

29TH ANNUAL
TECHNOLOGY LAW CONFERENCE



May 26–27, 2016
Four Seasons Hotel ■ Austin, Texas

 [Live Webcast on May 26–27](#)

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TECHNOLOGY LAW CONFERENCE
 May 26–27, 2016 ■ Four Seasons Hotel ■ Austin, Texas

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THURSDAY MORNING, MAY 26, 2016

Presiding Officer:

**Bart W. Huffman, Locke Lord Edwards,
 Austin, TX**

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .50 hr

Protecting Your Technology Post-Alice?

The *Alice* case has reestablished Section 101 as a real test of patent validity and scope. How does this case change a company's strategy toward patent acquisition and valuation? Do portfolios need to be reevaluated or reorganized? Do filing targets and budgets need to be reevaluated?

Kevin J. Meek, Baker Botts, Austin, TX

9:00 a.m. .75 hr

Open Source Software Licensing Compliance in the Age of Community and Containers

A look at the latest developments in open source community compliance initiatives, as well as trends in technology that present new challenges for compliance initiatives.

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

9:45 a.m. .50 hr

Understanding Dispute Resolution Options in Technology Agreements

A discussion of key strategies for determining the best options for your technology agreement, including a look at the types of ADR in domestic and international disputes, treaty obligations applicable to litigation and ADR, and model ADR clauses.

David J. Healey, Fish & Richardson P.C., Houston, TX

10:15 a.m. Break

**M
C
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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 14.50 hours, of which 3.25 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).

10:30 a.m. 1.00 hr

The Evolving U.S. and E.U. Privacy Framework

Explore the E.U. and U.S. approaches to addressing the need to provide national security while maintaining privacy protections for individuals, examining international data transfer protections including the end of Safe Harbor and the creation of Privacy Shield.

Lisa E. Zolidis, Dell, Round Rock, TX
 Speaker TBD

11:30 a.m. .75 hr ethics

The Ethics of Using of Big Data

Traditional legal compliance just doesn't cut it for governing big data processes. Data is re-purposed for uses beyond expectations. The Federal Trade Commission is concerned with hidden discrimination. Privacy regulators are concerned with secret outcomes. To be acceptable, the process needs to be legal, fair, and just—how can companies meet these expectations?

Martin Abrams, The Information Accountability Foundation, Plano, TX

12:15 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

**Gavin D. George, Haynes and Boone, LLP,
 Dallas, TX**

LUNCHEON PRESENTATION

12:35 p.m. .50 hr | .25 hr ethics

Data Mining and Democracy: The Use of Technology and Data for Political Activities

Marci Harris, POPVOX, San Francisco, CA

1:05 p.m. Break

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

eHealth: Where Are We Now?

Explore recent trends arising from the intersection of technology and health care, including the use of telemedicine/telehealth, wearable health technology, mobile medical apps, and a review of current data sharing issues and how health data can be shared among payors, providers, and employers, and for what purposes.

Jennifer L. Rangel, Locke Lord Edwards, Austin, TX

2:05 p.m. .75 hr

Recent Developments in Cybersecurity Law and Policy

An overview of recent developments in cybersecurity law and policy, including executive branch initiatives and regulatory efforts, with a focus on the recently-enacted Cybersecurity Information Sharing Act of 2015—the result of several years of debate about how Congress should address cybersecurity issues.

Jonathan W. Gannon, AT&T Services, Inc.,
 Columbia, MD

2:50 p.m. Break

3:00 p.m. 1.00 hr

Development and Testing of Incident Response Plans

Across industries, the threat of increasingly inevitable—and devastating—data breaches has increasingly become a Board of Directors concern. Learn critical best practices to consider adopting—and key pitfalls to avoid—in conducting proactive data breach response planning, including identifying critical vulnerabilities, assembling an effective incident response team, defining training exercises that will prepare the response team to mobilize when crises hit, and addressing legal and regulatory requirements and risks.

Moderator:

Christopher M. Koa, Dorsey & Whitney, Seattle, WA

Panelists:

Bill F. Odom, EY, Houston, TX

R. Jason Straight, UnitedLex Corp., New York, NY

Luke Tenery, Kroll, Chicago, IL

4:00 p.m. .75 hr | .50 hr ethics

Cyber Risk Management

Survey the current cyber threat landscape and explore ways to manage the related risks. Gain a view from the front lines of recent attacks along with tips on how to mitigate the risks and manage a crisis should a company become a victim.

Gerard M. Stegmaier, Goodwin Procter LLP,
 Washington, DC

Robert Wallace, Mandiant, Dallas, TX

4:45 p.m. .75 hr | .50 hr ethics

Technology Law from the Bench

This panel discusses technology, eDiscovery, and information governance best practices as they occur in federal litigation specifically from the view of the bench. Topics include recent developments in eDiscovery law, including legal holds, cost-shifting, proportionality, privilege preservation, and sanctions; and judicial approaches to managing eDiscovery, including procedural issues, production disputes, noncooperation, noncompliance with court orders, production and privilege issues, proportionality, privilege waiver, and use of special discovery masters, with a focus on the December 2015 amendments to the Federal Rules of Civil Procedure.

Moderator:

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

Panelists:

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

5:30 p.m. Adjourn

NETWORKING RECEPTION

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5:30 p.m. – 6:30 p.m.

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

FRIDAY MORNING, MAY 27, 2016

Presiding Officer:

Shelayne Clemmer, Prichard Hawkins & Young, LLP, San Antonio, TX

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. 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
Keith E. Witek, Tesla Motors, Austin, TX

9:30 a.m. 1.00 hr

Protecting Trademarks and Copyrights Online: Perspectives and Strategies from In-House and Outside Counsel

For many companies and other IP owners, trademark and copyright issues involving domain names, websites, online marketplaces, and social media platforms continue to account for a significant amount of legal spend and effort, especially as infringements may occur across the globe and IP owners receive backlash in the media and on social networks. Trademark and copyright owners need to develop strategies to determine how and when to protect their IP. Examine recent legal developments in this area, and hear practical discussion and tips on these topics from both in-house and outside counsel perspectives.

Alicia Morris Groos, Norton Rose Fulbright, Austin, TX
Sanjiv Sarwate, Dell, Round Rock, TX

10:30 a.m. Break

10:45 a.m. .75 hr

The Case of the Moonlighting Employee

When your company's employee creates IP for the competitor, who owns it? Hear litigation options as well as state-of-the-art agreements for such a scenario and learn how employers can best protect themselves when they discover that their employee has been secretly competing while on the company payroll.

Allison L. Bowers, Hutcheson | Bowers LLLP, Austin, TX
Brenna Holmes Nava, Rackspace Hosting, Inc., San Antonio, TX

11:30 a.m. .75 hr | .25 hr ethics

Working for the App

Explore the effects of the sharing economy on the traditional employment model as companies use technology to connect providers and end-users in novel ways, and employees increasingly view themselves as individual entrepreneurs with their own business aspirations. Understand more about the scope and limitations of the employee-vs.-contractor classification system, the use of arbitration agreements as a response to judicial second-guessing, the scope of an employee's fiduciary duty, the ownership of employee inventions, and some of the potential consequences associated with replacing the traditional employment model with individually-defined, market-driven, peer-to-peer business relationships.

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

12:15 p.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer:
Presiding Officer TBD

LUNCHEON PRESENTATION

12:35 p.m. .50 hr

Algorithmic Liability: Robots, Drones, Trolleys, and More

Bryant Walker Smith, University of South Carolina School of Law, Columbia, SC

1:05 p.m. Break

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

The Social Media Economy

Learn how IP assets, including patents, trade secrets, data, content, and media, are being bought, sold, licensed, and monetized (and best practices for doing so), reviewing relevant, current transactions.

Adam A. Berry, Twitter, Inc., San Francisco, CA
Stephen E. Stein, Thompson & Knight LLP, Dallas, TX

2:05 p.m. .75 hr

Taking a Company Public: Key Legal and Business Considerations

Review the new initial public offering (IPO) playbook four years after the JOBS Act, with special attention to the confidential submission process, use of testing the waters communications, and the typical IPO timeline. Explore key issues regarding the decision whether to go public, trends in employee compensation for companies going public, and due diligence considerations involving IP matters.

Rob Horton, MuleSoft, San Francisco, CA
J. Robert Suffoletta, Wilson Sonsini Goodrich & Rosati, P.C., Austin, TX

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

Key Issues in Corporate Transactions: Lessons Learned from Select Delaware Cases

Discuss lessons learned from select Delaware cases of particular relevance to emerging companies, and explore strategies for satisfying fiduciary and contractual obligations to common and preferred stockholders with divergent interests, binding selling stockholders to indemnification and other obligations desired by the buyer in a sales process, balancing the fiduciary obligations of designated directors with the demands of the designating stockholder, preserving the target's attorney-client privilege with respect to pre-closing communication, and insulating sellers from liability for extra-contractual statements made during the due diligence process.

Moderator:
Wilson Chu, McDermott Will & Emery, Dallas, TX

Panelists:
Margot Carter, Living Mountain Capital LLC, Dallas, TX
Lisa R. Stark, K&L Gates LLP, Wilmington, DE

3:50 p.m. Adjourn

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AUSTIN

May 26–27, 2016

CONFERENCE LOCATION



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 98 San Jacinto Boulevard
 Austin, Texas
 512.685.8100

Special Room Rate: \$259
 good through April 24
 (subject to availability)

Parking:
 \$12 daily self-parking; \$16 valet
 \$32.50 overnight self or valet
 (subject to change)

KEY DATES

May 18, 2016

last day for early registration
 add \$50 for registrations
 received after this time

May 20, 2016

last day for cancellation (full refund)

May 23, 2016

last day for cancellation (partial refund)
 \$50 processing fee applied

May 26, 2016, 8:20 a.m.

Conference begins

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- Advanced licensing—learn practical negotiation and drafting strategies, including key clauses in light of recent developments
- Open source software licensing and developments in compliance initiatives
- *The Evolving U.S. and EU Privacy Framework*, with insight from Dell and BP International
- Ethical issues involved in the use and regulation of big data, as well as the intersection of data mining and political activities
- Cybersecurity—recent legal and regulatory developments, tips for developing and testing incident response plans, and best practices for cyber risk management
- A look at how technology is changing the employee-employer relationship—agreements for protecting yourself from the “moonlighting employee,” as well as the evolving difference between employees and “end-users” when *Working for the App*
- *Key Issues in Corporate Transactions*, plus legal and business considerations for taking a company public
- A panel of U.S. District Court Judges discuss current issues in technology law and best practices as they occur in federal litigation