups, moderated by Eric Gelwicks, and Careers in IP Law: Insider Perspectives, moderated by Katia Bloom.

The IP Law Center is also planning 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.

The 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 Center’s activities and to link to.

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 at 40 Jessie St. behind the main building, and the 6th floor has quite a large space—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.
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<td>Registration/Check-in</td>
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<td>9:00-9:15</td>
<td>Welcoming Remarks</td>
<td>Director William Gallagher</td>
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<td>9:15-10:15</td>
<td>Patent Law Year in Review</td>
<td>Justin Beck and Ron Finley, Beck, Bismonte &amp; Finley LLP</td>
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<td>10:15-10:30</td>
<td>Morning Break</td>
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<td>11:30-12:30</td>
<td>You are Big Data: Genetics and Privacy</td>
<td>Adam Sand, Ancestry.com</td>
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<td>12:30-1:45</td>
<td>Lunch</td>
<td>Pick up lunch in 2nd fl. lobby</td>
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<td>1:45-2:45</td>
<td>Developments in Fashion Law</td>
<td>Karen Frank, Coblentz, Patch, Duffy &amp; Bass, LLP</td>
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<td>2:45-3:00</td>
<td>Afternoon Break</td>
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<td>3:00-4:00</td>
<td>IP Issues in Tech Start-Ups (Panel)</td>
<td>- Eric Gelwicks (Moderator), Owen, Wickersham &amp; Erickson, P.C.</td>
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<td>- Tennille Christiansen, Cumulus Networks</td>
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<td>- Chrissy Watson, Carr &amp; Ferrell LLP</td>
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<td>- Nnena Ukuku, Black Founders Startup Ventures</td>
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<td>4:00-5:00</td>
<td>Careers in IP Law: Insider Perspectives (Panel)</td>
<td>- Katia Bloom, Avira, Inc.</td>
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<td>- Andrea Moore, CreativeLive, Inc.</td>
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<td>5:00-5:15</td>
<td>Closing Remarks</td>
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<td>5:15-7:00</td>
<td>Post-conference Reception</td>
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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”.


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.
David Tollen is the author of the American Bar Association’s bestselling manual on technology contracts, *The Tech Contracts Handbook: Software Licenses and Technology Services Agreements for Lawyers and Businesspeople* (ABA Publishing / IP Section 2010). He’s also the founder of Sycamore Legal, P.C., a technology and IP transactions firm based in San Francisco. (http://SycamoreLegal.com/) And he’s the founder of TechContracts.com, which provides training on drafting and negotiating IT agreements, for lawyers and businesspeople. (http://techcontracts.com/)

David focuses on technology agreements, privacy and information security compliance, intellectual property counseling, industrial and commercial design transactions, and electronic commerce. His practice includes all forms of intellectual property law. David has broad experience with cloud computing, protection of private electronic data, international transactions, complex software integration agreements, and procurement contracts for financial institutions, among other matters. He is a frequent speaker on IP and IT issues.

Before founding Sycamore Legal, David served as General Counsel of a publicly traded software company, as Vice President of Business Development for a profitable technology start-up, and as an associate with Morrison & Foerster LLP.

In his spare time, David writes about history for young people. He’s the author of an award-winning educational novel called *The Jericho River, A Novel about the History of Western Civilization* (Winifred Press 2014). For more on his fiction work, please visit http://DavidTollen.com/.
Adam Sand serves as Associate General Counsel for Ancestry.com, the world’s largest online family history resource. In this position he is responsible for advising the product, marketing, DNA and content acquisitions teams on commercial, regulatory, privacy and data security issues. He is also responsible for litigation matters and for interaction with various regulatory agencies, both domestic and international. He is formerly General Counsel of ZL Technologies, an archiving and e-discovery software vendor and was Corporate Counsel for eBay where he was responsible for advising several of eBay’s business units (including PayPal and BillMeLater) on contracts, risk avoidance and litigation issues. After graduating from UC Irvine with a degree in Economics, and then UC Hastings School of Law, Adam began his legal career at Pillsbury Winthrop and later joined Jones Day. Adam is an adjunct professor at Golden Gate University and is a frequently speaker on privacy, data protection and ediscovery issues. He can be reached at asand@ancestry.com.
Karen Frank's practice covers virtually every aspect of intellectual property, including copyright, trademark, domain names, unfair competition, right of publicity, branding and advertising, privacy and the Internet. She represents clients in a diverse range of industries, including finance, advertising, technology, food, wine, luxury goods, fashion, music, entertainment, education, and more.

Her practice focuses on licensing and services agreements; print and electronic publishing agreements; intellectual property counseling, clearance and enforcement, content acquisition and performance issues; advertising clearance; and rights and privacy issues relating to websites and the Internet.

Representative Engagements
- Represents a major professional services company in worldwide content licensing and distribution agreements
- Represents a major museum in rights acquisition, clearance and licensing for exhibitions and planetarium shows
- Represents a content company in new media licensing activities
- Represents a national music performing rights organization in copyright enforcement actions
- Represented one of Fortune's fastest growing organic food companies in branding acquisition and protection, from its start-up through to acquisition by a Fortune 500 company
- Provides advertising content clearance to numerous advertising and digital media companies and their clients for national campaigns
- Manages contests, sweepstakes and promotions, including commercial co-venturing programs
- Manages internet compliance and privacy requirements for online retailers and content providers, including advising on FTC, other federal, and state regulations

Karen is a former President of the Copyright Society of the USA; former chair of the Copyright Society of Northern California; a member of the International Trademark Association (INTA); and a member of the American Law Institute. She has been recognized as a Northern California Super Lawyer and is included in Best Lawyers of America. She is a Martindale Hubbell Preeminent AV-Rated Attorney and has been selected by her peers for inclusion in Who's Who Legal: California, Trademarks chapter; Who's Who in American Law, and Who's Who in America. Karen is an annual member of the faculty for the Practicing Law Institute (PLI) Advanced Intellectual Property Institute, and is a frequent speaker on intellectual property issues.

Honors & Awards
Karen has been named a Top 250 Women in IP by Managing Intellectual Property Magazine. She is listed in The Best Lawyers in America in the Intellectual Property Litigation category. She is recognized as a Northern California SuperLawyer, and is a Martindale Hubbell AV-Rated Attorney. Karen has been selected by her peers for inclusion in the Who's Who Legal: California, Trademarks chapter and is listed in Who's Who in American Law, and Who's Who in America, 2007 – 2012.
Recent Publications & Speaking Engagements

- "Copyright Basics, Practice Pointers and Hot Spots in Social Media and Advertising," State Bar of California Tele-Seminar (July, 2012)
- "Fair Use in Copyright," PLI Technology and Entertainment Convergence (September, 2008)

Professional Activities
Karen is past president of the Copyright Society of the USA; former chair of the Copyright Society of Northern California; a member of the American Law Institute, and a member of the International Trademark Association. She is a member of the faculty for the annual Practicing Law Institute (PLI) Advanced Intellectual Property Institute and is a frequent speaker on intellectual property issues.

Community
Karen is on the Board of the Lake Tahoe Summerfest and has served on the Boards of Directors of the Legal Community Against Violence, the Emeryville Chamber of Commerce, and Friends of Oakland Parks and Recreation. She volunteers with Bay Area YearUp and Foster a Dream.

Education
Karen received her undergraduate degree from Connecticut College and her law degree from the University of California, Hastings School of Law where she was Executive Articles Editor for COMM/ENT Journal of Communications and Entertainment Law.
Eric Gelwicks is an associate at the intellectual property law firm Owen, Wickersham & Erickson, P.C. where he handles a wide variety of commercial and intellectual property matters, including those related to internet and software law, legal issues with high-tech start-ups and mobile apps, SaaS and PaaS ecosystems, social and new media, entertainment, and consumer products. He has been quoted in The Recorder on subjects ranging from counterfeit mobile applications to the tech/social media economy in San Francisco and Silicon Valley. Prior to joining Owen, Wickersham & Erickson, Eric worked in the legal department of the entertainment-media start-up company, MEVIO, Inc.

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.
Tennille Christensen is an attorney who specializes in advising start-ups on intellectual property issues and negotiating and drafting technology-related transactions. She is presently the General Counsel of Cumulus Networks in Mountain View and the founder of Tech Law Garden: The Law Office of Tennille Christensen.

After receiving a B.S. in Bioengineering from UC Berkeley (2 classes short of a second degree in mechanical engineering), she spent her first career as a Jane-of-all-technical trades as an engineer, code-monkey, technical writer, and analyst for an academic lab and multiple start-up companies in the fields of enterprise middleware, Video-on-Demand, TV-over-IP, databases, social networking, pharmaceuticals, orthopedic biomechanics and biotechnology. Although she first entered the practice of law as a patent agent, she was constantly reading about and fascinated by non-patent-prosecution legal issues including software copyrights and legal issues associated with the open source software community.

Tennille enrolled at U.C. Hastings for her J.D. and embarked upon her transition from engineer to lawyer. In 2005, Tennille externed full-time for the Chief Judge of the Northern District of California, Vaughn R. Walker. Since 2006 (first at the firm of Gunderson Dettmer and now as a solo practitioner) Tennille has been providing intellectual property, commercial contracts, and business law advice, counseling, drafting, and negotiation help to technology start-ups and individuals.

Tennille has represented over 300 technology start-ups and individuals, has performed the IP work in over 100 venture-side financings, has worked on the IP issues in 3 IPO filings, and has done the IP work (negotiation, diligence, and clean-up) of over 40 mergers and acquisitions, both buy-side and sell-side.
Christine “Chrissy” Watson is a former federal prosecutor, practicing intellectual property & new media attorney, accomplished public speaker, author of a popular parenting & lifestyle blog and new media law blog, social media strategist, event producer, and entrepreneur.

Christine is presently of counsel in the Litigation Practice Group of Carr & Ferrell LLP where she advises clients ranging from Silicon Valley startups to international companies on intellectual property protection and enforcement strategies, social media strategies, and commercial disputes, in addition to handling multi-party matters at the pre-trial, trial, and appellate levels. She is also is an accomplished blogger publishing articles for BLOGGY LAW, a website that provides tips and resources for bloggers, brands and startups navigating the social media legal landscape.

Prior to joining Carr & Ferrell, Christine served as an Assistant U.S. Attorney in the Computer Hacking and Intellectual Property Unit of the U.S. Attorney’s Office in the Eastern District of California and as a Special Assistant U.S. Attorney in the Major Crimes Unit in the Northern District of California. In addition, she served as a law clerk to the Honorable David A. Garcia in the Law and Motion Department of the San Francisco Superior Court and worked as a litigation associate at a San Francisco law firm. Christine received her law degree from Santa Clara University, School of Law & School of Business specializing in High Technology Law, and has a BA in English Literature from The Johns Hopkins University.
Nnena Ukuku is a Partner at Venture Gained Legal, a boutique law firm providing a variety of transactional legal services to emerging tech companies and non-profit tech focused organizations. She is also the CEO and co-founder of Black Founder's Startup Ventures LLC, an organization that empowers entrepreneurs and provides founders with access to advice, mentorship, and funding. Nnena founded Black Founders because she wants to see minorities and women thrive and not simply survive in Silicon Valley.

Nnena advises startups in a wide variety of matters regarding incorporation, initial founder and corporate documents, financing, copyright, and trademark. She also provides general business advice for clients in areas such as setting up advisor agreements, privacy policies, and employment/contractor agreements within their company. Her clients encompass a wide range of industries that are atypical such as construction technology and Bitcoin payment platforms to those that are more common such as social networking and fund formation.

She views the goal of her practice is to redefine what typical legal counsel is, which has been to provide just legal representation for her clients. She also constantly creates new connections for her clients such as strategic partnerships, future employees or ways to finance their business.

Nnena speaks frequently on matters from law to the startup ecosystem and has been featured in Forbes: Women Changing the World - VC/Entrepreneurs, ReadWriteWeb: How the Tech Industry’s Anti-SOPA Tactics Changed Politics, NPR: Silicon Valley Boot Camp Aims To Boost Diversity, "Startup Law Crash Course" at Stanford University for International Entrepreneurs, "IP Law for Entrepreneurs" at YouNoodle Camp for International Entrepreneurs, and "Legal ABC’s for Startups" at the LATISM'13 Conference. She received her JD from Mercer University - Walter F. George School of Law.
Katia Bloom is the senior legal counsel at Avira, a global internet security company. She is responsible for managing and advising on a variety of contract, licensing and employment matters. She has also been a major contributor in updating the company’s privacy programs and works closely with Avira’s international legal team to ensure compliance with both United States and European Union privacy and data protection laws.

Previously, Ms. Bloom was a partner at E Squared Law Group where she counseled her clients on contract, licensing, equity allocation, convertible debt, venture financing, corporate governance and compliance issues. She also served as outside general counsel for an education technology company where she developed and maintained a privacy program for products targeted at children under the age of 13. Before that, Ms. Bloom was counsel at Anesiva, a public medical device company, where she was responsible for drafting and negotiating a range of domestic and international agreements, participating in merger-related activities, ensuring compliance with SEC regulations and managing numerous litigation matters in multiple jurisdictions.

Ms. Bloom is the ACC Annual Meeting Co-Chair for the IT, Privacy and eCommerce Committee and a member of the Golden Gate University IP Law Center Advisory Board. She has co-authored multiple ACC Docket articles, most recently on Binding Corporate Rules. She graduated from Golden Gate University School of Law, was a member of the Jesse W. Carter Society, a merit scholarship and Rensch scholarship recipient and editor of the Annual Survey of Comparative and International Law.
Andrea Moore became CreativeLive’s General Counsel in May 2014 where she manages a variety of legal affairs of the company. Prior to joining CreativeLive, Inc., Andrea was Corporate Counsel for CafePress Inc. where she focused on Internet, e-commerce, intellectual property, licensing, product regulations and compliance, and litigation and dispute resolution matters. Andrea enjoys participating and giving to charitable organizations, hiking, and reading. Ms. Moore has J.D. from Golden Gate University School of Law and graduated summa cum laude with a B.A. in Mass Communications from Menlo College.