



46TH ANNUAL

JULY 16–18, 2020 | MACKINAC ISLAND

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# IP's Top Minds, Your Perfect CLE Getaway

There's no better place to get comprehensive content in patent, trademark, and copyright law. Hear from top minds while you bask in the beauty of Mackinac Island. Join 200+ top-notch practitioners for elegant receptions and unparalleled networking.

## You Will Be Able to:

- Strategically use trade remedies and Section 301 to resolve IP issues abroad
- Assess the impact of *Helsinn*, *Athena*, *Syngenta*, *Romag Fasteners*, *Booking.com*, and more
- Avoid privilege pitfalls in your patent practice
- Stay current with critical updates on patent, trademark, and copyright law
- Take home expert advice on China's trademark system and tips for fighting infringers

## HERE ARE A FEW OF THE EXPERTS YOU WILL HEAR FROM

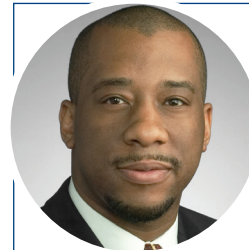


**Katherine C. Spelman**  
Microsoft, *Redmond, WA*

Kate's back! This popular speaker has more than 30 years of national and international experience in copyright, trademark, trade

secret, and patent matters—with a special focus on media, licensing, and mass digitization issues.

Kate is known for being on the cutting edge. Now at Microsoft, she advised start-ups and Fortune 500 companies for decades. She delivers critical updates on copyright law, plus an advanced session on data and AI.



**George Jordan**  
Norton Rose Fulbright,  
*Houston, TX*

George is chair of the 15,000-member ABA IP Section and a senior counsel at his firm. He has 20+ years

of experience in patent disputes and IP transactions in areas such as wireless, e-commerce, software, and semiconductors.

George has led joint defense groups, multi-patent prior art investigations, discovery efforts, and document reviews. He gives you strategies for addressing lawyer-client communications and more.



**Amy Hsiao**  
Adsero IP, *Littleton, CO*

Amy is a partner in the firm and is known for her talent in spotting issues in the international arena that appear harmless in Western legal

systems. She shares insight on China's "super-trademark" and more.



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

Bryan practices all aspects of IP law, including district court litigation, U.S. PTAB

proceedings, due diligence investigations, and more. He analyzes the latest decisions impacting patent law.

## EXPLORE MACKINAC LIKE NEVER BEFORE

You've likely enjoyed much of Mackinac Island. But there's always something new to check out. Rediscover why the island is known as "the jewel of the Great Lakes." Bring your family and enjoy a relaxing CLE getaway. It's well worth your time out of the office.



This historic site is a premier destination. Even the porch (the world's longest) is famous! Pack your best evening wear and prepare for nightly dancing and majestic meals. This should be on every Michigander's bucket list.



Mackinac is known for its quaint carriage rides. Join an informed tour guide for a trip past Arch Rock or Fort Mackinac. Feeling more adventurous? You can drive your own buggy. Enjoy beautiful vistas via footpath, horseback, or tandem bike. Visit a spa, try parasailing, charter a boat—there's even a haunted house!



There's more to Mackinac than fudge (though who doesn't love that?). The Chuckwagon serves a mean burger and the Pink Pony (just "the Pony" to locals) offers stunning views and glorious whitefish. The island comes alive at night with karaoke, classic rock, jazz, and more.

### FEATURED SESSIONS

11:35am/Saturday

#### Effective Design Protection Using Design Patents, Trade Dress, and Copyright

Get expert insight on how to use these three tools effectively to protect your clients' designs. Take home new strategies in light of recent federal court decisions. Understand the continued effects of *Star Athletica*.

*See page 5.*

8:25am/Saturday

#### An IP Practitioner's Guide to Trade Remedies and China

Explore the use of trade remedies to resolve IP issues in China and elsewhere. Plus, gain strategies for using Section 301 and identify the risks your clients might face.

*See page 5.*

10:30am/Saturday

#### Tips and Trends on China Trademark, Copyright, and Anti-Counterfeiting

Learn how to fight infringers. Explore recent court decisions affecting Amazon sellers and "Shark Tank" participants. Understand China's "super-trademark" and how to use it for enforcement.

*See page 6.*



## Schedule

**CLE: 9.25 Ethics: 1 Level: Intermediate/Advanced**

### THURSDAY, JULY 16, 2020

3:00pm Registration

#### Patent Advanced Session

3:30pm The Evolving PTAB Landscape (Pre-Registration Required)

#### Copyright Advanced Session

IP in AI with a Twist of Open Data (Pre-Registration Required)

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

### FRIDAY, JULY 17, 2020

8:00am Registration and Continental Breakfast

8:30am Welcome and Introduction from Section Chair

8:45am Update on Patent Law: From Preparation to Prosecution to Enforcement

10:15am Update on Copyright Law

11:15am Networking Break and Award Presentation

11:40am Update on Trademark Law

5:00pm Women in IP Networking Tea (Pre-Registration Required—Limit 30)

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

### SATURDAY, JULY 18, 2020

8:00am Continental Breakfast for Registrants and Business Meeting of the Intellectual Property Law Section

8:25am An IP Practitioner's Guide to Trade Remedies and China

9:15am How to Be an Ethical, Zealous Advocate

10:15am Networking Break

#### Patent Track

10:30am Navigating Privilege Pitfalls

#### Trademark Track

Tips and Trends on China Trademark, Copyright, and Anti-Counterfeiting

11:35am Effective Design Protection Using Design Patents, Trade Dress, and Copyright

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

NETWORKING  
AT ITS FINEST

6:00pm/Thursday & Friday

#### Evening Receptions for Registrants and Guests

Stroll the historic Grand Hotel porch and connect with Michigan's best practitioners.

5:00pm/Friday

#### Women in IP Networking Tea

Trade stories with peers at this increasingly popular event. All attendees welcome.

(Pre-Registration Required—Limit 30)

## Plenary Sessions

6:00pm/Thursday

### Reception for Institute Registrants and Guests

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

Please note, evening wear is required in all areas of the hotel after 6:30pm.

8:30am/Friday

### Welcome and Introduction from Section Chair

Lisabeth H. Coakley, Chair, Intellectual Property Law Section of the State Bar of Michigan, Harness Dickey & Pierce PLC, *Troy*

8:45am/Friday

### Update on Patent Law: From Preparation to Prosecution to Enforcement

Analyze the latest Federal Circuit and district court decisions impacting: 1) the preparation of the application and the timing for filing, 2) the prosecution of applications to obtain high quality claims, and 3) the enforcement of the patent rights to minimize proof of infringement issues. Explore the recent resurgence of the doctrine of equivalents and examine some of the key cases for practitioners to know when considering common legal interest agreements in business transactions.

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

10:15am/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, Microsoft, *Redmond, WA*

11:15am/Friday

### Networking Break and Award Presentation

11:40am/Friday

### Update on Trademark Law

Delve into recent trademark law happenings and understand how these changes will affect your clients.

Theodore H. Davis, Jr., Kilpatrick Townsend & Stockton LLP, *Atlanta, GA*

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 are welcome to attend this event.

(Pre-Registration Required—Limit 30)

6:00pm/Friday

### Reception for Institute Registrants and Guests

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

Please note, evening wear is required in all areas of the hotel after 6:30pm.

8:00am/Saturday

### Business Meeting of the Intellectual Property Law Section

8:25am/Saturday

### An IP Practitioner's Guide to Trade Remedies and China

The U.S. trade war with China, based on China's technology transfer practices, has put a spotlight on the uses of trade remedies to resolve IP issues overseas. How can your clients use Section 301 to advance their interests, and what risks might they face? How should you respond to a client that wants to participate in the process or exclude itself from supporting an investigation? Explore the role of IP in the current U.S.-China trade dispute and recent reforms the trade war has helped facilitate.

Mark Cohen, University of California Berkeley, *Berkeley, CA*

9:15am/Saturday

### How to Be an Ethical, Zealous Advocate

Have you ever wondered where the ethical line is? Join Kirk Goodwin as he walks you down and around those lines with real-life examples. You'll likely be surprised where courts have found the line to be! Take away real-world lessons learned to apply in your practice.

Kirk Goodwin, Whirlpool Patent Company, *St. Joseph*

11:35am/Saturday

### Effective Design Protection Using Design Patents, Trade Dress, and Copyright

Design lawyers have three tools at their disposal for protecting their clients' designs—design patents, trade dress and copyright. Gain valuable insight on recent Federal Circuit design patent decisions and take away how they may alter prosecution strategies. Discover ways to combat functionality refusals/defenses in trade dress cases. Explore the aftermath of *Star Athletica* on copyright protection of designs.

Perry J. Saidman, Saidman DesignLaw Group, *Silver Spring, MD*

## Tracks

### Advanced Sessions (Pre-Registration Required)

3:30pm/Thursday

#### Patent: The Evolving PTAB Landscape

Sharpen your understanding of the most pressing issues that confront the PTAB, including its relationships with the Federal Circuit and the district courts as well as its place in broader issues such as the vitality of Chevron deference. Explore strategies and best practices through the lens of larger empirical trends that reflect not just the present, but also the future of the Patent Office. Saurabh Vishnubhakat, Texas A&M University, *Fort Worth, TX*

3:30pm/Thursday

#### Copyright: IP in AI with a Twist of Open Data

Computing happens where the data is—and AI's rocket fuel is massive quantities of data. Explore whether IP is integral to using data in AI—from the types of data needed to the rights or permission to use that data in the computational analysis of AI. Examine varieties and sources of data and how the right to use can be explicit or authorized by statute/directive. Dive into the development of FAQ for Data Use and Open Data Initiatives recently authorized under the EU Copyright Reform Directive. Katherine C. Spelman, Microsoft, *Redmond, WA*

### Patent Track

Moderator: Daniel Peter Aleksynas, Young Basile, *Troy*

10:30am/Saturday

#### Navigating Privilege Pitfalls

Dive into the lawyer-client privilege and work product doctrine and examine potential pitfalls impacting your patent practice. Take away strategies for addressing lawyer-client communications and discovery practice and disclosures, whether intentional or inadvertent. George Jordan, Norton Rose Fulbright, *Houston, TX*

### Trademark Track

Moderator: Lisabeth H. Coakley, Chair, Intellectual Property Law Section of the State Bar of Michigan, Harness Dickey & Pierce PLC, *Troy*

11:35am/Saturday

#### Tips and Trends on China Trademark, Copyright, and Anti-Counterfeiting

Explore key differences between China versus Western trademark systems and the impact on brand owners operating in China. Find out why copyright is nicknamed “super-trademark” in China and how to use it for enforcement. Dive into two updates on China's trademark law—including bad-faith regulations and the recent Supreme Court decision affecting Amazon sellers and “Shark Tank” participants. Take away quick tips for fighting infringers and gain insight on new red flags due to the U.S.-China tension. Amy Hsiao, Adsero IP, *Littleton, CO*

Amy Hsiao, Adsero IP, *Littleton, CO*

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# 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 16, to Sunday, July 19, 2020.

Reservations must be made by 07/01/20 with this reservation form. Registrants are responsible for their own hotel expenses.

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 above. 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, 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 3% 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 \$50.00 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 \$425.00 charge.

Your hotel confirmation will be arriving to you via email. 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 groups' 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 07/01/20 to:  
**Reservations Department**  
**Grand Hotel**

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

Name(s)		
_____		
Address		
_____		
City	State	Zip
_____	_____	_____
Cell Phone	Business Phone	
_____	_____	
Arrival Date	Departure Date	
_____	_____	
Email		
_____		

### Double Room Rates

(daily, per person, based on double occupancy, includes breakfast and dinner)

- \$269 CATEGORY I**  
Smaller, interior-view rooms
- \$329 CATEGORY II**  
Larger, interior-view and smaller, lake-view rooms
- \$425 CATEGORY III**  
Special, deluxe lake-view rooms, some with balcony
- \$580 Named Rooms**  
Uniquely appointed, luxury guest rooms (very limited)

### Single Room Rates

(daily, includes breakfast and dinner)

- \$463 CATEGORY I**  
Smaller, interior-view rooms
- \$583 CATEGORY II**  
Larger, interior-view and smaller, lake-view rooms
- \$775 CATEGORY III**  
Special, deluxe lake-view rooms, some with balcony
- \$1,085 Named Rooms**  
Uniquely appointed, luxury guest rooms (very limited)

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

\_\_\_\_\_ **FREE** 0-9 years (luggage charge applies)    \_\_\_\_\_ **\$65** 10-17 years (daily, per person)  
 \_\_\_\_\_ **\$149** 18+ years (daily, per person)

### Deposit

A deposit, including the luggage 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.



**Ferry Information:** For discounted tickets at Shepler's Ferry, the official ferry of Grand Hotel, visit [www.sheplersferry.com](http://www.sheplersferry.com), email [groups@sheplersferry.com](mailto:groups@sheplersferry.com), or call 800-828-6157. Use promo code ICL: \$19 (adults), \$10 (children ages 5-10). Daytime parking is free; Standard and Premium parking overnight ranges from \$5-\$25. Offer valid 07/15-18/20.



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JULY 16–18, 2020

Grand Hotel, Mackinac Island

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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 \_\_\_\_\_

Email \_\_\_\_\_

### D. Advanced Sessions | Optional

**FREE Patent Advanced Session, 07/16/20**  
(Pre-Registration Required)

**FREE Copyright Advanced Session, 07/16/20**  
(Pre-Registration Required)

### E. Networking Event | Optional

**FREE Women in IP Networking Tea, 07/17/20**  
(Pre-Registration Required—Limit 30)

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

Non-Registrants—Purchase the Electronic Materials.

**\$195 Non-ICLE Partners**

**\$136.50 ICLE Partners**

### B. Institute Registration | Pick One

**\$395 General**

**\$295 Cosponsor Section Member**

**\$315 ICLE Partner**

**\$195 New Lawyer (0–3 Years in Practice P80848+)**

**\$295 per Registrant (4+ Registrants from the Same Firm)<sup>1</sup>**

**FREE Judges<sup>2</sup>**

20CI-4710

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

**FREE Electronic Materials<sup>3</sup>**

**\$25 Print Handbook and Electronic Materials<sup>3</sup>**

### 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 07/18/20. Cannot combine discounts. <sup>1</sup>Please attach additional sheet listing registrants attending. All registrations must be submitted at the same time.

<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.

**Complete Seminar Policy:** [www.icle.org/info/seminarpolicies](http://www.icle.org/info/seminarpolicies). **Cancellation Policy:** If this event is canceled due to COVID-19, your entire seminar registration fee will be automatically refunded by ICLE. Otherwise, regular seminar cancellation policies apply. For a full refund, notify ICLE by 07/02/20. Registrants who cancel after that date will be charged a \$60 cancellation fee. No refunds will be issued after 07/09/20. **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. **Persons with Disabilities or Dietary Restrictions:** For special arrangements please contact ICLE no later than seven days before the seminar.