



2023 Stampede – Session Details and Speaker Biographies

June 7, 2023, Pinstripes
(3849 Gallagher Drive, Edina, MN 55435)

CLE Course Code (MN): 486250

2023 Trademark and Copyright Caselaw Update – What You Need to Know

This session will feature a discussion of trademark and copyright cases from the past year, providing the opportunity to get up to speed on the latest developments in these areas of IP practice. You will learn about the holdings and take-aways from a selection of cases from around the country and in the Trademark Trial and Appeal Board (TTAB).

- **Cindy Moyer & Marie Williams (Fredrikson & Byron, P.A.)**

CINDY MOYER serves as Chair of the Trademarks & Copyrights Group at Fredrikson & Byron, where she actively partners with clients to develop, protect and enforce their trademarks, copyrights, and other rights. Cindy has extensive experience advising clients on issues pertaining to domestic and international trademark registration and enforcement, and routinely handles all aspects of managing trademark portfolios, including clearance, use, prosecution, maintenance, and enforcement. She also maintains close relationships with counsel around the world, allowing her to assist clients in their global expansion strategies and protection of their intellectual property worldwide. On the enforcement side, Cindy regularly appears in the Trademark Trial and Appeal Board (TTAB) and has also appeared in federal courts around the country on trademark infringement matters and other matters.

MARIE WILLIAMS is an attorney in Fredrikson & Byron's Advertising, Marketing, and Trademark group. Marie advises clients about trademark clearance, registration, and usage; copyright licensing; sweepstakes laws; contract matters; and more. Prior to joining Fredrikson's Advertising, Marketing, and Trademark group, Marie was in-house intellectual property counsel at Sleep Number Corporation, where she helped strategically manage the company's trademark and patent portfolios. Marie also has experience as a commercial litigator and, before becoming a lawyer, was a marketing manager for a symphony orchestra.

Patent Case Round Up: 2022-2023

Join us as we discuss some of the most interesting and impactful developments in patent law from 2022 – 2023. From increasing scrutiny into litigation funding to refinements regarding what triggers IPR estoppel, we will cover a wide range of key updates from district courts around the country, the Federal Circuit, and the Supreme Court.

- **Lauren Barta & Tim Grimsrud (Faegre Drinker Biddle & Reath LLP)**

TIM GRIMSRUD is a partner at Faegre Drinker Biddle & Reath LLP and leader of the firm's patent litigation practice. A former Federal Circuit law clerk with a master's degree in chemistry, Tim represents clients in complex IP cases throughout the country and at the Federal Circuit. Tim was named to Chambers USA in Minnesota for Intellectual Property in 2022 and has been named to *Intellectual Asset Management (IAM) Patent 1000: The World's Leading Patent Practitioners* since 2015. Tim is also an adjunct professor at the University of Minnesota Law School, where he teaches patent litigation.

LAUREN BARTA is a partner at Faegre Drinker Biddle & Reath LLP, where she serves as the Deputy Practice Area Leader for patent litigation. She is a registered patent attorney with a B.S. in Pre-Medicine. Lauren is also an adjunct professor at the University of Minnesota, where she teaches patent litigation. Lauren focuses her practice on complex commercial disputes with an emphasis on patent litigation and trial advocacy. In addition, Lauren successfully navigates clients through post-grant proceedings.

IP Meets Generative AI: What Can Go Wrong? What Can Go Right?

Computer artificial intelligence (AI) generated materials such as artworks, text, music, etc. are now a reality and no longer the stuff of science fiction. Given the many incentives for businesses and individuals to utilize audiovisual and written content in various settings and the appeal of free or low-cost content options made available by AI tools, use of such materials may become more and more common. But what are the IP and other legal implications? This session will explore the ways in which AI-generated content might be utilized and the potential legal risks associated with such use. Practical guidance and best practices will be addressed. Recent copyright infringement cases against developers of AI training databases will also be briefly discussed.

- **O. Joseph Balthazor, Jr. & Daniel Rosenberg (Taft Stettinius & Hollister LLP)**

JOEY BALTHAZOR is an attorney in Taft Stettinius & Hollister LLP's Intellectual Property practice, focusing on the media & entertainment, sports, and fashion industries. He counsels clients on a variety of intellectual property-related matters, primarily in the copyright and trademark arenas. He also counsels clients on best practices for using generative artificial intelligence platforms.

DAN ROSENBERG is a registered patent attorney through the U.S. Patent and Trademark Office (USPTO) and practices primarily in the areas of intellectual property law, patent prosecution and infringement, trademark prosecution and infringement, intellectual property litigation, copyrights, and intellectual property licensing. Dan has worked closely with clients in a wide array of technological fields, including the mechanical, electrical, biological and chemical branches of science. Having first started his career in semiconductor process engineering in the early 1980s, he has a unique understanding of many highly technical client industries.

Patent Eligibility Updates and Perspectives

This session discusses patent eligibility from both a litigation and prosecution perspective. The speakers will discuss recent Federal Circuit 35 U.S.C. § 101 cases and updates to the USPTO Patent Eligibility Guidance, including changes to the Manual of Patent Examining Procedure Section 2100. Patent prosecution-framed discussion will focus on specification and claims drafting tips for success, and litigation-framed discussion will focus on *American Axle v Neapco* and the legal implications of continuously developing jurisprudence, along with judicial application of law in light of the USPTO guidance.

- **Theresa Stadheim (Schwegman Lundberg & Woessner, P.A.) & Larina Alton (Maslon LLP)**

LARINA ALTON, a registered patent attorney with the U.S. Patent and Trademark Office, has led litigation in federal courts throughout the country, managing large scale, bet-the-company disputes between direct business competitors. A versatile and creative litigator, Larina has also been lead counsel in more than 20 *inter partes* review proceedings without a loss at Final Decision, representing both clients who own patents and those challenging a patent's validity. She graduated *magna cum laude* from the University of Minnesota Law School and clerked for the Honorable David Minge of the Minnesota Court of Appeals.

THERESA STADHEIM is a registered patent attorney at Schwegman Lundberg & Woessner. Theresa's practice involves writing and prosecuting patent applications in the areas of computer architecture and programming, artificial intelligence and machine learning, memory devices, and oil and gas industry technologies. She is a 2010 graduate of the University of Minnesota Law School and received her Bachelor's Degree in electrical engineering from Norwich University. Prior to becoming an attorney, Theresa worked as a designer of electrical, software, and firmware systems for leading companies in the automotive industry and in the printing industry. She was also awarded the AIPLA Women in IP Law Woman to Watch Award in January of 2017. In her spare time she enjoys golfing, performing on the violin, and attending live music events. Theresa is also a ham radio operator with call sign NS9C.

Attorney-Client Privilege and Work Product Immunity in IP Litigation

This session will discuss the threshold requirements to invoke attorney client privilege and work product immunity to shield communications from disclosure during litigation. The speakers will discuss the availability of these protections to communications with patent agents and attorneys located both in and outside of the United States, waivers, attachments and strategies to consider in the creation of a privilege log to avoid or limit potential challenge to the log. Litigators as well as prosecution/transactional attorneys and in-house counsel will learn about issues like the treatment of dual-purpose communications, the patent agent privilege, multi-jurisdiction practice situations, and the common interest privilege.

- **Moderator: Felicia Boyd (Norton Rose Fulbright US LLP)**
- **Panelists: Hon. Elizabeth Cowan Wright (District of Minnesota), Chad Snyder (Rubric Legal LLC), Aaron Myers (Kutak Rock LLP), Cyrus Morton (Robins Kaplan LLP), and Anne Murphy (Beckman Coulter Life Sciences)**

THE HONORABLE ELIZABETH COWAN WRIGHT was sworn in as a United States Magistrate Judge for the U.S. District Court for the District of Minnesota in 2018. She graduated from William Mitchell College of Law, valedictorian and *summa cum laude*, in 2006. Judge Wright received her bachelor's degree in aerospace engineering from Iowa State University, with distinction, and her master's degree in mechanical engineering from the University of Illinois. From 2008 to 2010, she served as a law clerk for the Honorable Joan N. Ericksen of the District of Minnesota. Before becoming a judge, Judge Wright was a partner at Faegre Baker Daniels LLP, where her national practice focused on patent litigation and other intellectual property litigation. Judge Wright is a registered patent attorney and worked as an engineer before attending law school. Judge Wright speaks regularly about intellectual property law and discovery issues in complex litigation. She presented on patent law practice at the District of Minnesota's recent judicial exchanges involving members of the judiciary from Pakistan and Ukraine. She is a member of the Honorable Jimmie V. Reyna Intellectual Property Inn of Court, served on the Editorial Board of the American Intellectual Property Law Association Quarterly Journal, and is an active member of the Minnesota Chapter of the Federal Bar Association.

CHAD SNYDER is a mediator and litigator at Rubric Legal in Minneapolis, where he works with businesses, nonprofits, and individuals to address a range of issues including copyright and trademark infringement, shareholder/owner disputes, contract negotiations and disputes, insurance coverage, and the standard array of business torts. He has twice been chair of Conflict Resolution Minnesota and is currently chair of the Solo Small Practice Experience Section of the MSBA. He also passably plays guitar in a band you've probably never heard of.

AARON MYERS is a trial lawyer at the national law firm Kutak Rock LLP, where he is a partner in the firm's Minneapolis office. He has litigated high-profile patent, trademark, and other complex cases in jurisdictions throughout the United States. Aaron has appeared in numerous high-profile patent-infringement cases, where he has helped secure numerous successful results for clients that include favorable jury verdicts in high-stakes cases.

CYRUS MORTON is Partner and Member of the Executive Board at Robins Kaplan, where he also serves as Chair of the Patent Office Trials Group. A trial attorney whose complex litigation practice has included an emphasis on patent litigation since 1998, Cy counsels clients on all aspects of IP litigation. He is still the only lawyer in the country who has handled all four types of post-grant proceedings under the America Invents Act. He commonly works on both sides of the “v” but his representation of small companies and inventors has led to trial judgments and licensing successes of \$89M, \$30M, \$25M, \$19M, \$12M and \$7.4M. Before beginning his legal career, Cy worked at 3M Company where he interacted with the patent system from the inventor’s side.

ANNE MURPHY, Chief IP Counsel, Beckman Coulter Life Sciences. Anne currently leads Beckman Coulter Life Sciences IP Legal team and is responsible for IP Strategy and execution supporting organic and inorganic growth, while managing IP risk across all OpCo functions for Beckman Coulter Life Sciences. She and her team drive IP portfolio building, clearance advising and opinions, litigation defense, IP enforcement, licensing agreements, co-development relationships, M&A IP diligence and integration. Anne has been Chief IP Counsel since June 2018 following over 10 years of IP legal service to Beckman Coulter Diagnostics. Prior to joining Beckman Coulter in 2007, her private law firm practice included global patent prosecution, litigation and opinion counseling in biotechnology, pharma, devices and materials. Anne earned a bachelors in Chemistry Course from University of Wisconsin - Madison, a masters in Organic Chemistry from the University of Texas at Austin and a J.D (*cum laude*) from the University of Minnesota.

FELICIA BOYD is a Chambers ranked litigator with extensive experience as a leader in complex IP disputes involving patents, copyrights, trademarks, and trade dress—both in and out of court—spanning a diverse array of industries. With more than three decades of practice, she has obtained several victories as a litigator, including preliminary injunction motions, summary judgment motions, favorable settlements and jury verdicts at trial. Felicia has significant experience with complex case management and the coordination of global discovery efforts. Notably, Felicia also serves as an arbitrator and mediator. She is a fellow of the CI Arb (Chartered Institute of Arbitrators) and a member of LCIA (The London Court of International Arbitration), ArbitralWomen, and the complex commercial litigation panel and the consumer litigation panel of the American Arbitration Association. Additionally, Felicia manages global trademark portfolios for clients in various industries, including nearly three decades of work for a Fortune 50 financial institution. Felicia provides strategic counseling and contract drafting and analysis for licensing, acquisitions, transfers, trademark clearance, and patent validity and infringement assessments.

Professional Responsibility and Practice Before the USPTO — *Ethics*

An overview of various USPTO Office of Enrollment & Discipline (OED) disciplinary decisions that are relevant to legal ethics and practice before the USPTO as well as a discussion of select regulations governing the USPTO's disciplinary process and statistics regarding recent disciplinary orders. These matters are relevant to both patent and trademark practice before the USPTO by attorneys and patent agents. Addressed in the presentation will be ethical violations under the USPTO Rules of Professional Conduct, 11 C.F.R. Part 11. Discussion of recent cases will show several types of misconduct for which discipline was imposed, such as: practitioners who abandon clients' applications; those who take money but do no work; misrepresenting issues such as USPTO timeline; and work that the practitioner did when in fact s/he has not.

- **Dahlia George (U.S. Patent & Trademark Office - Office of Enrollment & Discipline)**

DAHLIA GEORGE first joined the USPTO in 2005 as a Trademark Examining Attorney. In January 2008, she joined the USPTO Office of General Law. Since January 2011, she has been a staff attorney in the USPTO's Office of Enrollment and Discipline (OED) where she investigates grievances and complaints alleging misconduct by patent and trademark practitioners; conducts moral character and "fitness to practice" applications for individuals seeking registration before the USPTO; and heads the Diversion Pilot Program for impaired practitioners. Before working at the USPTO, Ms. George was an Assistant Attorney General for the New Hampshire Office of Attorney General, and also served a tour of duty as a Judge Advocate General (JAG) in the United States Air Force.

The Right to Repair

The "right to repair" refers to allowing end users of products to repair these products themselves or via independent repair companies—rather than by manufacturers or manufacturer-licensed repair companies—without violating intellectual property rights or contractual restrictions or voiding warranties with manufacturers. This presentation will discuss recent legislation and cases about the right to repair.

- **Katherine Moerke (Office of Minnesota Attorney General - Consumer, Wage, and Antitrust Division)**

KATHERINE (KATIE) MOERKE is an Assistant Attorney General in the Consumer, Wage, and Antitrust Division of the Office of Minnesota Attorney General Keith Ellison. Previously, Ms. Moerke was a partner at Stinson LLP, where she focused on intellectual property disputes and handled complex civil litigation in state and federal courts in Minnesota and throughout the United States. After law school, Ms. Moerke clerked for the Honorable James M. Rosenbaum in the United States District Court for the District of Minnesota. Ms. Moerke graduated *summa cum laude* from the University of Minnesota law school.