

Intellectual Property Blast 2019

May 10, 2019

Tennessee Bar Center – Nashville, Tenn.



Program Producer: Hemant Gupta, *Butler Snow LLP*

Total Credits: 5 General, 3 Dual

This year's Intellectual Property Blast will include presentations on patent, trademark, and copyright issues. Three hours of ethics will be offered. Practitioners may attend any or all of the presentations based on their learning needs.

8 a.m. – 8:30 a.m.



Registration

8:30 a.m. – 9:30 a.m.

Patent Litigation Update: SCOTUS and the Federal Circuit

This CLE will examine the implications of several recent decisions for businesses seeking to protect their key technologies through patents: Secret sales can now serve as invalidating prior art (*Helsinn*). Patentees can now recover lost foreign profits for certain instances of infringement (*Western Geco*). Attacking patent subject matter eligibility under Section 101 at the pleadings stage has become more difficult (*Berkheimer*). Choice of venue for patentees filing suit in district courts has become more limited (*BigCommerce* and *HTC*).

Seth Ogden, *Patterson Intellectual Property Law*

9:30 a.m. – 10:30 a.m.

DUAL

Artificial Intelligence & Blockchain

A.J. Bahou, *Waller Lansden Dortch & Davis, LLP*

10:30 a.m. – 10:45 a.m.



Break

10:45 a.m. – 11:45 a.m.

Adding a few prongs to your step: Substance and Preliminary Effects of the 2019 Revised Patent Subject Matter Eligibility Guidance

This session will include a discussion of the 2019 Revised Patent Subject Matter Eligibility Guidance issued January 7, 2019, by the United States Patent and Trademark Office. In addition to looking at the changes introduced by the revised guidance, the discussion will further explore initial effects of the revised guidance, growing concerns over how the courts will react, and strategies for responding effectively to section 101 rejections in light of the uncertainty.

Lauren Sherwood, *Merchant & Gould, P.C.*

11:45 a.m. – 12:15 p.m.



Lunch

- 12:15 p.m. – 1:15 p.m. **What’s in a Name: Surnames as Trademarks**
 This CLE will cover surnames as trademarks including a dive into actual disputes and issues regarding registrability at the USPTO. Furthermore, it will provide a comparison of U.S. law and foreign law regarding the treatment of surnames as trademarks. Finally, we will discuss lessons from namesake companies and the use of surnames in politics.

 Ryan Levy, *Patterson Intellectual Property Law*
 Gary Montle, *Patterson Intellectual Property Law*
- 1:15 p.m. – 2:15 p.m. **Explaining the Music Modernization Act & A General Advocacy Update**

 Bart Herbison, Executive Director, *Nashville Songwriters Association International*
- 2:15 p.m. – 3:15 p.m. **Updates Regarding Copyright-Infringement Litigation**
 The Supreme Court has recently decided two copyright cases, one clarifying the definition of “full costs” under the Copyright Act and the other resolving a circuit split in determining when “registration” occurs for purposes of filing a copyright-infringement complaint. Learn about these decisions as well as other significant copyright decisions from the past twelve months.

 Tim Warnock, *Riley Warnock & Jacobson, PLC*
- 3:15 p.m. – 3:30 p.m.  **Break**
- 3:30 p.m. – 4:30 p.m. **DUAL Ethics & Professionalism in Intellectual Property Law**
 This session will discuss ethical issues in IP practice including prosecution, litigation, and transactions. Specific topics may include inventorship and disclosure, trademark use, pre-suit investigations, licensing & royalties on expiring IP, reps and warranties for IP and data security, copyright issues online, and other issues facing practitioners today.

 Ed Lanquist, *Patterson Intellectual Property Law*
 Scott Douglass, *Patterson Intellectual Property Law*
- 4:30 p.m. – 5:30 p.m. **DUAL Flying Safely in the Cloud: What Lawyers Must Consider When Moving to Cloud Computing**
 This session will discuss the ethical duty of confidentiality, security of cloud computing, potential pitfalls and due diligence in selecting a cloud vendor.

 Melody McAnally, *Butler Snow LLP*