

28th Annual Technology Law Conference
May 21-22, 2015 • Four Seasons Hotel • Austin, TX
May 21-22, 2015 • Live Webcast

Thursday Morning, May 21, 2015

Presiding Officer:

Heather J. Meeker, O'Melveny & Myers LLP - Menlo Park, CA

7:30 am In Austin Only	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 1.00 hr	Advanced Licensing With more and more companies monetizing their intellectual property through licensing arrangements and other forms of technology transactions, courts continue to develop licensing law and contract principles at an ever-increasing pace. Review important key agreement clauses in light of recent developments, with an emphasis on practical drafting and negotiating strategies. Edward A. Cavazos, Pillsbury Winthrop Shaw Pittman LLP - Austin, TX Kirk Larson, Upland Software, Inc. - Austin, TX
9:30 am 1.00 hr	Open Source Licensing Update The latest trends in open source licensing, including practical strategies for minimizing risk, plus enforcement updates and the latest in multi-party industry open source collaboration. Heather J. Meeker, O'Melveny & Myers LLP - Menlo Park, CA
10:30 am	Break
10:45 am 1.00 hr	Cloud Computing: Critical Business, Technology, Legal, and Regulatory Considerations and Negotiation Strategies Gain insight into critical business, technology, legal, and regulatory issues regarding Cloud services, as well as key negotiation points from both customer and provider perspectives. Moderator: Sheryl A. Falk, Partner, Winston & Strawn LLP - Houston, TX Panelists: Randall E. Colson, Haynes and Boone, LLP - Dallas, TX Bart W. Huffman, Locke Lord LLP - Austin, TX Christopher M. Koa, Dorsey & Whitney - Seattle, WA

11:45 am
0.75 hr

Key Dispute Resolution Clauses in Technology-Related Contracts

Explore the pros and cons of various dispute resolution processes with respect to technology-related agreements. Examine several typical ADR clauses used by in-house counsel in such agreements, with feedback through the lens of outside litigation counsel (including discussion of international arbitration).

Moderator:

Jessica Neufeld, Munsch Hardt Kopf & Harr, P.C. - Austin, TX

Panelists:

David C. Mattka, Munsch Hardt Kopf & Harr, P.C. - Austin, TX

Minh-Hien Nguyen, Dell - Round Rock, TX

12:30 pm
In Austin Only

Lunch On Your Own (in Austin)

Thursday Afternoon, May 21, 2015

Presiding Officer:

William L. LaFuze, McKool Smith - Houston, TX

1:45 pm
1.00 hr

Take It Down! Getting Material Off the Internet

Strategies and options for removing or preserving controversial and/or infringing material posted on the internet in the U.S., including the availability of injunctive relief and remedies, copyright and trademark claims, and balancing pros and cons of taking action in the social media sphere, plus how international companies deal with the "right to be forgotten" in foreign jurisdictions.

Peter D. Kennedy, Graves, Dougherty, Hearon & Moody - Austin, TX

Brandon M. Ress, Norton Rose Fulbright US, LLP - Austin, TX

2:45 pm
0.75 hr

Beyond Hashtags: Promotions and Advertising on the Digital Platform

Hot topics in marketing and promotions using new technologies and social platforms to deliver corporate messages, plus legal updates including the new FTC "Dot Com" disclosures and updates on the Telephone Consumer Privacy Act, Big Data, and Sweepstakes laws.

Tsan Abrahamson, Cobalt Law, LLP - Berkeley, CA

3:30 pm

Break

3:45 pm
0.75 hr

New Payment Systems

Hear how Moore's Law applies to the growth in innovation in payments with new technology driving down friction and increasing utility.

Robert Courtneidge, Locke Lord LLP - London, United Kingdom

4:30 pm 1.00 hr 0.50 hr ethics	<p>Responses to a Data Breach: Incident Response Planning and Advanced Preparedness</p> <p>Hear unique perspectives with extensive experience in breach preparedness and response on suggestions for preparedness and planning, the use of service providers and consultants, and related tips for responsible information security practices in the still-emerging cyber frontier.</p> <p>Moderator: Bart W. Huffman, Locke Lord LLP - Austin, TX</p> <p>Panelists: Jamie May, AllClear ID - Austin, TX Daniel Schroeder, Habif, Arogeti & Wynne, LLP - Atlanta, GA Sheila D. Stine, Texas Health and Human Services Commission - Austin, TX</p>
5:30 pm	<p>Adjourn</p>
In Austin Only	<p>NETWORKING RECEPTION (5:30 p.m. to 6:30 p.m.)</p> <p>THANK YOU TO OUR SPONSORS</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p>

Friday Morning, May 22, 2015

Presiding Officer:

Walter Earl Bissex, Bissex & Watson, P.C. - Houston, TX

8:00 am In Austin Only	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 0.50 hr	<p>Recent Developments in Technology Law</p> <p>A look at changes in the law that technology companies need to know including new law impacting patent and copyright liability for sale of "Apps" and interoperability of software, pending patent reform litigation, U.S. and EU FRAND licensing law developments, limitations on patent demand letters, implementation of Texas Uniform Trade Secrets Act, and other new developments.</p> <p>David M. Hoffman, Fish & Richardson P.C. - Austin, TX</p> <p>Materials By: David J. Healey, Fish & Richardson P.C. - Houston, TX</p>
9:00 am 0.50 hr	<p><i>Alice v. CLS Bank</i>: Implications for Technology Transactions and Litigation</p> <p>The <i>Alice</i> decision and the reawakening of Section 101 as an invalidity weapon against certain classes of patents has altered the playing field of patent litigation with non-practicing entities. What has caused this shift? Is it sustainable? How do practitioners that are building patent portfolios navigate the new landscape?</p> <p>Kevin J. Meek, Baker Botts L.L.P. - Austin, TX</p>

<p>9:30 am 0.50 hr</p>	<p>Complex Technology and Intellectual Property Transactions</p> <p>Technology transactions have unique issues, considerations and uses. Analyze issues central to the success or failure of a technology transaction involving a continuing supply of goods or services, and review some often-overlooked issues such as client considerations, economics of the deal, vendor incentives, performance criteria, use of milestones, trade-offs, termination, transition provisions, technological separation, as well as the risks involved with termination.</p> <p>Jonathan Lass, Jackson Walker L.L.P. - Austin, TX Bob Robinson, Shields Legal Group - Addison, TX</p>
<p>10:00 am</p>	<p>Break</p>
<p>10:15 am 0.50 hr</p>	<p>What's New with Crowdfunding: The Texas State Securities Board Takes Action</p> <p>Review recent developments in crowdfunding with a focus on the changes to the Texas Securities Act and the implications of such changes from a legal and business perspective.</p> <p>J. Robert Suffoletta, Wilson Sonsini Goodrich & Rosati, P.C. - Austin, TX Hall T. Martin, Texas Entrepreneur Networks - Austin, TX</p>
<p>10:45 am 1.00 hr</p>	<p>M&A: Spin-outs and Carve-outs</p> <p>Explore unique challenges that arise in spin-out and carve-out transactions, including key issues faced by buyers and sellers, disposition and licensing of intellectual property (including patents, trademarks, know-how, and software), transfer and continued performance of key contracts, dealing with personal data, and performance of integration and transition services.</p> <p>Moderator: John P. Brockland, Weil, Gotshal & Manges LLP - Redwood Shores, CA Panelists: Samantha Hale Crispin, Baker Botts L.L.P. - Dallas, TX John D. Holmes, Freescale Semiconductor - Austin, TX Keith E. Witek, Advanced Micro Devices, Inc. - Austin, TX</p>
<p>11:45 am In Austin Only</p>	<p>Pick Up Lunch (in Austin)</p> <p>Included in registration.</p>

Friday Afternoon, May 22, 2015

Presiding Officer:

Bart W. Huffman, Locke Lord LLP - Austin, TX

LUNCHEON PRESENTATION

<p>12:05 pm 1.00 hr ethics</p>	<p>Better to Ask Forgiveness than Ask Permission? Tech Startups and Disruptive Business Models</p> <p>From the sharing economy to digital money, much of the business action in tech now involves innovation in highly-regulated industries—with products and services that may not fit into long-established rules. How do we navigate the legal and ethical issues when the business runs into a direct conflict with existing law, but management wants to press ahead?</p> <p>Moderator: Christopher T. Brown, Attorney at Law, PLLC - Austin, TX</p> <p>Panelists: Melissa Frugé, HomeAway - Austin, TX Adam Goldman, Capitol Partners Consulting - Austin, TX John C. Ricci, Green Dot Corporation - Pasadena, CA Thomas H. Watkins, Husch Blackwell LLP - Austin, TX</p>
<p>1:05 pm</p>	<p>Break</p>
<p>1:20 pm 0.50 hr</p>	<p>Copyright Update: Digital Media Streaming Issues</p> <p>Will the 2015 “Copyright and the Music Marketplace” recommendations from the U.S. Copyright Office resolve or create more issues related to the streaming of music? Take a look at the current state of interactive versus non-interactive streaming, pending cases regarding digital streams of Pre-72 sound recordings, and whether or not the DMCA is working.</p> <p>Tamera H. Bennett, Bennett Law Office, PC - Lewisville, TX</p>
<p>1:50 pm 0.50 hr</p>	<p>Coffee Shop Office Blues: Legal Issues for a Mobile Workforce</p> <p>An overview of the legal issues implicated by today’s co-working, power-commuting, remote office-using mobile workforce, including IP ownership, company property protection, confidentiality preservation, and wage and hour concerns.</p> <p>Laura M. Merritt, Boulette Golden & Marin L.L.P. - Austin, TX</p>
<p>2:20 pm 0.75 hr 0.50 hr ethics</p>	<p>Protecting Trade Secrets While Hiring from the Competition</p> <p>Analyze the Texas Uniform Trade Secrets Act and its effect on theft of trade secret claims, with in-depth discussion of techniques for minimizing the likelihood of suit and maximizing the probability of success when hiring key talent from direct competitors. Explore the requirements of the Texas Disciplinary Rules of Professional Conduct as they relate to dealing with unrepresented and represented executives while they are still working for the competitor and during any litigation that ensues following their departure.</p> <p>Jason Boulette, Boulette Golden & Marin L.L.P. - Austin, TX</p>

3:05 pm
0.75 hr ethics

Ethics of eDiscovery

A discussion of best practices and ethical issues in handling electronic discovery during litigation. Judges share their philosophies concerning approaches to managing eDiscovery issues in their courts, including procedural issues, production disputes, noncooperation, noncompliance with court orders, proportionality, waiver, and use of special discovery masters. Hear recent developments in eDiscovery law, including legal holds, predictive coding, proportionality, discovery of social media and personal devices' data pursuant to BYOD policy, privilege preservation, sanctions, spoliation and obstruction. Gain practical insight on reducing unnecessary eDiscovery costs, best use of Rule 26 conferences, considerations in forms of production, and alternative review strategies in document-intensive cases.

Moderator:

Jonathan Lass, Jackson Walker L.L.P. - Austin, TX

Panelists:

Eric J. Mayer, Susman Godfrey LLP - Houston, TX

Hon. Robert L. Pitman, U.S. District Court, Western District of Texas - San Antonio, TX

Hon. Xavier Rodriguez, U.S. District Court, Western District of Texas - San Antonio, TX

Hon. Lee Yeakel, U.S. District Court, Western District of Texas - Austin, TX

3:50 pm

Adjourn