

# 36<sup>TH</sup> ANNUAL TECHNOLOGY LAW CONFERENCE



May 25–26, 2023

Four Seasons Hotel ■ Austin, Texas

 Live Webcast May 25–26

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36<sup>TH</sup> ANNUAL  
**TECHNOLOGY LAW CONFERENCE**

May 25–26, 2023 ■ Four Seasons Hotel ■ Austin, Texas

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*Times listed are in Central Time*

**THURSDAY MORNING, MAY 25, 2023**

**Presiding Officer:**

Lisa E. Zolidis, NI, Austin, TX

**7:30 a.m. Registration Opens**

Includes continental breakfast

**8:30 a.m. Welcoming Remarks**

**8:40 a.m. 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 a.m. 1.00 hr | .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 a.m. 15-Minute Break**

**M  
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E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 14.00 hours, of which 3.00 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 (#169).

**10:55 a.m. .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. This panel explores the ethics issues that come into play in such situations, through real-world examples of how experienced in-house lawyers have counseled their clients through 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

**11:40 a.m. .50 hr**

**Websites: Privacy and ADA Litigation**

Survey of contemporary legal issues related to privacy and accessibility litigation involving websites.

Shayne Henry, Kirkland & Ellis LLP, Austin, TX

**12:10 p.m. Pick Up Lunch**

Included in registration.

**THURSDAY AFTERNOON**

**Presiding Officer:**

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

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**LUNCHEON PRESENTATION**

**12:30 p.m. 1.00 hr**

**Technology, Government Surveillance, and Public Trust**

Adam Klein, Strauss Center, Austin, TX

**1:30 p.m. 15-Minute Break**

**1:45 p.m. .75 hr**

**Beyond IT Security: Legal and Cyber Security Considerations in the OT World**

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.

Bart W. Huffman, Holland & Knight LLP, Houston, TX  
Serge Jorgensen, Sylint, Sarasota, FL

**2:30 p.m. 1.00 hr**

**Hot Topics in Privacy Regulation**

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.

Esther Chavez, Office of the Attorney General, Austin, TX  
Ashley Fischer, Tiff's Treats, Austin, TX  
Chelsea Kelleher, Michael Best, Denver, CO

**3:30 p.m. 10-Minute Break**

**3:40 p.m. .75 hr**

**Marketing Tech in the Mayhem/ Cookie Crunching: Navigating the Complex World of Adtech and Martech**

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?

Susan Hintze, Hintze Law, Seattle, WA  
Mell Lucia, Dell Technologies, Round Rock, TX  
K Royal, Outschool, Phoenix, AZ

4:25 p.m. .75 hr | .50 hr ethics

### Terms of Service A Litigators Perspective

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.

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

5:10 p.m. Adjourn to Reception

## FRIDAY MORNING, MAY 26, 2023

### Presiding Officer:

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

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .75 hr | .25 hr ethics

### Coexisting with Creative: Primer On Advertising Law

"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.

Craig C. Carpenter, BakerHostetler - Dallas, TX  
Aaron B. Goodman, BakerHostetler, Chicago, IL

9:15 a.m. 1.00 hr

### Open Source Best Practices and Recent Developments

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.

Heather J. Meeker, Tech Law Partners and OSS Capital, Oakland, CA  
Suneet Gautam, Advanced Micro Devices, Inc., Austin, TX

10:15 a.m. 15-Minute Break

10:30 a.m. 1.00 hr | .50 hr ethics

### Generative AI and the Ethics Involved

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.

**Moderator:**  
Devika Kornbacher, Clifford Chance, New York, NY

**Panelists:**  
Speaker TBD  
Speaker TBD

11:30 a.m. .75 hr

### Fintech

A review of non-core consumer lending from the perspective 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 on the implications of FinCEN's new beneficial owners reporting rules with along some anecdotal comments surrounding the impetus of the new rules.

Marilyn Barker, Law Office of Marilyn D. Barker, Washington, DC  
Courtney Stout, ZenBusiness, Austin, TX

12:15 p.m. Pick Up Lunch

Included in registration.

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## FRIDAY AFTERNOON

### Presiding Officer:

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

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### LUNCHEON PRESENTATION

12:35 p.m. .75 hr

### Recent Antitrust Tech Cases and Update on Non-Competes

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 *Epic Games v. Apple Corp.* and other cases deal with issues such as platform sponsorship and maintenance, self-preferencing, two-sided markets, and fragmentation.

Hill Wellford, Vinson & Elkins LLP, Washington, DC

1:20 p.m. 15-Minute Break

1:35 p.m. .75 hr

### Common IP Pitfalls and How to Avoid Them

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.

**Moderator:**  
Steve Borgman, Kilpatrick Townsend & Stockton LLP, Houston, TX  
Nik Sallie, Nik Sallie, Trademark Attorney, Austin, TX

2:20 p.m. .75 hr

### Made in the U.S.A ? Considerations For Sourcing Technology in Today's Supply Chain

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.

Ben Cukerbaum, Gunderson Dettmer, Austin, TX  
Robert Melton, Jones & Spross PLLC, Austin, TX

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3:05 p.m.

.75 hr ethics

### Social Media Hot Topics

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.

John G. Browning, Spencer Fane/Faulkner Law School, Plano, TX

3:50 p.m.

Adjourn



UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements. Following the event, registrants will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.

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Questions? 512.475.6700

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*Please note that the printed binder will arrive 2–3 weeks after the scheduled webcast. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.*

Printed and Shipped Course Binder . . . . . \$70.36 (\$65\*)

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*Register for the in-person conference and add on the webcast format for attendance flexibility.*

Webcast Add-on . . . . . \$75

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May 25–26, 2023

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512.685.8100 (Reservations)

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#### Parking:

\$22 daily self-parking, \$24 daily valet,  
\$59 overnight valet  
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**May 17, 2023**

*Last day for early registration rates*

**May 19, 2023**

*Last day for full refund cancellation*

**May 22, 2023**

*Last day for partial refund cancellation*  
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**May 25, 2023, 8:30 a.m., CT**

*Conference begins*

**May 26, 2023**

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