



43RD ANNUAL

JULY 20–22, 2017 | MACKINAC ISLAND

# Intellectual Property Law *institute*

Solutions to Complex IP Law Issues Plus a Relaxing CLE Getaway

**Cosponsor**

Intellectual Property Law Section  
of the State Bar of Michigan

**Networking Events**

Women in IP Networking Tea  
Evening Receptions for Institute  
Registrants and Guests

**REGISTER TODAY**

[www.icle.org/ip](http://www.icle.org/ip)  
877-229-4350



ICLE

**THE INSTITUTE OF CONTINUING LEGAL EDUCATION**

*The education provider of the State Bar of Michigan*

The State Bar of Michigan • The University of Michigan Law School • Wayne State  
University Law School • University of Detroit Mercy School of Law • Western Michigan  
University Thomas M. Cooley Law School • Michigan State University College of Law

# Solutions to Complex IP Law Issues Plus a Relaxing CLE Getaway

Don't miss the only IP event that combines leading national experts and unparalleled networking opportunities with the natural beauty of Mackinac Island. The historic Grand Hotel is once again the setting for the trusted updates, engaging speakers, and elegant receptions you've come to expect.

## Get Critical Updates from Names You Know

Our always-popular update sessions will give you the insight you need to help your clients in these uncertain times. Bryan C. Diner, Kenneth B. Germain, Janet Gongola, Katherine C. Spelman, and John Steele are among the national speakers covering trademarks, copyrights, patents, and more.

## Tackle Ethical Issues

Secure your reputation and represent your clients with confidence. Get expert strategies to avoid ethical minefields.

## Look Inside the Entertainment Industry

You're always grappling with trademark and copyright issues. Get expert advice from Lauren A. Dienes-Middlen, vice president and IP counsel for the WWE, who explains how the global wrestling corporation protects its brands.

## Hear from a Respected Judge

Joining us for the first time is Hon. Jimmie V. Reyna of the U.S. Court of Appeals for the Federal Circuit, who will share winning strategies for IP counsel.

## Connect with Colleagues In a Relaxing Environment

Enjoy our Women in IP event, attend the Section's annual meeting, or mingle with faculty at the evening receptions. You'll have plenty of opportunities to rub elbows with Michigan's best. Engage with your peers and discover solutions you can take back to the office.

## Enjoy Everything the Island Has to Offer

The schedule is designed so you can take advantage of the surroundings and the iconic Grand Hotel. Relax on the picturesque porch; indulge in a five-course dinner; and explore the scenic shoreline. You'll leave the institute not only informed—but reenergized as well.



## Featured Contributors



Hon. Jimmie V. Reyna

U.S. Court of Appeals for the Federal Circuit, *Washington, DC*

Hon. Jimmie V. Reyna was appointed to the court by President Barack Obama in 2011. Prior to his appointment, Judge Reyna was an international trade attorney and shareholder at Williams Mullen, where he directed the firm's trade and customs practice group, led its Latin America task force, and served on its board of directors.



Lauren A. Dienes-Middlen

World Wrestling Entertainment, Inc., *Stamford, CT*

Lauren A. Dienes-Middlen is vice president of intellectual property for the international media and entertainment company. She is responsible for counseling business groups regarding branding strategy for enhancing and developing strong trademark rights worldwide, including proper selection and use of marks.



Kenneth B. Germain

Wood Herron & Evans LLP, *Cincinnati, OH*

Kenneth B. Germain has more than 40 years of experience in the trademark/unfair competition field. He focuses his practice on trademark counseling, consulting, and litigation. Mr. Germain is often retained as an expert witness, working on cases involving some of the nation's largest companies.



Janet Gongola

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

Janet Gongola is a senior advisor in the Office of the Under Secretary and Director at the USPTO. She advises the director and deputy director on all matters related to law and policy. Previously, Ms. Gongola was the deputy commissioner for patent examination policy, and also an associate solicitor, defending agency decisions before the U.S. Court of Appeals.

## Details

July 20–22, 2017

Mackinac Island, Michigan  
Grand Hotel

Discounted rooms available  
at Grand Hotel

*See page 7*

**CLE:** 8.5

**Level:** Intermediate/Advanced

**Ethics:** 1

## Networking Events

*Reception for Institute  
Registrants and Guests*

6:00pm/Thursday

*See page 5*

*Women in IP Networking Tea*

5:00pm/Friday

*See page 5*

*Reception for Institute  
Registrants and Guests*

6:00pm/Friday

*See page 5*

## Register Today

**Online**

[www.icle.org/ip](http://www.icle.org/ip)

**Call**

877-229-4350

**Fax**

877-229-4351

**Mail**

ICLE, 1020 Greene St.

Ann Arbor, MI 48109-1444

## Agenda

8:00am Continental Breakfast and Registration *Friday & Saturday*

### THURSDAY, JULY 20, 2017

#### Patent Advanced Session

3:30pm Leveraging Important Supreme Court and Federal Circuit Patent Decisions in Your Practice (Pre-Registration Required)

#### Copyright Advanced Session

Copyright and Other IP Issues in Software, Video Games, and Social Media (Pre-Registration Required)

6:00pm Reception for Institute Registrants and Guests\*

### FRIDAY, JULY 21, 2017

- 8:30am Welcome and Introduction from Section Chair
- 8:45am Update on Trademark Law
- 9:45am Update on Copyright Law
- 10:45am Networking Break
- 11:00am Five Winning Steps at the CAFC
- 12:00pm Update on Patent Law
- 5:00pm Women in IP Networking Tea (Pre-Registration Required—Limit 30)
- 6:00pm Reception for Institute Registrants and Guests\*

### SATURDAY, JULY 22, 2017

- 8:00am Business Meeting of the Intellectual Property Law Section
- 8:30am What's New at the USPTO
- 9:15am Ethical Issues in IP Practice
- 10:15am Networking Break

#### Patent Track

10:30am Industrial (Design) Revolution: From Spoons to Smartphones

#### Trademark Track

Hold that Pose: The Rising Role of Image Rights in Professional and Amateur Sports

11:35am Global Portfolio Management and Audits

\*Evening wear is required in all areas of the hotel after 6:30pm: [grandhotel.com/dress-guide](http://grandhotel.com/dress-guide).

## Downtime Activities

### Carriage Tours

Relax and enjoy trotting horses on a leisurely carriage ride. For tour arrangements, contact Grand Hotel Concierge Desk.

### Fort Mackinac

Step back in time when you venture inside the stone walls of Fort Mackinac, founded in 1780. Take in the sights of Michigan's oldest building.  
[www.mackinacparks.com](http://www.mackinacparks.com)

### Bicycling

Mackinac Island is a biker's paradise. Explore the island's eight miles of paved perimeter at your own pace. Bring your own or rent a bicycle.  
[www.mackinacisland.org](http://www.mackinacisland.org)

## Plenary Sessions

6:00pm/Thursday

### Reception for Institute Registrants and Guests

Relax and join seminar faculty, section council members, sponsors, fellow registrants, and guests for a reception on the historic Grand Hotel porch.

(Evening wear is required in all areas of the hotel after 6:30pm: [grandhotel.com/dress-guide](http://grandhotel.com/dress-guide))

8:30am/Friday

### Welcome and Introduction from Section Chair

David C. Berry, Chair, Intellectual Property Law Section of the State Bar of Michigan, Brooks Kushman PC, *Southfield*

8:45am/Friday

### Update on Trademark Law

Delve into recent trademark law happenings and understand how the changes will impact your clients.

Kenneth B. Germain, Wood Herron & Evans LLP, *Cincinnati, OH*

9:45am/Friday

### Update on Copyright Law

Stay ahead of the curve with the most up-to-date copyright caselaw review. Get insight on the cases and how they will shape the future of copyright practice.

Katherine C. Spelman, Lane Powell PC, *Seattle, WA*

11:00am/Friday

### Five Winning Steps at the CAFC

The Federal Circuit docket has been increasing, both in the number of cases and in their complexity. This poses distinct challenges for counsel appearing before the court. Judge Reyna shares five steps that counsel should focus on to improve their written and oral advocacy before the court.

Hon. Jimmie V. Reyna, U.S. Court of Appeals for the Federal Circuit, *Washington, DC*

12:00pm/Friday

### Update on Patent Law

Analyze the latest patent decisions and master the rules and standards they outline. Receive thoughtful interpretation of caselaw and its lasting effects.

Bryan C. Diner, Finnegan Henderson Farabow Garrett & Dunner LLP, *Washington, DC*

5:00pm/Friday

### Women in IP Networking Tea

Join faculty and fellow registrants for an informal networking opportunity. Get to know your colleagues, trade stories, and discuss current issues and challenges facing women IP lawyers. All institute attendees, men and women alike, are welcome to attend.

(Pre-Registration Required—Limit 30)

6:00pm/Friday

### Reception for Institute Registrants and Guests

Relax and join seminar faculty, section council members, sponsors, fellow registrants, and guests for a reception on the historic Grand Hotel porch.

(Evening wear is required in all areas of the hotel after 6:30pm: [grandhotel.com/dress-guide](http://grandhotel.com/dress-guide))

8:00am/Saturday

### Business Meeting of the Intellectual Property Law Section

8:30am/Saturday

### What's New at the USPTO

Hear about the latest USPTO activities and initiatives straight from the front lines. USPTO administration offers an up-to-the-minute inside view of recent IP developments in Washington, DC.

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

9:15am/Saturday

### Ethical Issues in IP Practice

Avoid ethical minefields and handle conflicts of interest and claims for breach of fiduciary duty with expert strategies. Steer clear of the attorney discipline system, secure your reputation, and represent your clients confidently and effectively.

John Steele, Attorney at Law, *Palo Alto, CA*

11:35am/Saturday

### Global Portfolio Management and Audits

Learn how the world's largest professional wrestling promotion entertainment company protects its brands. World Wrestling Entertainment, Inc. consists of a portfolio of businesses that create and deliver to a global audience via multiple publishing platforms. This session touches on trademark and copyright issues related to the entertainment industry, as well as strategies and skills designed to effectively balance legal and business objectives.

Lauren A. Dienes-Middlen, World Wrestling Entertainment, Inc., *Stamford, CT*

## PLATINUM SPONSORS



Cantor Colburn LLP



INTELLECTUAL PROPERTY  
LAW SECTION



## Sessions

### Advanced Sessions

3:30pm/Thursday

#### Leveraging Important Supreme Court and Federal Circuit Patent Decisions in Your Practice

Many recent and important decisions from the U.S. Supreme Court and Federal Circuit have affected all aspects of the patent practice. Get essential practice tips as we examine *Helsinn* and *The Medicines Co.* (AIA prior art); *Aqua Products* (PTAB amendments); *Sonix* (definiteness); *TC Heartland* (patent venue); *Life Technologies* (infringement); and *Lexmark* and *SCA Hygiene* (infringement defenses).

Bryan C. Diner, Finnegan Henderson Farabow Garrett & Dunner LLP, Washington, DC

(Pre-Registration Required)

3:30pm/Thursday

#### Copyright and Other IP Issues in Software, Video Games, and Social Media

This session will enlighten and entertain you as we explore the complex web of laws and regulations governing the development and use of content in digital endeavors. Grasp the issues and discuss trends regarding the scope of copyright protection, use of people's names and likenesses, DMCA take-down notices, advertising and promotion, and much more.

J. Michael Keyes, Dorsey & Whitney LLP, Seattle, WA;  
Katherine C. Spelman, Lane Powell PC, Seattle, WA

(Pre-Registration Required)

### Patent Track

10:30am/Saturday

#### Industrial (Design) Revolution: From Spoons to Smartphones

Design patents are being secured and enforced at record rates. Explore the historic 1871 design patent case *Gorham v White* (spoons) and the ongoing battle of *Apple v Samsung* (smartphones). Key design patent litigation issues will be covered, including claim construction, functionality, design patent infringement, and the most common asserted invalidity defenses. Gain tips on how to effectively protect traditional industrial designs and also graphic user interfaces, icons, and animations.

Christopher V. Carani, McAndrews Held & Malloy Ltd, Chicago, IL

### Trademark Track

10:30am/Saturday

#### Hold that Pose: The Rising Role of Image Rights in Professional and Amateur Sports

The protection and promotion of name, likeness, and image is one of the most discreet, but also the most pervasive, of IP rights. Recent court cases have highlighted the value of these considerations, including for estates (such as Michael Jackson), college athletes, civil and criminal income tax evasion charges, and product infringement claims. Explore the latest developments and also Melania Trump's aggressive approach to securing the value of her identity as First Lady.

John B. Kern, John B. Kern International Law LLC, Charleston, SC

### GOLD SPONSORS



### SILVER SPONSORS





# Hotel Reservation Form



**Grand Hotel**  
 286 Grand Avenue  
 Mackinac Island, MI 49757  
[www.grandhotel.com](http://www.grandhotel.com)  
 906-847-3331  
 800-33-GRAND

A block of rooms has been reserved at a discounted rate at Grand Hotel from Thursday, July 20, to Sunday, July 23, 2017.

Reservations must be made by June 19, 2017, with this reservation form. Registrants are responsible for their own hotel expenses.

|              |                |     |
|--------------|----------------|-----|
| Name(s)      |                |     |
| Address      |                |     |
| City         | State          | Zip |
| Cell Phone   | Business Phone |     |
| Arrival Date | Departure Date |     |
| E-mail       |                |     |

For an adult staying in a guest room with one or more children, the adult will pay the single convention rate; the children will be at the appropriate children's rates listed. For two or more children staying in a guest room without an adult, the oldest child will be charged the single convention rate based on the category of room they are in and the remaining children will be at the additional persons rates listed.

PLEASE NOTE THAT A LIMITED NUMBER OF ROOMS ARE AVAILABLE FOR EACH RATE CATEGORY. IF THE RATE REQUESTED IS NOT AVAILABLE, THE CLOSEST AVAILABLE RATE WILL BE CONFIRMED.

NO TIPPING: Tipping to any employee anywhere within Grand Hotel is not required, expected, or permitted. There is tipping at the following offsite restaurant locations: The Jockey Club at the Grand Stand, Woods, The Gate House, the Pool Grill, Cawthorne's Village Inn, Sushi Grand, and Fort Mackinac Tea Room.

NOTE: Michigan 6% Sales Tax applies to all charges, including a 19.5% added charge on the per person daily room rate. There is also a 2% Mackinac Island Assessment charge on the per person daily room rate. There is a one-time charge of \$8.50 per person for transfer of luggage from the dock to the Hotel and return. Taxi transportation to and from the boat docks and the Hotel is not included in the daily rate.

The block of rooms being held for this meeting is based on estimated attendance. Please make your reservation as promptly as possible. Requests received after the block is filled will be contacted and given an option of being placed on a waitlist. The waitlist is not a guarantee of a room. All rooms in the block which have not been reserved 30 days in advance of the meeting will be released for other guests. Individual group reservations are subject to a 10-day cancellation policy. Reservation deposits will be refunded if cancelled 10 or more days prior to arrival, less a \$45.00 processing fee. Reservations cancelled less than 10 days prior will forfeit the room deposit. Once a guest confirms a departure date upon check-in, should check-out occur earlier than agreed, there will be a \$400.00 charge.

Your hotel confirmation will be arriving to you via e-mail. Please check your confirmation to make sure it is correct and print it for your records. Please contact us with any questions or changes. In accordance with Michigan law, all Grand Hotel guest rooms, meeting rooms, restaurants, and bars are non-smoking.

**Check-in: 4:00pm | Check-out: 11:00am**

Grand Hotel offers a variety of room types for group attendees. Guests sometimes ask to arrive earlier or remain later than the group's official dates. We welcome your request for a specific room, room type, or room dates either prior to or following the conference. While your request will receive careful attention, please understand that it cannot be guaranteed.

Evening wear is required in all areas of the hotel after 6:30pm: [grandhotel.com/dress-guide](http://grandhotel.com/dress-guide).

Return form by 06/19/17 to:  
**Reservations Department**  
**Grand Hotel**

PO Box 286  
 Mackinac Island, MI 49757  
 Fax: 906-847-0945

**Double Room Rates**  
 (daily, per person, based on double occupancy, includes breakfast and dinner)

**\$242 CATEGORY I**  
 Smaller, interior-view rooms

**\$299 CATEGORY II**  
 Larger, interior-view and smaller, lake-view rooms

**\$385 CATEGORY III**  
 Special, deluxe lake-view rooms, some with balcony

**Single Room Rates**  
 (daily, includes breakfast and dinner)

**\$409 CATEGORY I**  
 Smaller, interior-view rooms

**\$523 CATEGORY II**  
 Larger, interior-view and smaller, lake-view rooms

**\$695 CATEGORY III**  
 Special, deluxe lake-view rooms, some with balcony

**Reservations for Additional Persons** (Please list all additional persons in the name field above.)

\_\_\_\_\_ **FREE** 0–9 years (luggage charge applies)    \_\_\_\_\_ **\$59** 10–17 years (daily, per person)

\_\_\_\_\_ **\$139** 18+ years (daily, per person)

**Deposit**  
 A deposit of either one night's stay or the full stay's room charge must accompany this form in order to hold your room.

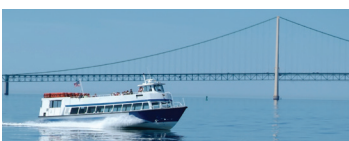
**Method:**  Visa     Mastercard     Discover     Amex     Check

**Amount:**  Charge one full night rate to my card     Charge my full stay to my card

CC No. \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature for CC \_\_\_\_\_

Grand Hotel accepts VISA, MasterCard, Discover, American Express, traveler's checks, personal checks, and cash.



For discounted tickets at Shepler's Ferry, the official ferry of Grand Hotel, visit [www.sheplersferry.com](http://www.sheplersferry.com) or call 800-828-6157. Use promo code **ICLE17**: \$19 (adults), \$10 (children ages 5–10). Parking is free in unsecured lots and valet services are available for varying fees.



THE UNIVERSITY OF MICHIGAN  
INSTITUTE OF CONTINUING LEGAL EDUCATION

1020 Greene Street  
Ann Arbor, MI 48109-1444

ICLE

NONPROFIT ORG  
U.S. POSTAGE  
PAID  
ANN ARBOR, MI  
PERMIT NO. 106

ADDRESS SERVICE REQUESTED

43RD ANNUAL

# Intellectual Property Law *institute*

JULY 20–22, 2017

Grand Hotel, Mackinac Island

## 4 Ways to Register

1

**Online** (with credit card)  
www.icle.org/ip

2

**Call** (with credit card)  
877-229-4350

3

**Fax** (form with credit card)  
877-229-4351

4

**Mail** (form with payment)  
ICLE, 1020 Greene St.  
Ann Arbor, MI 48109-1444

### A. Personal Info

Name \_\_\_\_\_

MI Bar# \_\_\_\_\_ ICLE P'ship# \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

### B. Institute Registration | Pick One

- \$395 General
- \$295 Cosponsor Section Member
- \$315 ICLE Partner
- \$195 New Lawyer (0–3 Years in Practice P78137+)
- \$295 per Lawyer (4+ Lawyers from the Same Firm)<sup>1</sup>
- FREE Judges<sup>2</sup>

17CI-4710

### C. Materials Format | Institute Registrants Pick One

- FREE Electronic Materials<sup>3</sup>
- \$50 Print Handbook and Electronic Materials<sup>3</sup>

### D. Advanced Sessions | Optional

- FREE Patent Advanced Session (Pre-Registration Required)
- FREE Copyright Advanced Session (Pre-Registration Required)

### E. Women in IP Networking Tea | Optional

- Yes, I will attend. (Pre-Registration Required—Limit 30. No additional fee.)

### F. Can't Attend the Institute?

Non-Registrants—Purchase the Electronic Materials.

- \$195 Non-ICLE Partners
- \$136.50 ICLE Partners

### G. Payment Info | Calculate Total and Select Check/CC

Institute Registration (Box B) \$ \_\_\_\_\_

Materials Format (Box C) \$ \_\_\_\_\_

Institute Materials for Non-Registrants (Box F) \$ \_\_\_\_\_  
*(Add 6% MI Sales Tax to This Line Only)*

**Total Amount Due** \$ \_\_\_\_\_

**Check** Check No. \_\_\_\_\_ Payable to: ICLE

**Visa**  **Mastercard**  **Amex**  **Discover**

CC No. \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature for CC \_\_\_\_\_

Prices guaranteed until 07/22/17. <sup>1</sup>Please attach additional sheet listing lawyers attending. <sup>2</sup>Current sitting state court judges (limit 40) attend free and must complete order form or call ICLE to register. <sup>3</sup>Electronic materials will be posted online before the seminar. **Persons with Disabilities or Dietary Restrictions:** For special arrangements please contact ICLE no later than seven days before the seminar. **Walk-in Registrations:** Permitted on a space-available basis or if registrants fail to claim their seat in the first 15 minutes of the seminar. **Cancellation Policy:** For a full refund, notify ICLE by 07/06/17. Registrants who cancel after that date will be charged a \$60 cancellation fee. No refunds will be issued after 07/13/17.