

36th Annual Technology Law Conference
May 25-26, 2023 • Four Seasons Hotel • Austin, TX
May 25-26, 2023 • Live Webcast

Thursday Morning, May 25, 2023

Presiding Officer:

Lisa E. Zolidis, NI - Austin, TX

7:30 am In Austin Only	Registration Opens Includes continental breakfast
8:30 am	Welcoming Remarks
8:40 am 1.00 hr	Advanced Licensing A review of licensing law developments, emerging issues raised by new technologies, and how these affect practitioners who draft and negotiate licenses. The presentation includes a special focus on licensing issues posed by AI technologies, Web 3 and the metaverse. Edward A. Cavazos, Pillsbury Winthrop Shaw Pittman LLP - Austin, TX Gavino Morin, Bluepoint Games - Austin, TX
9:40 am 1.00 hr 0.25 hr ethics	Key Trends in Private Company Mergers and Acquisitions A discussion of trends in private M&A deals including key negotiating points, developments in representation and warranty insurance, the role of an investment bank and related engagement letter terms and recent Delaware caselaw. Andy Smetana, Perkins Coie LLP - Austin, TX Jim Stone, Cascadia Capital - Seattle, WA J. Robert Suffoletta, Wilson Sonsini Goodrich & Rosati, P.C. - Austin, TX Corinna Ulrich, RealPage, Inc. - Richardson, TX
10:40 am	15-Minute Break
10:55 am 0.75 hr ethics	Ethics on the Edge Whether in-house or in private practice, technology lawyers increasingly find themselves counseling clients operating at or beyond the edge of what the law has contemplated—and sometimes with business models so “disruptive” they may even be illegal. Explore the ethics issues that come into play in such situations, through real-world examples of how experienced in-house lawyers have counseled their clients though high-risk innovation and legal uncertainty. Moderator: Christopher T. Brown, KASTNER/GRAVELLE LLP - Austin, TX Panelists: Cara Connolly, Reality Labs at Meta - Austin, TX Catherine Dawson, AffiniPay - Austin, TX

<p>11:40 am 0.50 hr</p>	<p>Websites: Privacy and ADA Litigation</p> <p>Survey of contemporary legal issues related to privacy and accessibility litigation involving websites.</p> <p>Shayne Henry, Kirkland & Ellis LLP - Austin, TX</p>
<p>12:10 pm In Austin Only</p>	<p>Pick Up Lunch</p>

Thursday Afternoon, May 25, 2023

Presiding Officer:

Elizabeth Rogers, Michael Best & Friedrich LLP - Austin, TX

LUNCHEON PRESENTATION

	<p>Thank You to Our Luncheon Sponsor Kirkland & Ellis</p> <p>KIRKLAND & ELLIS</p>
<p>12:30 pm 1.00 hr</p>	<p>Technology, Government Surveillance, and Public Trust</p> <p>Adam Klein, Strauss Center - Austin, TX</p>
<p>1:30 pm</p>	<p>15-Minute Break</p>
<p>1:45 pm 0.75 hr</p>	<p>Beyond IT Security: Legal and Cyber Security Considerations in the OT World</p> <p>Industrial Control Systems and Operational Technology have unique challenges and risks. Explore some of those risks from service disruption and data disclosure, as well as the legal and technical considerations and mitigations and some of the risk implications of emerging AI technology.</p> <p>Bart W. Huffman, Holland & Knight LLP - Houston, TX Serge Jorgensen, Sylint - Sarasota, FL</p>
<p>2:30 pm 1.00 hr</p>	<p>Hot Topics in Privacy Regulation</p> <p>Hear an update about privacy regulatory developments in the past year and review state laws that become effective in 2023. Also, hear an analysis of the proposed Texas Data Privacy and Security Act; regulatory progress in California and Colorado including a special mention of new privacy policy and opt-out signal requirements; notable federal and state enforcement actions; and an update on any new E.U.-U.S. data transfer requirements.</p> <p>Esther Chavez, Office of the Attorney General - Austin, TX Ashley Fischer, Tiff's Treats - Austin, TX Chelsea Kelleher, Michael Best - Denver, CO</p>

3:30 pm	10-Minute Break
3:40 pm 0.75 hr	<p>Marketing Tech in the Mayhem/ Cookie Crunching: Navigating the Complex World of Adtech and Martech</p> <p>Explore the complicated path to using technology that once maximized advertising and marketing values amid an increasingly complex regulatory environment where third-party cookies and profiling raises skepticism, California’s Sephora decision now demands that companies implement and honor Global Privacy Control, and even first-party cookies invite scrutiny. Also what the heck is a “zero-party” cookie, and is it good for me?</p> <p>Susan Hintze, Hintze Law - Seattle, WA K Royal, Crawford & Company - Scottsdale, AZ</p>
4:25 pm 0.75 hr 0.50 hr ethics	<p>Terms of Service: A Litigator's Perspective</p> <p>In an age of aggressive third-party data scraping and aggregation, this session explores the impact of a site’s terms of service on claims seeking injunctive relief, the relative merits of theories grounded in contract rather than the Computer Fraud and Abuse Act (CFAA), and the extent to which terms of service are capable of countering the trend in favor of open access to otherwise public information.</p> <p>Jason Boulette, Boulette Golden & Marin L.L.P. - Austin, TX</p>
5:10 pm	Adjourn
In Austin Only	<p>Reception (in Austin from 5:10 p.m. - 6:10 p.m.)</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p>

Friday Morning, May 26, 2023

Presiding Officer:

Aruna Ghatak-Roy, Advanced Micro Devices, Inc. - Austin, TX

7:30 am In Austin Only	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 0.75 hr 0.25 hr ethics	<p>Coexisting with Creative: Primer On Advertising Law</p> <p>“Advertising law” refers to the areas of the law that govern businesses’ communications to customers. Advertising law combines concepts from legal disciplines such as intellectual property, consumer protection, First Amendment, entertainment, communications, privacy and commercial transactions. In this presentation we introduce some of the primary legal concerns in advertising, including clearance, substantiation and special considerations for digital marketing and adtech.</p> <p>Craig C. Carpenter, BakerHostetler - Dallas, TX Aaron B. Goodman, BakerHostetler - Chicago, IL</p>

<p>9:15 am 1.00 hr</p>	<p>Open Source Best Practices and Recent Developments</p> <p>Open source licensing is now a core principle of technology and IP. A discussion of best practices on compliance and contributions, with practical tips for making your policies work in corporate settings, and new developments in the law and business of open source.</p> <p>Heather J. Meeker, Tech Law Partners and OSS Capital - Oakland, CA Suneet Gautam, Advanced Micro Devices, Inc. - Austin, TX</p>
<p>10:15 am</p>	<p>15-Minute Break</p>
<p>10:30 am 1.00 hr 0.50 hr ethics</p>	<p>Generative AI and the Ethics Involved</p> <p>We explore the complex intersection between the development and use of generative AI and the ethical considerations that arise as a result. Topics include ethical concerns surrounding the use of generative AI in healthcare, customer relationship management, and financial institutions, the potential biases that may be introduced into generative AI systems, and the need for transparency and accountability in the development and deployment of generative AI systems. We also discuss the potential benefits of generative AI, such as its ability to enhance creativity and innovation, and the role that regulation and governance can play in ensuring that these benefits are realized in an ethical and responsible way. This session provides a valuable opportunity to explore the various implications of generative AI and the ways in which it can impact society.</p> <p>Rajesh Damarapati, Digital Alpha Platforms - New York, NY Devika Kornbacher, Clifford Chance - New York, NY</p>
<p>11:30 am 0.75 hr</p>	<p>Fintech</p> <p>A review of non-core consumer lending from the prospective of a licensed money transmitter or service provider such as an incorporation service in context of neo-banking (or banking as a service) and financial product expansion. In addition, hear a discussion of the implications of FinCEN's new beneficial owners reporting rules with along some anecdotal comments surrounding the impetus of the new rules.</p> <p>Marilyn Barker, Law Office of Marilyn D. Barker - Washington, DC Courtney Hicks Dickey, ZenBusiness - Austin, TX</p>
<p>12:15 pm In Austin Only</p>	<p>Pick Up Lunch</p>

Friday Afternoon, May 26, 2023

Presiding Officer:

William D. Wiese, DuBois, Bryant & Campbell, L.L.P. - Austin, TX

LUNCHEON PRESENTATION

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<p>12:35 pm 0.75 hr</p>	<p>Recent Antitrust Tech Cases and Update on Non-Competes</p> <p>Cases against “Big Tech” continue to make headlines, and the antitrust agencies now are ramping up enforcement against non-compete clauses in the tech and the non-tech world. Explore how <i>Epic Games v. Apple Corp.</i> and other cases deal with issues such as platform sponsorship and maintenance, self-preferencing, two-sided markets, and fragmentation.</p> <p>Hill Wellford, Vinson & Elkins LLP - Washington, DC</p>
<p>1:20 pm</p>	<p>15-Minute Break</p>
<p>1:35 pm 0.75 hr</p>	<p>Common IP Pitfalls and How to Avoid Them</p> <p>We often see companies big and small make similar mistakes in protecting their IP. Review a top ten list of common IP mistakes and consider ways to avoid making them.</p> <p>Steve Borgman, Kilpatrick Townsend & Stockton LLP - Houston, TX Nik Sallie, Social-Impact Trademark Attorney - Austin, TX</p>
<p>2:20 pm 0.75 hr</p>	<p>Made in the U.S.A.? Considerations For Sourcing Technology in Today's Supply Chain</p> <p>Explore the legal and practical considerations for US-based companies with international reach. Hear a discussion of the risks and best practices when leveraging international supply chains (including overseas contractors) and when selling US goods and technology to overseas customers.</p> <p>Ben Cukerbaum, Gunderson Dettmer - Austin, TX Robert Melton, Jones & Spross PLLC - Austin, TX</p>
<p>3:05 pm 0.75 hr ethics</p>	<p>Social Media Hot Topics</p> <p>Should social media platforms be civilly liable for the content that their users post? Is the content moderation on platforms like Facebook and Twitter subject to statutes like those passed in Florida and Texas? Come hear the latest on these issues currently before the U.S. Supreme Court, as well as other cutting edge topics in social media - like service of process via social media and even NFTs, the evidentiary value of emoji and memes, and the limits on how lawyers can ethically respond to online criticism.</p> <p>John G. Browning, Spencer Fane / Faulkner Law School - Plano, TX</p>
<p>3:50 pm</p>	<p>Adjourn</p>