



**19th Symposium on Emerging Intellectual Property Issues:
Intellectual Property and the Business of Innovations**

February 24, 2023

Please join the SMU Dedman School of Law for a symposium exploring the latest major controversies, legal developments, and judicial decisions in the field of intellectual property, through panel presentations and discussions with distinguished academics, jurists, and practitioners. This year, our symposium explores the relationship between intellectual property and the business of innovations. Panels will discuss trademarks and copyrights in the metaverse and video games, how organizations manage the innovation process and related strategic decisionmaking, and the impact of standard setting organizations, essential patents, and patent pools on innovation and intellectual property licensing and litigation.

8:15—9:30 **Breakfast Buffet**
Underwood Law Library Lobby, Ground Level

9:30 **Opening Remarks**
Hillcrest Classroom, Underwood Law Library

Jason P. Nance, Judge James Noel Dean and Professor of Law

David O. Taylor, Co-Director of the Tsai Center for Law, Science and Innovation and Professor of Law, SMU Dedman School of Law

9:30–10:30 **Trademarks and Copyrights in the Metaverse and Video Games**
Hillcrest Classroom, Underwood Law Library

This panel will consider trademarks and copyrights in the metaverse—the virtual world accessible via the internet using virtual reality and augmented reality technologies—and video games more generally. Topics include copyright and trademark clearance, licensing, and dispute resolution, with particular attention to the copyright and trademark fair use doctrines and freedom of expression under the First Amendment.

Moderator: John M. Cone, Attorney, Ferguson Braswell Fraser Kubasta PC

Panelists: Lucas Osborn, Professor of Law, Campbell University Norman
Adrian Wiggins School of Law

Natalie A. Remien, Senior Counsel, Clark Hill PLC

Jeanette Zimmer, Senior Director-Trademark Counsel,
PepsiCo/FritoLay

10:30-10:45 **Break**

10:45-11:45 **Managing the Innovation Process within a Business**

Hillcrest Classroom, Underwood Law Library

This panel will discuss how businesses manage the innovation process. Topics will include how to identify protectable inventions and trade secrets, metrics used to analyze whether to move forward with patent applications or to maintain trade secrecy, decisionmaking related to maintaining and enforcing existing intellectual property, and how to monitor intellectual property of competitors.

Moderator: David W. Carstens, Partner, Carstens, Allen & Gourley, LLP

Panelists: Alex Bridge, Counsel, Patents, Hewlett Packard Enterprise

Paul Daniels, Jr., Founder, Peripheral Thinkers

Joe Etheridge, Chief Technology Officer, Encino Environmental Services, LLC

11:45-12:00 **Break**

12:00-1:00 **Lunch and Keynote Presentation:**
An Interview with the Honorable Rodney Gilstrap

Karcher Auditorium, Storey Hall

In this interview, Chief Judge Gilstrap will discuss how businesses litigate patent cases in his court, including infringement cases but also breach of contracts cases involving patents, including patents subject to fair, reasonable, and non-discriminatory licensing obligations set by standard setting organizations.

Moderator: Erik Fountain, Senior Managing Associate, Sidley Austin LLP

Panelist: The Honorable Rodney Gilstrap, Chief Judge, U.S. District Court for the Eastern District of Texas

1:00-1:15 **Break**

1:15–2:15

SSOs, Essential Patents, and Patent Pools, Oh My!

Hillcrest Classroom, Underwood Law Library

This panel will consider modern ways in which businesses license patents. Topics will include the impact of standard setting organizations on innovation and intellectual property licensing and litigation; the laws governing and the ground rules set by standard setting organizations; fair, reasonable, and non-discriminatory licensing obligations; the role of the doctrine of good faith in policing licensing negotiations; and nontraditional mechanisms of licensing patents including patent pools.

Moderator: Niky Bagley, Managing Counsel, Toyota Motor North America

Panelists: Bernard Chao, Professor of Law, Co-Director, Intellectual Property and Technology Law Program, University of Denver Sturm College of Law

Byron Holz, Intellectual Property Rights Licensing Counsel,
Nokia

Luke McLeroy, Senior Vice President, Avanci, LLC

2:15

Closing Remarks

David O. Taylor, Co-Director of the Tsai Center for Law, Science and Innovation and Professor of Law, SMU Dedman School of Law

2:15–3:45

Networking Reception

Underwood Law Library Lobby

About the Tsai Center for Law, Science and Innovation

The Tsai Center for Law, Science and Innovation explores how law and policy affects scientific research and discovery as well as the development and commercialization of new technologies. The Tsai Center also studies the converse—how scientific discoveries and new technologies affect ethics, society, private industry, and governmental institutions and agencies. The Tsai Center offers educational programming, facilitates academic research, and provides educational opportunities in these areas to benefit students, industry, policymakers, academics, and the public.