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## Intellectual Property Law Spring Seminar 2016

MARCH 14, 2016

Kellogg Hotel & Conference Center, Michigan State University, *East Lansing*

CLE: 5 Level: Intermediate

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<sup>1</sup>Join the Intellectual Property Law Section and save \$55.  
<sup>2</sup>Electronic materials will be posted online before the seminar. Registrants will receive prepurchased printed handbooks on-site. Prices guaranteed until 03/14/16. **Complete seminar policy:** [www.icle.org/info/seminarpolicies](http://www.icle.org/info/seminarpolicies). **Hotel Information:** A block of rooms has been reserved at Kellogg Hotel & Conference Center under ICLE for March 13, 2016. The room rate is \$125-\$145/night. Reservations must be made by February 11, 2016. Call 800-875-5090 to reserve a room. Registrants are responsible for their own hotel expenses. **Cancellation Policy:** In order to receive a full refund, you must notify ICLE by February 29, 2016. After February 29, a \$45 handling fee will be assessed. No refunds will be issued for cancellations after March 7, 2016. **Persons with disabilities:** For special arrangements, please contact ICLE no later than seven days before the seminar.

MARCH 14, 2016 | EAST LANSING

# Intellectual Property Law *spring seminar 2016*

## Tackle Hot Topics in Your IP Practice

Presented by  
The Intellectual Property Law Section of the State Bar of Michigan

In cooperation with  
**THE INSTITUTE OF CONTINUING LEGAL EDUCATION**

### Featured Contributors



**Mary Boney Denison**  
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*Washington, DC*



**J.J. Kramer**  
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**Anne Gilson LaLonde**  
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# Tackle Hot Topics in Your IP Practice

Adapt your practice to the latest developments in intellectual property law. Get expert insight on recent caselaw, hot topics, and initiatives at the USPTO.

## Benefits of Attending:

- Effectively counsel clients on cease-and-desist letters
- Draft strategic agreements that protect your clients who license their products
- Learn the ins and outs of registrability, enforceability, use, and goodwill
- Protect your clients' brands
- Get proven solutions to the most prevalent patent, trademark, and copyright law issues
- Anticipate copyright issues in all your IP matters
- Avoid intellectual property theft and corporate espionage
- Sidestep common missteps with cross-border agreements
- Connect with colleagues, seasoned practitioners, and USPTO officials

Get 5 CLE at a one-day seminar!

## Plenary Sessions

9:00am

### Legal and Business Considerations in Sending and Responding to IP Cease-and-Desist Letters

Copyright, patent, and trademark law suggest some different strategies in cease-and-desist letters. Explore effective preletter fact investigations, assessment of client exposure, key client counseling tips, preservation of evidence, and possible business opportunities. Discover options for dealing with a nonresponsive alleged infringer and setting the stage for an estoppel defense. Susan M. Kornfield, Bodman PLC, *Ann Arbor*; Anessa Owen Kramer, Honigman Miller Schwartz and Cohn LLP, *Bloomfield Hills*; Adam B. Strauss, Stryker Corporation, *Kalamazoo*

12:20pm

### Lunch Presentation: Corporate Espionage and Theft of Intellectual Property

Explore recent prosecutions involving former employees of Ford and General Motors to illustrate how to work with the government to ensure a successful prosecution when intellectual property theft occurs. Get an update on recent enhancements to the FBI's outreach program that increase its ability to partner with industry.

Chris A. Bartolo, Federal Bureau of Investigation—Detroit Division, *Detroit*

3:20pm

### Top Ten-ish Patent and Trademark Licensing Issues and Agreement Mistakes

Gain the latest best practices in licensing patent and trademark assets with a focus on the U.S. and the P.R.C. Get practical tips on license and co-existence agreements and their negotiations, as well as avoiding common missteps, particularly for cross-border agreements. Richard Brandon, University of Michigan Office of the General Counsel, *Ann Arbor*; Michael P. Brennan, Harness Dickey & Pierce PLC, *Troy*; Kirk Goodwin, Whirlpool Patent Company, *St. Joseph*

## Schedule

8:00am Continental Breakfast

9:00am Legal and Business Considerations in Sending and Responding to IP Cease-and-Desist Letters

10:00am Networking Break

	Patent Track	Trademark Track
10:20am	View from the USPTO: Current Issues in Patent Law	View from the USPTO: Current Issues in Trademark Law
11:20am	Functional Claiming and Patent-Eligibility After <i>Alice Corp v CLS Bank</i> and <i>Williamson v Citrix</i>	Scandalous, Disparaging, or Abandoned: Enforcing Trademarks That Can't Be Registered
12:20pm	Lunch Presentation: Corporate Espionage and Theft of Intellectual Property	
1:50pm	Design Patent Law Changes	In-House at A&F
3:05pm	Networking Break	
3:20pm	Top Ten-ish Patent and Trademark Licensing Issues and Agreement Mistakes	

## Patent Track

Moderator: David C. Berry, Brooks Kushman PC, *Southfield*

10:20am

### View from the USPTO: Current Issues in Patent Law

Straight from the front lines, USPTO staff will highlight some of the hottest topics in patent law practice and give practical advice on how those changes will impact working with the USPTO.

Janet Gongola, U.S. Patent and Trademark Office, *Alexandria, VA*

11:20am

### Functional Claiming and Patent-Eligibility After *Alice Corp v CLS Bank* and *Williamson v Citrix*

Explore the state of the law after *Alice* and grasp the confluence of 35 USC 101 and 35 USC 112(f), plus how *Williamson* and *Alice* combine to affect the validity, under both provisions, of process claims of all types (business methods, software, medical diagnostic methods).

Charles A. Bieneman, Bejin Bieneman PLC, *Detroit*

1:50pm

### Design Patent Law Changes

Covering the Hague Agreement and utility patents, gain strategies for implementing the new regime. Learn plaintiff and defense tactics related to injunctions and damages arising from the *Apple v. Samsung* case.

Damian Porcari, Ford Global Technologies LLC, *Dearborn*

## Trademark Track

Moderator: Lisabeth H. Coakley, Harness Dickey & Pierce PLC, *Troy*

10:20am

### View from the USPTO: Current Issues in Trademark Law

The USPTO Commissioner for Trademarks reviews recent developments and trends and offers insight on trademark law practice and working with the USPTO.

Mary Boney Denison, Commissioner for Trademarks, United States Patent and Trademark Office, *Washington, DC*

11:20am

### Scandalous, Disparaging, or Abandoned: Enforcing Trademarks That Can't Be Registered

Surprisingly, it's unclear whether all marks barred by Section 2 are also unenforceable in court. The enforceability of "zombie" marks, those abandoned but recycled by a new owner, is similarly unsettled. This session will examine registrability, enforceability, use, and goodwill.

Anne Gilson LaLonde, Author, *South Burlington, VT*

1:50pm

### In-House at A&F

Ever wonder what life is like working for one of the world's largest retailers? Learn how Abercrombie & Fitch successfully grows and protects its brands. Explore IP issues related to the retail industry, as well as strategies and skills designed to effectively balance legal and business objectives.

J.J. Kramer, Abercrombie & Fitch, *New Albany, OH*