

10-28-2016

# 15th Annual Recent Developments in IP Law and Policy Conference

William T. Gallagher

Golden Gate University School of Law, [wgallagher@ggu.edu](mailto:wgallagher@ggu.edu)

Follow this and additional works at: <http://digitalcommons.law.ggu.edu/iplaw>

 Part of the [Intellectual Property Law Commons](#)

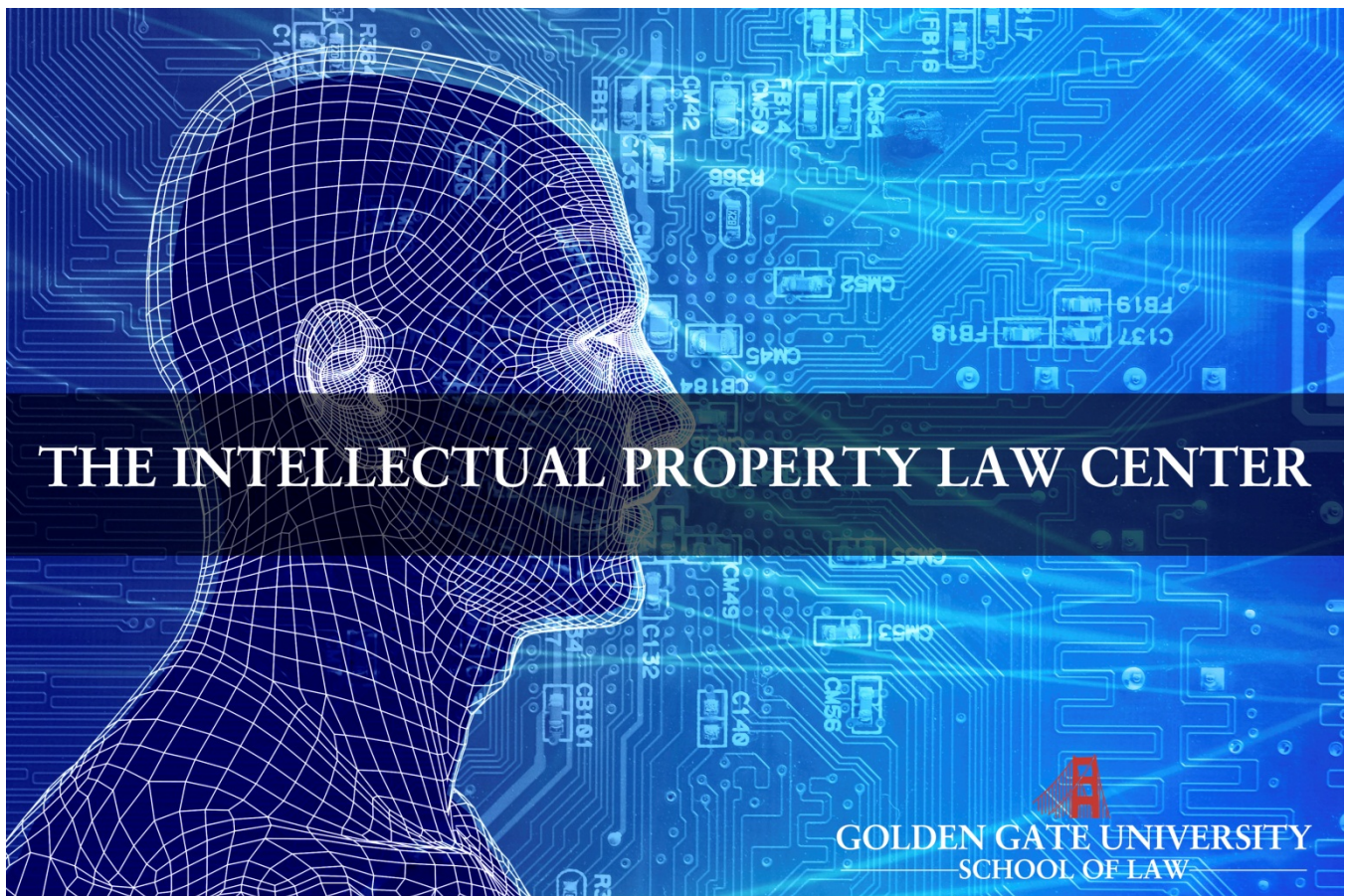
---

## Recommended Citation

Gallagher, William T., "15th Annual Recent Developments in IP Law and Policy Conference" (2016). *Intellectual Property Law*. Paper 24.

<http://digitalcommons.law.ggu.edu/iplaw/24>

This Conference Proceeding is brought to you for free and open access by the Centers & Programs at GGU Law Digital Commons. It has been accepted for inclusion in Intellectual Property Law by an authorized administrator of GGU Law Digital Commons. For more information, please contact [jfischer@ggu.edu](mailto:jfischer@ggu.edu).



GGU INTELLECTUAL PROPERTY LAW CENTER'S  
**15TH ANNUAL RECENT  
DEVELOPMENTS**  
**IN IP LAW AND POLICY CONFERENCE**  
OCTOBER 28, 2016

GOLDEN GATE UNIVERSITY INTELLECTUAL PROPERTY LAW CENTER

**DIRECTOR**

WILLIAM GALLAGHER  
PROFESSOR OF LAW

## ADVISORY BOARD

John C. Baum	Owen, Wickersham & Erickson P.C.
Katia Bloom	Avira, Inc.
Tim Cahn	Park Sunset Housing Foundation
Peter Fowler	U.S. Patent and Trademark Office
Barbara Friedman	Dergosits and Noah
Eric Gelwicks	Live Nation
Jessica Hannah	Apple, Inc.
M. Henry Heines	Kilpatrick Townsend & Stockton LLP (retired)
David Jargiello	Flywheel Ventures
Jennifer Lam	Airbnb
Jennifer Liu	Sony Network Entertainment, International
Duane Mathiowetz	Leclair Ryan
Rob McFarlane	Hanson Bridgett LLP
Joseph Anthony Meckes	Squire Patton Boggs LLP
Robert B. Morrill	Morrill ADR
Chandani Patel	Sephora USA
Austin Phillips	Benefit Cosmetics
Jessica Rotsch	Marketo
Vanessa Valdez	California Closets
Alexandra Vesalga	TRUSTe
Joseph Weatherbee	Polsinelli PC

**TO:** IP Law Conference Participants  
**FROM:** GGU IP Law Center and IP Law Faculty  
**DATE:** October 28, 2016  
**RE:** Welcome!

Dear Attendees:

I am very pleased to welcome you to our 15th Annual IP Law and Policy Conference. As usual, we have an exciting lineup of interesting speakers and topics. Intellectual property law and related areas, such as privacy law, have undergone significant changes since our last conference, and this year's speakers will help us make sense of some of these changes.

I am also pleased this year to have Director John Cabeca, of the Silicon Valley office of the U.S.P.T.O. visit our campus as Keynote speaker for this event. This new USPTO office is an important addition to the IP landscape in the Bay Area, so this will be a good opportunity to learn more about how this satellite office operates as part of the IP community.

I look forward to meeting all of you at this exciting event.

Sincerely,



**William Gallagher**

**Director  
Golden Gate University  
Intellectual Property Law Center**

We kindly ask that you set the sound on all of your electronic devices to “silent” mode in order to minimize distractions during the program. Thank you and we hope you enjoy the conference.

---

At 12:30, lunch will be distributed in the 2<sup>nd</sup> floor lobby. Please form a single line and enjoy your lunch. We have several locations where you can eat on campus including the Plaza (one level below the 1<sup>st</sup> floor), the GGU café in the GGUhub on the 1<sup>st</sup> floor. Please rejoin the lecture hall at 1:30-1:45 for the afternoon sessions.

---

Wireless internet access is available! Instructions for login are below:

1. Open your list of Wi-Fi connections and select "GGU-Guest".
  2. There is no key or token needed to connect.
  3. Once connected, open a browser. The browser will redirect you to a login page.
  4. Use the username/password credentials:
    - a. Username: iplaw1
    - b. Password: rI9wse
  5. On the next page, review and accept GGU's Acceptable Use Policy (AUP) to proceed.
- 

A digital copy of the program can be found by visiting [www.gguiplc.com](http://www.gguiplc.com) and clicking on the link located on the left hand side of the page.

**15<sup>th</sup> Annual Recent Developments in IP Law and Policy Conference**  
**Golden Gate University School of Law**  
**Program Schedule**  
**October 28, 2016 Room 2202**

© All rights reserved (except as to previously printed materials)

<b>Registration/Check-in</b>	<b>8:30 - 9:00</b>	<b>2<sup>nd</sup> floor lobby</b>
<b>Welcoming Remarks</b>	<b>9:00 - 9:15</b>	- Director William Gallagher - University President David Fike
<b>Patent Law Year in Review</b>	<b>9:15 - 10:15</b>	- Justin Beck (Beck, Bismonte & Finley LLP) - Brian Mitchell (Mitchell & Company)
<b>Morning Break</b>	<b>10:15 - 10:30</b>	
<b>Trademark Law</b>	<b>10:30 - 11:30</b>	Thomas Harvey (Coblentz, Patch, Duffy and Bass, LLP)
<b>Privacy Law</b>	<b>11:30 - 12:30</b>	Adam Sand (Shopkick.com)
<b>Lunch</b>	<b>12:30 - 1:45</b>	Pick up lunch in 2 <sup>nd</sup> fl. lobby
<b>Keynote Presentation</b>	<b>1:45 - 2:45</b>	John Cabeca (Director, Silicon Valley U.S. Patent and Trademark Office)
<b>Afternoon Break</b>	<b>2:45 - 3:00</b>	
<b><i>How to Keep a Secret</i></b>	<b>3:00 - 4:00</b>	Amy Van Zant (Orrick LLP)
<b>Careers in IP Law (Panel)</b>	<b>4:00 - 5:00</b>	- Moderator: Eric Gelwicks (LiveNation) - David Murphy (Kabam) - Geoff Piper (Box) - Kiffanie Stahle (Stahle Law and The Artist's JD) - Michael Sutcliffe (Blakely Sokoloff Taylor & Zafman LLP)
<b>Closing Remarks</b>	<b>5:00 - 5:15</b>	Director William Gallagher
<b>Post-conference Reception</b>	<b>5:15 - 7:00</b>	Room 6210



**William Gallagher** is Professor and Director of the IP Law Center at the Golden Gate University School of Law, where he teaches courses on intellectual property litigation, intellectual property law, torts, and legal ethics. He has been a Visiting Scholar at the Center for the Study of Law and Society at the UC Berkeley School of Law (2009-2011 and 2015).

Professor Gallagher received his JD from the UCLA School of Law; his Ph.D. from the University of California, Berkeley School of Law (Jurisprudence and Social Policy Program); his MA from the University of Chicago; and his BA from the University of California, Berkeley.

Professor Gallagher is the Founding Editor of the online, peer-reviewed journal, *The IP Law Book Review*. He is also the Co-Founder of the Law and Society Association collaborative research network on “Culture, Society, and Intellectual Property”.

Professor Gallagher is the author of articles on intellectual property law and professional ethics, which have appeared in journals such as the *Santa Clara Law Review*, *The Santa Clara Computer & High Tech Law Journal*, *The John Marshall Review of Intellectual Property Law*, *Pepperdine Law Review*, *Law and Social Inquiry*, *Jurisprudence and Social Policy Program Faculty Working Papers* (University of California, Berkeley School of Law), and the *Law and Politics Book Review*. His edited book, *International Essays in Law and Society: Intellectual Property*, was published in 2007 by Ashgate Press. A second book, *Intellectual Property Law in Context: Towards a Law and Society Perspective*, is forthcoming from Cambridge University Press (2017).

Before entering full-time academia, Professor Gallagher was a partner in a San Francisco law firm, where he specialized in patent, copyright, trademark, trade secret, and related intellectual property litigation in both state and federal courts nationwide.



**Justin Beck** has practiced intellectual property law for more than 30 years. Before helping formation of the Beck LLP law firm, he had been a partner at Skjerven Morrill for 15 years, specializing in patent and copyright litigation and headed that firm's litigation department. Previously, he had been in-house counsel for two Silicon Valley technology companies, performing litigation and licensing efforts. Justin has had success handling patent and copyright disputes in a broad range of technologies, including wafer processing machinery, computer systems, memory devices, microprocessors, software, and medical devices. He was an Adjunct Professor of Law at Golden Gate University in San Francisco for many years, teaching patent litigation and copyright, and at the University of Oregon School of

Law, teaching patent litigation. He also frequently writes on intellectual property matters for legal publications. He participates in competitive bridge and enjoys sports and his dogs in his free time.





**Brian Mitchell** is an intellectual property law specialist who has represented clients for twenty years in intellectual property matters, including patent, copyright, trade secret, and trademark matters. Before founding his own law firm, Brian was a partner with one of the nation's leading technology-focused law firms, Cooley LLP.

He is an expert at mastering the intersection between technology and the law, and has handled matters involving a wide range of products and technological areas, including hardware and software for mobile devices, consumer electronics, and telecommunications, as well as Internet, e-commerce, and software patents.



**Thomas Harvey**, a partner at Coblenz Patch Duffy & Bass, is a litigator and trial lawyer focusing on intellectual property disputes, including trademark, copyright, and unfair competition litigation. He also handles complex commercial disputes and trials. Thomas has practiced before state and federal courts in numerous trials and appeals, and has represented clients in federal multidistrict litigation and in

both domestic and international arbitration.

Thomas's intellectual property practice focuses on software and consumer products. He currently serves as lead counsel in a trademark dispute regarding high-profile social media platform. Previously, he represented a major spirits maker in Ninth Circuit appeal regarding trade dress of the Cuervo 1800 tequila bottle, a popular app developer in a trademark and copyright action, and a semiconductor maker in trade secrets case involving chip design software. He counsels software developers regarding transactions and intellectual property protection strategies.

Thomas earned his B.A. from Yale University in history, and both his J.D. and M.A. in constitutional history from the University of Virginia, where he served on the managing board of *The Virginia Law Review*. After law school, he served as a judicial clerk to the Honorable Norman K. Moon, United States District Court for the Western District of Virginia, including in a designation to the U.S. Court of Appeals for the Fourth Circuit. Thomas also served the County of San Francisco as an Assistant District Attorney under the County Exchange Program. He is a board member of the Yale Spizzwinks Alumni Association.



**Adam Sand** leads the legal team at shopkick and supports the entire shopkick business. Prior to joining shopkick, Adam was GC of SK Planet, Inc., the US arm of one of South Korea's largest companies; was lead counsel for Ancestry and AncestryDNA where he helped launch the DNA testing service worldwide; and worked for international

law firms such as Pillsbury Winthrop and Jones Day where he represented companies such as Apple, AT&T, and Chevron.

When he isn't facilitating deals for shopkick, you will find Adam playing with his kids, teaching privacy law issues to future lawyers or speaking on legal issues throughout the country.



## **John Cabeca**

As the Regional Director of the West Coast United States Patent and Trademark Office (USPTO), John Cabeca carries out the strategic direction of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, and is responsible for establishing and leading the USPTO's

west coast regional office located in Silicon Valley. Focusing on the region and actively engaging with the community, Mr. Cabeca ensures the USPTO's initiatives and programs are tailored to the region's unique ecosystem of industries and stakeholders.

A veteran of the U.S. Patent and Trademark Office for over 26 years, Mr. Cabeca previously served as the Senior Advisor to the Under Secretary of Commerce for Intellectual Property and Director of the USPTO. In this role, he worked closely across the Agency's leadership to implement the policies and priorities for the USPTO. He began his career at the USPTO as a patent examiner after graduating from Widener University with a bachelor's degree in electrical engineering. Mr. Cabeca became a Supervisory Patent Examiner in 1997 and joined the Senior Executive Service in 2008 serving as a Patent Technology Center Director over the semiconductor and electrical systems technologies.



**Amy Van Zant**, a partner in Orrick's Intellectual Property Group, has litigated and advised clients on patent, trade secret, licensing, contract disputes, and intellectual property strategies for nearly 20 years. Ms. Van Zant specializes in the telecommunications and software industries. She has served as trial counsel in several patent infringement and contract disputes and has argued and briefed successful appeals before the U.S. Court of Appeals for the Federal Circuit. Ms. Van Zant has secured significant victories for SAP Ariba, QUALCOMM Corp., Texas Instruments, and Lawrence Livermore National Labs. Recently,

Ms. Van Zant secured defeat of a motion to invalidate a patent on Section 101 grounds, which was one of only a handful of instances in which a party has successfully defeated such a motion since the Supreme Court's seminal *Alice* decision was handed down. Ms. Van Zant is a strong advocate for victims of domestic violence and litigates multiple TROs a year for her pro bono clients.



**Eric Gelwicks** is Associate Counsel and Manager of Business and Legal Affairs at Live Nation Merchandise, Inc., where he oversees the intellectual property transactions and enforcement for Live Nation's artists and bands, including Bruce Springsteen, Coldplay, Led Zeppelin, Madonna, Rihanna, and U2, along with handling other entertainment business matters. Prior to joining Live Nation, Eric was an Associate at Owen, Wickersham & Erickson, P.C., a specialized intellectual property law firm, and worked in the legal

department of the entertainment-media start-up company, MEVIO, Inc. Eric serves on the boards of the San Francisco Intellectual Property Law Association and Bar Association of San Francisco Barrister's Intellectual Property and Internet Law Section. Eric earned his law degree from Golden Gate University School of Law in 2010 with a specialization certificate in intellectual property law, and has an undergraduate degree in Political Science from the University of California, Santa Barbara.



**David Murphy** is Senior Corporate Counsel at Kabam, Inc., a world leader in massively multiplayer free-to-play games for mobile devices. Dave's work at Kabam includes negotiating and drafting inbound licenses for games based on popular brands such as Marvel, Star Wars, Transformers and Avatar; outbound licenses for legacy games; data privacy and security law compliance; marketing, advertising and promotions law compliance; and labor and employment law. Before joining Kabam, he ran a solo practice providing small businesses, start-

up companies, and artists with formation, funding, intellectual property and transactional entertainment law services. He serves as an Executive Committee Member of the IP Section of the State Bar of California and as Vice Chair of the IP Section's Entertainment and Sports Law Interest Group. Dave is a graduate of Golden Gate University School of Law.



**Geoff Piper** is a San Francisco-based IP, software and convergence technology attorney focusing in cloud and privacy and is currently a member of the Legal team at Box. At Box, Geoff focuses on negotiating strategic partnership agreements in support of Business Development as well as commercial transactions for the Channel team but also lends his expertise in other areas as needed across the team and the company (e.g., product development, privacy, corporate governance, open source and trademark). Geoff also several years working in the Entertainment business where he has represented a wide variety of clients including a television company, software companies, record labels, bands, producers, agents and a broad range of artists including musicians, songwriters, photographers and website designers. Lastly, Geoff is the founder and CEO of Soniq Labs--a hardware and software company developing a wireless mobile recording platform and related suite of products.





game.

**Kiffanie Stahle** is a photographer, creative business owner, and lawyer. She founded Stahle Law in 2011 and the artist's J.D. in 2014. The goal of both of her businesses is to teach creative entrepreneurs that there can be ease in the legalese of running a business. When she's not chatting law, she's probably in her garden, her kitchen, or if it is summertime catching a Giants baseball



**Michael Sutcliffe** is a member of the Patent Group. Michael is a registered patent attorney whose practice focuses on intellectual property protection in software and hardware in a wide variety of technology areas. Michael provides patent related services including preparation and prosecution of domestic and foreign patent applications. Michael also prepares and prosecutes trademark applications.

Prior to becoming an attorney, Michael worked as the Principal Software Engineer for a laser design and manufacturing company in Silicon Valley providing embedded systems controls and graphical user interfaces for diode lasers and flash lamp pumped lasers including medical, scientific, and industrial lasers including tunable lasers with precision motor control for tuning harmonic crystals. Michael has written software for medical devices under FDA and ISO medical device standards. Michael has also worked as a Mechanical Engineer for a global general contractor on projects including hydro-electric power plants, water filtration plants, and auto manufacturing facilities.