



42ND ANNUAL

JULY 21–23, 2016 | MACKINAC ISLAND

# Intellectual Property *Law institute*

Solutions to Complex IP Law Issues Plus a Relaxing CLE Getaway

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

Join hundreds of IP lawyers for this premier event as it returns to the historic Grand Hotel. This is the only IP event that combines leading national experts and unparalleled networking opportunities with the natural beauty of Mackinac Island.

## Analyze the Latest Developments in Trademark, Patent, and Copyright Law

National speakers Janet Gongola, Leslie J. Lott, Bryan C. Diner, and Katherine C. Spelman have done the legwork for you. They'll guide you through the most recent caselaw and USPTO developments and bring you up to speed on how these changes will affect your clients and your practice.

## Tap into Highly Respected Judges' Expertise

Hon. Kara F. Stoll and Hon. Gerard F. Rogers will provide practical advice relevant to the federal circuit and the Trademark Trial and Appeal Board (TTAB)—from drafting briefs and presenting arguments on appeal, to trademark oppositions, cancellations, and *ex parte* appeals.

## Get an Insider's Take on the European Unitary Patent System

Should your clients opt in or out? Before the new patent system goes live, David Brophy from Dublin will prepare you to answer these questions. Plus, gain his firsthand perspective on critical EPO developments and caselaw.

## Reenergize your Mind and Body

We get the irony: engaging with your peers about up-to-the-minute developments in IP law, while relaxing on an island suspended in time. But there's no better way to reenergize this summer. Spend your downtime rocking on the iconic porch of the Grand Hotel. Dress in your favorite formal wear and indulge in a five-course dinner. And explore the gorgeous shoreline via horse-drawn carriage, bicycle, ferry, or chartered fishing boat.

## Avoid Ethical Minefields

Practice with confidence. Acquire expert strategies that will help you handle conflicts of interest and claims for breach of fiduciary duty.

## Featured Contributors



**Rudy Gaines**  
Marksmen, *Carrboro, NC*

Rudy Gaines is the national account manager for Marksmen, a worldwide intellectual property investigation and acquisition company. An original board member, he helped launch the company almost two decades ago and works with clients to solve their IP issues in a straightforward and timely manner.



**Leslie J. Lott**  
Lott & Fischer PL, *Coral Gables, FL*

Leslie J. Lott is the founding partner of Lott and Fischer PL and specializes exclusively in intellectual property law. Certified by the Florida Bar as a specialist in IP law, she is a past chairperson of the bar's Intellectual Property Committee and a member of the board of governors.



**Hon. Gerard F. Rogers**  
U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, *Alexandria, VA*

An administrative trademark judge, Hon. Gerard F. Rogers authors decisions in *ex parte* appeals involving applications for federal trademark registrations, as well as in *inter partes* opposition and cancellation proceedings. He was a staff lawyer for the board prior to receiving his current appointment.



**Hon. Kara F. Stoll**  
U.S. Court of Appeals for the Federal Court, *Washington, DC*

Hon. Kara F. Stoll was appointed by President Barack Obama on November 12, 2014, was confirmed unanimously by the U.S. Senate on July 7, 2015, and assumed her duties on July 17, 2015. Judge Stoll practiced law with the firm of Finnegan, Henderson, Farabow, Garrett and Dunner from 1998 to 2015.

## Details

July 21–23, 2016

Mackinac Island, Michigan  
Grand Hotel

Discounted rooms available  
at Grand Hotel

*See page 7*

**Level:** Intermediate/  
Advanced

**CLE:** 8.5

**Ethics:** 1

## Networking Events

*Receptions for Institute  
Registrants and Guests*

Thursday, July 21 and  
Friday, July 22

*See page 5*

*Networking Breakfast:  
Women in IP*

Friday, July 22

*See page 5*

## Register Today

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**Mail**  
ICLE, 1020 Greene St.  
Ann Arbor, MI 48109-1444

## Agenda

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

### THURSDAY, JULY 21, 2016

#### Patent Advanced Session

3:30pm Charting the Sea Changes in Patent Law to Get Your Practice “Home and Dry”

#### Copyright Advanced Session

Open Access and the Changing Ecosystem for Publishing and Research in a Sharing Economy

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

### FRIDAY, JULY 22, 2016

7:30am Networking Breakfast: Women in IP

8:00am Business Meeting of the Intellectual Property Law Section

8:30am Welcome and Introduction from Section Chair Kristen Isaacson Spano

8:40am The Judge’s Perspective on IP Litigation

9:45am Update on Trademark Law

10:45am Networking Break

11:00am Update on Patent Law

12:00pm Update on Copyright Law

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

### SATURDAY, JULY 23, 2016

8:30am What’s New at the USPTO

9:15am Ethical Issues in IP Practice

10:15am Networking Break

#### Patent Track

10:30am Europe’s Unitary Patent System 2016

#### Trademark Track

TTAB Views from the Bench

11:35am The Keys to Effective Enforcement: Investigative Tools and Special Considerations

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

### PLATINUM SPONSORS





## Sessions

## Advanced Sessions

3:30pm/Thursday

### Patent Advanced Session: Charting the Sea Changes in Patent Law to Get Your Practice “Home and Dry”

Go in depth and boost your knowledge of willfulness and patent damages, the *Halo* and *Stryker* U.S. Supreme Court cases, extraordinary remedies under Sections 284 and 285, claiming strategies to address indefiniteness law since *Nautilus*, claim construction since *Teva*, and *BRI* in postgrant proceedings. Prove infringement, including the *mens rea* requirement of inducement and the expansive net of divided infringement. Plus, avoid litigation traps relating to jurisdiction and new pleading rules.

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

3:30pm/Thursday

### Copyright Advanced Session: Open Access and the Changing Ecosystem for Publishing and Research in a Sharing Economy

Open access is content distribution that is digital, online, free of charge, and free of most copyright and licensing restrictions. Learn why content distribution has evolved to open access over the past two decades, how it works, the legal basis of open access, its categories, and its impact on business models and policies for publishers, research businesses, and educational organizations. Advise clients on the educational and business implications of open access for copyright, and join in the discussion during this advanced, interactive workshop.

Lynn P. Chard, ICLE Director, Institute of Continuing Legal Education, *Ann Arbor*; Melissa Levine, University of Michigan Library, *Ann Arbor*; Katherine C. Spelman, K&L Gates LLP, *Seattle, WA*

## Patent Track

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

10:30am/Saturday

### Europe’s Unitary Patent System 2016

Implementation of the unitary patent system is still under way, but get the inside scoop now so you can advise clients to opt in or out once it goes live. Plus get updated on recent developments in prosecution and caselaw from the EPO.

David Brophy, FRKelly, *Dublin, Ireland*

## Trademark Track

Moderator: Hope V. Shovein, Brooks Kushman PC, *Southfield*

10:30am/Saturday

### TTAB Views from the Bench

Ensure your practice in trademark oppositions, cancellations, and ex parte appeals before the TTAB is in sync with recent developments and caselaw affecting board practice. Get the latest information on proposed rule changes at the TTAB and comments received by the board from practitioners and stakeholders. Engage in dialogue with the chief judge regarding strategies for prosecuting and defending board trial cases, creating effective records, and providing due consideration to the interplay between the TTAB and federal courts.

Hon. Gerard F. Rogers, U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, *Alexandria, VA*

## Plenary Sessions

6:00pm/Thursday/Friday

### Receptions for Institute Registrants and Guests

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

7:30am/Friday

### Networking Breakfast: Women in IP

Join faculty and fellow registrants for an informal networking breakfast. Get to know colleagues, trade stories, and discuss current issues and challenges facing women IP lawyers. All institute attendees, men and women alike, are welcome to attend this breakfast. Limit 50.

8:00am/Friday

### Business Meeting of the Intellectual Property Law Section

8:30am/Friday

### Welcome and Introduction from Section Chair

Kristen Isaacson Spano, Chair, Intellectual Property Law Section of the State Bar of Michigan, FCA U.S. LLC, *Auburn Hills*

8:40am/Friday

### The Judge’s Perspective on IP Litigation

Gain new insights and bolster your appellate advocacy at the federal circuit with Judge Stoll’s advice on drafting briefs and presenting argument in appeals from the patent trial and appeal board, the trademark trial and appeal board, and district courts.

Hon. Kara F. Stoll, U.S. Court of Appeals for the Federal Circuit, *Washington, DC*

## Sessions

9:45am/Friday

### Update on Trademark Law

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

Leslie J. Lott, Lott & Fischer PL, *Coral Gables, FL*

11:00am/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*

12:00pm/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, K&L Gates LLP, *Seattle, WA*

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 insider's 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

### The Keys to Effective Enforcement: Investigative Tools and Special Considerations

Experience an insightful, ground-level insider program that touches on monitoring, enforcement, anticounterfeiting, straw purchases, and the dark web. Learn how to work effectively with IP PIs. Get the information you need from the target—and ensure it's done ethically.

Rudy Gaines, Marksmen, *Carrboro, NC*

## GOLD SPONSORS



## SILVER SPONSORS



## Downtime Activities

### Carriage Tours

Relax and enjoy trotting horses on a leisurely carriage ride. Hear tales of the island on a group carriage experience or choose your own itinerary with a private tour.

[www.mict.com](http://www.mict.com)

### 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)

# 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 the Grand Hotel from Thursday, July 21, to Sunday, July 24, 2016.

Reservations must be made by June 20, 2016, 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 \$8.00 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.

Return form by 06/20/16 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)

**\$235 CATEGORY I**  
Smaller, interior-view rooms

**\$290 CATEGORY II**  
Larger, interior-view and smaller, lake-view rooms

**\$370 CATEGORY III**  
Special, deluxe lake-view rooms, some with balcony

**Single Room Rates**  
(daily)

**\$395 CATEGORY I**  
Smaller, interior-view rooms

**\$505 CATEGORY II**  
Larger, interior-view and smaller, lake-view rooms

**\$665 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** 0–11 years (luggage charge applies)    \_\_\_\_\_ **\$59** 12–17 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.



All ferry companies offer scheduled daily departures from Mackinaw City and St. Ignace. Parking is free in unsecured lots, while secured lots and valet services are available for varying fees. For discounted tickets at Shepler's Ferry, visit [www.sheplersferry.com](http://www.sheplersferry.com) or call 800-828-6157 and use promo code **ICLE16** for \$19 adult rate or promo code **experience** for \$10 child (ages 5–10) rate.



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# Intellectual Property Law *institute*

JULY 21–23, 2016  
Grand Hotel, Mackinac Island

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

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877-229-4351

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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 \_\_\_\_\_

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

### B. Institute Registration | Pick One

- \$395 General
- \$295 Cosponsor Section Member
- \$315 ICLE Partner
- \$195 New Lawyer (0–3 Years in Practice P76760+)
- \$295 per Lawyer (4+ Lawyers from the Same Firm)<sup>1</sup>
- FREE Judges<sup>2</sup>

16CI-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
- FREE Copyright Advanced Session

### E. Networking Event | Optional

- FREE Networking Breakfast: Women in IP (Limit 50)

### 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

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

Prices guaranteed until 07/21/16. <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. **Institute Cancellation Policy:** In order to receive a full refund, you must notify ICLE by July 7, 2016. After July 7, a \$45 handling fee will be assessed. No refunds will be issued after July 14, 2016.