Maintaining Your Edge:
Addressing Emerging Issues in the Practice of IP Law

January 30-February 2, 2019
Tampa Marriott
Waterside Hotel & Marina
Tampa, FL
AIPLA Members and Friends:

The world around us is changing rapidly, and IP law and practice is keeping pace. Join us in Tampa for the 2019 Mid-Winter Institute where we will be addressing these emerging issues in the practice of IP law. Our Institute will not only provide exceptional speakers on substantive, timely issues facing our profession, but will also deliver practical insights to guide professional development for seasoned practitioners as well as newly minted agents and attorneys. It will also include plenty of events and opportunities to network with fellow IP practitioners.

Our Institute kicks off with a focus on diversity and inclusion, as we hear from members of the bench and in-house counsel on cutting-edge practices and initiatives. Our panelists include the Honorable Judge Adalberto Jordan from US Court of Appeals for the Eleventh Circuit, the Honorable Judge Cathy Bissoon from the Western District of Pennsylvania, and the Honorable Judge Sue L. Robinson (retired) from the District of Delaware. Our distinguished panel of in-house counsel will be moderated by Sarah Harris, General Counsel of US Patent and Trademark Office.

We are also pleased to host Professor Bruce Bueno de Mesquita, a renowned political scientist and behavioral economist, who will lead our Friday plenary session on the essential principles of persuasion. This will be followed by sessions on persuasion in the courtroom, in examiner interviews, and in settlement negotiation. As another highlight on Friday, the Honorable Judge Jose L. Linares, Chief Judge of the United States District Court for the District of New Jersey, will be our luncheon speaker.

Our programming will also leave you with insights into developing winning in-house/outside counsel relationships—from responding to a request for proposal to effectively managing work among in-house legal operations, outside counsel and vendors. At the cutting edge of technology and law, leaders from the trilateral Patent Offices will speak to both the practical and substantive issues around patents and the era of artificial intelligence. Also, hear Commissioner Mary Denison address the problem of fraudulent trademark filings, and how the US Patent and Trademark Office is responding.

No matter the level of experience or years of practice, our program will have topics of interest to everyone. We hope you can join us, and bring someone new. AIPLA continues to offer special group pricing, incentives for corporate members, attendance packages, and the like. Please contact Michelle Stuckey (massistant@aipla.org) at AIPLA headquarters to receive more information on these opportunities.

Join us in Tampa to meet fellow practitioners as well as re-connect with colleagues and friends while we all prepare for the current challenges facing our profession. We hope to see you there!

Sheldon H. Klein
President

Barbara A. Fiacco
Officer-in-Charge, 2019 Mid-Winter Institute
President-Elect

The 2019 Mid-Winter Institute Offers:
• Unsurpassed Networking
• Engaging and Inspiring Speakers
• Group Registration Discounts
General Information

Registration and Exhibit Hours

**Wednesday:** 8:00 AM – 6:00 PM  
**Thursday:** 8:00 AM – 6:00 PM  
**Friday:** 8:00 AM – 6:00 PM  
**Saturday:** 7:30 AM – 12:00 PM*

*The CLE Booth will remain open until 1:00 PM on Saturday

Helpful Hints

- Lunch receptions are open to everyone to meet and network.
- All meeting registrants will have advanced access to meeting materials online and in the app.
- Access to handouts and meeting papers are available at the on-site Technology Center, directly from the AIPLA website, or via the Institute Meeting App.

CLE Information

The 2019 Mid-Winter Institute has a total of 1020 CLE minutes. Diversity, Inclusion and Elimination of Bias and Ethics CLE credit session listed below. Credit amounts will vary by state, based upon each state’s regulations and credit calculation.

**Wednesday, January 30**  
**Plenary Session,** 3:00 – 5:30 pm  
150 minutes of Diversity, Inclusion and Elimination of Bias

**Saturday, February 2**  
**Plenary Session,** 9:00 am – 12:00 noon  
150 of minutes Ethics

The 2019 Mid-Winter Institute has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of 17.00 hours, including 2.50 hours of Ethics CLE credit.

The above amount is the calculation for 60-minute hour states. The maximum credit hour calculation for 50-minute hour states is 20.40 hours, including 3.00 hours of Ethics CLE credit. Credit amounts will vary by state, based upon each state’s regulations and credit calculation.

We are an approved provider by most states requiring CLE and have applied for credit for this meeting to all states requiring CLE.

Complete CLE information will be available on-site at the AIPLA CLE Information Booth. The CLE Information Booth will remain open until 1:00 pm on Saturday.

Disclaimer: AIPLA is a nonprofit national bar association. The sole purpose of this CLE program is to provide educational and informational content. AIPLA does not provide legal services or advice. The opinions, views and other statements expressed by contributors to this CLE program are solely those of the contributors. These opinions, views and statements of the contributors do not necessarily represent those of AIPLA and should not be construed as such.

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The Mid-Winter Institute is on Twitter!

Are you #TweetingTheMeeting?  
Don’t forget to include the hashtag #aiplaMW19 to be featured in the Mid-Winter Institute Twitter Feed!

All of the sessions of the Mid-Winter Institute have been approved as insurance Discount Eligible.

Program as of December 27, 2018  
Subject to change.

REGISTER BY JANUARY 4, 2019 AND SAVE $100!
FEATURED SPEAKERS

James Altman, Foster Murphy Altman & Nickel
Bob Bahr, United States Patent and Trademark Office (invited)
W. Todd Baker, Oblon McClelland Maier and Neustadt, LLP
The Hon. Cathy Bissoon, US District Court, Western District of Pennsylvania
Steve Bossone, Alnylam Pharmaceuticals
The Hon. Hildy Bowbeer, US District Court, District of Minnesota
Karen Boyd, Turner Boyd, LLP
Dan Brownstone, Fenwick & West, LLP
Bruce Bueno de Mesquita, NYU Department of Politics
Paul E. Burns, Procopio
Cheri Caddy, National Security Agency, Washington, DC
Valerie Calloway, IBM Corporation
Philmore H Colburn II, Cantor Colburn, LLP
Erik Combs, Pirkey Barber, PLLC
Dominick A. Conde, Venable Fitzpatrick
Mary Denison, United States Patent and Trademark Office
Gauri Dhavan, ZOLL Medical Corporation
Sean Edman, Medtronic
Margaret A. Esquenet, Finnegan Henderson Farabow
Garrett & Dunner, LLP
Aaron Fahrenkrog, Robins Kaplan
Sean B Fernandes, Intel Corporation
Barbara Fisher, Lockheed Martin Corporation
Wendy Garber, United States Patent and Trademark Office (invited)
Jeff Gluck, Panitch Schwarze Belisario & Nadel
Glenn Gunderson, Dechert, LLP
David Hricik, Mercer University School of Law
Eileen Hunter, 3M Company
The Hon. Adalberto Jordan, US Court of Appeals for the 11th Circuit
Nate Kurtis, Broad Institute
Valerie Landrieu McDevitt, University of South Florida
The Hon. Jose L. Linares, Chief Judge, US District of New Jersey
Alex Long, GE Aviation
David W. Long, Essential Patent, LLC
Toru Matsuoka, Japanese Patent Office (invited)
Michael E. McCabe, Jr., McCabe Law, LLC
Vincenzo Melilli, BUGNION S.p.A
Gary Myers, University of Missouri School of Law
Kristin Neuman, MPEG-LA
Freddie Park, Park IP Consulting, Los Altos, CA
Chris Pierson, Binary Sun Cyber Risk Advisors
Christian Platzer, European Patent Office (invited)
Andrew Pratt, Venable Fitzpatrick, LLP
G. Christopher Ritter, The Focal Point, LLC
The Hon. Sue L. Robinson (retired), District of Delaware
Christopher Roby, University of Tampa
Mark A. Salzberg, Squire Patton Boggs (US), LLP
Lata Setty, UnitedLex
Jesse Solomon, Davis Polk
Ernie Torain, ITW
Eric F. Wagner, Duke University Office of Licensing and Ventures
Jenifer Ward, General Electric
Kristin M. Whidby, Fried Frank Harris, Shriver & Jacobson, LLP
Angela Wilson, GlaxoSmithKline, PLC
Jonathan W. Yarbrough, Constancy Brooks Smith & Prophete, LLP
IP Practice in Japan Committee Pre-Meeting and Dinner

January 29-30, 2019
Tampa Marriott Waterside Hotel & Marina
Tampa, FL

The Latest IP Developments in Japan and the US
The Pre-Meeting begins with breakfast on Tuesday, January 29th at 8:30 am and ends on Wednesday, January 30th at 12:00 pm. The meeting will include continental breakfast, coffee breaks, lunch (lunch only on Tuesday) and an afternoon coffee break. Detailed agenda is listed below.

Meeting Cost: $175
Dinner Cost: $145 Jackson's, 601 S. Harbour Island Boulevard, Suite 100, Tampa, FL

*Note: you must be registered for the 2019 Mid-Winter Institute to register for this pre-meeting and dinner.

Presentations provided by the members of a number of organizations including the Japan Patent Attorney Association (JPAA) and International Association for the Protection of Intellectual Property in Japan (AIPPI), as well as American Intellectual Property Law Association (AIPLA) on a wide range of topics such as:

1. US Case Law Updates: Recent Cases and What is Coming Up
   • Subject Matter Eligibility
   • Recent Trademark Decisions by the Federal Circuit
   • Patent Damages and Role of Damages Expert
2. US Claim Construction Issues and Practical Tips on Claim Drafting
3. Securing intellectual property rights for IoT and AI technologies
4. Primer on US Restriction Practice
5. IDS Practice: Tips and Considerations
6. Japan Case Law Updates: New developments from the East

*Note: Topics are subject to change

Tuesday, January 29:
8:30 - 9:00 am - Continental Breakfast
9:00 am - 12:00 pm - Morning Session
12:00 - 1:00 pm - Luncheon
1:15 - 5:00 pm - Afternoon Session
7:00 - 9:00 pm - Dinner (Ticket Required)
Dinner Location - Jackson's
Guests should arrive at 6:30pm; Dinner will be served at 7:00pm

Wednesday, January 30:
8:30 - 9:00 am - Continental Breakfast
9:00 am - 12:00 pm - Meeting
Afternoon social activities - TBD
(Typically Golf or Shooting Range)

Co-Sponsors: Borden Ladner Gervais, Carter DeLuca Farrell & Schmidt, LLP, Fildes & Outlands, PC, Gowling WLG, Oblon McClelland Maier & Neustadt, LLP, Osha Liang, LLP, Powell Gilbert, LLP, Shook Hardy & Bacon, LLP, Smart & Biggar / Fetherstonhaugh and Sughrue Mion

*Committee meetings are open to all attendees unless otherwise noted.
**Program subject to change
Ticket Required
Wednesday, January 30, 2019  DAY 1

8:00 AM – 6:00 PM
Registration

9:00 AM – 12:00 PM
Board of Directors Meeting (Board Members Only)

12:00 PM – 3:00 PM
Board/Committee Leadership Meeting (Leadership Members Only)

2:00 PM – 4:00 PM
Spouse/Guest “Get Acquainted” Social

3:00 – 5:30 PM
PLENARY SESSION

Diversity & Inclusion, Views from In-House and From the Bench
Our panels will provide views from the bench and in-house on diversity and inclusion. Topics will address how the court can and is promoting diversity and opportunities for meaningful roles and experience for junior associates and diverse candidate. We will also hear from in-house counsel on how they can impact on recruiting and retaining diverse candidates and on succession planning; the use of programs, such as secondments to advance diversity at firms; and how outside counsel can assist in advancing in-house counsel within their companies.

Views from the Bench
Moderator: The Honorable Sue L. Robinson (Ret.), Farnan, LLP, Wilmington, DE
Speakers:
The Honorable C. Bissoon, US District Court, Western District of Pennsylvania, Pittsburgh, PA
The Honorable Adalberto Jordan, US Court of Appeals, Eleventh Circuit, Atlanta, GA
The Honorable Hildy Bowbeer, US District Court, District of Minnesota, St. Paul, MN

4:15 – 4:30 PM - Networking Break

Views from In-House Counsel
Moderator: Sarah Harris, General Counsel, United States Patent and Trademark Office, Alexandria, VA
Speakers:
Eileen Hunter, Senior IP Litigation Counsel, 3M Company, St. Paul, MN
Barbara Fisher, Chief IP Counsel, Lockheed Martin Corporation, Manassas, VA
Ernie Torain, Chief IP Counsel, ITW, Glenview, IL

5:30 – 6:30 PM
New Member/First Time Attendee Reception
Are you a new AIPLA member? New to an AIPLA Meeting? You’re invited to attend!
Sponsored by: Schwegman Lundberg & Woessner, PA

6:30 – 7:30 PM
Diversity Reception
Sponsored by: Foley Hoag, LLP

7:30 – 9:00 PM
Opening Night Reception
“Florida Everglades”
Co-Sponsored by:
Baker Botts, LLP, Gray Plant & Mooty, Juul Lab, Krishna & Saurastri Associates, LLP and Shook Hardy & Bacon, LLP

REGISTRATE BY JANUARY 4, 2019 AND SAVE $100!  *Committee meetings are open to all attendees unless otherwise noted.
**Program subject to change  Ticket Required
**DAY 2**  
**Thursday, January 31, 2019**

- **6:45 – 8:45 AM**  
  Committee Meetings*  
  (See pages 14-17 for a complete list of Committee Meetings)

- **6:45 – 8:45 AM**  
  Corporate Practice Committee Breakfast Meeting (For Corporate In-House Counsel Only)  
  Sponsored by: Middleton Reutlinger

- **6:45 – 7:45 AM**  
  **PLO**  
  Diversity in IP Law Committee Fun Run / Walk  
  Sponsored by: Baker Botts, LLP

- **7:45 – 8:45 AM**  
  **PLENARY SESSION**  
  Amicus (Committee Members Only)  
  Global Sector IP Leadership Group (Leadership Group Members Only)

- **8:00 AM – 6:00 PM**  
  Professional Programs

- **8:00 AM – 2:30 PM**  
  Spouse/Guest Tour – A Taste of Tampa Bay  
  See Page 13 for More Information

- **9:00 AM – 9:15 AM**  
  Association Business Meeting

**PLENARY SESSION**

**In-house/Outside Counsel Working Together**  
This program will explore how to elicit the information you need from outside counsel and how to respond to give a company what they need. This will be done within the context of a hypothetical Request for Proposal (RFP), addressing the initial written response and in-person pitch, using a panel of in-house experts to evaluate and assess the pitch both the good and the bad.

**Moderator:** Robert A. Weaver, Cozen O’Connor, Miami, FL

*Speakers* (SEE ABOVE)

- W. Todd Baker, Oblon McClelland Maier and Neustadt, LLP, Alexandria, VA
- Valerie Calloway, IBM, Armonk, NY
- Philmore H. Colburn, Cantor Colburn, LLP, Hartford, CT
- Gauri Dhavan, ZOLL Medical Corporation, Chelmsford, MA
- Eric F. Wagner, Duke University, Durham, NC
- Jenifer Ward, General Electric, Albany, NY

**What in-house counsel is looking for in outside counsel - and mechanisms to get these desires across**

**Speakers* (SEE ABOVE)**

**The Pitch**

**Speakers* (SEE ABOVE)**

- **10:30 - 11:00 AM**  
  Networking Break

*Committee meetings are open to all attendees unless otherwise noted.  
**Program subject to change  
Ticket Required
Thursday, January 31, 2019
D DAY 2

PLENARY SESSION - CONT.

Working Together: How Outside Counsel and In-House Legal Operations Work Together To Modernize Today’s IP Practice

Today’s in-house attorney must juggle multiple and sometimes competing demands when delivering value to an enterprise. Outside counsel, more than ever, is expected to partner with the in-house legal organization to bring value and impact in a cost conscious, long view approach. This panel will dive into how the outside counsel/in-house relationship can be used to:

- Manage cost pressures such as finding cost-effective solutions to budget mandates
- Find synergistic divisions of work between inside and outside counsel, as well as vendors
- Develop preferred vendor relationships
- Impact the diversity of legal pipeline

Views from In-House Counsel

Moderator: Steven Lundberg, Schwegman Lundberg and Woessner, Minneapolis, MN

Speakers:
Sean Edman, Medtronic, Minneapolis, MN
Lata Setty, UnitedLex, Overland Park, KS

Alex Long, GE Aviation, Cincinnati, OH
Angela Wilson, GlaxoSmithKline, PLC, Research Triangle Park, NC

12:15 – 12:45 PM
Luncheon Reception
Sponsored by: Patterson Belknap Webb & Tyler, LLP

12:45 – 2:00 PM
Luncheon
Keynote Speakers: TBD

2:00 – 3:30 PM - Concurrent Afternoon Tracks

CONCURRENT TRACK 1

Moderator: Ury Fischer, Lott & Fischer, PL, Coral Gables, FL

Fraudulent Trademark Filings at the USPTO - A Report by Commissioner Denison
Mary Denison, United States Patent and Trademark Office, Alexandria, VA

Trademark Searching and Enforcement - The Latest Tools and Tips
Glenn Gunderson, Dechert, LLP, Philadelphia, PA

Emerging Trade Dress Issues in Europe
Vincenzo Melilli, BUGNION S.p.A, Milano, Italy

CONCURRENT TRACK 2

Adapting to Adapting Technologies
This program will consider:
- Adoption of AI within the national offices to facilitate their work; and,
- Patenting AI and other emerging technologies (e.g. blockchain) at the national offices, where: (i) AI is claimed as part of a computer implemented invention; and, (ii) AI has been used to generate the claimed invention, for example in drug repurposing.

Moderator: Bruce D. Sunstein, Sunstein Kann Murphy & Timbers, LLP, Boston, MA

Speakers:
Bob Bahr, United States Patent and Trademark Office, Alexandria, VA (invited)
Christian Platzer, European Patent Office (invited)
Toru Matsuoka, Japanese Patent Office, Tokyo, Japan (invited)
3:30 - 3:45 PM  - Networking Break

3:45 – 5:45 PM  Committee Educational Sessions

**CHEMICAL PRACTICE/PATENT LAW (JOINT SESSION)**

**Moderator:** Adrian Looney, Pfizer Inc., New York, NY

**Issues and Considerations in Drafting Opinion of Counsel Involving Joint and Contributory Infringement**
Dominick A. Conde, Venable Fitzpatrick, New York, NY

**Issues and Considerations in Pre-Suit Investigations and Due Diligence in Joint and Contributory Infringement Claims**
Aaron Fahrenkrog, Robins Kaplan, Minneapolis, MN

**Ethical Considerations in Pursuing Joint and Contributory Infringement Claims**
Karen Boyd, Turner Boyd, LLP, Redwood City, CA

**Panel Discussion**

**PATENT LITIGATION/TRADemark INTERNET (JOINT SESSION)**

**The Social Media Effect**
How Social Media Content Ripples Through IP Law in Court, in Chambers, and in the Jury Room

**Moderator:** Jim Shead, ARRIS, Austin, TX

**Speakers:**
Margaret A. Esquenet, Finnegan Henderson Farabow Garrett & Dunner, LLP, Washington, DC
G. Christopher Ritter, The Focal Point LLC, Oakland, CA

3:45 – 5:45 PM  Committee Educational Sessions

**3:45 – 5:45 PM  Committee Meetings**
(See pages 14-17 for listings)

**7:30 – 9:30 PM**
Dinner & Entertainment
“By the Seaside”
Co-Sponsored by: TBD

*Photos courtesy of Visit Tampa Bay*

*Committee meetings are open to all attendees unless otherwise noted.

**Program subject to change**

Ticket Required
Friday, February 1, 2019

**8:00 AM – 6:00 PM**
Registration

**9:00 AM – 12:00 NOON**

PLENARY SESSION

**The Art of Persuasion and Effective Negotiation for Tomorrow’s Leaders**

Can political science and psychology make you more persuasive and a more effective negotiator? Yes! Renowned political scientist and author, Bruce Bueno de Mesquita, will explain his method for modelling negotiations. Prof. Bueno de Mesquita is specializes in international relations, foreign policy, and nation building. He has authored numerous books on negotiation theory. Prof. Christopher Roby of the University of Tampa will offer insights on behavioral economics and ways in which this rapidly evolving branch of psychology can make us more persuasive. Their presentations will be followed by a panel discussion, mock arguments based on actual Supreme Court arguments, and a further discussion among our panel of experts and judges.

**The Essential Principles of Persuasion**

**Moderator:** Russ Rosenzweig, Expert Capital Partners, LLC

**Speakers:**
Bruce Bueno de Mesquita, New York University, NYU Department of Politics, New York, NY
Christopher Roby, University of Tampa, Tampa, FL

**10:15 - 10:45 AM** - Networking Break

**Persuasion in Practice: Persuading Judges and Juries**

**Moderator:** Tara Trask, Tara Trask, LLC, San Francisco, CA

**Speakers:**
Erik Combs, Pirkey Barber PLLC, Austin, TX
Kristin M. Whidby, Fried Frank Harris Shriver & Jacobson, LLP, Washington, DC

**10:00 AM – 12:00 PM**
Board of Directors Meeting

**12:00 NOON – 12:30 PM**
Luncheon Reception (Open to all attendees)
**Sponsored by:** Knobbe Martens
**Program subject to change**

Ticket Required

Committee meetings are open to all attendees unless otherwise noted.

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**12:30 – 2:00 PM**

Luncheon

Keynote Speaker: The Hon. Jose L. Linares, Chief Judge, US District Court of New Jersey, Newark, NJ

**2:00 – 3:30 PM** - Concurrent Afternoon Tracks

**CONCURRENT TRACK 1**

Persuasion in Various Settings

**Moderator:** Kim Van Voorhis, Nike, Beaverton, OR

Persuading Patent Examiners

Dan Brownstone, Fenwick & West, LLP, New York, NY

Wendy Garber, United States Patent & Trademark Office, Alexandria, VA (invited)

Settlement Negotiation

Steve Bossone, Alnylam Pharmaceuticals, Cambridge, MA

Freddie Park, Park IP Consulting, Los Altos, CA

Persuading Tribunals: ITC

James Altman, Foster Murphy Altman & Nickel, Washington, DC

Andrew Pratt, Venable, LLP, Washington, DC

**CONCURRENT TRACK 2**

Licensing-in and Acquiring Technologies

**Moderator:** Harry First, New York University School of Law, New York, NY

Bankruptcy: how to address in licensing, disposing of trademark and other IP assets post-bankruptcy

Mark A. Salzberg, Squire Patton Boggs (US), LLP, Washington, DC

Due Diligence and antitrust issues: Considering the mega-deals and the evolving framework

Jesse Solomon, Davis Polk, Washington, DC

Partnering with universities and other small entities

Valerie Landrieu McDevitt, University of South Florida, Tampa, FL

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**3:00 – 3:15 PM** - Networking Break

**3:45 – 5:45 PM** Committee Educational Sessions

**IP TRANSACTIONS/COPYRIGHT (JOINT SESSION)**

*Oracle v. Google – Getting More (or Less) Than You Licensed*

**Moderator:** John Lyon, Thomas Horstemeyer, Atlanta, GA

Case Summary

Paul E. Burns, Procopio, Los Angeles, CA

Sean B. Fernandes, Intel Corporation, Beaverton, OR

Implications on Proprietary and Open Source Software Licensing

Jeff Gluck, Panitch Schwarze Belisario & Nadel, Philadelphia, PA

Impact on the Application of the Fair Use Doctrine and Interoperability in the US and Abroad

Gary Myers, University of Missouri School of Law, Columbia, MO

**BIOTECHNOLOGY/OPEN SOURCE (JOINT SESSION)**

Don’t Get Too Close to the Edge: What Life Science Companies Need to Know about Managing Standards Setting and Open Source Risks

**Moderator:** Nicholas J. Landau, Bradley, Birmingham, AL

Speakers:

Kristin Neuman, MPEG-LA, Chevy Chase, MD

David W. Long, Essential Patent, LLC, Oak Hill, VA

Nate Kurtis, Broad Institute, Cambridge, MA

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**3:45 – 5:45 PM**

Committee Meetings

(See pages 14-17 for listings)

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*Committee meetings are open to all attendees unless otherwise noted.  **Program subject to change  

Ticket Required

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**FREE NIGHT!**

Enjoy what Tampa has to offer ...
Saturday, February 2, 2019

**PLENARY SESSION**

**What Every IP Practitioner Needs to Know About Privacy and Cybersecurity**
- **Moderator:** Dennis Duncan, Dolby Laboratories, San Francisco, CA
- **Protecting Against a (Cyber) Security Breach**
  Chris Pierson, Binary Sun Cyber Risk Advisors, Miami, FL
- **Dealing with the Breach**
  Cheri Caddy, National Security Agency, Washington, DC
- **The After-Breach**
  TBD

**10:15 - 10:45 AM** - Networking Break

**What Every IP Practitioner Needs to Know About Risk Management**
- **Moderator:** TBD
- **Attorneys, Clients and Sex: The Ethical and Legal Dilemmas**
  Michael E. McCabe, Jr., McCabe Law, LLC, Potomac, MD
- **Employment Law Issues for Law Firms**
  Jonathan W. Yarbrough, Constangy Brooks Smith & Prophete, LLP, Asheville, NC
- **Risk of Social Media for Law Firms and Attorneys**
  David Hricik, Mercer University School of Law, Macon, GA

**12:00 NOON - 5:00 PM**

**Golf Tournament**
- **Westchase Golf Club 12:30 - 5:00 pm | Reception will follow 5:00pm - 6:00pm | Registration Price - $135**

Westchase Golf Club is a premium daily-fee facility recognized by the National Golf Foundation for its outstanding course conditions, service and value. The CLASP award (Customer Loyalty and Satisfaction) is given to the best of the more than 400 courses that participate in this NGF program. Westchase placed in the top ten of the national rankings and number one in the state of Florida.

Nationally known architect Lloyd Clifton designed our 6710-yard, par 72 course, which winds through natural wetlands, wooden bridges and bulkheads. Called “one of the most beautiful public-access course in the Tampa area,” Westchase has earned a high rating from Golf Digest as well as a Great Value award.

**Golf Fee is all inclusive except for clubs. Club rentals are $40 – Titleist or Srixon available. Shoes are not available for rental. Please email Meeting_Planner2@aipla.org if you need to rent clubs. Payment for club rental will be paid by you.**

Register by January 4, 2019 and save $100!
A Taste of Tampa Bay

Thursday January 31 | 9:30 AM – 2:30 PM | Cost: $98.00

Today you will experience two sides of the Bay. Nestled along the banks of Old Tampa Bay lies the City of Safety Harbor, a secret little hideaway, neighbored by the major cities of Clearwater and Tampa; this quaint community of 17,000 people boasts a famous resort, distinctive shops, award winning restaurants & pubs and art in abundance.

Once considered a “blessed” location for the Tocobagan Indians and later a “safe haven” during a storm to the Spanish this community typically surprises its visitors by what a “happening” kind of place it is.

This morning you will travel to this haven and experience some “Whimsey” in your life.

Enjoy a tour of the world-renowned “Whimzeyland” house. Known for its bowling ball garden, unique sculptures and colorful mosaic walkways outside and its variety of whimsical décor inside. Whimzeyland has been featured on MTV cribs as well as appearances on HGTV’s Extreme Homes.

Then we travel eastward and across the Bay and travel back in time old Tampa with a stop at the former Tampa Bay Hotel, now the University of Tampa. Explore the public spaces; the 1890’s to be exact.

Then it’s a quick jaunt through downtown and into Ybor, pronounced E-bor Ybor was once the “Cigar Capital of the World”, hear about this former hub and Latin community with its cigar history and mix of immigrants which gave Tampa its wonderful “flavor”. Notice many of the former cigar factories and Social Clubs of a former era. Lunch today at the famous Columbia Restaurant in Ybor.

Experience Tarpon Springs

Friday February 1 | 9:30 AM – 2:30 PM | Cost: $93.00

It’s not the Greek Isles but it’s as Close as we can Get!

Depart your hotel this morning and travel via some of Florida’s backroads to Tarpon Springs, Florida’s small Greek community sitting on the Gulf of Mexico. Your guide will point out to you many of the more well buildings and housing while telling you about local stories which make this community what it is. Tarpon Springs is a small historic community with an unusual mix of Greek culture, Victorian and Floridan architecture. Incorporated in 1887 this community is located on the Gulf of Mexico on the west coast of Florida and was named after the tarpon springing from its bayou. Early in its history the community drew spongers from Key West and Greece and it also drew many of the rich and famous during Florida’s land boom days, some of whom built on the ring of gold on the city’s main bayou.

Today you will see some of the old Victorian Houses in addition to some of Tarpon’s landmarks. Hear about the famous weeping icon in the St Nicolas Cathedral then arrive at the sponge docks, the heart of Tarpon.

On your arrival enjoy a short boat ride on the Anclote River which runs into the Gulf, then stroll the main street with its many sponge shops en route to your lunch location. Lunch will be provided at a local restaurant near the historic sponge docks.

Accompanying Guest Suite Hours*:

- Wednesday: 8:00 AM – 6:00 PM
- Thursday: 8:00 AM – 6:00 PM
- Friday: 8:00 AM – 6:00 PM
- Saturday: 7:30 AM – 12:00 NOON

Throughout the meeting, the suite will be open to provide refreshments and a gathering place for our accompanying guests.

* Accompanying guests must register.
(See page 21 for details)

Spouse/Guest “Get Acquainted” Social

Wednesday
2:00 – 4:00 PM

Come connect with old friends and meet new ones as we kick off this year’s Mid-Winter Institute!
**AIPLA Fellows** (Committee Members Only)  
We will meet to discuss committee business.  
*Friday, 3:45 - 4:45 pm*

**AIPPI-US Business Meeting**  
*Thursday, 3:45 - 5:45 pm*

**American Intellectual Property Law Education Foundation (AIPLEF)**  
(Foundation Trustees Only)  
*Thursday, 3:45 - 5:45 pm*

**Alternative Dispute Resolution**  
(Committee Members Only)  
We will meet to discuss committee business.  
*Thursday, 4:45 - 5:45 pm*

**Amicus** (Committee Members Only)  
We will meet to discuss committee business.  
*Thursday, 7:45 - 8:45 am*

**Anti-Counterfeiting and Anti-Piracy**  
Will Not Meet

**Antitrust Law**  
TBD

**Biotechnology/Standards & Open Source**  
(Joint Session)  
See page 11  
*Friday, 3:45 - 5:45 pm*

**Chemical Practice/Patent Law** (Joint Session)  
See page 9  
*Thursday, 3:45 - 5:45 pm*

**Committee on Legislation**  
(Committee Members Only)  
We will discuss committee business.  
*Thursday, 3:45 - 4:45 pm*

**Copyright Law/IP Transactions** (Joint Session)  
See page 11  
*Friday, 3:45 - 5:45 pm*

**Corporate Practice** (Breakfast Meeting)  
(Corporate In-House Counsel Only)  
**Sponsored by:** Middleton Reutlinger  
Please join us for an educational breakfast program with the opportunity to network with fellow corporate practitioners.  
*Thursday, 6:45 - 8:45 am*

**Development Task Force** (Committee Members Only)

**Diversity in IP Law**  
Diversity Committee will meet to discuss this Year’s Agenda and Initiatives. All are welcome.  
*Thursday, 4:45 - 5:45 pm*

**Diversity in IP Law Committee Fun Run/Walk**  
**Sponsored by:** Baker Botts, LLP  
Please join us. All are welcome.  
*Thursday, 6:45 - 8:45 am*

**Education**  
Will Not Meet

**Electronic and Computer Law**  
Will Not Meet

**Emerging Technologies**  
Will Not Meet

**Food and Drug**  
We will hold a business meeting to discuss our current committee activities and our plans for 2019.  
*Friday, 3:45 - 4:45 pm*

**Global Sector IP Leadership Group**  
(Leadership Group Members Only)  
*Thursday, 7:45 - 8:45 am*

**Harmonization**  
Will Not Meet

**Industrial Designs**  
Will Not Meet
Law Students
Will Not Meet

Membership (Committee Members Only)
The Committee is focused on membership, growth, member retention and the improvement of the membership experience. One aspect of this mission is to assist AIPLA headquarters, and all other AIPLA Committees in the communication of AIPLA’s Vision and Mission.
Friday, 4:45 – 5:45 pm

Mergers and Acquisitions
Joseph Gustavus of Miller Canfield will discuss International Traffic in Arms Regulations (ITAR) and export control compliance issues, as well as the Committee on Foreign Investment and Foreign Investment Laws, and the impact these may have when evaluating potential target.
Friday, 4:45 - 5:45 pm

New Lawyers/Mentoring (Joint Meeting)
Please join AIPLA mentors and mentees in a round robin speed networking session where you will get to know some of AIPLAs mentors and mentees. This is an exciting networking platform geared towards networking, as well as learning how to become actively involved with the Mentoring Committee and New Lawyers Committee. If you are a new member and looking for experienced AIPLA members and leaders to help you navigate your way through AIPLA, come and meet some of AIPLA’s leaders. If you have considered becoming a mentor, this is a perfect opportunity to connect with prospective mentees and to learn mentoring tips from experienced mentors. If you are a mentor and you are looking for another mentee, please join us, share your expertise, and meet your match!
Friday, 3:45 - 5:45 pm
Online Programs
Want to expand your professional network, stay updated on hot IP topics, and contribute to your profession? The AIPLA Online Programs Committee, which manages nearly all online programming, is looking for highly motivated IP practitioners to join our team.

Thursday, 3:45 - 4:45 pm

Patent Agents/Patent-Relations with the USPTO (Joint Meeting)
During this joint meeting we will discuss how our two committees can work together and solicit ideas for the committees to work on. The meeting will include a social aspect at a bar in the hotel or at a nearby venue. If you are not a member yet and think you might like to become one, please consider attending.

Thursday, 3:45 - 5:45 pm

Patent Cooperation Treaty Issues
The committee will explain recent PCT announcements and share best practice tips from colleagues, and debate pending board resolution topics relating to ePCT use in the US and International Bureau filing date issues. All interested persons are welcome.

Friday, 3:45 - 4:45 pm

Patent Law
See Chemical Practice

Patent Litigation/Trademark Internet
(Joint Session)
See page 9

Thursday, 3:45 - 5:45 pm

Patentable Subject Matter Task Force
(Committee Members Only)
Friday, 4:45 - 5:45 pm

Patent-Relations with USPTO
See Patent Agents

Professional Programs
Thursday, 7:45 - 8:45 am

Professionalism and Ethics/Special Committee on Pro Bono (Joint Meeting)
We are actively seeking new membership. All are welcome!
Thursday, 3:45 - 5:45 pm

PTAB Trial
The Committee will host one-hour meeting, including a discussion on hot topics in PTAB caselaw, practice and procedure, a short summary of recent discretionary denial of institution cases and the related guidance from the PTAB, followed by a short business meeting.

Friday, 4:45 - 5:45 pm

Public Appointments (Committee Members Only)
Will Not Meet

Public Education
TBD

Special Committee on Education
(Committee Members Only)
Will Not Meet

Special Committee on Privacy and Data Security (Committee Members Only)
The committee have a business meeting to plan activities for the coming year, including presentations at the Spring Meeting, Annual Meeting, substantive reports, outreach programs and formation of subcommittees. All are welcome to attend.

Thursday, 4:45 - 5:45 pm

Special Committee on Pro-Bono
Thursday, 3:45 - 5:45 pm

Special Committee on Publications
(Committee Members and Invitation Only)
Thursday, 4:45 - 5:45 pm

Standards and Open Source
See Biotechnology
Committee Meetings*

Trade Secret Law
Thursday, 3:45 - 4:45 pm

Trademark Internet
See Patent Litigation

Trademark Law/Trademark-Relations with the USPTO/Trademark Litigation/Trademark Treaties and International Law (Joint Meeting)
During the meeting, we will discuss ongoing and future projects by the various trademark committees. We will also discuss strategies for increasing membership engagement and outreach to trademark professionals, including new initiatives relating to programming at stated meetings, as well as developing “local” programming and events for trademark committee members who may not be able to attend the stated meetings.
Thursday, 3:45 - 5:45 pm

Trademark Litigation
See Trademark Law

Trademark Treaties and International Law
See Trademark Law

Trademark-Relations with the USPTO
See Trademark Law

US Bar/EPO Liaison Council
(Council Members Only)
Will Not Meet

US Bar/JPO Liaison Council
(Council Members Only)
Will Not Meet

US Bar/SIPO Liaison Council
(Council Members Only)
Will Not Meet

Women in IP Law (Breakfast Meeting)
Moving Over or Moving On Considering a career change or transition? Things to consider when making a move.
Friday, 6:45 - 8:45 am
Co-Sponsored by: Finnegan Henderson Farabow Garrett & Dunner and Knobbe Martens
Tampa Marriott Waterside Hotel & Marina
700 South Florida Avenue
Tampa, FL 33602
Room Rate: $239 (single/double)
Cut-off Date: January 7, 2019
(These rates are available three days before and after the meeting based on availability.)

The hotel’s reservation deadline is January 7, 2019. After January 7, rooms may be available on a “space available” basis only, at the $239 rate. Hotel reservations sell out every year, sometimes even before the deadline, so call early!

Reservations: Call (888) 789-3090 or (813) 221-4900 and ask for the AIPLA Group Rate, or book online at: https://book.passkey.com/go/AIPLAAttendee

Getting There

Ground Transportation:
Tampa International Airport
http://www.tampaairport.com/
Tampa International Airport maintains an information desk, located inside the terminal near baggage claim, to assist the traveling public with transportation needs and questions.
Taxi: Taxicabs are available outside of the baggage claim area. Estimated taxicab fare from Tampa International Airport to Tampa Marriott Waterside Hotel & Marina: $25 + gratuity.
http://www.tampaairport.com/ground-transportation
for information regarding ground transportation, shuttles, car rentals and services for the disabled.

Photo courtesy of Visit Tampa Bay
AIPLA Members... Invite a Colleague to Join and Register! Recruit More...Save More!

Take a look at the benefits of recruiting a new member:

- Reduction of your 2019 Mid-Winter Institute registration fee in increments of $50 for each Regular (in practice more than five years), or International Affiliate member you recruit and $25 for each Junior member you recruit. There is no limit to the discount you can earn.
- An invitation to attend the New Member/First-Time Attendee Reception, Wednesday, January 31, 2019 5:30 – 6:30 PM.

To recruit new members, tell them about the special benefits of joining now:

- They can register for the Mid-Winter Institute at the member rate instead of the non-member rate—a savings of hundreds!
- Each new member who registers for the Mid-Winter Institute will receive a special invitation emailed to them to attend the New Member/First-Time Attendee Reception.
- Access the Special Membership Application from the Mid-Winter Institute homepage—http://

After the newly recruited member has completed the membership application form(s):

- Sign on the Recruiter line.
- Important: Include the Membership Application form(s) with your 2019 Mid-Winter Institute Registration Form to ensure proper credit.
- Fax both to 703-415-0786, or mail both to AIPLA Headquarters, 1400 Crystal Drive, Suite 600, Arlington, VA 22202.
- If you are a first-time AIPLA meeting attendee, be sure to indicate it on the registration form.

Corporate In-House Counsel — Attending Your First AIPLA Meeting? Please, be Our Guest...

AIPLA has a special offer to encourage in-house corporate counsel to attend an AIPLA major meeting to see first-hand the outstanding CLE programs we provide.

For individuals who have never attended an AIPLA stated meeting, such as an Annual, Mid-Winter or Spring Meeting, who are also corporate in-house counsel, AIPLA will waive the registration fee. Tickets to the events are not included in this registration. You will need to pay for those events separately. This waiver of fees is available for one stated meeting only.

To take advantage of this one-time offer, simply complete the registration form and fax it to us at 703-415-0786. Once AIPLA has verified that this is your first major meeting and that you meet the in-house corporate counsel criteria, you will receive a registration confirmation. Our hope is that you enjoy your experience at your first AIPLA meeting and that you will join us again for future programs and become more actively involved with the work of the Association, especially through involvement with the Committees.

If you qualify for this special offer, please select the box listed as “first-time corporate in-house counsel” on the registration form.

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**Group Discounts**

AIPLA is pleased to announce the introduction of a new, special registration option for law firms and corporations. In an effort to create opportunities for multiple IP practitioners from a single organization to attend the meeting, AIPLA is offering one complimentary registration for the 2019 Mid-Winter Institute for every three [3], fully-paid registrations.

**Register 3-Get 1 FREE**

Your complimentary registration may be used for a colleague, client, or other as you determine is most valuable.

A paper registration must be downloaded from the website and submitted for the complimentary registration by email to meetings@aipla.org. Please note in the email the names of the three paid registrants for confirmation.

Only fully paid registrations can be applied toward the multi-registration offer. The following exclusions apply:

- This offer is not valid for meeting exhibitors.
- Guest registrations do not apply toward the total number of paid registrations.
- First-time corporate attendees and Corporate Subscription registrations do not apply toward the total number of paid registrations.
1. Registration:
Register by January 11, 2019 to be included on the participation list (attendees registering after January 17th run the risk of having to register again on-site). On-site registrations will be accepted; however, please be prepared to pay by check, cash or credit card. We DO NOT invoice for any fees. Attendees must register for the meeting if they wish to register for or attend social events. Badges are required at all meetings and social events.

2. Submitting Your Registration:

ONLINE: You should receive an email confirmation shortly after you complete the process. Please keep this confirmation for your records. www.aipla.org

FAX: Faxed registrations must contain credit card information, signature of the cardholder, and expiration date. AIPLA fax number: 703-415-0786 (for registrations only). DO NOT FAX REGISTRATION AND THEN MAIL A COPY. IT MAY BE PROCESSED TWICE AND YOU MAY BE BILLED TWICE.

MAIL: Mail registrations to:
AIPLA
1400 Crystal Drive, Suite 600
Arlington, VA 22202

International Registrations:
If you submit a registration via fax with credit card payment, do not send a “confirmation copy” via mail as it may be processed twice, and you may be billed twice. If you are paying by check, please mail your registration. You may fax 703-415-0786 a copy of your check and registration to account for possible foreign mail delay. Payment for meeting registration must be in US currency.

3. Spouses or Accompanying Guests Must Register.
Guests over 18 pay a guest fee of $150. There are many opportunities for your spouse or guest to join you throughout the meeting, as well as network with and get to know the other spouses and guests attending the meeting. The Guest fees include a guest badge and access to all unticketed events, including: the continental breakfasts, luncheon receptions, morning and afternoon breaks, special spouse/guest welcome reception and access to a special hospitality suite open during the posted meeting registration hours and stocked with beverages and snacks. This fee is intended for spouses and guests attending the Mid-Winter Institute who are not eligible for AIPLA membership or who would not otherwise attend the meeting for CLE purposes. This guest fee is not available in lieu of paying the registration fee for vendors requesting more than the allotted number of exhibitor badges.

4. Purchasing Event Tickets On-Site:
Events may sell out. Tickets on-site are sold on an “as available” basis. Tickets will be collected at all food functions and the spouse/guest tours.

5. Returned Check and Credit Card Fees:
Registrations received that result in a returned check or contain incomplete credit card information, including omitted signature, omitted expiration date, wrong number sequences, etc., will be charged a $35 fee for each instance.

6. Cancellation:
Cancel by January 4, 2019 and receive a refund less a $50 processing fee. Cancel between January 17 – 23, 2019 and receive a refund less a $250 processing fee. No refunds issued after close of business January 23, 2019. Cancellations must be made in writing. Please mail or fax — 703-415-0786 — your cancellation in writing to AIPLA, 1400 Crystal Drive, Suite 600, Arlington, VA 22202. Any refunds will be processed after the meeting.

CAUTION: If you duplicate your registration with AIPLA, it is your responsibility to notify AIPLA in writing after the meeting and request a refund. No refunds will be given at the meeting site.

7. Registration Transfer:
Registrants may transfer their registration based on the following:

• Members may transfer their registration to other members.

• Non-members may transfer their registration to other non-members.

• A transfer from a member to a non-member will incur an additional fee equal to the difference in registration rates.

8. Photographs and Video:
There will be photographs and video taken throughout AIPLA’s 2019 Mid-Winter Institute that will be used in AIPLA print and electronic publications, including AIPLA’s website.
First name: ____________________________________________  Last name: __________________________
Name for Badge: __________________________________________________________________________
Firm/Company: __________________________________________________________________________
Mailing Address: __________________________________ City/State/Zip Code: __________
Telephone: ___________________________  E-mail: ___________________________
(Spouse/Guest) Name: __________________________________________________________________________

I. AIPLA 2019 Mid-Winter Institute Registration Rates

**See AIPLA’s Cancellation Policy for Important Dates and Information

<table>
<thead>
<tr>
<th>Category</th>
<th>Early Bird by 1/4/19</th>
<th>Standard/Onsite after 1/4/19</th>
</tr>
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<tbody>
<tr>
<td>AIPLA Member - Full Meeting</td>
<td>$995</td>
<td>$1095</td>
</tr>
<tr>
<td>AIPLA Member - Day Rate $770 Early $870</td>
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<td>$870</td>
</tr>
<tr>
<td>Government Employee/AIPLA Academic Member</td>
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<td>$95</td>
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<tr>
<td>AIPLA Student Member</td>
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<td>$55</td>
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<tr>
<td>AIPLA Solo Practitioner Member</td>
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<td>$995</td>
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<td>First-Time Corporate In-House Counsel (Corporate in-house counsel only)</td>
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<td>$0</td>
</tr>
<tr>
<td>Non-Member* - Full Meeting</td>
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<td>$1595</td>
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<tr>
<td>Non-Member - Day Rate $1270 Early $1370</td>
<td>$1270</td>
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<tr>
<td>Spouse/Guest Fee (For guests over 18)</td>
<td>$150 x #_____</td>
<td>$150 x #_____</td>
</tr>
</tbody>
</table>

Registration Subtotal $__________________________

II. AIPLA 2019 Mid-Winter Institute Social and Networking Events

Wednesday, January 30
Opening Night Reception “Florida Everglades” $99 x #____

Thursday, January 31
Diversity in IP Law Committee Fun Run/Walk $0 x #____
Corporate Practice Breakfast (Corporate In-House Counsel Only) $0 x #____
Spouse/Guest Tour: A Taste of Tampa Bay (lunch included) $98 x #____
Luncheon $54 x #____
Dinner and Entertainment “By the Seaside” A Table Reservation (Includes 10 tickets) $150 x #____
$2000 x #____

Friday, February 1
Women in IP Law Breakfast $0 x #____
Spouse/Guest Tour: Experience Tarpon Springs (lunch included) $93 x #____
Luncheon - Keynote Speaker: The Hon. Jose L. Linares, Chief Judge, US District Court of New Jersey $55 x #____

Saturday, February 2
Golf Tournament: Westchase Golf Club** $135 x #____
**Golf Fee is all inclusive except for clubs. Club rentals are $40 - Titleist or Srixon available. Shoes are not available for rental. Please email Meeting_Planner2@aipla.org if you need to rent clubs. Payment for club rental will be paid by you.

Social and Networking Events Subtotal $__________________________

Total $__________________________

☐ Yes, I would like to be contacted about participating as a mentor or mentee during 2019 Mid-Winter Institute. Email me @

*To get the member rate, please submit a membership application and payment with this registration. To obtain a membership application, please visit our website at www.aipla.org.

☐ Is this the first time attending an AIPLA stated meeting?

IMPORTANT! Please indicate food restrictions/special needs requests

Method of payment
☐ check enclosed (make checks payable to AIPLA)
☐ credit card (please circle one - AMEX, MC, or VISA)
card number _______________ exp. date _______________ name on card __________________
signature __________________
Mid-Winter Institute
January 30-February 2, 2019

Upcoming AIPLA Meetings!

2019 Spring Meeting
May 15 - 17
Loews Philadelphia
Philadelphia, PA

2019 Annual Meeting
October 24 - 26
Gaylord National Resort & Convention Center
National Harbor, MD

2020 Mid-Winter Institute
January 29 - February 1
Sheraton Grand at Wild Horse Pass
Phoenix, AZ