

INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

Perspectives • Analysis • Visionary Ideas

PATENT VENUE
LANDSCAPE MAY CHANGE



TOP FRANCHISE CASES
OF 2016



SUPREME COURT CORNER



FOURTH ANNUAL GLOBAL
IP SYMPOSIUM



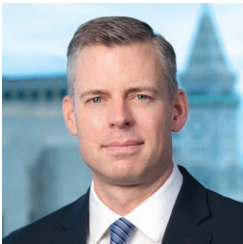
ARTIFICIAL INTELLIGENCE

Is it patent-eligible?

Q1

EDITOR'S COLUMN

26



Ric Flaggert
Partner
Intellectual Property
and Technology

A new year is upon us, bringing swift and deliberate change, uncertainty and myriad paradigm shifts in the political and social landscape. It is fitting, then, that intellectual property practice should reflect these shifts as it seeks elegant, efficient solutions to complex issues old and new. The concerns we address in this issue can each be expected to have both immediate and lasting impact on legal approach and business strategy.

In our feature article, Larissa Park examines the protection of artificial intelligence, diving deep past the threshold issue of patentability to review the challenges arising from recent case law, consider the effect of these cases on the market and ponder resulting strategic considerations.

The place of the Eastern District of Texas in the IP community is by now so connected with patent litigation that it is hard to consider one absent the other. This connection now faces a serious challenge, as Michael Strapp details in his consideration of *TC Heartland*, in which the US Supreme Court will consider the proper interpretation of the patent venue statute – the very heart of the district's place in the patent jurisdictional world.

Franchise cases continue to burn bright as we present highlights from DLA Piper's industry webinar offerings, focusing on cases involving joint employer misclassification. In our Supreme Court Corner, we highlight the protectability of cheerleading clothing designs in an analysis of the "useful article" doctrine in copyright as well as a challenge to the Lanham Act's disparagement clause under the First Amendment.

We believe these thoughtful analyses will prove useful to your business strategies in the year to come. We hope you agree.

richard.flaggert@dlapiper.com

Intellectual Property and Technology News is published in the North America, Asia Pacific and EMEA regions. Find all current and past editions of the IPT News here: www.dlapiper.com/ipt_news/. To subscribe to this complimentary publication, please email your contact information to IPTnews@dlapiper.com.

You are receiving this communication because you are a valued client, former client or friend of DLA Piper and you have requested to receive this information. The information contained in this newsletter is for informational purposes only and should not be construed as legal advice on any matter and does not create any attorney-client relationship between you and DLA Piper. Further, any description of past successes or comparisons does not guarantee future results. To unsubscribe from this mailing list, send an email to communications@dlapiper.com or send your written request to: DLA Piper, Attention: Marketing Department, 401 B Street, Suite 1700, San Diego, CA 92101-4297, USA. Copyright © 2017 DLA Piper LLP (US), DLA Piper UK LLP and other affiliated entities. For questions, comments and suggestions, email us at IPNews@dlapiper.com or contact Diane Vislisel, Senior Marketing Manager, T +1 619 699 3541, diane.vislisel@dlapiper.com. Global Co-Chair and US Co-Chair – Intellectual Property and Technology, John Allcock, T +1 619 699 2828, john.allcock@dlapiper.com. Editor in Chief, Richard Flaggert, T +1 617 406 6026, richard.flaggert@dlapiper.com. Director, Intellectual Property and Technology, Licia Vaughn, T +1 619 699 2997, licia.vaughn@dlapiper.com. DLA Piper LLP (US), 401 B Street, Suite 1700, San Diego, California 92101-4297, USA. | MRS000075149

WTR 1000: The World's Leading Trademark Professionals 2017 has named 26 DLA Piper lawyers from nine countries to its list of top trademark professionals. WTR identifies these leading professionals through an exhaustive research process interviewing hundreds of lawyers around the world, highlighting only "individuals that are deemed outstanding in this critical area of practice."

DLA Piper's IP practice has grown significantly over the past few years, with an emphasis on collaboration across jurisdictions and showcasing the team's sector experience. Our team's global reach and local knowledge allows us to service multinational clients cost-effectively and seamlessly across borders.

DLA Piper Italy's Annamaria Algieri and DLA Piper Canada's Ronald Dimock and Sangeetha Punniyamoorthy, and the United Kingdom's Désirée Fields and John Wilks are new additions to the DLA Piper list, demonstrating the firm's growing coverage in the competitive trademark scene.

Our team is committed to global IP thought leadership, such as *Law à la Mode*, a global fashion industry publication; ReMarks, our global IP blog; our international IP webinar series; our EU Trademark Reform website, which provides clients (both current and prospective) with information on all aspects of the new reform; and our focus on advertising and marketing, including our forthcoming prize promotions online resource. All this has contributed to the team's success and acknowledgement as leading trademark professionals.

DLA PIPER LAWYERS RANKED AMONG WORLD'S LEADING TRADEMARK PRACTITIONERS



Annamaria Algieri
Italy



Pavel Arieovich
Russia



Chris Bennett
Canada



Edward Chatterton
China



Ronald Dimock
Canada



Gualtiero Dragotti
Italy



Gina Durham
United States



Mark I. Feldman
United States



Désirée Fields
United Kingdom



Ann Ford
United States



Darius Gambino
United States



Ruth Hoy
United Kingdom



Natalia Kirichenko
Ukraine



Horace Lam
China



Simon Levine
United Kingdom



Michael Malloy
Russia



Christina L. Martini
United States



Keith W. Medansky
United States



Niels Mulder
Netherlands



Sangeetha
Punniyamoorthy
Canada



Paul Reeskamp
Netherlands



Chris Tulley
United Kingdom



Melinda Upton
Australia



Roberto Valenti
Italy



John Wilks
United Kingdom



Thomas E. Zutic
United States

FAREWELL —AND— WELCOME

The first, and only, management job I've ever had in my life was here, heading the IPT group at DLA Piper, starting in 2005. And my responsibilities have happily included writing these columns every quarter for the *IPT News*.



John Allcock
Partner
Global Co-Chair and
US Co-Chair, Intellectual
Property and Technology

As of March 31, 2017, I turn my US role over to Frank Ryan, who will lead our US IPT group and will take over this space. I look forward to continuing on as Global Co-Chair of IPT.

It has been a total blast. And I am extraordinarily grateful – grateful for the opportunity to have played some small role in helping the group grow and prosper over the last decade, grateful to the firm leaders who took a chance on a rookie when they gave me the job (and then their successors who kept me on), and most of all, grateful for the subgroup leaders who have done all the hard work all these years and for each and every partner, associate and staff member who has worked in the group. Thank you all for all that you have done. Teamwork and a high degree of camaraderie have been a hallmark of this group – and it is a major reason for our success.

I am not going anywhere. I still have a passion for trying cases, for playing whatever small role I can in helping younger folks learn the art which is at risk of becoming endangered, and to continue to work in other ways at building something of value which will hopefully leave DLA Piper a little better than it was when I came to it. I will continue to work in all those ways.

Frank inherits a tremendous team of subgroup leaders and a tremendous group of people. In his capable hands, I know the group will continue to grow and improve. Please join me in welcoming him to his new role.

john.allcock@dlapiper.com

SUPREME COURT CORNER

CASES WE ARE WATCHING

STAR ATHLETICA V. VARSITY BRANDS

COPYRIGHT – Decided: March 22, 2017

Held: An artistic feature of the design of a useful article is eligible for copyright protection if the feature (1) can be perceived as a two- or three-dimensional work of art separate from the useful article; and (2) would qualify as a protectable pictorial, graphic or sculptural work either on its own or in some other medium if imagined separately from the useful article.

Respondent Varsity Brands is a manufacturer and distributor of cheerleading and dance-team uniforms. Varsity designs its uniforms by creating two-dimensional design concept sketches on paper, including chevrons, lines, curves and other designs, and has registered copyrights. After Star Athletica entered the cheerleading uniform market in 2010, Varsity sued Star Athletica for infringing its registered copyrights in its two-dimensional drawings and photographs.

The Copyright Act protects “the design of a useful article...if, and only to the extent that, such design incorporates pictorial, graphic, or sculptural features that can be identified separately from, and are capable of existing independently of, the utilitarian aspects of the article.” 17 U.S.C. § 101. The district court found Varsity did not have copyright protection for its two-dimensional design drawings because the designs could not be severed, physically or conceptually, from the utilitarian function of the uniforms. The Sixth Circuit reversed, finding the design was separate and distinct from the garments’ utilitarian functions of “cover[ing] the body, wick[ing] away moisture, and withstand[ing] the rigors of athletic movements.”

The Supreme Court (6-2) held copyright protection exists in a feature of the design of a useful article when, “identified and imagined apart from the useful article, it would qualify as a pictorial, graphic or sculptural work either on its own or when fixed in some other tangible medium.” Applying this test, the Court held that the “two-dimensional work of art” embodied in the arrangement of colors, shapes, stripes and chevrons on the uniforms’ surface is entitled to copyright protection because it is (1) capable of being separated from the cheerleading uniforms and (2) protectable when separated. The Court emphasized that, by contrast, the shape, cut and dimensions of the uniform itself are not eligible for copyright protection.

Partner Stan Panikowski, based in San Diego, focuses on IP, antitrust, appeals and other areas of business litigation. Reach him at stanley.panikowski@dlapiper.com.

Associate Brian Biggs, based in Wilmington, Delaware, represents clients across many technical fields in patent litigation. Reach him at brian.biggs@dlapiper.com.

SCA HYGIENE PRODS. AB V. FIRST QUALITY PRODS. LLC

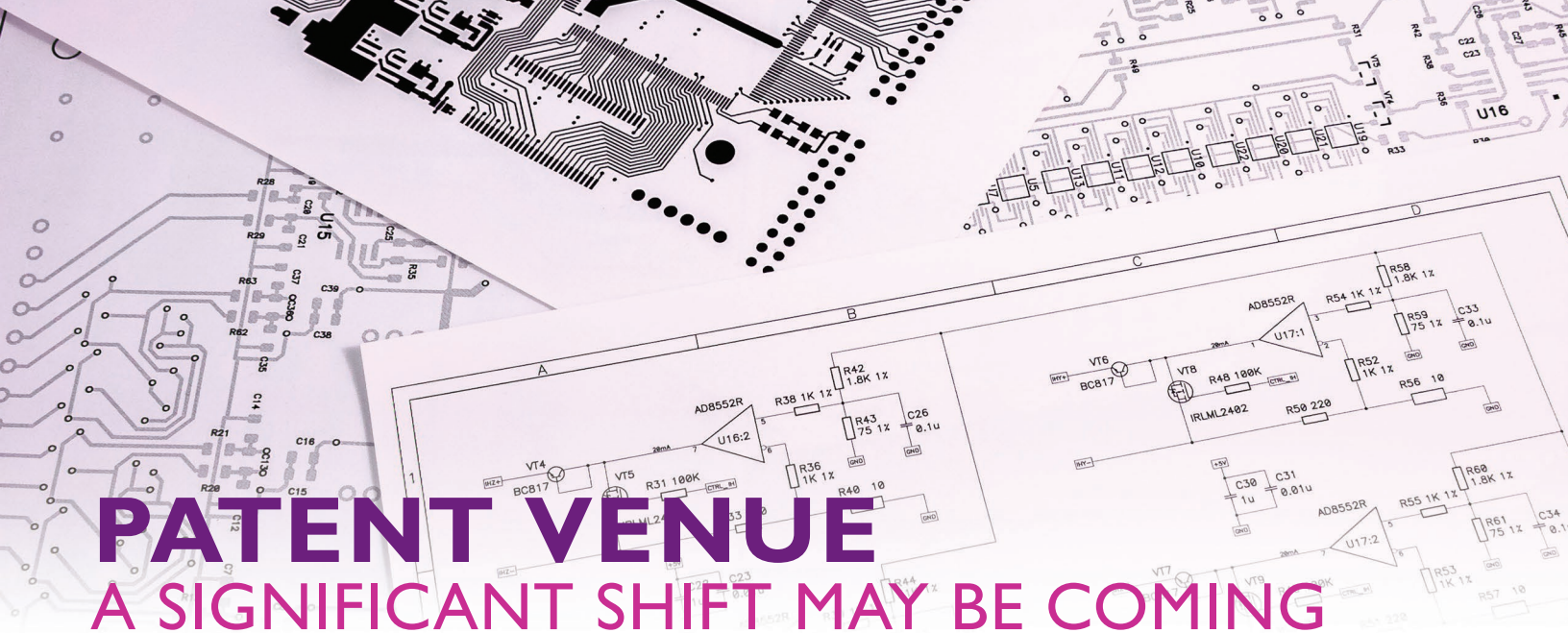
PATENT – Decided: March 21, 2017

Held: The equitable defense of laches cannot bar monetary damages that accrue within the Patent Act’s six-year limitations period (35 U.S.C. § 286).

Laches is an equitable defense that can bar equitable remedies when (1) a plaintiff has unreasonably delayed filing suit and (2) the delay caused prejudice to the defendant. Courts have applied the defense to limit the availability of monetary remedies in patent infringement cases.

In 2014, the Supreme Court faced a similar issue in the copyright context. *Petrella v. Metro-Goldwyn-Mayer, Inc.*, 572 U.S. ___ (2014). In that case, the Court held that laches cannot bar legal relief because the Copyright Act includes a three-year limitation period on damages, but laches may be available to bar an equitable remedy such as an injunction.

The Court (7-1) applied the same reasoning to the Patent Act and held laches inapplicable to bar monetary damages. Section 282 of the Patent Act lists specific defenses to a patent infringement action, and section 286 sets forth a statutory limitations period of six years for monetary remedies. The Court interpreted section 286 of the Patent Act to allow a six-year damages period subject to the defenses listed in section 282, which do not include laches. Without express statutory authority, the Court followed its general rule that laches cannot be invoked to bar damages within a statutory limitations period.



PATENT VENUE

A SIGNIFICANT SHIFT MAY BE COMING

BY MICHAEL STRAPP

This year in *TC Heartland v. Kraft Foods*, the Supreme Court is poised to decide a patent venue lawsuit that could dramatically alter the landscape of US patent litigation. Currently, the Eastern District of Texas is extremely popular among patent enforcers. In fact, an incredible 36.7 percent of all patent cases in 2016 were filed in the Eastern District of Texas, even though it is home to only 1.2 percent of the US population.¹ Between 2014 and mid-2016, Judge Rodney Gilstrap of Marshall, Texas, was assigned 3,166 new patent cases, more than the combined total of cases assigned to all district court judges in California, Florida and New York.

Most patent cases in the Eastern District of Texas are filed by non-practicing entities, which lack a principal place of business and have the flexibility to form a company and file suit wherever they deem most advantageous.

Non-practicing entities choose to litigate in Eastern Texas because cases have early discovery deadlines and proceed to trial quickly, placing greater pressure on defendants to settle.² Judges in the Eastern District are disproportionately unlikely to grant motions to transfer³ and motions for summary judgment of non-infringement or invalidity,⁴ and, when cases do get to trial, East Texas juries are disproportionately likely to side with patentees.⁵

Many companies sued for patent infringement in the Eastern District are not incorporated in Texas and have no established place of business there. Nonetheless, the Federal Circuit Court of Appeals, interpreting patent venue statute 28 U.S.C. § 1400(b), and general venue statute 28 U.S.C. § 1391, has held that jurisdiction for patent suits is proper in any federal district in which the accused product is sold.⁶

On December 14, 2016, the Supreme Court granted a petition for a writ of certiorari to scrutinize the Federal Circuit's expansive approach to patent jurisdiction. The Court will decide whether the patent venue statute, which provides that patent infringement actions "may be brought in the judicial district where the defendant resides[.]" is the sole and exclusive provision governing venue in patent infringement actions, or whether it may be supplemented by the statute governing venue generally, which has long contained a subsection that, where applicable, deems a corporate entity to reside in multiple judicial districts.⁷

The petitioner, TC Heartland, argues that this question was already answered by the Supreme Court in *Fourco Glass Co. v. Transmirra Products Corp.*, 353 U.S. 222 (1957), where the Court held that "§ 1400(b) is the sole and exclusive provision controlling venue in patent infringement actions, and that it is not to be supplemented by the provisions of 28 U.S.C. § 1391(c)."⁸ The respondent, Kraft Foods, contends that the Federal Circuit correctly decided that venue in patent infringement cases should be governed by the expansive provisions of the general venue statute because of amendments to that statute made after the Court's *Fourco* decision. In particular, Kraft Foods points to amendments made to the general venue statute in 1988 and 2011, expanding the definition of corporate residence, and applying that definition "for purposes of venue under this chapter," which includes the patent venue statute at § 1400(b).⁹

If the Supreme Court decides that the patent venue statute is the sole and exclusive provision controlling venue in patent infringement lawsuits, the impact on forum shopping in patent cases will likely be immediate and dramatic. Such a decision would mean that a company could only be sued for patent infringement either in the judicial district where the company is incorporated or where the company has allegedly committed acts of infringement and has a regular and established place of business.

1. Data on population from 2010 US Census. Data on percentage of patent cases filed in EDTX from LexMachina.
2. Data from Love, Brian J. and Yoon, James C., "Predictably Expensive: A Critical Look at Patent Litigation in the Eastern District of Texas" (September 21, 2016), Santa Clara Univ. Legal Studies Research Paper No. 11-16, at p. 11-13, 19-22.
3. *Id.* at 14-15.
4. *Id.* at 15-16.
5. *Id.* at 16-17.
6. *In re TC Heartland, LLC*, 821 F.3d 1338, 1341-42 (Fed. Cir. 2016).
7. See *TC Heartland, LLC*, Petition for Writ of Certiorari (September 12, 2016).
8. *Id.* at 229.
9. See Kraft Response to Petition for Writ.

Partner Michael Strapp, based in Boston, has nearly 15 years of experience in IP litigation and licensing disputes. You may reach him at michael.strapp@dlapiper.com.

ARTIFICIAL INTELLIGENCE

BY LARISSA PARK



Patentability of an Interface between the Human Brain and a Computer

These days, the tech community is focusing on artificial intelligence. Major Silicon Valley tech companies are rolling out their own AI projects – Elon Musk and Sam Altman, for example, recently created a venture called OpenAI, a nonprofit artificial intelligence research company.

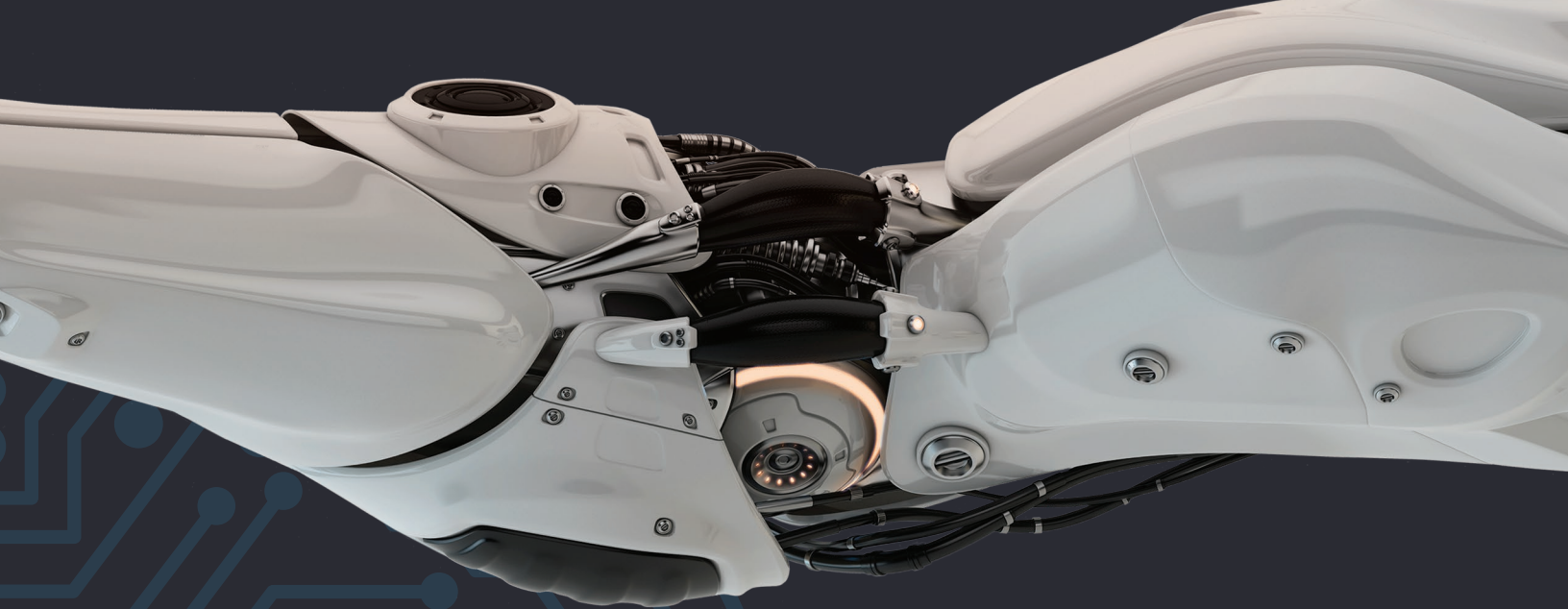
Artificial intelligence is intelligence exhibited by machines, particularly computers. Over the past century, development of AI has focused on creating and programming computers to do the work of humans better and faster. Examples include voice recognition software, machine learning, and neural networks. Moving forward, however, developments may focus on the interface between a human brain and a computer.

Science fiction? Maybe, but Elon Musk noted in a June 2016 interview at Code Conference 2016 that the next step in AI is a “neural lace”: a digital, high-bandwidth neural interface allowing interaction between the human brain and a computer.

If this is the future of AI, is it patent-eligible? The answer lies in the language of the claims. Drafted appropriately, these types of inventions can indeed be patent-eligible.

The advent of *Mayo*, *Bilski*, and *Alice* means that AI, because it involves software, has increasingly become more difficult to patent. The Supreme Court laid out the framework for patentability of computer methods in *Alice Corp. v CLS Bank* as a two-part test in view of *Mayo Collaborative v Prometheus Labs*:

1. Determine whether the claims are directed to a patent-ineligible concept
2. Determine whether the claim’s elements, both individually and in combination, transform the claims into a patent-eligible application. A patent-ineligible concept includes a law of nature, a natural phenomenon, or an abstract idea



At some level, all software can be viewed as abstract ideas, thereby failing the first prong of the *Alice/Mayo* inquiry. However, in 2016, the Federal Circuit breathed some life back into software patents. With decisions like *Enfish*, the Federal Circuit has been willing to not categorically find software to be an abstract idea, holding that the database patents at issue were not directed to an abstract idea (step 1 in the *Alice/Mayo* framework), but rather to improvements in computer operations. The Court looked at the specification, which describes advantages of a database consisting of a single table, resulting in faster search times and smaller memory requirements.

New types of AI devices would likely have several aspects available for claiming, among them:

1. An implantable medical device that can stimulate and record neural activity
2. Software to control the device and the brain
3. Methods for treating neurological dysfunctions

With respect to the first aspect, implantable medical devices would be articles of manufacture and patentable subject matter. The device itself would be treated like a pacemaker or stent.

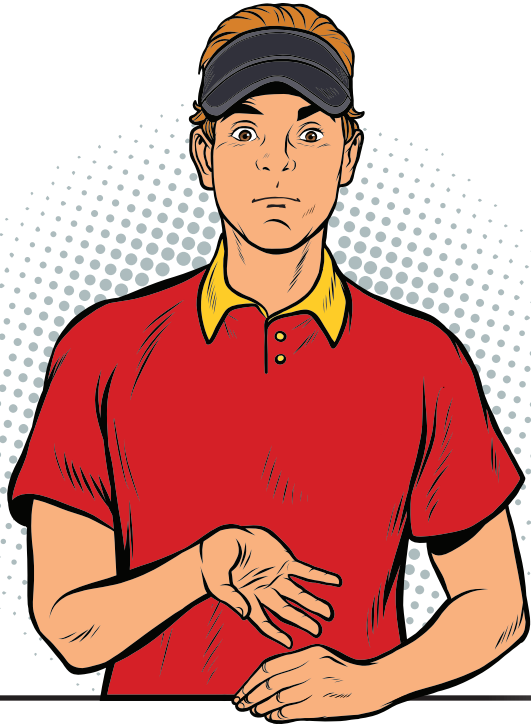
What about software controlling a device implanted in a patient's brain and serving as a conduit to the patient's thoughts and expressions? Under current case law, this software could be considered patentable if it is not an abstract idea, or, if an abstract idea, the claim elements transform the claims into a patent-eligible application. Accordingly, if the claim is drafted to recite technical advances in the software that permit the device to operate and interact with the human brain, this type of software could be patentable. However, if the claims recite standard computer operations, it likely would not be.

Also, these types of inventions could encounter issues on both the *Mayo* and *Alice* sides of eligibility. The claim could encompass biological processes that are controlled or directed by the software in the device. For example, if the software can emulate a biological process – for example, human eyesight – that function could be considered unpatentable subject matter because it reflects all three issues: naturally occurring, a law of nature, and an abstract idea. Or it could be that the creation of eyesight by a human-implantable device, controlled by a software algorithm, is viewed in the same way as the genetically modified bacterium in *Diamond v. Chakrabarty*, and therefore is patent eligible. Finally, drafted poorly and found to encompass human brain functions, the claim could implicate the AIA prohibition on patenting claims directed to or encompassing a human organism.

The third item concerns claims regarding methods of treatment of neurological disorders, such as epilepsy, using an implantable electrical device. Such claims are permissible in the US. Accordingly, this could be an avenue to pursue for patent protection.

This landscape is evolving, and the final patentability determination will rest in the claim language. Focusing claims on subject matter clearly within the patentability standards should alleviate patentability issues. However, when claiming the algorithm used to interact with the brain, the claims will need to be carefully drafted to sidestep the current subject matter issues facing life sciences and software patents.

Larissa Park, a partner and based in Boston, works with clients in diverse industries nationally and internationally on patent and other IP strategy, counseling, prosecution and litigation in the US Patent and Trademark Office and federal courts. Reach her at larissa.park@dlapiper.com.



TOP FRANCHISE CASES OF 2016

DLA Piper IPT partners Barry Heller, John Verhey and John Hughes recently conducted a webinar reviewing 2016's top franchise decisions. Two particularly stand out.

Ochoa v. McDonald's Corp.

Joint employer and employee misclassification claims remained hot in franchising throughout 2016. In *Ochoa v. McDonald's Corp.*,¹ the US District Court for the Northern District of California certified a class of more than 800 current and former employees of a McDonald's franchisee to pursue wage, overtime, meal period and rest break, maintenance-of-uniform, and wage statement claims against McDonald's and an affiliate. In September 2015, the court had entered summary judgment in favor of McDonald's on *direct* liability as a joint employer, but held that there were issues of fact regarding whether McDonald's might be *indirectly* liable as a joint employer if the franchisee was its ostensible agent.

In opposing the plaintiffs' motion to certify a class, McDonald's argued ostensible agency

is incapable of being determined on a class-wide basis because it involves individualized questions of personal belief and reasonable reliance. The court rejected this argument, finding plaintiffs had tendered "substantial and largely undisputed evidence that the putative class was exposed to conduct in common that would make proof of ostensible agency practical and fair on a class basis," including that plaintiffs were required to wear McDonald's uniforms; packaged food in McDonald's boxes; received paystubs, orientation materials, schedules and time punch reports all marked with the McDonald's name and logo; applied for a job through the McDonald's website; and "spent every work day in a restaurant heavily branded with [the] McDonald's trademarks and name." This evidence, said the court, was sufficient

to support the inference that class members reasonably believed the franchisee was an agent of McDonald's.

In July 2016, McDonald's filed for leave to appeal the decision to the Ninth Circuit, arguing that the district court's reliance on "ubiquitous features of every franchise arrangement" could lead to every class properly certified against an individual franchisee being "*automatically*" certified against the franchisor. McDonald's eventually settled the lawsuit for \$3.75 million. Notably, on January 5, 2017, the Northern District of California refused to certify similar ostensible agency claims brought against McDonald's in *Salazar v. McDonald's Corp.*,² holding that while there is no general bar to certifying claims involving ostensible agency theories, the experience of the putative class members was too varied.

Partner Barry Heller, based in Washington, DC, and Northern Virginia, concentrates on franchise litigation and arbitration throughout the US and internationally. Reach him at barry.heller@dlapiper.com.

Partner John Verhey, based in Chicago, is a commercial litigator with an emphasis on franchise and distribution matters. Reach him at john.verhey@dlapiper.com.

Partner John Hughes, based in Chicago, is a commercial litigator who concentrates on franchise litigation in forums throughout the US. Reach him at john.hughes@dlapiper.com.

Former FCC attorney Edward “Smitty” Smith joins DLA Piper in Washington, DC

Edward “Smitty” Smith has joined our growing Telecommunications practice, part of the firm’s global Intellectual Property and Technology practice, as a partner in the Washington, DC, office.

Smith, the sixth addition to the practice in recent months, brings extensive knowledge of the US Federal Communications Commission. Most recently, he served as FCC Chairman Tom Wheeler’s legal advisor for wireless telecommunications, engineering and technology and consumer issues. Previously, he was chief of staff and senior counsel of the FCC’s Incentive Auction Task Force, a multibillion-dollar radio spectrum allocation project.

Before joining the FCC, Smith was Special Advisor at the US Department of Commerce’s National Telecommunications and Information Administration, where he launched the State Broadband Data and Development Grant Program, a US\$350 million program to improve the quality of broadband data nationwide. He also helped lead the agency’s Broadband Technology Opportunities Program, a US\$4.7 billion effort to extend services to rural and underserved areas, and helped provide financial assistance to low-income families transitioning from analog to digital television.

Smith will focus on telecom matters and advise on issues in the wireless, broadband and satellite sectors.

Learn more about Smith at: dlapiper.com/edward_smith



Williams v. Jani-King of Philadelphia, Inc.

In *Williams v. Jani-King of Philadelphia, Inc.*,³ a sharply divided 2-1 decision, the Third Circuit Court of Appeals affirmed the grant of class certification against commercial cleaning franchisor Jani-King in a case alleging franchisees were misclassified under Pennsylvania law as independent contractors rather than Jani-King employees. The court identified a multifactor test for assessing classification and said that, under this test, the “paramount” factor was the **right to control** the manner in which the work is accomplished, with the right to control being more significant than actual control. The Third Circuit held that documentary evidence alone could be sufficient to resolve the multifactor employment status test and ruled that the franchisee classification issues were susceptible to class-wide determination through common evidence. Plaintiffs pointed to specific provisions in the franchise agreement and manuals to show Jani-King had the ability to control the manner in which franchisees perform their day-to-day tasks.

The Third Circuit refused to reach the merits of whether the controls in the franchise agreement and manuals made Jani-King the employer of its franchisees. The dissent strongly disagreed, stating that “[f]ranchising constitutes a bedrock of the American economy” and that the “the majority’s opinion threatens the viability of this basic economic bedrock.” The dissent said the majority’s opinion could lead to class action litigation against other franchisors and could be cited to support the proposition that franchise system controls may themselves give rise to an employer-employee relationship.

Jani-King’s petition for rehearing and rehearing *en banc* was denied.

1. 2016 WL 3648550 (N.D. Cal. July 7, 2016).

2. Case No. 3:14-cv-02096-RS.

3. No. 15-2049, 2016 WL 5111920 (3rd Cir. Sept. 21, 2016).





DLA PIPER HOLDS **FOURTH ANNUAL GLOBAL IP SYMPOSIUM IN JAPAN**

In October 2016, our Intellectual Property and Technology group hosted the fourth annual Global IP Symposium in Osaka and Tokyo.



Attendees enjoy networking at the symposium reception

The symposium kicked off with a first-day program on October 18 in Osaka. On October 20, the second day of the symposium took place, this time in Tokyo. In total, over 150 attendees from more than 100 Japanese companies participated in the event.

More than 50 of these guests attended the program in Osaka, including in-house counsel from companies such as Otsuka Pharmaceutical Co., Kawasaki Heavy Industries, Kubota Corporation, DAIKIN INDUSTRIES, Toray Industries, Inc. and Funai Electric Co. The program was co-produced with Fukami Patent Office and Daiichi Law Office.

At the Osaka program, Paul Steadman (Chicago) discussed the Defend Trade Secrets Act of 2016. Matthew Satchwell (Chicago) discussed unpatentability under Section 101 of the Patent Act, while Steven Park (Atlanta) explored legal developments affecting patent licensing. Finally, Richard Bonnar (London) analyzed Brexit and its consequences for multinationals that do business in the EU and in Britain. The symposium concluded with a panel discussion led by Daiichi and Fukami Patent Office, reviewing case law in the last 10 years of the pro-patent era in Japan.

The half-day Tokyo program and reception drew more than 100 guests, including in-house counsel from companies such as DENSO, Fuji Film, Hitachi, Nikon, Olympus, Panasonic, Sony, Subaru, TDK and Toshiba.

In Tokyo, in addition to the above-referenced presentations, Shuzo Maruyama (Chicago) moderated a discussion with special guest speaker Masahiro Samejima, award-winning author, co-founder and partner, attorney (Bengoshi) and patent attorney (Benrishi), Uchida & Samejima Law Firm (Tokyo), on the theories of patent strategy, including a Q&A session with the audience. Guests also enjoyed a networking reception after the program, where they were able to meet with the DLA Piper presenters and Mr. Samejima.



Attendees learn more about global intellectual property laws



Steven Park discusses patent licensing



Richard Bonnar speaks on Brexit implications for Japanese corporations



Matthew Satchwell presents on Section 101 of the Patent Act



Paul Steadman presents on the Defend Trade Secrets Act of 2016



Dan Christenbury welcomes symposium guests



Attendees enjoy a reception following the program



IPT NEWS IS GOING DIGITAL

Beginning with our Q3 issue, we will be converting to digital delivery.
IPT News will only be delivered via email to subscribers.

To keep receiving *IPT News* directly, kindly provide your email address here:
www.dlapiper.com/newslettersubscription

And, while you are there, please see the other complimentary sector and practice focused publications available to you. We look forward to seeing you online.