

AGENDA



Intellectual Property Law Forum 2021: *Taking IP Law Back to the Future*

Virtual CLE Event
April 15 & 22

Program Producer: Seth Ogden, Patterson Intellectual Property Law

Total Credits: 5 General 1 Dual

DAY 1: April 15

12:45 - 1:45 p.m. CT

Where's Doc When You Need Him? Searching for a Delorean to Save Your Patent from Section 101

1 General

A couple of years ago, the Federal Circuit determined that challenging a patent's validity under Section 101 can include facts that make a motion to dismiss on the pleadings inappropriate. How has this played out in the district courts and the Federal Circuit? Did this create new opportunities to go back to the past and save your patent?

Nathan North, Patterson Intellectual Property Law

1:45 - 2:45 p.m. CT

Great Scott!: Conflicting Local Patent Rules in the Wake of TC Heartland and How They Impact Patent Litigation Strategies

1 General

It's been a few years since the Supreme Court in TC Heartland decided that Texarkana was not the center of the patent universe. Since then, courts around the country have scrambled to adopt local patent rules anticipating future litigation. In some states, one district has adopted rules from a neighboring jurisdiction, while its counterpart district has adopted rules from the other side of the country. Consequently, one region may present a hodgepodge of procedural rules that impact patent strategies. One such example is claim construction, where some courts allow for claim construction arguments prior to § 101 rulings, while others encourage the opposite. This presentation surveys procedural trends and provides recommendations on venue strategies.

Kevin Christopher, Rockridge Venture Law

2:45 - 3 p.m. CT

Break

3 - 4 p.m. CT

1 Dual

Counselor, You're Muted'': Maintaining Professionalism and Ethics in a Post-COVID Practice

While day-to-day practice for lawyers may have changed in the post-COVID landscape, our ethical and professional obligations to clients, opposing counsel, and the state bar have generally remained the same. Understanding how those past obligations are being molded in the current remote-based environment requires a review of our ethical obligations on the maintenance of confidentiality of client's sensitive information, particularly electronically stored information (ESI) and the standard of professionalism in a remote-based environment

Mark Kilgore, Patterson Intellectual Property Law
Dominic Rota, Patterson Intellectual Property Law

4 p.m. CT

Virtual Happy Hour

DAY 2: April 22

- 12:45 - 1:45 p.m. CT **Great Scott! Is your creative work too utilitarian for copyright protection?**
1 General *Since the 2017 Supreme Court decision in *Star Athletica, LLC v. Varsity Brands, Inc.*, the landscape of copyright protection for creative designs that appear on "useful articles" has shifted significantly. In this session, we'll cover the history of copyright protection for utilitarian goods, including the casebook classic *Mazer v. Stein*, as well as the evolving standard and how it applies to present-day creative works.*

Professor Loren Mulrairie, Belmont University College of Law; Of Counsel, Bone McAllester Norton
- 1:45 - 2:45 p.m. CT **Well, Doc, we made it past 2020 - Trademark Update 2021**
1 General *The session will include a summary of the Trademark Modernization Act of 2020 (TMA) and other important trademark legal developments.*

Brande Boyd, Butler Snow
Adelee Traylor, Butler Snow
- 2:45 - 3 p.m. CT **Break**
- 3 - 4 p.m. CT **NFTs - Why would anyone pay \$200,000 for a Non-Fungible Crypto Token for a video clip of LeBron James dunking a basketball?**
1 General *Non-Fungible Tokens are digital certificates that represent ownership of physical assets, unique works of art, music, or other intangible items. This presentation will introduce the technology underlying NFTs, explain use cases for NFTs, and explore why NFL-star Rob Gronkowski would like for you purchase his most notable Super Bowl moments.*

AJ Bahou, Waller Lansden Dortch & Davis
- 4 p.m. CT **Virtual Happy Hour**