



Institute for
ENERGY LAW

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Institute for
**LAW AND
TECHNOLOGY**



2018

3/22

2nd Energy Industry Intellectual Property Law Conference

NORRIS CONFERENCE CENTER – HOUSTON
/ CITYCENTRE
HOUSTON, TEXAS, USA

Highlight: Protecting Software
Assets in the Energy Industry



IEL and ILT are Institutes of
**THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW**

Highlights:

This conference is a collaboration of the Institute for Law and Technology and the Institute for Energy Law and is a unique educational opportunity for those working on intellectual property issues relating to the energy industry.

- Considerations in Joint Development Agreements for Energy Technologies
- Extraterritorial IP Issues Associated with Offshore Oil and Gas Industry
- Intellectual Property – An In-House Perspective
- The EU General Data Protection Regulation in Energy Practice

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2nd Energy Industry Intellectual Property Law Conference

Conference Co-Chairs

Steve Koch
Montgomery, Texas

Paul R. Morico
Co-Chair Energy IP
Practice Group
Baker Botts L.L.P.
Houston, Texas

8:20 Introductions

8:30 Allocating Risk in Energy Transaction Documents (1 hr)

The increasingly important role of technology in the energy business adds an additional risk allocation aspect to energy transaction documents. The presentation will discuss drafting tips with a focus on risk allocation for intellectual property assets. The presentation will then review negotiation of appropriate contractual coverage with respect to other standard terms in energy transaction documents, including representations and warranties, indemnification, limitation of liability, and remedies.

- **Joseph M. Beauchamp**, Jones Day, Houston, Texas

9:15 Addressing IP Issues in the Alternate Dispute Resolution World (.75 hr)

Moderator:

- **Michael S. Goldberg**, Baker Botts L.L.P., Houston, Texas

Panelists:

- **Timothy M. Donoghue**, Intellectual Property Senior Counsel, Baker Hughes, a GE Company, Houston, Texas
- **James Kurka**, Senior Counsel, Intellectual Property, Weatherford International, Houston, Texas
- **Amira Love**, Supervising Counsel, Upstream Litigation Management Unit, Chevron, Houston, Texas

10:00 Break >

10:15 Issues and Best Practices in Communications with Domestic and Foreign Patent Agents (Ethics) (1 hr ethics)

The applicability of privilege as it applies to communications with patent agents can vary based on federal and state laws, and varies more widely with respect to communications with patent agents in foreign jurisdictions. This panel will explore the current state of privilege, domestic and foreign, as applied to patent agent communications and best practices in managing these communications.

- **Sharon A. Israel**, Shook, Hardy & Bacon L.L.P., Houston, Texas
- **David Hricik**, Professor of Law, Mercer University School of Law, Macon, Georgia
- **Craig M. Lundell**, Houston, Texas

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11:15 Application of U.S. IP Law to Exports, Offshore, on the Outer-Continental Shelf, the High Seas, and Overseas (.75 hr)

The presenters will explain how U.S. law applies within the 12 mile limit, on the seabed floor on the outer-continental shelf, on U.S. flagged vessels on the high-seas, as well as explore when U.S. law applies overseas. The presenters will discuss Section 271(f)'s application to exports, and the predicate act doctrine in copyright law. The presenters will also discuss how intentional torts abroad can be remedied in U.S. IP cases, as with inducement abroad of infringement within the U.S. and trade secrets licensed here but stolen in another country.

- **Danielle Joy Healey**, Fish & Richardson P.C., Houston, Texas
- **Jayne Partridge**, Fish & Richardson P.C., Houston, Texas

12:00 Networking Luncheon >

1:00 Intellectual Property – An In-House Perspective (1 hr)

In-house IP attorneys in the oil industry share insights on their priorities and the current trends in their practices.

Moderator:

- **Marcella Watkins**, Adolph Locklar, Houston, Texas

Panelists:

- **Brigitte Echols**, Manager, IP Enforcement, Schlumberger Ltd., Houston, Texas
- **Ryan D. Gum**, Intellectual Property Counsel, Anadarko Petroleum Corporation, Houston, Texas
- **Diane L. Kilpatrick-Lee**, Senior Counsel, Commercial & Intellectual Property, LyondellBasell, Houston, Texas

2:00 Protecting Software Assets in the Energy Industry (.5 hr)

Recent changes to the patent laws have caused companies, particularly smaller companies, to reconsider their patent strategies, particularly with respect to software. In some cases, smaller companies have chosen to forego patent protection altogether, and adopt some technological methods to protect their software investments and to mitigate the threat of a lawsuit for patent infringement. This presentation will address the changes in the economics of patent strategies for small companies, and help those companies to know whether or not their patent strategies need to be changed.

- **Ronald Chichester**, Ronald Chichester, P.C., Tomball, Texas

2:30 Break >

2:45 Considerations in Joint Development Agreements for Energy Technologies (.75 hr)

The dual nature of energy companies as both commercial players in a competitive market and developers of cutting-edge technologies presents a number of challenges for intellectual property attorneys negotiating and drafting joint development agreements that protect various participants' interests in the developed technologies. This talk will address issues that may impact energy companies' interests with regard to these agreements, including: ownership, prosecution, exploitation, and enforcement of jointly developed IP; protection of confidential information and background IP; joint ventures for technology development; and issues to consider when developing technology with universities or start-ups.

- **Liz Flannery**, Baker Botts L.L.P., Houston, Texas

3:30 The EU General Data Protection Regulation in Energy Practice (.75 hr)

As energy becomes a more data-driven field, technology design, contractual terms, and internal governance become increasingly subject to privacy, data protection, and cybersecurity considerations. The EU General Data Protection Regulation (“GDPR”) enters into force on May 25, 2018, creating a unique globally-reaching sanctions regime for companies that collect and process certain personal data. In parallel, EU Member States are creating statutes defining IT and energy as critical infrastructure subject to heightened cybersecurity requirements. This presentation will introduce key points of the GDPR likely to be of interest to energy companies and practitioners, including the scope of GDPR-affected data, risk allocation in contract drafting, questions on machine-to-machine data regulation, vendor/supplier compliance, cybersecurity practices, and an outlook on the European enforcement and litigation landscape.

- **Daniel J. Felz**, Alston & Bird LLP, Dallas, Texas

4:15 Adjourn >



Institute for
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An institute of The Center for American and International Law, IEL provides superior educational and professional opportunities for lawyers and other professionals in the energy industry through educational courses, conferences, scholarly publications and membership activities. IEL presents numerous educational conferences and seminars each year, publishes papers, periodicals and provides an important forum in which contemporary issues affecting the energy industries can be discussed.

For more information, visit cailaw.org/iel.



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Established in 2003 as part of The Center for American and International Law, the Institute for Law and Technology (ILT), sponsors educational programs for lawyers and other professionals with a principal focus on intellectual law and practice.

ILT is a membership organization and counts leading intellectual property practitioners, both in-house and in private practice, among its members.

For more information, visit cailaw.org/ilt.

REGISTRATION

2nd Energy Industry Intellectual Property Law Conference March 22, 2018 Norris Conference Center – Houston/CityCentre • Houston, Texas

Registration includes one day Conference, all meals and the course material provided online, which may be printed or saved by customer.

Check applicable box:	Received by 3/10/18	Received after 3/10/18
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GENERAL INFORMATION

CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by March 10, 2018. Email kjohnson@cailaw.org. After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

HOUSING: The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at Hotel Sorella CITYCENTRE, 800 Sorella Court, Houston, TX 77024. Registrants should call reservations at +1.866.842.0100 or +1.713.973.1600 to receive a reduced room rate of \$179 ++ per night. The last day to obtain this special rate is March 11, 2018.

NONDISCRIMINATION POLICY: The Center for American and International Law does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, veteran status or any other protected status in educational activities, scholarship programs or admissions.

PRESS POLICY: All IEL and ILT conferences are held under the Chatham House Rule. Participants, including journalists, are free to use any information received, but comments may not be attributed to any speaker identified by name or affiliation.

MCLE CREDIT: This program is approved by the State Bar of Texas for a total of 6.25 hours, including 1 hour of ethics. Course ID Number: 174010320. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules.

For this conference, IEL and ILT will directly apply (if requested) for course accreditation in the following states: California, Minnesota, New Mexico, Ohio, Oklahoma, Pennsylvania, Texas and Virginia. Some of these states may not approve a program for credit hours before the program occurs. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. Attorneys filing by self-submission in certain states may be required to pay an additional fee. IEL and ILT conferences are typically accredited by all mandatory CLE states.

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