



DRI delivers **resources** to build your practice

# Intellectual Property Litigation

Practical Strategies and Global Perspectives on Today's IP Litigation Issues

- Hear perspectives on IP litigation from judges, in-house counsel, experts, and litigators
- Learn about the IP issues that corporate counsel want their outside counsel to spot
- Enjoy networking opportunities with IP and commercial litigators from across the country in trendy Austin

**Keynote speaker**

**The Honorable  
Alberto Gonzales**

80th U.S. Attorney General  
Dean, Belmont University  
College of Law



May 8-10, 2019

Omni Austin Hotel Downtown  
Austin, TX

**T**his year, we take a look at a variety of issues relevant to IP litigators—ranging from building a strong case for attorneys’ fees to IP issues from an in-house perspective. We will explore emerging issues in patent, copyright, and trademark law, focusing on industries such as video gaming, and provide practical, cutting-edge strategies for issues that IP litigators face every day, such as consumer surveys. We will join in a plenary session with the DRI Commercial Litigation Committee, where we will learn insights from Alberto Gonzalez, former U.S. Attorney General and White House Counsel to President George W. Bush; explore the pros and cons of arbitration; and hear the perspective of a retired judge on the changing landscape of truth in the United States. Our young lawyers also have the opportunity to join the Young Lawyers Breakout on Wednesday afternoon. Expect fun networking events with your IP litigation colleagues from around the country, as well as joint events with the DRI Commercial Litigation Committee in fun Austin.



**Rachael L. Rodman**  
Program Chair



**Lisa L. Boswell**  
Committee Chair



**Peter J. Henein**  
Program Vice Chair



**Eileen Hintz Rumfelt**  
Committee Vice Chair



**Mary Re Knack**  
Law Institute

PRESENTED BY **DRI's Intellectual Property Litigation Committee**

Register online now at [dri.org](https://dri.org) or complete the form in the back.

## What You Will Learn



- How to maximize your chances to recover attorneys' fees
- What corporate counsel wish you knew about IP litigation issues
- Strategies and hot topics in IPRs
- Best practices for consumer surveys

*“It’s always a top-notch event with great speakers, social events, and networking opportunities. It’s my favorite seminar every year.”*

## Members Get More

- Access to **LegalPoint**™ at **dri.org**: Committee newsletters, seminar course materials, and other publications.
- Access to the **DRI Intellectual Property Litigation Committee Community**: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to **dri circles**, where lawyer-to-lawyer connections happen. Search **dri circles** in your app store:



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# PROGRAM SCHEDULE

## WEDNESDAY, MAY 8

12:30 p.m. **Registration**

### YOUNG LAWYERS BREAKOUT

1:30 p.m.–5:00 p.m. *(All are welcome)*

1:30 p.m. **Effective Brief Writing and Oral Arguments**  
Effectively presenting key arguments to judges through written and oral argument is critical. This interactive panel will provide attendees with tips to prepare and deliver both written and oral arguments effectively from the perspectives of two long-time judges.

MODERATOR | **Michael Barbee**, *Griffith Barbee PLLC*, Dallas, TX

**Charles T. (Charlie) Frazier, Jr.**, *Alexander Dubose & Jefferson LLP*, Dallas, TX

**The Honorable Martin J. Hoffman**, *68th Civil District Court*, Dallas, TX

**The Honorable Michael J. Talbot (Ret.)**, *Bodman PLC*, Detroit, MI

2:15 p.m. **Five Questions to Ask in a Contract Dispute**  
No matter how complex the contract, lawyers can evaluate and improve their responses to cases by asking five questions. These questions illuminate the interplay between state and federal statutes, common law, and the contract terms at issue.

**Shannon M. Bell**, *Kelly & Walker LLC*, Denver, CO

3:30 p.m. **Preparing to Defend Your Client in a 30(b)(6) Deposition**

Plaintiffs' attorneys are taking more corporate-witness depositions in an effort to develop evidence to support punitive damages. This session will assist young and experienced litigators alike to develop a winning deposition strategy.

**Kevin T. McCarthy**, *Larson King LLP*, Saint Paul, MN

4:15 p.m. **Representing Former Employees: Conflicts and Other Ethical Issues and Weighing the Risks and Benefits**

Former employees are often important witnesses, but deposing them raises a host of issues, including representing the former employee, conflicts of interest, and potential hostility. This presentation explores these

View faculty bios on the [Intellectual Property Litigation Seminar webpage](#); click on "View speakers" button.

factors and provides guidance in dealing with former-employee deponents.

**Ariana Pellegrino**, *Dickinson Wright PLLC*, Troy, MI

5:00 p.m. **Adjourn**

6:00 p.m. **Networking Reception**

7:30 p.m. **Young Lawyers Dinner** | Please contact Michael Barbee at [michael.barbee@griffithbarbee.com](mailto:michael.barbee@griffithbarbee.com) for more details.

7:30 p.m. **SLG Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner, in groupings based upon the Specialized Litigation Group (SLG) that best matches your practice: Patent, Trademark, Copyright, or Trade Secret (on your own). More details on-site.

## THURSDAY, MAY 9

### Wireless Access

SPONSORED BY **Buchanan Ingersoll & Rooney PC**  
**Robson Forensic Inc.**

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

8:10 a.m. **Welcome and Introductions**

**Douglas F. McMeyer**, *U.S. Attorney's Office*, Peoria, IL

**Rachael L. Rodman**, *Ulmer & Berne LLP*, Columbus, OH

**E. Todd Presnell**, *Bradley Arant Boult Cummings LLP*, Nashville, TN

8:15 a.m. **Maintaining Your Moorings: Professionalism in a Changing World**

Legal professionalism undergirds public trust in attorneys. In a time when our country is experiencing unparalleled divisiveness, the former Chief Justice of the Supreme Court of Texas will challenge us to maintain professionalism in the face of our national discord.

**The Honorable Wallace B. Jefferson (Ret.)**, *Alexander Dubose & Jefferson LLP*, Austin, TX

9:15 a.m. **Pros and Cons of Arbitration**

Arbitration clauses were once the future of litigation, a means of resolving disputes in a

cost-effective, expeditious, and equitable manner. This panel will explore whether arbitration clauses are still sensible, in today's #MeToo, mass tort action, and social media era.

MODERATOR | **Sidney K. Kanazawa**,  
*McGuireWoods LLP*, Los Angeles, CA

➔ **Melanie Kennedy Cook**, *Dollar General Corporation*, Goodlettsville, TN

**The Honorable Lisa R. Curcio (Ret.)**,  
*ADR Systems*, Chicago, IL

**Amy M. Turk**, *McGuireWoods LLP*, Norfolk, VA

10:30 a.m. **Refreshment Break**

SPONSORED BY **Lewis Roca Rothgerber  
Christie LLP**

11:00 a.m. **A Discussion with the Honorable  
Alberto Gonzales**

Alberto Gonzales, the 80th United States Attorney General and White House Counsel to President George W. Bush, will discuss a range of important topics, including Trump administration policies, judicial appointments, and the future of the legal profession.

**The Honorable Alberto R. Gonzales**, *Belmont University College of Law*, Nashville, TN

MODERATOR | **Toyya E. Kelley**, *Saul Ewing  
Arnstein & Lehr LLP*, Baltimore, MD

12:00 p.m. **Lunch (on your own)**

12:00 p.m. **Women's Networking Lunch** | Contact  
Rebecca (Jan) Pirozzolo-Mellowes, Foley &  
Lardner, [Rpirozzolo-Mellowes@foley.com](mailto:Rpirozzolo-Mellowes@foley.com).

1:30 p.m. **Welcome and Announcements**

**Rachael L. Rodman**, *Ulmer & Berne LLP*,  
Columbus, OH

1:35 p.m. **Attorneys' Fees: Laying the Groundwork  
for a Successful Motion**

While the type, and frequency, of motions differs between IP practices, the one constant challenge is how to maximize cost awards from the court. Join Brian Brookey as he discusses how to optimize your litigation strategy and submissions to increase your client's chances of being awarded attorneys' fees.

**Brian K. Brookey**, *Tucker Ellis LLP*,  
Los Angeles, CA

2:05 p.m. **IP from an In-House Perspective**

A panel of in-house IP and litigation counsel will discuss best practices for outside counsel to add value, including what they wish their outside counsel knew about global IP litigation issues.

MODERATOR | **Robert L. Wagner**, *Buchanan  
Ingersoll & Rooney PC*, Pittsburgh, PA

PANEL

➔ **Jesse Adland**, *Advanced Micro Devices Inc.*, Austin, TX

➔ **Eman Sojoodi**, *Dell Inc.*, Austin, TX

➔ **Christopher T. Stidvent**, *NTT Data Services LLC*, Austin, TX

➔ **Marc Vockell**, *Dell Inc.*, Round Rock, TX

3:20 p.m. **Refreshment Break**

SPONSORED BY **Miller & Martin PLLC  
Ulmer & Berne LLP**

3:40 p.m. **Evolving AIA Trial Strategy**

Since their inception in 2012, more than 9,600 AIA trials (IPRs, CBMs, and PGRs) have been filed. The Federal Circuit has decided over 420 appeals stemming from Patent Trial and Appeal Board (PTAB) AIA trial decisions, the Supreme Court has considered several AIA trial practices, and we've seen a steady stream of parallel litigation in the courts. The USPTO has promulgated rule changes, revised its trial practice guide, and issued new standard operating procedures and precedential opinions. These decisions and changes force AIA trial strategy to evolve. This presentation will explore recent court decisions and USPTO rule changes that have had a significant effect on AIA trial strategy and will highlight practical considerations for litigants developing effective AIA trial strategies.

**Kara A. Specht**, *Finnegan Henderson Farabow  
Garrett & Dunner LLP*, Atlanta, GA

4:40 p.m. **Adjourn**

4:45 p.m. **DRI Intellectual Property Litigation  
Committee Meeting (open to all)**

5:30 p.m. **Diversity Reception** | Hosted by  
DRI President Toyja Kelly

6:00 p.m. **Networking Reception**

SPONSORED BY **MDD Forensic Accountants  
Tucker Ellis LLP**

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

10:00 pm. **After-Hours Social Event** | Details to come.

## FRIDAY, MAY 10

### Wireless Access

SPONSORED BY **Buchanan Ingersoll & Rooney PC**  
**Robson Forensic Inc.**

7:00 a.m. **DRI for Life Activities** | Details to come.

7:30 a.m. **Continental Breakfast**

SPONSORED BY **Exponent**

7:30 a.m. **Registration**

8:30 a.m. **Announcements**

**Peter J. Henein**, *Cassels Brock & Blackwell LLP*,  
Toronto, ON

8:35 a.m. **Best Practices on Trademark  
Consumer Survey Admissibility**

A seasoned trial lawyer and designated consumer survey expert will explore leading decisions regarding the admissibility of trademark surveys and provide practice tips on how to avoid common pitfalls in expert reports. Enjoy a lively discussion on best practices in critiquing and defending survey evidence.


**Cynthia R. Cohen, PhD**, *Verdict Success*,  
Los Angeles, CA

**Erica J. Van Loon**, *Lathrop Gage LLP*,  
Los Angeles, CA

9:35 a.m. **Publicity and Personality Rights in the  
U.S. and Canada: What's Different,  
What's New, and What's Next?**

Most U.S. states and Canadian provinces give individuals legal protection against the unauthorized use of their name, likeness, and persona for commercial gain. The evolving nature of that protection, including the scope of the applicable rights, their ongoing availability after the individual's death, and their interaction with constitutional guarantees of freedom of expression, can lead to unpredictable results. This panel will compare similarities and differences across jurisdictions, examine the current state of the law, and consider emerging trends and future directions.

**Casey M. Chisick**, *Cassels Brock*, Toronto, ON

 **Jonathan Strauss**, *Paramount Pictures*,  
Hollywood, CA

10:10 a.m. **Third-Party Litigation Funding Comes  
of Age: Transparency Needed**

Third-party litigation funding or "TPLF" has become a \$5 billion industry in the United States, including publicly traded companies. Gone are the days when funding was confined to individual claimants and cases; financiers now seek out portfolios of cases and seek to make deals with the lawyers rather than their clients. This raises a host of developing ethical and practical issues, especially since to date most TPLF agreements are not disclosed to the other side.

**David H. Levitt**, *Hinshaw & Culbertson LLP*,  
Chicago, IL

11:10 a.m. **Refreshment Break**

SPONSORED BY **Marks Gray PC**

11:30 a.m. **Gaming the System: IP and the  
Video Game Industry**

Robert Van Arnam, outside counsel for video game developers, including the makers of the popular video game, Fortnite, talks about IP issues facing the video game industry, including right of publicity, patent, copyright, open source, and trademark issues.

**Robert C. Van Arnam**, *Williams Mullen*,  
Raleigh, NC

12:30 p.m. **Adjourn** | **Post-Conference Lunches**  
(*on your own*)

2:00 p.m. **Service Project** | Green Corn Project



Please join us for an outreach project, where we will help this local Austin organization planting and maintaining community gardens. Since 1998, Green Corn Project has been helping educate and assist Central Texans in building organic food gardens so that they can have access to nutritious, affordable food. Feel free to visit their website at <http://www.greencornproject.org/>. Please contact Eric Hurwitz at [EHurwitz@stradley.com](mailto:EHurwitz@stradley.com) for more details.

3:00 p.m. **Post-Conference Networking Events** | Stay after the conference and enjoy further networking opportunities Friday afternoon and evening with your DRI colleagues and friends. Details to come.



## GENERAL INFORMATION

### In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar.

**Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.**

### Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

### CLE Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **13** hours, including **1.75** hours of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availability and requirements vary from state to state; please **check the DRI website at [dri.org](http://dri.org)** for the latest information for your state.

### Registration Policy

**Save \$100 when you register by April 9, 2019.** (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course

materials in advance, DRI must receive your registration by **April 16, 2019** (*please allow 10 days for processing*). Registrations received after **April 16** will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 16, 2019**. Cancellations received after **April 16** and on or before **April 23, 2019**, will receive a refund, less a \$100 processing fee. Cancellations made after **April 23** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email ([seminars@dri.org](mailto:seminars@dri.org)) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

### Discounts

**Group Discount** The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **April 9, 2019**. After **April 9**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

**Travel Discounts** DRI offers discounted meeting fares on various major air carriers for **DRI Business Litigation Super Conference** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

### Hotel Accommodations

A limited number of discounted hotel rooms have been made available at **Omni Austin Hotel Downtown, 700 San Jacinto, Austin, TX 78701** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$269 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit [dri.org](http://dri.org) and go to the **DRI Intellectual Property Seminar** page and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 512.476.3700** and mention the **DRI Intellectual Property Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **April 9, 2019**, to be eligible for the group rate. Requests for reservations made after **April 9** are subject to room and rate availability.

## FACULTY

➔ **Jesse Adland**, Advanced Micro Devices Inc., Austin, TX

**Shannon M. Bell**, Kelly & Walker LLC, Denver, CO

**Michael Barbee**, Griffith Barbee PLLC, Dallas, TX

**Lisa L. Boswell**, Early Sullivan Wright Gizer McRae LLP, Los Angeles, CA

**Brian K. Brookey**, Tucker Ellis LLP, Los Angeles, CA

**Casey M. Chisick**, Cassels Brock, Toronto, ON

**Cynthia R. Cohen, PhD**, Verdict Success, Los Angeles, CA

➔ **Melanie Kennedy Cook**, Dollar General Corporation, Goodlettsville, TN

**The Honorable Lisa R. Curcio (Ret.)**, ADR Systems, Chicago, IL

**Charles T. (Charlie) Frazier, Jr.**, Alexander Dubose & Jefferson LLP, Dallas, TX

**The Honorable Alberto R. Gonzales**, Belmont University College of Law, Nashville, TN

**Peter J. Henein**, Cassels Brock & Blackwell LLP, Toronto, ON

**The Honorable Martin J. Hoffman**, 68th Civil District Court, Dallas, TX

**The Honorable Wallace B. Jefferson (Ret.)**, Alexander Dubose & Jefferson LLP, Austin, TX

**Sidney K. Kanazawa**, McGuireWoods LLP, Los Angeles, CA

**Tojya E. Kelley**, Saul Ewing Arnstein & Lehr LLP, Baltimore, MD

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**Mary Re Knack**, Ogden Murphy Wallace PLLC, Seattle, WA

**David H. Levitt**, Hinshaw & Culbertson LLP, Chicago, IL

**Kevin T. McCarthy**, Larson King LLP, Saint Paul, MN

**Douglas F. McMeyer**, U.S. Attorney's Office, Peoria, IL

**Ariana Pellegrino**, Dickinson Wright PLLC, Troy, MI

**E. Todd Presnell**, Bradley Arant Boult Cummings LLP, Nashville, TN

**Rachael L. Rodman**, Ulmer & Berne LLP, Columbus, OH

**Eileen Hintz Rumfelt**, Miller & Martin PLLC, Atlanta, GA

➔ **Eman Sojoodi**, Dell Inc., Austin, TX

**Kara A. Specht**, Finnegan Henderson Farabow Garrett & Dunner LLP, Atlanta, GA

➔ **Christopher Stidvent**, NTT Data Services LLC, Austin, TX

➔ **Jonathan Strauss**, Paramount Pictures, Hollywood, CA

**The Honorable Michael J. Talbot (Ret.)**, Bodman PLC, Detroit, MI

**Amy M. Turk**, McGuireWoods LLP, Norfolk, VA

**Robert C. Van Arnam**, Williams Mullen, Raleigh, NC

**Erica J. Van Loon**, Lathrop Gage LLP, Los Angeles, CA

➔ **Marc Vockell**, Dell Inc., Round Rock, TX

**Robert L. Wagner**, Buchanan Ingersoll & Rooney PC, Pittsburgh, PA

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### Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives,

backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

### Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.



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### **Construction Law**

*Caesars Palace, Las Vegas, NV*

April 15–17

### **Business Management Principles for Lawyers (Spring Session)**

*Belmont University, Nashville, TN*

May 8–10

### **Business Litigation Super Conference**

*Omni Austin Downtown, Austin, TX*

May 8–10

### **Employment and Labor Law**

*Pointe Hilton Tapatio  
Cliffs Resort, Phoenix, AZ*

May 9–10

### **Retail and Hospitality Litigation**

*Loews Sapphire Falls/Royal Pacific  
Resorts at Universal, Orlando, FL*

May 15

### **Cannabis Law**

*Renaissance Washington DC  
Downtown, Washington, DC*

June 5–7

### **Insurance Bad Faith and Extra-Contractual Liability**

*Westin Washington, D.C.  
City Center, Washington, DC*

June 20–21

### **Diversity for Success**

*Sheraton New Orleans,  
New Orleans, LA*

June 26

### **Trucking Law Primer**

*Hilton Nashville Downtown,  
Nashville, TN*

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Registration fee includes seminar attendance, networking receptions, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. Only members of DRI will have access to the PowerPoint presentations after the seminar.

	On or before Apr. 9, 2019	After Apr. 9, 2019	
<input type="checkbox"/> Member	\$875	\$975	<i>For inclusion on the preregistration list and to receive course materials in advance, <b>register by April 16, 2019.</b></i>
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\* As defined on page 5

\*\* See page 4

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## Intellectual Property

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