

NORTHWESTERN JOURNAL OF TECHNOLOGY & INTELLECTUAL PROPERTY

NJTIP

NORTHWESTERN JOURNAL OF INTELLECTUAL PROPERTY

THE EIGHTH ANNUAL NJTIP SYMPOSIUM

MARCH 7 & 8, 2013 @ NORTHWESTERN UNIVERSITY SCHOOL OF LAW

SCHEDULE

Thursday, March 7

- 6:00 pm – 7:00 pm** (540 Wieboldt Hall)
Cocktail Reception & Networking
- 7:00 pm – 7:30 pm** (540 Wieboldt Hall)
Dinner
- 7:30 pm – 8:30 pm** (540 Wieboldt Hall)
Opening Remarks & Keynote

HANK BARRY

→ RIDE THE HORSE IN THE DIRECTION IT IS GOING:
CHANGE AND YOUR LEGAL CAREER

Friday, March 8

- 8:15 am – 8:45 am** (Lowden Hall)
Check-in (w/Continental Breakfast)
- 8:45 am** (Lincoln Hall)
Welcome Remarks
- 8:45 am – 10:15 am** (Lincoln Hall)
→ **NET NEUTRALITY: GOVERNMENT OVERREACH
OR THE KEY TO INNOVATION?**
- 10:30 am – 12:00 pm** (Lincoln Hall)
→ **SOCIAL MEDIA: THE PAST, PRESENT & FUTURE**
- 12:00 pm – 1:00 pm** (Atrium)
Lunch & Networking
- 1:00 pm – 2:30 pm** (Lincoln Hall)
→ **LITIGATING THE MEANING OF FRAND**
- 2:30 pm – 4:30 pm** (Thorne Lobby)
Closing Cocktails & Networking

KEYNOTE

THURSDAY 7:30 PM (540 WIEBOLDT HALL)

KEYNOTE – HANK BARRY

RIDE THE HORSE IN THE DIRECTION IT IS GOING:
CHANGE AND YOUR LEGAL CAREER

→ The legal landscape is constantly changing, and no more so than in the realm of intellectual property law. Hank Barry, the former CEO of Napster and current partner at Sidley Austin LLP in Palo Alto, California, will use stories from his career to illustrate how change can impact a legal career, and how to use it as an advantage. ←

HANK BARRY – SIDLEY AUSTIN LLP



Hank Barry is a partner in the Palo Alto office of Sidley Austin LLP.

He is co-chair of Sidley's Venture Capital and Emerging Companies practice group and a member of the Technology Transactions practice group.

He represents technology companies at all stages of development, with a particular focus on corporate and securities, technology and intellectual property matters. For the last 25 years, he has worked with many of Silicon Valley's most prominent companies as a lawyer, investor and director, including seven companies in which he was involved from formation through IPO. He has testified twice before the U.S. Senate Judiciary Committee with respect to technology and intellectual property issues.

Mr. Barry was part of the three-member team that represented Apple in its strategic partnership and investment agreements with Microsoft. He recently represented Baidu, Inc. in connection with its breakthrough agreement with One-Stop China (a joint venture of Universal Music, Warner Music, and Sony Music) for the distribution of digital music in China.

Prior to co-founding Sidley's Palo Alto office, Mr. Barry was a Managing Director at Hummer Winblad Venture Partners in San Francisco. On behalf of Hummer Winblad, he served as CEO and a Board member for Napster, Inc.

NET NEUTRALITY

FRIDAY

8:45 AM (LINCOLN HALL)

NET NEUTRALITY: GOVERNMENT OVERREACH OR THE KEY TO INNOVATION?

→ How can government best encourage the growth of the internet? That's the focus of the net neutrality debate, and our four panelists intend to dive into the regulatory, statutory, and economic frameworks that may resolve it. Must we draw clear lines encouraging neutrality, or can we simply adjudicate discriminatory treatment when it happens? Are some kinds of network discrimination actually a good thing? This panel will set hyperbole aside and focus on realistic and workable solutions. ←

JEFFREY ARMSTRONG –

MCDONNELL BOEHNEN HULBERT & BERGHOFF



Jeffrey P. Armstrong is a partner with McDonnell Boehnen Hulbert & Berghoff LLP. Mr. Armstrong has a broad range of experience in intellectual property law, including patents, trademarks, unfair competition, copyrights, and trade secrets.

Mr. Armstrong has litigated patent infringement and trade secret matters in federal district courts and authored briefs in patent matters at the Court of Appeals for the Federal Circuit and the U.S. Supreme Court.

Before joining MBHB, Mr. Armstrong held a variety of engineering, technical management, and consulting positions. As an engineer at Nortel Networks, Mr. Armstrong worked with Synchronous Optical Networks, optical amplifiers, Asynchronous Transfer Mode switches, and Internet Protocol routers. Mr. Armstrong also worked at Corvis Corporation as a product manager for optical transmission, amplification, and switching systems, and later as an engineering consultant to the U.S. Department of Defense in connection with communications technologies.

ROBERT FRIEDEN – PENN STATE LAW SCHOOL



Rob Frieden holds the Pioneers Chair and serves as Professor of Telecommunications and Law at Penn State University. He has written several books, most recently *Winning the Silicon Sweepstakes: Can the United States Compete in Global Telecommunications*, published by Yale University Press. Professor Frieden also

has written over 70 articles in academic journals and provides biannual updates for *All About Cable and Broad-band* (Law Journal Press).

Before accepting an academic appointment, Professor Frieden served as Deputy Director-International Relations for Motorola Satellite Communications, Inc. Professor Frieden also has held senior telecommunications policy-making positions in the United State government. In the private sector, he practiced law in Washington, D.C., and served as Assistant General Counsel at PTAT System, Inc. where he handled corporate, transactional and regulatory issues for the nation's first private undersea fiber optic cable company.

Professor Frieden holds a B.A., with distinction, from the University of Pennsylvania (1977) and a J.D. from the University of Virginia (1980).

HAL SINGER – NAVIGANT ECONOMICS



Hal J. Singer is Managing Director and Principal at Navigant Economics. He is an affiliate at the International Center for Law and Economics. He has served as Adjunct Professor at Georgetown University's McDonough School of Business. Dr. Singer is co-

author of the e-book *The Need for Speed: A New Framework for Telecommunications Policy for the 21st Century* (Brookings Press 2013), and co-author of the book *Broadband in Europe: How Brussels Can Wire the Information Society* (Kluwer/Springer Press 2005). His writings on class certification in antitrust cases have been published by the ABA's *Antitrust*, *George Mason Law Review*, and *Research in Law and Economics* (forthcoming 2013).

Dr. Singer's scholarship and testimony has been widely cited by courts and by federal agencies. Administrative Law Judge Richard Sippel favorably cited his testimony in deciding whether Comcast discriminated against Tennis Channel on the basis of affiliation. In its August 2011 opinion in *Behrend v. Comcast*, the Third Circuit relied on his testimony in deciding whether the District Court properly satisfied *Hydrogen's* directions in determining that questions of fact or law common to class members predominate. In the Solicitor General's September 2008 amicus brief submitted to the Supreme Court in *Pacific Bell v. linkLine*, the first citation of authority was to his article on price squeezes.

Dr. Singer earned M.A. and Ph.D. degrees in economics from

the Johns Hopkins University and a B.S. *magna cum laude* in economics from Tulane University.

LEE SELWYN – ECONOMICS & TECHNOLOGY



Lee Selwyn is President of Economics and Technology, Inc. Since founding ETI in 1972, Dr. Selwyn has been extensively involved in a broad range of telecommunications regulation and public policy issues, and has presented expert testimony before more than forty state commissions, the FCC, the United States Congress and a number of foreign regulatory bodies, on behalf of business, institutional and government telecom users, residential consumers, competitive service providers, and a number of regulatory agencies. He has been involved with Net Neutrality and related issues since the subject first arose in Bell merger proceedings in the mid-2000s. He has published several papers on this subject, including “Revisiting The Regulatory Status Of Broadband Internet Access: A Policy Framework for Net Neutrality and an Open Competitive Internet,” in the December 2010 *Federal Communications Law Journal*. He holds Ph.D. and Master of Science degrees in Management from the Alfred P. Sloan School of Management, Massachusetts Institute of Technology; and a B.A. with Honors in Economics from Queens College of the City University of New York.



FRIDAY 10:30 AM (LINCOLN HALL)

SOCIAL MEDIA: THE PAST, PRESENT & FUTURE

→ Social media continues to grow ever more influential, and the resulting legal issues continue to multiply. The five members of this panel will survey the diverse legal issues surrounding social media, both now and in the future. This will be a lively and far-reaching discussion, touching on labor law, copyright, crisis management, the first amendment, authenticity, sports, and more. ←

BRADLEY SHEAR – SHEAR LAW OFFICE



Bradley Shear practices intellectual property, social media, sports, entertainment, and corporate law. He is a member of Harvard Law School’s Berkman Center For Internet and Society’s Online Media Legal Network, he is on the Board of Advisors for the University of Baltimore’s Center for Sport and the Law, and he is an adjunct professor in the MBA program at The George Washington University.

His legal commentary and insight has been utilized by the most trusted names in the television, radio, print, and digital media. Some of the national and international news organizations that have utilized Bradley as an expert source include: The New York Times, The Wall Street Journal, The Associated Press, The Washington Post, USA Today, The Guardian, Daily Mail, The Los Angeles Times, San Francisco Chronicle, The Chicago Tribune, The Baltimore Sun, Bloomberg Business Week, The BBC, NPR, C-SPAN, ABC News, NBC News, CBS News, CNN, The Today Show, and MSNBC.

He received his BBA from The George Washington University, his JD from The University of Baltimore School of Law, and his MBA from Fordham’s Graduate School of Business. He is the managing partner of the Law Office of Bradley S. Shear, LLC which is based in the Washington, DC area.

CHRISTOPHER BUTTS – MCDONNELL BOEHNEN HULBERT & BERGHOFF



Christopher D. Butts is an associate with McDonnell Boehnen Hulbert & Berghoff LLP. Mr. Butts prepares patent applications, conducts legal research, and provides technological advice in support of validity, infringement, and patentability analyses, patent application preparation, and litigation matters in the electrical engineering field.

Prior to embarking on his legal career, Mr. Butts had professional work experience with Burns and McDonnell and The Boeing Company, and he served as a research/lab assistant at Illinois Wesleyan University and the Archer Daniels Midland Company. Mr. Butts also founded a multimedia design and computer services company while attending school.

JONATHAN DEMAY – CONDON & FORSYTH



Jonathan E. DeMay is a partner of Condon & Forsyth. Jon’s practice encompasses the representation of airlines and aircraft manufacturers, corporate and private jet services, component manufacturers and maintenance companies. He has represented aviation clients in federal and state courts throughout the U.S. at both the trial and appellate levels.

He principally focuses on representing clients relating to major aviation accidents, products liability, aircraft financing trans-

actions, commercial transactions, aircraft hull damage claims and general aviation. Jon has lectured at aviation and insurance seminars relating to a variety of issues, including issues and tactics relating to defending major aviation accident litigation. He frequently counsels clients about electronic discovery and social media issues and is an ongoing participant in The Sedona Conference Working Group on Electronic Document Retention and Production, as well as the Working Group on International Electronic Information Management, Discovery and Disclosure. Jon graduated from Fordham University School of Law (J.D.) in 1998 and from Siena College in 1995 (B.B.A. in accounting).

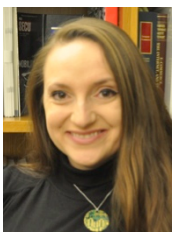
JOHN HINES – CLARK HILL / NORTHWESTERN LAW



John L. Hines is a member of Clark Hill's Intellectual Property Practice Group. He concentrates his practice in the areas of intellectual property, technology licensing, cloud computing, technology procurement and outsourcing, electronic commerce and information management. He regularly counsels clients on technology and computer-driven liability, in matters involving un-fair competition, copyright infringement, privacy and online speech and defamation (as well as matters involving the U.S. Communications Decency Act).

He also advises businesses on policies and practices relating to data protection, document retention, reputation management, social media, and generally to the dissemination of content in an electronic environment. He teaches Internet law and Intellectual Property at Northwestern University School of Law and speaks and writes regularly on legal issues related to technology and the online environment. He serves as a trustee of the Erikson Institute, a graduate school in early childhood development. John was selected as an Illinois Leading Lawyer in Computer and Technology Law (Illinois Leading Lawyers Network, 2012).

ANDREA MATWYSHYN – UNIVERSITY OF PENNSYLVANIA WHARTON SCHOOL



Andrea M. Matwyshyn is an assistant professor in the Legal Studies and Business Ethics Department in the Wharton School and an affiliate of the Center for Technology, Innovation and Competition at the University of Pennsylvania Law School. She studies corporate information security regulation and consumer privacy. In addition to her appointment at University of Pennsylvania, she is currently a member of the board of advisors of the EU-funded Network of Excellence in Internet Science (EINS) project at the Oxford Internet Institute and a faculty affiliate of the Center for Internet and Society at Stanford Law School. She has previously taught on the law faculties of Northwestern University and University of Florida and has been a visiting scholar at the University of Edinburgh School of Law, the Indian School of Business,

Singapore Management University School of Law, and Notre Dame Law School. She was also previously an affiliate of the School of Engineering at the University of Cambridge and a corporate attorney in private practice.



FRIDAY

1:00 PM (LINCOLN HALL)

LITIGATING THE MEANING OF FRAND

→ Smart phones, computers, tablets, gaming consoles, WiFi, 4G: these are a few of the technologies affected by the FRAND disputes happening across the U.S. and internationally. The development standards by industry associations enable compatibility of devices and services made by different patent holders. These patent holders who participate in standards development agree to license "standards essential" patents for "free, reasonable, and non-discriminatory" (FRAND) terms. →

Recently, many important technology companies have disagreed over the meaning of FRAND, which has erupted into litigation. Given the pervasiveness of these technologies, the meaning of **FRAND should interest everyone**. The panel brings together leading scholars, practitioners, and in-house counsel with comprehensive views of the landscape of these disputes and discussions about the future of what it means to be "fair, reasonable, and non-discriminatory." ←

MARK SNYDER – QUALCOMM



Mark Snyder is a Qualcomm Vice President and Patent Counsel. Mark joined Qualcomm Incorporated in 2008 and has represented the company in numerous intellectual property and licensing-related disputes. Currently, Mark is responsible for the coordination of patent policy and advocacy efforts. He earned his engineering degree from the University of Rochester and his law and M.B.A. degrees from Boston College Law School and the Boston College Carroll School of Management. He has been a registered patent attorney since 1993, and is admitted to the bars of California, Colorado (inactive) and the District of Columbia. Prior to working at Qualcomm, Mark worked in both law firms and as in-house counsel, most recently for Kyocera Wire-less Corp., where he managed the intellectual property group with responsibility for prosecution, licensing & litigation matters.

ALDEN ABBOTT – BLACKBERRY



Alden F. Abbott is the Director of Global Patent Law and Competition Strategy for Blackberry (formerly Research in Motion). He retired in April 2012 from the Federal Trade Commission (FTC), where he was Deputy Director of the Office of International Affairs (2009-2012). Previously, Alden served in a number of senior

government positions, including Director of Policy and Coordination, Bureau of Competition, FTC; Acting General Counsel, Department of Commerce; Chief Counsel, National Telecommunications and Information Administration; Senior Counsel, Office of Legal Counsel, Department of Justice (DOJ); and Special Assistant to the Assistant Attorney General for Antitrust, DOJ. Alden is also an Adjunct Professor at George Mason Law School, a member of the Leadership of the American Bar Association's Antitrust Section, and a Non-Governmental Advisor to the International Competition Network. He has lectured on competition issues here and abroad and has published articles on antitrust, economic regulation, trade, and IP policy. He is a graduate of Harvard Law School, holds an M.A. in Economics from Georgetown University, and a B.A. from the University of Virginia.

**CHRISTOPHER V. CARANI –
MCANDREWS, HELD & MALLOY**



Christopher V. Carani, Esq. is a partner and shareholder at the Chicago-based intellectual property law firm of McAndrews, Held & Malloy, Ltd. He practices a broad range of intellectual property law focusing on patent, trademark and copyright litigation and client counseling. He has extensive litigation

and consulting experience in various industries but has particular expertise in consumer electronics, medical devices and packaging. Chris is a leading authority in the field of design law, which regards protection and enforcement of design through design patents, trade dress rights and copyright. Chris currently chairs the American Bar Association's Design Rights Committee, and is the past chair of the American Intellectual Property Law Association (AIPLA) Committee on Industrial Designs. In the landmark design patent case *Egyptian Goddess v. Swisa*, he authored *amicus* briefs on behalf of the AIPLA at both the petition and *en banc* stages.

Prior to joining McAndrews, Mr. Carani served as a law clerk to the Honorable Rebecca R. Pallmeyer at the U.S. District Court

for the Northern District of Illinois. Mr. Carani was conferred his Juris Doctorate from The Law School at The University of Chicago, along with a Bachelor of Science in Engineering from Marquette University. He is a registered patent attorney and licensed to practice before the U.S. Patent & Trademark Office. He is frequent contributor to CNN on intellectual property law issues, and often is called upon to provide comment to other media outlets, including New York Times, Wall Street Journal, NPR, PBS TV, CNBC TV, BBC, Bloomberg TV, and Reuters.

LATONIA GORDON – MICROSOFT



Ms. Latonia Gordon is currently the Director of Standards Policy at Microsoft Corporation. Ms. Gordon regularly engages in policy discussions involving standards, intellectual property rights and competition law issues at numerous standards bodies and in many other forums. Prior to joining

Microsoft, she was Senior Counsel at Motorola, Inc. where she led numerous efforts in the development of standards, spectrum and regulatory policies. Ms. Gordon holds a Bachelor of Science degree in Electrical Engineering, a Master's degree in Business Administration, and a Juris Doctor degree.

**JORGE L. CONTRERAS –
AMERICAN UNIVERSITY COLLEGE OF LAW /
CONTRERAS LEGAL STRATEGY LLC**



Jorge Contreras currently teaches in the areas of intellectual property transactions, law and science, and property law. His research focuses primarily on the effects of intellectual property structures on the dissemination and production of technological innovation, with a focus on basic scientific research and technical standards development.

Professor Contreras is Co-Chair of the National Conference of Lawyers and Scientists (NCLS) and Co-Chair of the American Bar Association Section of Science & Technology Law's Committee on Technical Standardization. Professor Contreras is the editor of the Technical Standards Patent Policy Manual (ABA Publishing: Chicago, 2007) and has written numerous articles, book chapters and blog postings relating to intellectual property and standards development. Prior to joining the faculty of American University, Professor Contreras was a Senior Lecturer and Acting Director of the Intellectual Property Program at Washington University in St. Louis and a partner at the international law firm of Wilmer Cutler Pickering Hale and Dorr LLP. He is a graduate of Harvard Law School (JD) and Rice University (BA, BSEE).

JASON SHEASBY – IRELL & MANELLA

Jason Sheasby is a partner in the Los Angeles office of Irell & Manella, where his practice focuses on complex litigation, patents, trade secrets, antitrust, regulatory compliance and internal investigations. His experience spans a wide range of industries, including bio/pharmaceuticals, medical devices, semi-conductors, telecommunications, electronics, universities, and health care. Mr. Sheasby has litigated patent infringement actions involving a diverse set of technologies, including genomics, polymer chemistry, antibody humanization, recombinant drug expression, fusion proteins, optics, computer micro-architecture, materials science, and semiconductor packaging.

Mr. Sheasby is regularly selected for inclusion in industry honors lists, including "Rising Stars" in intellectual property litigation, and The Legal 500's profile of leading intellectual property litigation departments. He is a frequent lecturer on intellectual property, including for the World Intellectual Property Organization and the National Association of College and University Attorneys.

THANK YOU

THIS SYMPOSIUM WAS BROUGHT TO YOU BY:



*A special thank you to our Symposium Committee, the Searle Center, and Professor Daniel Spulber! Without their hard work and dedication, this year's symposium would not have been possible. **Thank You!***

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