

PENN INTELLECTUAL PROPERTY GROUP ANNUAL SYMPOSIUM 2024



How does IP interact with you?



SATURDAY, APRIL 13, 2024
MICHAEL A. FITTS AUDITORIUM

University of Pennsylvania Carey Law School
3501 Sansom St. Philadelphia, PA 19104

PIPG
Penn Intellectual Property Group

 Center for Technology,
Innovation & Competition
UNIVERSITY of PENNSYLVANIA

PANEL 1: PATENTS

CAN YOU OWN GENES?

11:00 – 12:15 PM

Following *Myriad*, emerging technologies have faced uncertainty and unpredictability as to whether their inventions meet patent subject-matter eligibility. This panel will examine developments in biotechnology patents and the sometimes-hazy distinctions between when one can—and cannot—patent genes and similar matter. The panel will also examine efforts to clarify this issue by discussing the Patent Eligibility Restoration Act of 2023 and other approaches.

1.0 Substantive CLE Credit



JUDGE CHRISTOPHER BURKE

Magistrate Judge, District of Delaware

Judge Christopher J. Burke has served as a United States Magistrate Judge on the United States District Court for the District of Delaware since 2011. Judge Burke's civil caseload predominantly consists of patent litigation matters, and he often oversees civil cases from their initial stages up through and including expert discovery, summary judgement and/or trial.

Prior to joining the bench, Judge Burke was an Assistant United States Attorney at the United States Attorney's Office for the District of Delaware and an associate at Covington & Burling LLP. Prior to that, he served as a judicial law clerk for the Honorable Kenneth F. Ripple of the United States Court of Appeals for the Seventh Circuit. Judge Burke also serves as an Adjunct Professor of Law at the University of Pennsylvania's Carey Law School.



JOHN LEE

Chief Intellectual Property Counsel, US House of Representatives

J. John Lee is the Chief Counsel for Intellectual Property of the House Judiciary Committee, where he is the principal advisor on IP issues and helms the Subcommittee on Courts, Intellectual Property, and the Internet. Prior to joining Congress, John heard and decided hundreds of cases as a Lead Administrative Patent Judge on the Patent Trial and Appeal Board at the U.S. Patent and Trademark Office.

Before his judicial appointment, John was a partner at Kirkland and Ellis LLP where he represented both Fortune 100 companies and start-ups, including in litigation before federal courts nationwide and the U.S. International Trade Commission. He also served as a law clerk to Chief Judge Paul R. Michel of the U.S. Court of Appeals for the Federal Circuit. John is a graduate of the University of Pennsylvania Law School, and also holds degrees in bioengineering and neuroscience from the University of Pennsylvania.



AMY MAHAN

Senior Associate, WilmerHale LLP

Amy Mahan focuses her practice on complex intellectual property matters in the life sciences, pharmaceutical and biotechnology sectors. She works on a variety of patent infringement litigation cases involving cellular immunotherapies, monoclonal antibody biologics, small molecule pharmaceuticals, medical devices and fluorescent-based diagnostic technologies. Dr. Mahan also works on transactional IP matters including the preparation, prosecution and strategic management of complex international patent portfolios and patent and trademark-related opinion work, such as freedom to operate, patentability, and litigation avoidance analyses.

She received her JD from University of Pennsylvania Law School, her PhD in neuroscience from Emory University, and her BS in biology, psychology and neuroscience from Trinity University.



Moderator - POLK WAGNER

Michael A. Fitts Professor of Law, University of Pennsylvania Carey Law School

Polk Wagner focuses his research and teaching in intellectual property law and policy, with a special interest in patent law. His work has appeared in the *Stanford Law Review*, *Columbia Law Review*, and the *University of Pennsylvania Law Review*, among several others. He is the author (with Professor Craig Nard) of *Patent Law: Concepts and Insights* (Foundation Press 2008). He is a frequent lecturer on intellectual property topics worldwide.

Prior to joining the Penn Carey Law faculty in 2000, Wagner served as a clerk to Judge Raymond C. Clevenger III of the U.S. Court of Appeals for the Federal Circuit. He holds degrees from Stanford Law School, the University of Michigan, the College of Charleston, and was the 1994-95 Roger M. Jones Fellow at the London School of Economics.

PANEL 2: TRADEMARKS

WHAT'S IN A NAME?

01:30 – 02:45 PM

Our names are often close to our identities. But what IP rights, if any, does one inherently have in a name? What limitations exist in starting a business in your own name, or in someone else's name? The panel will explore these questions, and also discuss *Vidal v. Elster*, a SCOTUS case about trademarks and free speech.

1.0 Substantive CLE Credit



LAURA HEYMANN

James G. Cutler Professor of Law, William & Mary Law School

Laura Heymann joined the faculty in 2005. She is a graduate of the University of California at Berkeley School of Law, where she was elected to Order of the Coif and served as the Book Review Editor on the *California Law Review*.

Prior to her appointment, Professor Heymann was the inaugural Frank H. Marks Visiting Associate Professor of Law and Administrative Fellow in the Intellectual Property Law Program at the George Washington University Law School. She has also served as an assistant general counsel at America Online, Inc.; as an associate at Wilmer, Cutler and Pickering in Washington, D.C.; and as a law clerk to the Hon. Patricia M. Wald of the U.S. Court of Appeals for the District of Columbia Circuit. Prior to attending law school, Professor Heymann worked as an assistant editor at St. Martin's Press in New York. She received her B.A. in English, *magna cum laude*, from Yale.

Professor Heymann was selected by the 2008 graduating class as the recipient of the Walter L. Williams, Jr., Memorial Teaching Award and was the 2012 recipient of the College's Thomas Jefferson Teaching Award. She received a Plumeri Award for Faculty Excellence in 2012 and was the Class of 2014 Professor of Law from 2011 to 2014. She served as Vice Dean of the Law School from 2013 to 2017.



JACQUELINE M. LESSER

Partner, Ice Miller LLP

Jacqueline Lesser is a partner in Ice Miller's Intellectual Property Group and the leader of the Firm's Advertising Group. Jackie has more than two decades of experience as an IP counselor, and litigator, with a focus on trademarks, copyrights, marketing, advertising and publicity rights. She litigates in federal courts throughout the country, and before the Trademark Trial and Appeal Board (TTAB), the National Advertising Division of the Better Business Bureau (NAD), and the Copyright Claims Board (CCB).

As an internationally ranked trademark attorney, Jackie handles all facets of U.S. and international trademark protection, from clearance to procurement, enforcement and defense of rights. Her areas of concentration include enforcement and defense of IP, strategic marketing and branding strategies, trademark clearance and portfolio development, publicity and privacy, advertising, IP due diligence and co-branding and licensing of trademarks and copyrights.



Moderator - Christopher Yoo

Imasogie Professor in Law and Technology, University of Pennsylvania Carey Law School

Christopher Yoo has emerged as one of the world's leading authorities on law and technology. One of the most cited scholars in administrative and regulatory law as well as intellectual property, he has authored five books and over 100 scholarly works. He is frequently called to testify before the U.S. Congress, Federal Communications Commission, Federal Trade Commission, Antitrust Division of the U.S. Department of Justice, foreign governments, and international organizations. He recently served as a member of the Federal Communication Commission's Broadband Deployment Advisory Committee, the Board of Advisors for the American Law Institute's Project on Principles of Law for Data Privacy and the Restatement of Principles for a Data Economy, and as co-convenor of the United Nations Internet Governance Forum's Initiative on Connecting and Enabling the Next Billions.

Before entering academia, he served as a law clerk to Justice Anthony M. Kennedy of the Supreme Court of the United States and the Honorable A. Raymond Randolph L'69 of the U.S. Court of Appeals for the D.C. Circuit.

PANEL 3: TRADE SECRETS

HOW MUCH OF YOUR KNOWLEDGE DO YOU OWN?

03:00 – 04:15 PM

The final panel will explore the tension between protecting a company's trade secrets and protecting an employee's knowledge and skills. A 2023 FTC proposal to ban noncompete clauses, thought to include language broad enough to impact NDAs, will be explored. The discussion seeks to draw the line between what falls under a trade secret and employee knowledge, and the pros and cons if the balance falls in the other direction.

1.0 Substantive CLE Credit



VICTORIA CUNDIFF

Chair, Sedona Conference Working Group 12 on Trade Secrets Law

Victoria Cundiff is the Chair of the Sedona Conference Working Group 12 on Trade Secrets Law and a co-author of the recently released Trade Secret Case Management Judicial Guide. She has taught programs on trade secrets law for WIPO, the Federal Judicial Conference and the USPTO. She was a partner for over 30 years at Paul Hastings, LLP, where she worked with clients to protect and obtain value from their intellectual property through litigation and forging collaborative business relationships.

She has been recognized by Chambers, the Best Lawyers in America, and similar guides and in WIPR's Inaugural Global Trade Secrets Rankings, has frequently been named one of the Top 50 Women SuperLawyers in New York, and has been named to the Law500 "Hall of Fame." She is an Adjunct Professor at the University of Pennsylvania Law School, where she teaches trade secrets law and has taught courses in intellectual property law at other national law schools. She is a Fellow of the Yale Law School Center for Corporate Law. She serves on the board of the United States Senate Youth Program Alumni Association, chairing its Scholarship Committee, and provides pro bono legal services to a variety of not-for-profit organizations in the arts.



R. MARK HALLIGAN

Partner, FisherBroyles LLP

R. Mark Halligan is a highly respected trial lawyer in the intellectual property bar. Chambers USA ranks Mr. Halligan as one of America's Leading Lawyers for Business in intellectual property law; Managing Intellectual Property recognizes Mr. Halligan as an "IP Star." Legal 500 has inducted Mr. Halligan into the Legal 500 Hall of Fame for trade secret litigation.

Mark has served on the Adjunct Faculty of the University of Illinois Chicago School of Law teaching advanced trade secrets law for 28 years and is the lead author of *The Defend Trade Secrets Act Handbook*. Mark is also co-author of *Trade Secret Asset Management 2023: A Guide to Information Asset Management Including RICO and Blockchain*. Mark is recognized in the United States and worldwide as a thought leader in the emerging area of trade secret asset management including the invention of an automated trade secret asset management software platform called the Trade Secret Examiner® that earned Mr. Halligan an award for Innovator of the Year in 2018 by Corporate LiveWire.



ELIZABETH A. ROWE

Henry L. and Grace Doherty Charitable Foundation Professor of Law, University of Virginia School of Law

Professor Elizabeth Rowe is the Henry L. and Grace Doherty Charitable Foundation Professor of Law as well as the Horace W. Goldsmith Research Professor of Law at the University of Virginia School of Law. She also serves as Director of the LawTech Center. A nationally recognized expert on Trade Secret Law, Professor Rowe is a prolific scholar who has co-authored or contributed to about a dozen books on intellectual property and has authored dozens of law review articles in leading journals. Among her co-authored books are the first and leading casebook in the United States on Trade Secret Law, a Nutshell treatise on trade secrets, a book on trade secrecy in international transactions, and a Trade Secret Case Management Judicial Guide. Several of her articles have been named among the best intellectual property articles of the year. Much of her research addresses the intersection of trade secrets with employment law and technology, as well as the interplay between intellectual property, government policy, and innovation.

Professor Rowe is a former partner at Hale and Dorr, LLP (now WilmerHale), where she practiced complex commercial litigation including intellectual property and employment litigation. While in practice, she was selected as one of the top five up-and-coming attorneys in the Commonwealth of Massachusetts. She received her J.D., *cum laude*, from Harvard Law School.



Moderator - CAMILLA A. HRDY

Professor, University of Akron School of Law

Professor Camilla A. Hrdy is Professor of Intellectual Property Law at University of Akron School of Law. She is also an Affiliated Fellow at the Yale Law School Information Society Project and a member of the Sedona Conference Working Group on Trade Secrets. Her articles have appeared in various law journals, including *Yale Law Journal*, *Stanford Law Review*, *Berkeley Technology Law Journal*, *Fordham Law Review*, *Boston College Law Review*, *American Law Review*, *Florida Law Review*, *Wisconsin Law Review*, and *Fordham Law Review*. Professor Hrdy has received many prizes for her writing, including the Harvard Hoopes Prize and the University of Cambridge Redhead Prize. She is a five-time recipient of the Akron Law Thomas G. Byers Outstanding Faculty Publication Award.

Professor Hrdy holds a J.D. from Berkeley, a B.A. from Harvard, and an M.Phil. from the University of Cambridge. She is a regular blogger on the popular IP scholarship blog, *Written Description*.

AGENDA

10:15–11:00am	Registration
11:00–12:15pm	Patents: Can You Own Genes?
12:15–1:30pm	Lunch
1:30–2:45pm	Trademarks: What's in a Name?
3:00–4:15pm	Trade Secrets: How Much of Your Knowledge Do You Own?

This program has been approved for a total of 3.0 Substantive CLE credits for Pennsylvania lawyers. CLE credit may be available in other jurisdictions as well. Attendees seeking CLE credit must register for CLE credit and make a payment via the [online CLE registration link](#) in the amount of \$120.00 (\$60.00 public interest/non-profit attorneys). In order to receive the appropriate amount of credit, evaluation forms must be completed.

Penn Carey Law Alumni receive CLE credits free through The W.P. Carey Foundation's generous commitment to Lifelong Learning.

