



2022 Stampede – Session Details and Speaker Biographies

May 10, 2022, Royal Sonesta Minneapolis Downtown
(35 South 7th Street, Minneapolis, MN 55402)

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The Copyright Claims Board: What, When and How

The Copyright Alternative in Small-Claims Enforcement Act of 2020 (CASE Act) established the Copyright Claims Board (CCB), a three-member tribunal of copyright experts, formed to resolve certain copyright disputes that involve monetary claims of up to \$30,000. Hear one of the three CCB Officers speak about what the Board is, what it hopes to accomplish, where the Board is in the process of setting up operations, the benefits of proceeding before the Board, and what people should know in helping clients navigate the Board's procedures (whether with or without an attorney).

- **Brad Newberg, Copyright Claims Officer**

Brad Newberg is one of the inaugural Copyright Claims Officers of the recently established, and soon to launch, three-member tribunal known as the Copyright Claims Board. Housed at the Library of Congress, the Copyright Claims Board is virtual, but national in scope. Before joining the Board, Brad most recently led the copyright and trademark litigation practice at McGuireWoods. Over the past twenty-plus years, he has served as lead counsel in well over a hundred copyright matters, appearing before federal trial and appellate courts across the country. Brad often counseled clients on cutting-edge legal issues and, additionally, he has handled numerous copyright-focused transactional and licensing matters. In 2017, the National Law Journal honored Brad by naming him an Intellectual Property Trailblazer. Brad holds a JD from the University of Pennsylvania Law School as well as a BA in economics from Penn's College of Arts & Sciences and a BS from its Wharton School of Business.

Select Comfort v. Baxter: The 8th Circuit Gets Comfortable with Initial Interest Confusion

Initial interest confusion has been a controversial trademark infringement doctrine over the last three decades. In 2021, the 8th Circuit decided to adopt initial interest confusion as a type of confusion that can form the basis for a trademark infringement claim. The questions now are: What constitutes initial interest confusion? How do you prove initial interest confusion? When in the consumer buying process does initial interest confusion occur? And when is it OK to use a competitor's keyword in online ad purchases, if at all? We will discuss all of these questions and more about this evolving area of law.

- **Stephen Baird, Greenberg Traurig, LLP**

Steve Baird is an Intellectual Property and Technology Shareholder in Greenberg Traurig's Minneapolis office. Steve works with clients to address their most difficult trademark problems. He provides strategic guidance on trademark usage and clearance, branding strategies, domestic and worldwide portfolio management, litigation and enforcement, internet domain name and trademark disputes, licensing, and prosecution. His trademark and brand protection work has gained notoriety for the protection and registration of nontraditional trademarks, product configuration trademarks, and trade dress and product packaging trademarks.

Patent Prosecution Automation: A Review of Patent Drafting and Proofing Tools

This presentation will address potential benefits of using automation tools for patent drafting and prosecution. There will be a review of common patent application errors that drafting and proofing tools can avoid. Potential time and cost savings when drafting patent applications will be assessed. Different types of patent drafting/proofing tools will be compared and contrasted. Moreover, tips will be provided for incorporating these tools into patent prosecution processes.

- **Dan Pauly & Kiersten Idzorek, Pauly, DeVries Smith & Deffner, LLC**

Dan Pauly is a founding partner at Pauly, DeVries Smith & Deffner, LLC. He brings an entrepreneurial focus and energy to his clients, providing intellectual property guidance to innovators ranging from early-stage ventures to large companies and has extensive experience implementing IP strategies for technologies such as medical devices, polymer coatings, filters, and 3D printing. Dan has seen how the IP industry continues to evolve and is committed to being at the forefront of industry trends. Dan helps train the next generation of patent attorneys as adjunct professor of Patent Law the University of St. Thomas Law School.

Kiersten Idzorek is an attorney at Pauly, DeVries Smith & Deffner, LLC. Specializing in patent prosecution, she leverages her chemical background to help clients protect their innovations relating to technologies ranging from medical devices and material sciences to food science and manufacturing. As a new attorney, she is interested in the future of patent prosecution and has tested many of the available automation tools that have been

developed for the field. Additionally, Kiersten coaches the University of St. Thomas School of Law Intellectual Property Moot Court team and creates connections in the IP community as chair of the University of St. Thomas IP and Data Privacy Alumni committee.

The Future of Trademark Practice Under the Trademark Modernization Act

The Trademark Modernization Act of 2020 (“TMA”) went into effect in late December 2021. We will discuss from a practical standpoint how the TMA has impacted US trademark practice at the USPTO, TTAB, and in the courts, as well as how the TMA has modified filing and enforcement strategies for clients.

- **Martha Engel & Alex Farrell, Best & Flanagan LLP**

Martha Engel is a partner and registered patent attorney at Best & Flanagan where she focuses on intellectual property, M&A, and general corporate advice. She was named an Up & Coming Attorney by Minnesota Lawyer for her work representing a world-renowned brewery in a trademark dispute with Chicago’s Field Museum. Prior to joining the firm, Martha served as General Counsel and a member of the Executive Management Board at Anteris Technologies. She earned her B.S. in Mechanical Engineering from Marquette University and her JD from William Mitchell College of Law.

Alex Farrell is a partner and registered patent attorney practicing litigation, PTAB, and TTAB matters at Best & Flanagan. Alex has litigated cases throughout the United States including patent jury trials, and multiple appellate courts. Alex has represented clients in a variety of technical areas including software, medical device, mechanical, and genetic testing. Alex’s experience also includes a variety of trade secret and copyright matters in several jurisdictions in the United States. Alex is a graduate of Drake University and William Mitchell College of Law.

Updates from PTAB

Learn about recent developments at the Patent Trial and Appeal Board (PTAB) from its Vice Chief Judge. Topics will include a discussion of the Director review process, the PTAB Pro Bono program, fast-track appeals, the latest appeal and trial statistics, and more.

- **Hon. Melissa Haapala, Vice Chief Judge, U.S. Patent & Trademark Office Patent Trial & Appeal Board**

The Honorable Melissa A. Haapala was appointed as Vice Chief Administrative Patent Judge to the Patent Trial and Appeal Board (PTAB) on September 27, 2021. Judge Haapala was appointed as an Administrative Patent Judge on November 17, 2014 and has served as a Senior Lead Administrative Patent Judge and a Lead Administrative Patent Judge. In addition to her executive management and supervisory responsibilities, Judge Haapala has presided over numerous *inter partes* reviews under the America Invents Act (AIA) and heard hundreds of appeals from adverse decisions of examiners in patent applications. Prior to joining PTAB, she worked as a staff software engineer for

Storage Technology, practiced at several law firms, served as Senior Counsel at Sun Microsystems, and as Assistant General Counsel at Ricoh. Vice Chief Administrative Patent Judge Haapala earned a law degree from the University of Denver College of Law, a Master of Science degree in Computer Information Systems, Management of Technology from Regis University, and a Bachelor of Science degree in Applied Mathematics from the University of Colorado. She is also the mother of three boys.

Inequitable Conduct Lives! Refresher and Update - *Ethics*

This presentation will provide information of use to old pros and new practitioners. The speakers will provide an overview of the ethical obligations of patent prosecution practice as well as the substantive law of inequitable conduct and related disciplinary matters, including several recent cases finding inequitable conduct despite the barriers created in 2011 by *Therasense*. It will also provide practical procedures and practices to avoid creating a record that leads to inequitable conduct and for more compact prosecution.

- **Warren Woessner & David Black - Schwegman, Lundberg, Woessner, P.A.**

Warren Woessner is a founding principal of Schwegman, Lundberg & Woessner, P.A.. His practice focuses on the life sciences including pharmaceuticals, methods of medical treatment and diagnostics. He has been active in ALPIA for many years and chaired both the biotechnology and chemical practice committees are served on the Amicus Committee. He is a fellow of the organization and a member of the Board of the Foundation for the Advancement of Diversity in IP law.

David Black is a principal at Schwegman Lundberg & Woessner, P.A. His practice is focused on patent prosecution for complex technologies, portfolio analysis, IP counseling and IP strategy formation. With a background in electrical engineering, David works primarily in the medical device space. For many years, he has held leadership responsibilities in the European Practice Committee of the IPO. In time away from the office, David enjoys piloting a vintage airplane, driving an old British roadster, tending a small orchard, and watching his three young adult children blossom in their career paths.

Customs and Border Protection Recordation: Another Tool for Protecting IP

This session will discuss recording Trademarks and Copyrights with Customs and Border Protection (CBP). Learn practice tips as well as the benefit of having CBP aid in stopping the importation of counterfeit goods, as well as benefits of recording rights with customs in foreign countries.

- **Amanda Prose & Z. Peter Sawicki, Westman, Champlin & Koehler, P.A.**

Amanda Prose is a patent attorney at Westman, Champlin & Koehler, P.A. in Minneapolis. She also assists clients in various trademark and copyright matters.

Z. Peter Sawicki is a patent attorney and shareholder at Westman, Champlin & Koehler, P.A. in Minneapolis. Z. Peter co-authors a monthly column for Attorney at Law Magazine—Minnesota covering various intellectual property topics, including patents, trademarks, copyrights, licensing, and enforcement.