

32ND ANNUAL

TECHNOLOGY LAW CONFERENCE



May 23–24, 2019

Four Seasons Hotel ■ Austin, Texas

Live Webcast May 23–24

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THURSDAY MORNING, MAY 23, 2019

Presiding Officer:

**Jordan J. Herman, Baker Botts L.L.P.,
Austin, TX**

7:30 a.m. Registration Opens

Includes continental breakfast.

8:15 a.m. Welcoming Remarks

8:25 a.m. 1.00 hr

Advanced Licensing

Hear a review of key licensing law concepts and developments, including data licensing, unique challenges posed by AI and big data, licensing of characters and likeness, implied licensing and other cutting-edge topics.

Edward A. Cavazos, Pillsbury Winthrop Shaw Pittman LLP, Austin, TX

9:25 a.m. .75 hr

Delta Source - Open Source and Hybrid Licensing

In the midst of multi-billion dollar exits for open source software companies in 2018, emerging companies are pushing the envelope of what "open" means - Commons Clause, Server Sided Public License, and other variations are challenging existing open source models. Learn about the latest developments in software licensing and monetization of open source software development.

Heather J. Meeker, O'Melveny & Myers LLP and OSS Capital, Oakland, CA

10:10 a.m. Break

10:20 a.m. 1.00 hr

Copyright, Interfaces, and Implications of Oracle v. Google

Although the monumental *Oracle v. Google* litigation continues, the Federal Circuit's 2014 ruling on the copyrightability of interfaces has already upset previous understandings that underpin the software industry. Rather than revisit the complex details of the *Oracle v. Google* litigation, this session will review trends in copyright litigation relating to software interfaces, suggest practical tips for advising clients, and guess at where the next battlefields may emerge.

Fred von Lohmann, Attorney at Law, San Francisco, CA

11:20 a.m. .50 hr ethics

Evolving Ethics in the Application of AI

As AI application expands, the horizons of this issue do as well. Get a focused perspective on "human-machine teaming," including the ethical issues in this space.

Ben Herndon, U.S. Dept. of Treasury - Internal Revenue Service, Washington, DC

11:50 a.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

**J. Robert Suffoletta, Wilson Sonsini
Goodrich & Rosati, P.C.,
West Lake Hills, TX**

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LUNCHEON PRESENTATION

12:05 p.m. 1.00 hr | .25 hr ethics

Smart Cities: Privacy in the Public Sector

Cities are increasingly adopting emerging technology and implementing "Smart Cities" initiatives to improve services. These initiatives promise to increase the efficiency of city operations through sensors, cameras, and other internet-connected devices, but these initiatives carry many risks. Hear a discussion of the applicable legal and regulatory issues associated with these initiatives, especially with regard to privacy and cybersecurity.

Rhonda Collins, City of Atlanta, Atlanta, GA
Elaine Nicholson, City of Austin, Austin, TX

1:05 p.m. Break

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1:20 p.m. 1.00 hr ethics

Ethics on the Edge: Disruptive Technology and Compliance

In an age of accelerating change, technology-driven innovation keeps lawyers busy. How do you advise a client when their business model is so disruptive it tests the bounds of existing law? And what are the ethical considerations you must weigh to make sure you don't violate your own duties as a lawyer while helping your client meet its business objectives?

Moderator:

Christopher T. Brown, Attorney at Law, PLLC, Austin, TX

Panelist:

Courtney Hicks Dickey, Dosh, Inc., Austin, TX
Jose Valera, moovel North America, LLC, Austin, TX

2:20 p.m. .75 hr

The Latest Trends in Emerging Growth Financings

Review current trends and issues for early stage and late stage financings.

Alan Bickerstaff, Shearman & Sterling, Austin, TX

3:05 p.m. Break

3:15 p.m. 1.00 hr

Recent Developments in Private Company Mergers and Acquisitions

Discuss recent key developments in private company merger and acquisition transactions including trends in deal terms, use of deal insurance, and recent Delaware case-law. Hear the perspectives of internal counsel, corporate development and external M&A counsel.

Moderator:

J. Robert Suffoletta, Wilson Sonsini Goodrich & Rosati, P.C., West Lake Hills, TX

Panelists:

J. Matthew Lyons, Shearman & Sterling, LLP, Austin, TX
Keith E. Witek, SiFive, Inc., Austin, TX

MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 14.25 hours, of which 3.50 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively approved provider (#179).

4:15 p.m. .75 hr ethics

The Use of Data Analytics In Employment Decision-Making

Explore the growing role of data analytics in traditional employment decision-making, the use of wearable and implantable technology to capture employee data, and the legal risks associated with same. The effects of real-time performance metrics and hyper-transparency on employee feedback models will also be discussed.

Jason Boulette, Boulette Golden & Marin L.L.P., Austin, TX

5:00 p.m. Adjourn to Reception

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5:00 p.m. – 6:00 p.m.

Join us for drinks and hors d'oeuvres with program faculty and attendees.

FRIDAY MORNING, MAY 24, 2019

Presiding Officer:

Michele B. Thompson, Law Office of Michele B. Thompson, Austin, TX

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. 1.00 hr

California and Other Privacy Law Developments in the Wake of GDPR

Review upcoming California Consumer Privacy Act requirements for covered businesses, discuss operational trade-offs in charting a compliance pathway for privacy, and discuss emerging privacy regimes both here in the US and internationally.

Jessica Cassidy Katz, Whole Foods Market, Austin, TX
Devika Kornbacher, Vinson & Elkins LLP, Houston, TX
Sooji Seo, Dell, Round Rock, TX

9:30 a.m. .75 hr

Global Trade Issues

An overview of relevant U.S. export controls and economic sanctions laws and regulations focused for lawyers working with technology companies. The presentation will cover international sales issues, implications with respect to non-U.S. employees and considerations in mergers and acquisitions.

David R. Johnson, Vinson & Elkins LLP, Washington, DC

10:15 a.m. Break

10:30 a.m. .75 hr

The TCPA: Still "Crazy" After All These (Seven) Years

The Texas Citizen's Participation Act (TCPA) is the latest mechanism that is being used to dismiss all kinds of lawsuits, including cases involving theft of trade secrets and violations of non-competition and non-solicitation agreements. And, these dismissals often come with a hefty attorneys' fee award for the other side. Discuss the background of the TCPA, review recent caselaw developments in both state and federal courts, and consider the TCPA's impact on commercial litigation in the future.

Shannon Hutcheson, Hutcheson | Bowers LLLP, Austin, TX
Hon. Lee Yeakel, U.S. District Court, Western District of Texas, Austin, TX
Hon. Scott K. Field, Butler Snow, LLP (Fmr. Justice, Third Court of Appeals), Austin, TX

11:15 a.m. .75 hr

Trade Secret Law: For Software IP Protections

Trade Secret law can be a potent weapon for protection of software. Recent cases such as *Epic v. Tata*, *Waymo v. Uber*, and *Amrock v. HouseCanary* have illustrated how powerful a strong contract clause can be in preventing, and providing remedies for, misappropriation of software inventions. Discover how to maximize trade secret protection for software.

Danielle Joy "DJ" Healey, Fish & Richardson P.C., Houston, TX

12:00 p.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer:

Robert L. King, Silicon Labs, Austin, TX

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LUNCHEON PRESENTATION

12:20 p.m. .75 hr

Convergence of Media, Entertainment, & Technology: Virtual & Augmented Reality

The media, entertainment and technology industries are converging, resulting in a dynamic environment for providers and consumers. Explore the legal considerations arising in connection with this convergence in the context of virtual and augmented reality content and technology.

Tammy Brandt, Dreamscape Immersive, Culver City, CA
Courtney S. York, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX

1:05 p.m. Break

1:20 p.m. .75 hr | .25 hr ethics

Cybersecurity Compliance Trends in 2019 - Why be concerned?

Over the last six months and into the next six months of this current Congress, there has been an increase in federal and state legislative activity surrounding consumer data privacy and protection. Meanwhile, the FTC has been busy in the background, testifying before house and senate subcommittees, to ask for more enforcement authority and the right to impose civil penalties. Whether all 50 states enact a consumer data privacy law or whether the federal government does so - and preempts them all - ultimately the FTC will likely remain the primary enforcement agency. Learn, from experts, about some basic steps that all in-house counsel can start taking to make their compliance program ready. Also discuss the most pressing developments from the perspective of legal risk and how to mitigate it. And, get key takeaways for how to operationalize the new requirements to meet business objectives.

James E. Elliott, Federal Trade Commission, Dallas, TX
Ryan Lobato, Exxon Mobil Corp., Houston, TX
Elizabeth Rogers, Michael Best & Friedrich LLP, Austin, TX

2:05 p.m. 1.00 hr | .50 hr ethics

Risk Allocation in Technology and Commercial Transactions

Discuss categories of risk (including commercial, performance, legal compliance, and cyber) for technology contracts. Hear the speakers draw from their experience to provide guidance and practice tips on the assessment and allocation of risk in limitations-of-liability, indemnities, and various other contractual provisions, as well as some related considerations regarding insurance requirements. Also touch on self-help measures and internal process implications, and hear a high-level discussion of specific data and information systems risk implications under the PCI standards, HIPAA, NERC CIP, the California Privacy Protection Act, and the GDPR.

Bart W. Huffman, Reed Smith LLP, Houston, TX
Bert G. Kaminski, ServiceMax Inc., Pleasanton, CA

3:05 p.m. .75 hr | .25 hr ethics

Telehealth and Innovations in Technology

Explore how digital tools and innovations in technology are changing the traditional ways of delivering healthcare services. Hear a discussion on the innovations and uses of digital and mobile apps, the benefits and risks of their use, cybersecurity and other operational issues including approaches for evaluation, selection, and testing of new technologies.

Moderator:
Lisa Clark, Duane Morris LLP, Philadelphia, PA

Panelists:
Mellie Price, Dell Medical School at The University of Texas, Austin, TX
Julian L. Rivera, Husch Blackwell LLP, Austin, TX

3:50 p.m. Adjourn

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- Individual registration by Wednesday, May 15 \$695
 Individual registration after Wednesday, May 15. \$745

Printed Course Binder – Available Through Wednesday, May 15

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- Printed Course Binder (8.25% sales tax included) \$37.89
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Including government employees and nonprofits. Include a Tax-Exempt Certificate with order.

Dietary Restrictions (Lunch) – Available Through Wednesday, May 15

Please note food requests will be relayed to the service provider, but please note we cannot guarantee accommodation.

- Vegetarian Vegan Dairy Free Gluten Free None

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Includes Electronic Course Binder Download (PDF) in Your Briefcase. Please contact customer service for information regarding printed binder availability.

- Individual registration \$645

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May 23–24, 2019

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512.685.8100**Special Room Rate: \$299**
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(subject to availability)**Parking:**\$16 daily self-parking; \$18 valet
\$35 overnight self or valet
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