

Rocky Mountain Intellectual Property & Technology Law Institute

Live: May 31 – June 1, 2018



Westin Hotel, Westminster, CO

2018 heralds a new era at the Institute, with new changes! It's a spiffed-up sedan!

- **NEW** – Skills-based, Experiential Track ... Patent Prosecution!
- **NEW** – In-house Counsel Track!
- **NEW** – CHPs and Solo Small Firm Breakfasts!

HERE ARE YOUR KEYS TO SUCCESS...



Sights Not to be Missed ...

- Plenary sessions featuring national speakers
- High ranking USPTO Officials sharing perspectives, and SPEs sharing tips
- The Law of Star Wars



The Roads and Streets on Which We Move ...

- 2018 Updates! USPTO, patent law, copyright law, trademarks/ TTAB, internet and mobile litigation, licensing, trade secrets, data privacy and security



Driving on the Other Side of the Road ...

- International Trademark Law and Unitary Patent in the EU with panelists from around the globe



Innovation That Drives the Future ...

- Technology! Connected privacy, IP practice in 2030, Cloud/SaaS, blockchain and cryptocurrency, Internet of Things, software patents, digital marketing



Best Ways to Merge ...

- Maximizing business value of patents, patent prosecution blunders, data privacy/security provisions in contracts



Winding Road Ahead ...

- Paparazzi! I-P-Razzi – Trademark, Publicity and Privacy
- Music ... and More!

PLUS – LOTS OF NETWORKING OPPORTUNITIES!

Submitted For 15 General Credits, Including Up To 3 Ethics Credits



DON'T MISS THE BEST IP CONFERENCE IN THE UNITED STATES!

Co-sponsored by the Intellectual Property Law Section of the Colorado Bar Association, Stanford Law School, Stanford Program in Law, Science and Technology, the Copyright Society of the USA, and the ABA Section of Intellectual Property Law, and in cooperation with the Rocky Mountain Regional Office of the U.S. Patent and Trademark Office

16TH ANNUAL

Rocky Mountain Intellectual Property & Technology Law Institute



WE ARE CELEBRATING SWEET 16!

What does that mean other than being synonymous with a license to drive? Join us and see why the **Rocky Mountain Intellectual Property & Technology Law Institute** is the best way to turbo-charge your IP practice! If you haven't attended before, this is your chance to "test drive" the **RMIPi**!

The **RMIPi** has an excellent record of bringing you the comprehensive coverage tour of important practice-area developments. You'll hear from, TTAB, PTO and Trademark officials, SPEs, and national practice and thought leaders.

The **RMIPi** will equip you with information on the latest developments in such areas as internet and mobile litigation, international IP, patent litigation, and privacy and data security.

At the **RMIPi**, you'll hear from leaders in the technology arena as to what's going on with Cloud/SaaS, blockchain and cryptocurrency, the Internet of Things, software patents, digital marketing, connected privacy, and the practice of IP law.

The **RMIPi** encourages you to kick the tires and take a spin at a variety of the networking opportunities, including great lunches, wine and beer receptions, and IP-After-Hours, with hundreds of your colleagues. NEW this year are ChIPS and Solo Small Firm Breakfasts and an In-House Counsel Track.

Spend two days in Denver, get to know your colleagues from around the nation and learn about all major developments in IP and tech law, at one of the nation's largest gatherings of IP and tech law professionals.

REGISTER ONLINE TODAY @ www.RMIPi.org



BONUS! Throughout the Institute, copies of *The Four: The Hidden DNA of Amazon, Apple, Facebook, and Google*, authored by NYU Stern School of Business Professor **Scott Galloway**, will be

randomly offered as Prizes. In this *New York Times* and *USA Today* Bestseller, Professor Galloway discusses the surprising reasons behind the success of these giants, and how to apply to your own careers the secrets to success of the four most influential companies on the planet.

SPECIAL THANKS to Baker Botts L.L.P., IP Book Club Sponsor, for making this Bestseller available for you!

May 31 – June 1, 2018

At the Westin Westminster Hotel

10600 Westminster Blvd., Westminster, CO

Submitted For 15 General Credits,
Including Up To 3 Ethics Credits

GET THE RMIPi MOBILE APP!

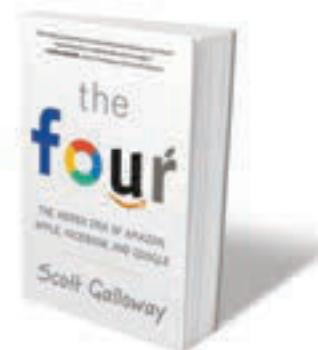
Be sure to download the **"CONVENE"** app to your smart device! Prior to the conference, you will receive an invite code that will grant you access to the **"16th Annual Rocky Mountain Intellectual Property & Technology Law Institute"** conference app.



Here is what you'll MISS if you don't download the APP:

- An easy reference guide to all of the sessions so you don't have to wonder where everything is happening
- Connecting with colleagues! Start conversations with colleagues who have also downloaded the APP

**NO NEED TO CARRY AROUND PAPER ...
IT'S ALL ON YOUR DEVICE!**



• NETWORKING OPPORTUNITIES •

3RD ANNUAL PTO DAY

4:00 - 6:00 pm, Wednesday, May 30, 2018 • USPTO Regional Office, 1961 Stout Street, Denver



Arrive early for the Institute, and meet **TTAB Chief Judge Gerard Rogers**, **Regional Director Molly Kocialski**, and **Patent Commissioner Drew Hirshfeld**, and learn about the Technology Centers that are located in the Rocky Mountain USPTO!!! Plus, tour the USPTO Rocky Mountain Regional Office, network with colleagues and enjoy appetizers and drinks. Don't miss this unique opportunity.

SPECIAL THANKS to the Intellectual Property Law Section of the Colorado Bar Association for sponsoring this event!

DENVER BREWERY WALKING TOUR – "Test Drive" Some Delicious Denver Craft Brews!

5:30 - 8:00 pm, Wednesday, May 30, 2018 • Distinctly Denver!

This was so popular (and fun) last year, we have to do it again! Join us for a 2 1/2 hour custom, private, guided walking tour of popular North Denver's Sunnyside and LoHi neighborhood and its excellent microbreweries.

The tour starts at Diebolt Brewing Company at 3855 Mariposa Street in Denver, where you will taste amazing craft beer and learn how unique handcrafted ales and lagers are made as you experience brew haven. Though the walk is short to each brewery, it provides a chance to learn about Denver and its craft beer scene. The tour is great for novices and experts alike. Included in the tour: Lots of great beer samples; behind the scenes tour of a brew house, visit 3 different breweries, AND build relationships with your fellow IP colleagues! Cost is \$36/person. **Spots are limited, so sign up early!**



3rd Annual IP AFTER-HOURS – FUEL UP!

5:30 - 7:30 pm, Thursday, May 31, 2018

Are you interested in meeting IP colleagues & networking in a small informal FUN group setting? IP After Hours with Mike & Molly is always a big hit at the Institute!

Mike Drumm, Colorado's Beer Attorney, and **Molly Kocialski**, USPTO Regional Director, will again be hosting the 3rd Annual IP After Hours. Put it on your calendar now! Meet in the lobby of the Westin Hotel for a short walk to Rock Bottom Restaurant & Brewery. Meet more of your IP colleagues in a small, informal group for cold brews and good food. Rock Bottom Brewery was started in 1991 in Denver and is one of the nation's first brewery restaurants.



2 WHEELS ARE JUST AS FUN AS FOUR – NO DRIVING TEST REQUIRED!

9:00 am - 3:00 pm, Saturday, June 2, 2018

Not ready for the Institute to end? Join us for the final ride! Join a group of your fellow IP attorneys on Saturday, June 2nd for a colorful, leisurely bicycle ride from the Westin Hotel into nearby Boulder, Colorado, where you'll ride through the famous Flatirons. SAG Wagon, snacks, beverages, AND, a group lunch in Boulder are included. This adventure will be led by CBA-CLE's own highly experienced **Assistant Executive Director Heidi Ray**. Heidi has ridden her bicycle all over Europe and will happily guide your ride. Bring your own complete gear, or rentals will be available. RMPI guest room rate at the Westin is valid for 3 days following the Institute. Details to follow.

SIGN UP ON THE REGISTRATION FORM IN THE BACK OF THIS BROCHURE FOR ANY OR ALL OF THIS YEAR'S NETWORKING OPPORTUNITIES!



• 2018 INSTITUTE SPONSORS •

PRESENTING SPONSORS:

IP Book Club Sponsor:

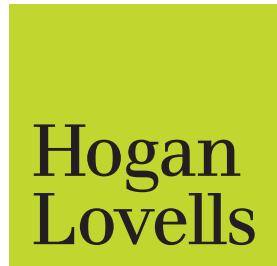


BAKER BOTTS 

Wine Tasting Sponsor:



Charging Station Sponsor:



Day One Luncheon Sponsor:



Day Two Luncheon Sponsor:



HOLLAND & HART 

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TOWNSEND**

**Merchant
& Gould**

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SPONSORSHIP OPPORTUNITIES ARE STILL AVAILABLE! Please contact Barbara Hollingsworth at bhollingsworth@cobar.org

• DAY 1 AGENDA • THURSDAY, MAY 31st, 2018 •



Conference Wi-Fi Sponsored by **PERKINS COIE LLP**



Charging Station Sponsored by **HOGAN LOVELLS**

7:45 am Registration

7:45 am Continental Breakfast – *Sponsored by SHERIDAN ROSS P.C.*



8:50 am Welcoming Remarks - Ladies & Gentlemen ... Start Your Engines!
- **Nathaniel Trelease**, Program Chair
Sponsor remarks by **Perkins Coie Representative**

9:00 - 10:00 am **The View from Alexandria: New Perspectives at the USPTO**
Presented by **Joseph Matal**, United States Patent & Trademark Office (invited)
Followed by Q&A with **Lucky Vidmar**, Hogan Lovells, Denver, CO



10:00 - 10:15 am **PIT STOP 1:** Networking and Refreshment Break – *Sponsored by DENNEMEYER*

DAY 1 TRACKS BEGIN: Please select the track you wish to attend on the registration form



TRACK A:
PATENTS/PATENT LITIGATION
Pit Boss James Brogan



TRACK B:
TRADEMARKS/COPYRIGHTS
Pit Boss Hope Hamilton



TRACK C:
LICENSING
Pit Boss Ryan Arney



TRACK D:
TRANSACTIONAL/E-COMMERCE
Pit Boss John Ritsick

10:15 - 11:05 am
Perspectives of the Patents Commissioner
• State of patent operations
• Status of pilot/permanent programs
• Update on patent priorities
- **Drew Hirshfeld**,
Commissioner for Patents,
USPTO, Alexandria, VA

10:15 - 11:05 am
Trademark: 2018 Year in Review
Everything you need to know about the last year
- **David H. Bernstein**,
Debevoise & Plimpton,
New York, NY

10:15 - 11:05 am
Advanced Cloud and SaaS Contracting Issues
• Common click-wrap provisions that can impact enforceability
• Review of special contract issues that arise in cloud and SaaS contracts
• Negotiating indemnity and limitation of liability provisions
- **Peter Kinsella**, Perkins Coie, LLP, Denver, CO

10:15 - 11:05 am
The Internet of Things
• Privacy/Privacy by design
• IP Ramifications for Patents and Trademarks
- **Stacy Carter**, General Counsel, Sphero, Inc., Boulder, CO
- **Austin T. Chambers**, Lewis Bess Williams & Weese, Denver, CO
- **Andrew T. Pouzeshi**, Merchant & Gould P.C., Denver, CO



Did you know ...

Patent #1 was issued on July 13, 1836 to John Ruggles for traction wheels



We think Patent #1 is a great way to start our "RMPI Sweet 16 – License to Drive" - Let's Get Started!

DAY 1 TRACKS CONTINUE: Please select the track you wish to attend on the registration form

**TRACK A:
PATENTS/PATENT LITIGATION**
Pit Boss James Brogan

11:10 am - 12:00 pm
2018 Patent Law Update
 Everything you need to know about the last year
 - **Mark Lemley**, Stanford University Law School, Durie Tangri, LLP, San Francisco, CA

**TRACK B:
TRADEMARKS/COPYRIGHTS**
Pit Boss Hope Hamilton

11:10 am - 12:00 pm
Free Speech and Trademarks
 • Update on disparaging immoral and scandalous marks
 • What's next?
 - **Stephen Coates**, Senior Counsel, Trademarks and Domain Names, Amazon, Seattle, WA
 - **Todd Davidovits**, Associate General Counsel, Intellectual Property, Anheuser-Busch, St. Louis, MO
 - **Chief Judge Gerard Rogers**, Trademark Trial and Appeal Board, Alexandria, VA
 Moderated by **Cindy N. Pham**, Armstrong Teasdale, LLP, Denver, CO

**TRACK C:
LICENSING**
Pit Boss Ryan Arney

11:10 am - 12:00 pm
Mergers & Acquisitions: Data and IP from Start to Finish
 • Value drivers for the transaction
 • Due diligence approach and tips
 • Key provisions in transaction documents
 • Effective post-closing integration and management
 - **Todd Siegler**, Founder and CEO, Bradford Advisors LLC, Evergreen, CO
 - **Ryan Arney**, Founder, Nodal Law, LLC, Denver, CO

**TRACK D:
TRANSACTIONAL/E-COMMERCE**
Pit Boss John Ritsick

11:10 - 11:35 am
QUICK HITS
Open Source Software Security Risks
 - **Matthew (Matt) Jacobs**, Vice President and General Counsel, Black Duck Software by Synopsys, Burlington, MA

11:35 am - 12:00 pm
Managing IP Risks for Small and Medium Sized Companies
 - **Jason S. Angell**, Freitas Angell & Weinberg LLP, Redwood Shores, CA



12:00 - 1:20 pm

LUNCHEON – Sponsored by KILPATRICK TOWNSEND & STOCKTON LLP

(Lunch is included with your registration. Please indicate on the registration form if you plan to attend.)
 Sponsor Remarks by Firm Representative

**The Law of Star Wars (12:10 - 1:10 pm)***The Cast:*

- **Mark Lemley**, Stanford University Law School, Durie Tangri, LLP, San Francisco, CA
- **Mollybeth (Molly) R. Kocialski**, Director, Rocky Mountain Regional Office, US Patent and Trademark Office, Denver, CO
- **Nari Ely**, Kirkland & Ellis, Washington, DC
- **Josh Gilliland**, The Legal Geeks, San Francisco, CA

Brief Remarks by **John Vaught**, President-elect, Colorado Bar Association

Brief Remarks by Colorado Bar Association Intellectual Property Law Section Leadership

**Did you know ...**

The word 'uncopyrightable' is the only 15 letter word that can be spelled without repeating any letter.

*continued >*

• DAY 1 AGENDA • THURSDAY, MAY 31st, 2018 • *continued*

DAY 1 TRACKS RESUME: Please select the track you wish to attend on the registration form



TRACK A:
PATENTS/PATENT LITIGATION
Pit Boss **James Brogan**

1:30 - 2:20 pm
2018 PTAB UPDATE
• Everything you need to know about the last year
- **Orion Armon**, *Cooley LLP, Broomfield, CO*
- **Andrew S. Ehmke**, *Haynes and Boone LLP, Dallas, TX*



TRACK B:
TRADEMARKS/COPYRIGHTS
Pit Boss **Hope Hamilton**

1:30 - 2:20 pm
Perspectives of the Trademarks Office
• State of trademark operations
• Status of pilot/permanent programs
• Update on TM5 priorities
- **Angela Wilson**, *Group Director, USPTO - Trademarks, Alexandria, VA*



TRACK C:
LICENSING
Pit Boss **Ryan Arney**

1:30 - 2:20 pm
Blockchain and Cryptocurrency: The Technology and Regulatory Environment
• Is a blockchain just Legos in cyberspace?
• What are cryptocurrencies?
• What are legal and regulatory implications of each?
- **Dave Rodman**, *The Rodman Law Group, Denver, CO*
- **Michael Palage**, *InfoNetworks, Miami, FL*



TRACK D:
TRANSACTIONAL/E-COMMERCE
Pit Boss **John Ritsick**

1:30 - 2:20 pm
Your IP Outside the US – China (and Beyond?)
• What you need to consider about IP outside the US
• Consider China's rapidly maturing IP landscape and enforcement environment
- **Kenneth S. Chang**, *Swanson and Bratschun, LLC, Littleton, CO*
- **Xinghao Wang**, *Global IP Enforcement, Alibaba Group, Minneapolis, MN*



2:20 - 2:40 pm **PIT STOP 2:** Networking and Ice Cream Sundae Bar & Dessert – *Sponsored by WILMERHALE*

2:40 - 3:30 pm
The PTO Speaks – Panel of SPEs (names to be announced)
• How to discuss an examiner with his/her SPE
• Trends in examination practice
• Roles and relationships of SPEs and practitioners
• Update on 101
Moderator: Benjamin S. Fernandez, WilmerHale, Denver, CO

2:40 - 3:30 pm
What US Practitioners Need to Know About International Trademark Work
• How a change in trademark laws impacts US businesses
• Tips and tricks for successful prosecution and enforcement
• Comparative law analysis
- **Louise Gellman**, *CMS Cameron McKenna Nabarro Olswang LLP, London, United Kingdom*
- **Jyotideep Kaur**, *Lall & Sethi, New Delhi, India*
- **Tomoya Kurokawa**, *SOEI Patent & Law Firm, Tokyo, Japan*
- **Grant Lynds**, *Marks & Clerk, Ottawa, Canada*
- **Hairuo Zhang**, *Lexfield Law Offices, Beijing, China*
Moderator: Kazuyo Morita, Holland & Hart LLP, Boulder, CO

2:40 - 3:30 pm
2018 Trade Secret Update
• Everything you need to know about the last year
- **James Pooley**, *James Pooley LLC, San Francisco, CA*

2:40 - 3:30 pm
Digital Marketing – Hot Topics and Trends
• The latest trends in digital marketing
• Recent guidance, regulations and enforcement actions
- **Tracy Gray**, *Holland & Hart LLP, Boulder, CO*



Did you know ...

Bulletproof vests, fire escapes, laser printers, and windshield wipers were all invented by women.

U.S. Patent No. 743,801 – The Window Cleaning Device ... helping us get a clear view of the road ahead



DAY 1 TRACKS CONTINUE: Please select the track you wish to attend on the registration form

**TRACK A:**
PATENTS/PATENT LITIGATION
Pit Boss James Brogan

3:35 - 4:25 pm (1 ETHICS CREDIT)

ETHICS! Patent Prosecution
Blunders, the Litigation that
Follows and How to Avoid It

- Hear from in-house counsel about their needs and expectations for patent prosecution counsel
- Learn about the most common patent prosecution mistakes, and how to avoid them
- Discuss the best approaches for fixing mistakes when they occur
- **Stephen Perkins**, Associate General Counsel, Medtronic, Boulder, CO
- **Shane Niebergall**, Perkins Coie, Denver, CO

**TRACK B:**
TRADEMARKS/COPYRIGHTS
Pit Boss Hope Hamilton

3:35 - 4:25 pm

**What US Practitioners Need
to Know About International
Trademark Work ... continued**

- How a change in trademark laws impacts US businesses
- Tips and tricks for successful prosecution and enforcement
- Comparative law analysis
- **Louise Gellman**, CMS Cameron McKenna Nabarro Olswang LLP, London, United Kingdom
- **Jyotideep Kaur**, Lall & Sethi, New Delhi, India
- **Tomoya Kurokawa**, SOEI Patent & Law Firm, Tokyo, Japan
- **Grant Lynds**, Marks & Clerk, Ottawa, Canada
- **Hairuo Zhang**, Lexfield Law Offices, Beijing, China

Moderator: Kazuyo Morita, Holland & Hart LLP, Boulder, CO

**TRACK C:**
LICENSING
Pit Boss Ryan Arney

3:35 - 4:25 pm

**2018 Internet and Mobile
Litigation Update**

- Developments under CDA and DMCA
- Online trademark hijacking
- Patent liability for platforms, copyright and trademark fair use online
- Mobile and website contract formation and arbitration agreements
- Data privacy and security breach class actions suits
- **Ian C. Ballon**, Greenberg Traurig LLP, Silicon Valley/Los Angeles, CA

**TRACK D:**
TRANSACTIONAL/E-COMMERCE
Pit Boss John Ritsick

3:35 - 4:25 pm

Software Patents

- What's the deal with software patents?
- Can you get a patent for your software?
- Can you be sued for patent infringement?
- What are the new standards for willful infringement that you need to be aware of?
- **Scott M. Alter**, Michael Best & Friedrich LLP, Denver, CO



4:25 - 5:25 pm

RMIP Wine Tasting Reception – Sponsored by COOLEY LLP.

Take this time to network with distinguished faculty and colleagues. Included in your registration!

Sponsor remarks by Firm Representative

(Please note on the registration form if you plan to attend the wine tasting reception.)

5:30 - 7:30 pm

3rd Annual IP After-Hours - FUEL UP! (meet Mike and Molly in the Westin lobby at 5:25 pm for a short walk to Rock Bottom Brewery).**Did you know ...**

Patent #1,000,000 was issued to Francis Holton in 1911 for a Puncture-Proof Automobile Tire.

*... drive on to Day 2!**continued >*

• DAY 2 AGENDA • FRIDAY, JUNE 1st, 2018 •

7:30 - 8:30 am

NEW! ChiPs Breakfast (Chiefs in Intellectual Property: www.chipsnetwork.org)

Hosted by Merchant & Gould P. C. and Moye White LLP

Attend and further the ChiPs mission of advancing and connecting women in technology, law and government, and learn about the ChiPs Colorado Chapter. **SPACE LIMITED.** Sign up now!



NEW! Solo/Small Firm Breakfast

Attend and discuss common challenges and solutions with your colleagues. **SPACE IS LIMITED.** Sign up early!

8:00 am Registration Open

8:00 am Continental Breakfast – *Sponsored by BLACK DUCK SOFTWARE BY SYNOPSIS*

8:40 am Welcome Back Remarks

- **Nathaniel Trelease**, Program Chair

Sponsor remarks by Representatives of Hogan Lovells and Baker Botts

8:50 - 9:50 am **On the Broad Beach of Tomorrow: What's Next in Media and Digital Commerce?**

- **Robin Hickenlooper**, Senior Vice President, Corporate Development, Liberty Interactive Corporation, Englewood, CO, and **Stephanie S. Abrutyn**, Senior Vice President and Chief Counsel, Litigation, Home Box Office, Inc., New York, NY

Moderated by **Nathaniel Trelease**, Program Chair, WebCredenza, Inc., Denver, CO

9:50 - 10:30 am **SUPER HOT TOPICS!**

• **Connected Privacy**

- **Jarno Vanto**, Polsinelli, New York, NY

• **How Technology Will Impact IP Practice in 2030**

- **Leon Steinberg**, Dennemeyer, Chicago, IL



10:30 - 10:45 am **PIT STOP 3: Networking and Refreshment Break – Sponsored by DORSEY & WHITNEY LLP**

DAY 2 TRACKS BEGIN: Please select the track you wish to attend on the registration form



TRACK A:
PATENTS/PATENT LITIGATION
Pit Boss **Molly Kocialski**



TRACK B:
TRADEMARKS/COPYRIGHTS
Pit Boss **Mike Drumm**



TRACK C:
LICENSING
Pit Boss **Ryan Arney**



TRACK D-2:
IN-HOUSE
Pit Boss **John Ritsick**



10:45 - 11:35 am

Strategies for Maximizing Business Value of Patents

- Deciding what to patent
- How to claim it
- How to get issued claims that have commercial value
- **Frank Abramonte**, Seed Intellectual Property Law Group LLP, Seattle, WA
- **Monica Adjemian**, Microsoft, Redmond, WA

10:45 - 11:35 am

Copyright 2018: The Top Ten List

- The top ten copyright updates from last year
- **Evan M. Rothstein**, Arnold & Porter, Denver, CO
- **Mike Drumm**, Drumm Law LLC, Denver, CO

10:45 - 11:35 am

Limitation of Liability in Licensing: A Deeper Dive

- One of the key elements in nearly any contract
- Insights and drafting tips, with case analysis
- What are you not thinking about but should be?
- **Stafford Matthews**, Dentons, Silicon Valley, CA

10:45 - 11:35 am

Communications Among Clients, In-house Counsel, and Firms

- Discuss best practices for effective communications
- Consider written and oral communications
- Get perspective from attorneys with experience on both sides
- **R. David Donoghue**, Holland & Knight LLP
- **Victoria L. Donovan**, Stinson Leonard Street LLP, Greenwood Village, CO
- **Sung Yang**, Associate General Counsel, Molson Coors, Denver, CO

DAY 2 TRACKS CONTINUE: Please select the track you wish to attend on the registration form

TRACK A:

PATENTS/PATENT LITIGATION
Pit Boss Molly Kocialski

11:40 am - 12:30 pm
Update on Unitary Patent in the EU
- **Graham Burnett-Hall**, Marks & Clerk, London, United Kingdom
- **Esther Ford**, Marks & Clerk, London, United Kingdom
- **Tilman Müller-Stoy**, Bardehle Pagenberg, Munich, Germany

TRACK B:

TRADEMARKS/COPYRIGHTS
Pit Boss Mike Drumm

11:40 am - 12:30 pm
Music and Money – Licensing, Royalties, and Legalities
• Internet Streaming
• Licensing
• Regulatory and Legal Update?
- **Jyoti Pandya**, Pandya Law LLC, Greenwood Village, CO
- **Brandon Shevin**, General Counsel, Beatport, Denver, CO

*Moderated by **Antony Bruno**, Director of Communications, Royalty Exchange, and Founder/Principal TK Media Group, LLC, Denver, CO*

TRACK C:

LICENSING
Pit Boss Ryan Arney

11:40 am - 12:30 pm
2018 Licensing Update
• Everything you need to know about the last year
- **Jeff C. Dodd**, Hunton Andrews Kurth LLP, Houston/Austin, TX

TRACK D-2:

IN-HOUSE
Pit Boss John Ritsick

11:40 am - 12:30 pm
Trusted Advisor Workshop
• Learn about developing a different type of relationship with your clients
• Be seen as an effective and valued counselor, not a technical expert
• Recommended reading: *The Trusted Advisor* by Maister, Green and Galford
- **Melissa Zukowski**, Vice President, Litigation and Disputes, Flex, San Jose, CA



12:30 - 1:40 pm

LUNCHEON – Sponsored by HOLLAND & HART LLP

(Lunch is included with your registration. Please indicate on the registration form if you plan to attend.)

Sponsor Remarks by Firm Representative

(1 ETHICS CREDIT)

Ethical Due Diligence When Practicing IP Law in the Cloud (12:40 - 1:30 pm)

- Ensuring compliance with the duties of competency and confidentiality
- Ensuring ownership of AI-produced work product
- Best practices and procedures in a mobile world

- **David Hricik**, Mercer University Walter F. George School of Law

**Last Year Today – Updates from the Rocky Mountain IP Office (1:30 - 1:40 pm)**

- **Mollybeth (Molly) R. Kocialski**, Director, Rocky Mountain Regional Office, US Patent and Trademark Office, Denver, CO

**Did you know ...**

In 1266, the Bakers Marking Law, which governed the use of stamps or pinpricks on loaves of bread, was passed in England. It is one of the earliest known laws on trademarks. Silversmiths were required to mark their products in 1363.



continued >

• DAY 2 AGENDA • FRIDAY, JUNE 1st, 2018 • *continued*

DAY 2 TRACKS RESUME: Please select the track you wish to attend on the registration form



TRACK A: PATENTS/PATENT LITIGATION

Pit Boss **Molly Kocialski**

1:45 - 2:35 pm
Sovereign Immunity/Tribal Immunity

- Real party in interest issues and determination of whether the licensing arrangement between a tribe and the original owner is a "sham"
- Standing and ownership issues relating to the tribe's retention of sufficient rights if it licenses the patent back to the original patent owner
- Waiver implications if the tribe or the original patent owner initiated litigation before any IPR proceedings

- **Lauren J. Dreyer, Baker Botts, Washington, DC**



TRACK B: TRADEMARKS/COPYRIGHTS

Pit Boss **Mike Drumm**

1:45 - 2:35 pm
To Use or Not to Use

- The pros and cons of intent-to-use applications
- When, why, and how to bypass US use requirements
- Challenging overbroad applications and registrations

- **Charlene Krogh, Dorsey & Whitney LLP, Denver, CO**

- **Marc C. Levy, Seed Intellectual Property Law Group LLC**



TRACK C: LICENSING

Pit Boss **Ryan Arney**

1:45 - 2:35 pm
2018 Data Privacy & Security Update

- Significant recent privacy/security litigation
- New statutes, regulations and guidance
- FTC, FCC and DHHS enforcements
- What to watch in the next year

- **Deborah Shinbein Howitt, Lewis Bess Williams & Weese, Denver, CO**

- **Mike Keenan, Senior Counsel, Vail Resorts Management Company, Westminster, CO**



TRACK D-2: IN-HOUSE

Pit Boss **John Ritsick**

1:45 - 2:35 pm
Professional Development for Legal Departments

- Consider the difference between advancement, promotion, and development
- Learn the difference between management and leadership
- Hear how law firms and in-house departments think about professional development

- **Richard (Rick) Hosley, Associate General Counsel and Vice President for Litigation, DaVita, Denver, CO**

- **Jeffrey A. Sherman, Faegre Baker Daniels, Boulder, CO**

2:40 - 3:30 pm
Post-Halo: Defending Against Allegations of Willful Infringement

- Jury behavior and reactions to willfulness evidence
- Discovery tactics for defending against a willfulness case in light of *Halo*
- Company procedures for demonstrating lack of willfulness in light of *Halo*
- Privilege waiver issues associated with a willfulness defense

- **Wayne Stacy, Baker Botts, San Francisco, CA**

2:40 - 3:30 pm
I-P-arzzi: Trademark, Publicity, and Privacy Rights

- What are your publicity rights
- Rights of the deceased
- How private is your privacy?

- **Dana P. Jozefczyk, Merchant & Gould PC, Denver, CO**

- **Ryan Levy, Patterson Intellectual Property Law, Nashville, TN**

2:40 - 3:30 pm
Contracting: Deep Dive on Data Privacy/Security Provisions

- Important provisions in SaaS agreements
- Drafting data processing addendums
- Assessing consequential damages limitation and caps on liability in relation to cybersecurity risks
- International drafting considerations under the GDPR

- **Trent Martinet, Davis Graham & Stubbs LLP, Denver, CO**

- **Christopher M. Achatz, Bryan Cave Leighton Paisner LLP, Boulder, CO**

2:40 - 3:30 pm
FTO/IP Landscapes – What You Should Know

- What are freedom-to-operate and landscape analyses?
- When should you consider having them?
- What can they do, and what don't they do?

- **Douglas W. Swartz, Sheridan Ross P.C., Denver, CO**

- **Tadd Fjeld Wilson, Sheridan Ross P.C., Denver, CO**



3:30 - 3:50 pm

BEER TASTING – Sponsored by MERCHANT & GOULD P.C.

Sponsor Remarks by Firm Representative

- 2015: Voir Dire Beer®
- 2016: Infringement IPA®
- 2017: Attorney Ale®
- 2018: NEW – Lawyer's Lager®



3:50 - 4:40 pm
(1 ETHICS CREDIT)

PLENARY SESSION BEGINS

Ethics in Negotiation

- Drawing lines – what's an acceptable level (or not!) of deception in negotiations?
- Affirmative statements of fact, value or intent in settlements
- Silence about adverse law versus facts in negotiations

- *Thomas Spahn, Partner, McGuireWoods LLP, Tysons, VA*



4:40 pm

FINISH LINE! Institute Adjourns

Thank you for Attending the 16th Annual Rocky Mountain Intellectual Property and Technology Law Institute!

LOOKING FORWARD! SAVE MAY 30-31, 2019 ...
for the 17th Annual Rocky Mountain Intellectual Property
& Technology Law Institute!



**Follow the 2018
Institute on Twitter
at [@IPInstitute](#)**

Please share any updates and messages about the Institute before the conference – we'll also have our Twitter Wall for real-time commentary on conference programs and speakers!

Just include #IPInstitute2018 in your Tweet

The RMIPi is proud to recognize the National Inventors Hall of Fame (NIHF), the nation's foremost nonprofit inspiring innovation in America. NIHF operates the NIHF Museum in Alexandria, VA, Collegiate Inventors Competition, and national PreK-12 education programs, including Camp Invention, the country's largest summer program inspiring innovation and creativity in children. NIHF's programs recognize our nation's most impactful inventors and use their inspirational stories to educate young people. Camp Invention is an exciting, weeklong summer adventure with activities that explore connections between science, technology, engineering, and innovation where children seek solutions to real-world problems and sharpen critical 21st Century skills. In partnership with the United States Patent and Trademark Office, Camp Invention also instills Intellectual Property Literacy™ as participants create patents and trademarks for their new innovations. To learn more, call 800.968.4332, or visit www.campinvention.org.



**National Inventors
Hall of Fame®**



Did you know ...

Every major league baseball team uses Lena Blackburne's Rubbing Mud to dull the surface of glossy, new baseballs? It's a trade secret. The mud hole is on public land, but no one except the company owner and his closest companion knows exactly where the mud hole is located.





16th Annual Rocky Mountain Intellectual Property & Technology Law Institute

NEW
TRACK!

• TRACK E •

EXPERIENTIAL TRAINING TRACK: PATENT PROSECUTION

WANT TO BE A PATENT WHISPERER?

Now's your chance. Come learn from some of the best in class – hands-on, one-on-one, tabletop – only at the RMPI this May 31 and June 1, 2018, at the Westin Westminster Hotel!



Moderated by:

Wayne Stacy, Partner, Baker Botts LLP

Due to the building block nature of Track E, registrants for this track must attend all Track E breakout sessions, and not move around to breakout sessions in other Tracks.

REGISTRATION FOR TRACK E IS LIMITED. REGISTER EARLY TO RESERVE YOUR SPOT.

This new track will provide participants the rare opportunity to sit down with experienced practitioners and learn in a practical, skills-based format. This is not about lectures. This is not about unidirectional communication – from lecturer to audience. This is about deeply interactive, practical, table-top learning. It's about experiential learning. Over two days, practitioners with hundreds of years of collective experience will sit with you in small group settings and teach you – how to conduct an inventor interview – how to interview and work with examiners – how to search - how to draft claims.

You will hear about the framework of law, but far more valuably you'll sit with two instructors and a small group of other participants and practice these skills, learning from some of the best in class. If you've ever wanted to sit with a mentor, ask questions, and learn – accelerate your skills development – this is that rare opportunity.



THE RULES OF THE ROAD:

- **If you sign up for this track, please plan on attending all the sessions of this track.**
- **You are still welcome to join all Institute plenary sessions, lunches, breaks, and social events.**
- **Please know that this track is full participatory. It's hands-on learning at its best!**



The nonprofit educational arm of the Colorado and Denver Bar Associations

REGISTER TODAY ONLINE @ www.RMIP.org

EXPERIENTIAL TRAINING TRACK: PATENT PROSECUTION

• TRACK E •

Each **INVENTOR INTERVIEWS**, **EXAMINER INTERVIEWS**, and **CLAIMS CONSTRUCTION** training includes a brief lecture by a senior instructor, a demonstration by two instructors, and practical table-side learning in groups of 8, each led by an instructor. **SEARCHING** training includes demonstrations of effective, economical search techniques.

TRACK E • DAY ONE AGENDA • THURSDAY, MAY 31, 2018

7:45 am Registration

7:45 am Continental Breakfast – *Sponsored by SHERIDAN ROSS P.C.*



8:50 am Welcoming Remarks - Ladies & Gentlemen ... Start Your Engines!

9:00 - 10:00 am **The View from Alexandria: New Perspectives at the USPTO**

◀ PLENARY DETOUR



10:00 - 10:15 am **PIT STOP 1:** Networking and Refreshment Break – *Sponsored by DENNEMEYER*

10:15 am - 12:00 pm **INVENTOR INTERVIEWS**

- Researching and preparing before the interview
- Inventor preparation and pre-interview communications
- Setting goals for the interview
- Gaining the trust of the inventors
- Working with reluctant or inarticulate inventors
- Tips on guiding the interview and pulling out key information
- How to address inventorship, previous public use or disclosure, and other thorny issues
- Setting expectations on timing and quality
- Spotting red flags and how to react

Lead Instructors: Michael Drapkin, Partner, Holland & Hart LLP, Boulder, CO, and Timothy B. Scull, Partner, Merchant & Gould P.C., Denver, CO

Instructors: Gina Cornelio, Partner, Dorsey & Whitney LLP, Denver, CO, Kathleen E. Ott, Partner, Merchant & Gould P.C., Denver, CO, and Paul Schramm, Partner, Holland & Hart LLP, Boulder, CO



12:00 - 1:20 pm **LUNCHEON** – *Sponsored by KILPATRICK TOWNSEND & STOCKTON LLP*

◀ PLENARY DETOUR

- The Law of Star Wars

1:30 - 2:20 pm **INVENTOR INTERVIEWS – continued**



2:20 - 2:40 pm **PIT STOP 2:** Networking and Ice Cream Sundae Bar & Dessert – *Sponsored by WILMERHALE*

2:40 - 4:25 pm **EXAMINER INTERVIEWS**

- Understand your examiner and their motivations
- Learn strategies for a persuasive examiner interview
- Exposure to the patent office's video conferencing equipment
- Discuss logistics of in-person interviewing
- Understanding the First Action Interview (FAI) program
- Fill-out online Automated Interview Request (AIR) form
- Formulate arguments in response to an office action
- Prepare a written agenda to frame arguments
- Conduct mock interview for a dry run of your new interviewing expertise

Lead Instructor: Thomas D. Franklin, Partner, Kilpatrick Townsend & Stockton LLP, Denver, CO, and USPTO Official Instructors: Sara J. Bradford, Kilpatrick Townsend & Stockton LLP, Denver, CO, Wade G. Kirshy, Kilpatrick Townsend & Stockton LLP, Denver, CO, Brian L. Olion, Kilpatrick Townsend & Stockton LLP, Menlo Park, CA, and

Karam J. Saab, Partner, Kilpatrick Townsend & Stockton LLP, Denver, CO



4:25 - 5:25 pm **RMIPI Wine Tasting Reception** – *Sponsored by COOLEY LLP*



5:30 - 7:30 pm **3rd Annual IP After-Hours - FUEL UP!** (meet Mike and Molly in the Westin lobby at 5:25 pm for a short walk to Rock Bottom Brewery).

TRACK E • DAY TWO AGENDA • FRIDAY, JUNE 1, 2018

7:30 - 8:30 am **NEW! ChIPs Breakfast** (Chiefs in Intellectual Property: www.chipsnetwork.org)
Hosted by Merchant & Gould P. C. and Moye White LLP

NEW! Solo/Small Firm Breakfast

8:00 am Registration Open

8:00 am Continental Breakfast – *Sponsored by BLACK DUCK SOFTWARE BY SYNOPSYS*

8:40 am Welcome Back Remarks

8:50 - 9:50 am **On the Broad Beach of Tomorrow: What's Next in Media and Digital Commerce?**



9:50 -10:30 **SUPER HOT TOPICS!**

- Connected Privacy
- How Technology Will Impact IP Practice in 2030



10:30 - 10:45 am **PIT STOP 3: Networking and Refreshment Break** – *Sponsored by DORSEY & WHITNEY LLP*

10:45 - 11:35 am **EXAMINER INTERVIEWS – *continued***

11:35 am - 12:30 pm **SEARCHING**

With modern search tools, searching for prior art has never been easier. But with expanded sources of prior art, overlooking key prior art during that search has never been easier. This segment demonstrates effective, economical search techniques using publicly available resources and the unique facilities at our local patent office.
Lead Instructors and Instructors: USPTO Officials



12:30 - 1:45 pm **LUNCHEON** – *Sponsored by HOLLAND & HART LLP*

(1 ETHICS CREDIT)



- Ethical Due Diligence When Practicing IP Law in the Cloud (12:40 - 1:30 pm)
- Last Year Today – Updates from the Rocky Mountain IP Office (1:30 - 1:40 pm)

1:45 - 3:30 pm **CLAIM CONSTRUCTION**

- Review of nonce words and “patent profanity”
- Current trends and hot topics in various technical disciplines
- Understand the various processes invoked by courts and administrative agencies when construing claims
- Work with practitioners to analyze and resolve recent “problematic” claims
- Discuss best practices for “debugging” draft claims
- Improve your claims analysis methodology
- Learn how best to anticipate and prepare for changes in the laws applicable to claim construction

Lead Instructors: Scott A. Brairton, Senior Counsel, Perkins Coie, Denver, CO, and David St. John-Larkin, Partner, Perkins Coie, Denver, CO

Instructors: John W. Carpenter, Senior Counsel, Perkins Coie, Denver, CO, Michael R. Henson, Partner, Perkins Coie, Denver, CO, Shelley Mixon, Senior IP Counsel, Agilent Technologies, Denver, CO, and Tiffany Parcher, IP Counsel, Medtronic, Boulder, CO



3:30 - 3:50 pm **BEER TASTING** – *Sponsored by MERCHANT & GOULD P.C.*

Sponsor Remarks by Firm Representative

- 2015: Voir Dire Beer®
- 2016: Infringement IPA®
- 2017: Attorney Ale®
- 2018: NEW – Lawyer's Lager®



3:50 - 4:40 pm **PLENARY SESSION BEGINS**

(1 ETHICS CREDIT)

- Ethics in Negotiation



4:40 pm **FINISH LINE! Institute Adjourns**

Thank you for Attending the 16th Annual Rocky Mountain Intellectual Property and Technology Law Institute!

REGISTER TODAY ONLINE @ www.RMIPIL.org

• 2018 PLANNING COMMITTEE •



Nathaniel Trelease
Program Chair and Crew Chief
WebCredenza, Inc.
Denver, CO



James Brogan
King & Spaulding LLP
Denver, CO



Michael Drumm
Drumm Law LLC
Denver, CO



Mollybeth (Molly) R. Kocialski
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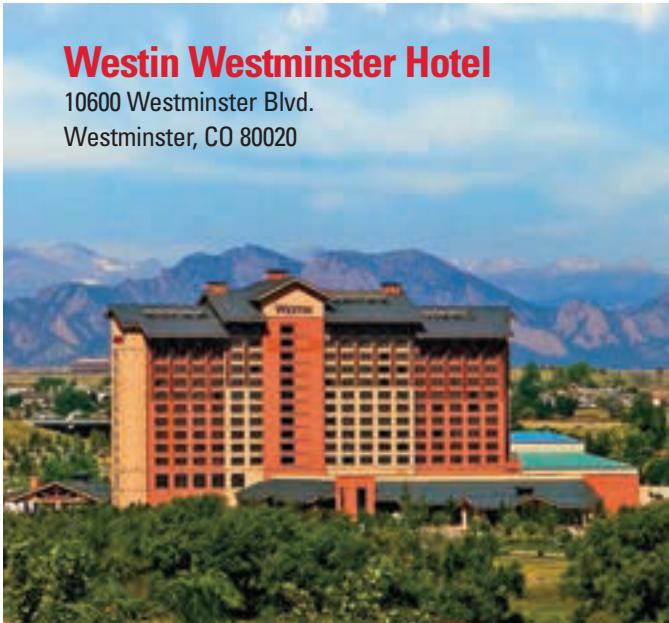
Did you know ...

2018 marks the RMIPI's "Sweet Sixteenth" Anniversary.

It started in 2002 in the CBA's offices. It had two tracks. Sixty-five people attended. In the decade and half that has since passed, the law turned and shifted many times. The RMIPI, which this year will have five tracks and well over 600 attendees, has as its singular mission excellence in IP and tech law programming – practical learning presented by national thought leaders set in an open, innovative and – we hope – enjoyable format. Every year. In Denver, Colorado.



• HOTEL INFORMATION •



Westin Westminster Hotel

10600 Westminster Blvd.
Westminster, CO 80020



CBA-CLE has reserved a small block of rooms for attendees of the Institute at the Westin Westminster Hotel. **Room rates start at \$189 plus applicable taxes.** Rooms are being held at the group rate until **May 23, 2018.** After May 23, 2018, rates are subject to prevailing rates and availability. Please do not wait until May 23rd to make your reservation as the hotel fills up quickly.

Discover the breathtaking beauty of The Westin Westminster, a first class hotel near Denver and Boulder. Perched among stunning Rocky Mountain views, our hotel gives beauty a whole new perspective. Step into luxury with our striking high plains decor that draws upon the warmth of Colorado, and uncover a serenity that is no secret to guest who are pampered by our hotel's elegantly appointed amenities.

HOTEL FEATURES.

The Westin Westminster has an indoor pool, a sauna, and a fitness facility. The Westin Westminster has a restaurant and a bar/lounge. Room service is available 24 hours a day. Business amenities include a business center, wireless Internet access, and meeting rooms for small groups. This is a smoke-free property (fines may apply for violations).

GUESTROOMS.

Amenities featured in guestrooms include pillowtop mattresses, coffee/tea makers, and minibars. Guestrooms have televisions with premium TV channels and pay movies. All guestrooms provide refrigerators (on request) and complimentary bottled water. Bathrooms feature bathroom phones, bathrobes, and designer toiletries.

To make your reservation, please call central reservations at 1-888-627-8448, or contact the Westin directly at (303) 410-5000.

In order to receive the group room rate, please indicate that you are an attendee of the Colorado Bar Association Intellectual Property & Technology Law Institute. Please note: The Group rate is available after May 23rd, subject to availability).

Online reservations can be made here:

<https://www.starwoodmeeting.com/events/start.action?id=1802052539&key=25139129>



Did you know ...

Tarantula spiders can survive two-and-a-half years without food (WHY??)



REGISTER FOR THE 16TH ANNUAL ROCKY MOUNTAIN INTELLECTUAL PROPERTY & TECHNOLOGY LAW INSTITUTE

Register by PHONE...

when using VISA or MasterCard or AmEx
In Denver: (303) 860-0608
Toll-Free: (888) 860-2531



Or FAX form to...

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FAX to: (303) 860-0624



Or MAIL form to...

CBA-CLE
1900 Grant St, Suite 300
Denver, CO 80203-4303



Or Register ONLINE...

when using VISA or MasterCard or AmEx
Online @ www.RMIPi.org

LIVE PROGRAM ORDER FORM

IP & TECHNOLOGY LAW INSTITUTE TUITION: (IP053118L)

Course tuition includes course materials*, admission to the entire Institute, admission to both lunches, and both receptions.

COURSE MATERIALS* (The Digital IP Driver's Manual)

Get Your Materials via Digital Download and Save!

<input type="checkbox"/> Non-Member:\$629	<input type="checkbox"/> CBA Member:\$589
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<input type="checkbox"/> ABA IP Section Member:\$539	<input type="checkbox"/> New Lawyer Edge Partner:\$279.50
<input type="checkbox"/> CLE Basic Pass Holder:\$299	<input type="checkbox"/> CLE Elite Pass Holder:\$279

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<input type="checkbox"/> Non-Member:\$679	<input type="checkbox"/> CBA Member:\$639
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<input type="checkbox"/> ABA IP Section Member:\$589	<input type="checkbox"/> New Lawyer Edge Partner:\$294.50
<input type="checkbox"/> CLE Basic Pass Holder:\$329	<input type="checkbox"/> CLE Elite Pass Holder:\$299

*PLEASE NOTE: All paid registrants will receive a link to the course materials 24-48 hours prior to the Institute.

BONUS! When you register and pay for the Institute, you are eligible to receive the digital course materials and the MP3 audio download for the ENTIRE Institute - that means you receive the recordings for any tracks you were not able to attend, and you can claim all credits for this conference once you have completed the homestudy.

TRACKS, LUNCHEONS, RECEPTIONS, AND SOCIAL EVENTS

NEW! TRACK E – Experiential Training Track: Patent Prosecution

Due to the "building block" nature of Track E, registrants for this track must attend all Track E breakout sessions, and not move around to breakout sessions in other Tracks.

REGISTRATION FOR TRACK E IS LIMITED. REGISTER EARLY TO RESERVE YOUR SPOT!

THURSDAY, MAY 31, 2018

• **Track Selection:** Please select 1 track for Thursday

TRACK A TRACK B TRACK C TRACK D TRACK E

• **Luncheon** (included in registration fee)*

YES – I will attend the luncheon. I require a Vegetarian selection Gluten-free selection
 NO – I will not attend the luncheon

*If you do not RSVP for lunch, one will NOT be ordered for you.

• **Wine Tasting** (included in registration fee):

YES – I will attend the Wine Tasting NO – I will not attend the Wine Tasting

FRIDAY, JUNE 1, 2018

• **Track Selection:** Please select 1 track for Friday

TRACK A TRACK B TRACK C TRACK D-2 TRACK E

• **Luncheon** (included in registration fee)*

YES – I will attend the luncheon. I require a Vegetarian selection Gluten-free selection
 NO – I will not attend the luncheon

*If you do not RSVP for lunch, one will NOT be ordered for you.

• **Beer Tasting** (included in registration fee)

YES – I will attend the Beer Tasting NO – I will not attend the Beer Tasting

ADDITIONAL NETWORKING OPPORTUNITIES

Count me in for the following activities:

PTO DAY: 4:00 - 6:00 pm, Wednesday, May 30, USPTO Regional Office
 Denver Brewery Walking Tour: 5:30 - 8:00 pm, Wednesday, May 30 (\$36/person)
 IP After Hours: 5:30 - 7:30 pm, Thursday, May 31
 ChiPs Breakfast: 7:30 - 8:30 am, Friday, June 1
 Solo, Small Firm Practitioner Breakfast: 7:30 - 8:30 am, Friday, June 1 (\$30 per person)
 Bike Ride to Boulder, CO: Saturday, June 3, Approximately 9:00 am - 3:00 pm
 I will need to rent equipment. (approx. \$100 for all gear) Please send me information.
 I have my own gear

LIVE PROGRAM ORDER FORM TOTAL \$

HOMESTUDY INFORMATION

Homestudy is available in 2 formats: MP3 Audio Download or Audio CD. When ordering, please indicate which format you wish to receive. Institute home study materials include ALL tracks from the live conference. Submitted for 43 General CLE Credits, Including 3 Ethics.

PRICING:

Non-Member:\$1099.00
CBA Member:\$999.00
New Lawyer Edge Partner:\$499.50
CLE Elite Pass Holder (MP3 format only):Complimentary
CLE Basic Pass Holder (MP3 format only):Complimentary

Please order the homestudy online, or call the CBA-CLE Offices to order, or to obtain additional information.

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INSTITUTE CANCELLATIONS: Cancellations by **May 25, 2018** will receive a full refund of tuition paid. After May 25, 2018 no refunds will be issued, but substitutions are welcome. This program is not eligible for transfer to homestudy.

CLE USE ONLY:

Check #: _____ Approval #: _____

16TH ANNUAL

Rocky Mountain
Intellectual Property &
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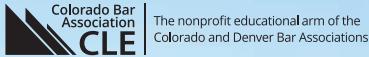
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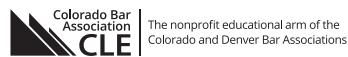
Live: May 31 – June 1, 2018



Westin Hotel, Westminster, CO

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