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Institute for  
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## Energy Industry Intellectual Property Law Conference



### Energy Industry Intellectual Property Law Conference

March 28, 2017

The Center for American and  
International Law  
Plano, Texas

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### Highlights

- Departing Employee Issues Associated With Industry Layoffs-Trade Secret Misappropriation: Rogue Inventors
- The Effects of Bankruptcy Proceeding on IP Assets and Freedom to Operate
- Legal Implications of International Transfers of Energy-Related Technology and IP Assets
- What Impact Do Energy-Related Regulatory Requirements Have On IP Rights?

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**THE CENTER FOR AMERICAN  
AND INTERNATIONAL LAW**

# Energy Industry Intellectual Property Law Conference

## SCHEDULE

March 28

### Conference Co-Chairs

**Nicholas N. Leach**  
Chief IP Counsel  
Chevron Corporation  
San Ramon, California

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

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“Topics and quality of presentations and speakers [were excellent]. Convenient and quality location.”

- Past participant



8:20 INTRODUCTIONS

8:30 DRAFTING ENFORCEABLE PATENT CLAIMS IN THE OILFIELD

The unique and evolving nature of the oilfield can present a number of challenges for patent attorneys seeking to draft patents that will be enforceable and provide meaningful protection for inventors and their employers. This presentation will address issues such as patent-eligible subject matter under 35 USC § 101, divided/joint infringement, and extraterritorial limitations on the applicability of US patents.

— Erik Hawes, Morgan, Lewis & Bockius, LLP, Houston, Texas

9:15 WHAT THE TEXAS UNIFORM TRADE SECRET ACT, THE NEW FEDERAL TRADE SECRETS ACT AND THE EU DIRECTIVE MEAN FOR THE ENERGY INDUSTRY

A review of recent lawsuits and case outcomes of special interest to energy litigators.

— John H. Barr, Jr., King & Spalding, Houston, Texas

— Joseph F. Cleveland, Jr., Brackett & Ellis, P.C., Fort Worth, Texas

10:00 BREAK

10:15 DEPARTING EMPLOYEE ISSUES ASSOCIATED WITH INDUSTRY LAYOFFS-TRADE SECRET MISAPPROPRIATION: ROGUE INVENTORS

MODERATOR: **Steven Christian**, Lead Attorney – Energy Technology Company, Chevron, Houston, Texas

PANELISTS:

— **Dwayne L. Mason**, Greenberg Traurig LLP, Houston, Texas

— **Scott M. Nelson**, Baker McKenzie LLP, Houston, Texas

— **Scott Richardson**, Counsel, IP Law Practice Group, Halliburton, Carrolton, Texas

11:00 THE EFFECTS OF BANKRUPTCY PROCEEDING ON IP ASSETS AND FREEDOM TO OPERATE

This talk will examine the impact that bankruptcy proceedings have on the disposition of intellectual property rights that are tied up in such proceedings. Such issues include what happens to a licensee’s interest in a license agreement when the trustee rejects an executory contract under which the debtor is a licensor, and the impact such proceedings have on the sale of IP assets. The talk will also focus on certain issues unique to the oil and gas industry such as the right of debtors to disclose seismic data which has been licensed to the debtor as part of sale of those assets.

- **Hon. Stacey G. C. Jernigan**, United States Bankruptcy Court for the Northern District of Texas, Dallas, Texas
  - **Timothy Lynch**, Quatela Lynch McCurdy, Rochester, New York
  - **Ian Peck**, Haynes and Boone, LLP, Houston, Texas
- 

11:45 LUNCH

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12:30 **THE IMPACT OF COUNTERFEITING ON THE ENERGY INDUSTRY AND BEST PRACTICES FOR DEALING WITH SAME**

MODERATOR: **Nicholas N. Leach**, Chief IP Counsel, Chevron Corp., San Ramon, California

PANELISTS:

- **Annora Bell**, Exxon Mobil Corporation, Houston, Texas
  - **Howard J. Shire**, Andrews Kurth Kenyon LLP, New York, New York
- 

1:15 **LEGAL IMPLICATIONS OF INTERNATIONAL TRANSFERS OF ENERGY-RELATED TECHNOLOGY AND IP ASSETS**

Due to the global nature of the energy industry, many assets – including intellectual property and related technology – are the subject of cross-border transactions. This program will discuss some of the tax issues associated with such transactions, as well as export controls that may be implicated when technology is sent outside the US.

MODERATOR: **Joseph M. Beauchamp**, Jones Day, Houston, Texas

PANELISTS:

- **Ryan Chadwick**, Vice President and General Counsel, TMK IPSCO, Houston, Texas
  - **Kathrin Zoeller**, Transfer Pricing, Tax Department, Weatherford, Houston, Texas
- 

2:15 BREAK

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2:30 **TECHNOLOGY DEVELOPMENT IN A LOW COST ENVIRONMENT - TRAPS OF COLLABORATIVE TECHNOLOGY AGREEMENTS (ETHICS .25)**

This session will feature panelists providing their perspective on technology development in the energy industry in a low cost environment including the challenges of collaborative technology agreements.

MODERATOR: **Melissa Patangia**, Chevron Services Company, Houston, Texas

PANELISTS:

- **Bruce Cottrell**, Senior Patent Counsel, Los Alamos National Security LLC, Los Alamos, New Mexico
  - **Mark A. Tidwell**, Haynes and Boone, LLP, Houston, Texas
  - **Frank Turner**, Managing IP Counsel, Chevron Corporation, Houston, Texas
- 

3:15 **CONSIDERATIONS IN DRAFTING LICENSE AGREEMENTS FOR ENERGY TRANSACTIONS**

The international and complex nature of how energy projects are structured presents a number of challenges for intellectual property attorneys seeking to draft license agreements that protect various players in the markets' interests. This presentation will address issues such how to account for the transferability of IP assets in such transactions, patent exhaustion, avoiding patent misuse and issues to consider when licensing technology from universities.

- **Paul R. Morico**, Baker Botts L.L.P., Houston, Texas
-

**4:00**    **WHAT IMPACT DO ENERGY-RELATED REGULATORY REQUIREMENTS HAVE ON IP RIGHTS?**

The energy industry is a highly-regulated industry. Those regulations impact all aspects of the business, and intellectual property rights are no exception. This talk will examine the impact several notable industry regulations have on certain intellectual property rights and how to deal with that impact.

- **Thomas Jackson**, Baker Botts L.L.P., Washington, D.C.
- **Charles B. Walker**, Norton Rose Fulbright US LLP, Houston, Texas

**4:45**    **THE STATE OF PATENT AGENT PRIVILEGE AND ITS IMPACT ON MULTINATIONALS (ETHICS .75)**

In 2016 in *In re Queen’s Univ. at Kingston*, the US Court of Appeals for the Federal Circuit recognized a patent-agent privilege extending to non-attorney patent agents relating to their authorized practice before the US Patent & Trademark Office. However, in a Texas state court decision, a court of appeals stated that the Queen’s University decision was not binding and refused to recognize a discovery privilege for patent agent communications in a breach of contract case. See *In re Andrew Silver* (Tex. App. -- Dallas Ct. App. 05-160074-CV, Aug. 17, 2016). This panel will explore the current state of privilege as applied to patent agent communications and its implications, in particular, on multinational corporations.

- **Sharon Israel**, Mayer Brown LLP, Houston, Texas
- **Chris Northcutt**, Senior Counsel, Chevron, Houston, Texas

**5:30**    **RECEPTION**

## ABOUT THE INSTITUTE FOR ENERGY LAW (IEL)



Institute for  
**ENERGY LAW**

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 the *Oil and Gas Reporter*, and provides an important forum in which contemporary issues affecting the energy industries can be discussed.

For more information, visit [cailaw.org/iel](http://cailaw.org/iel).

## ABOUT THE INSTITUTE FOR LAW AND TECHNOLOGY (ILT)



Institute for  
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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](http://cailaw.org/ilt).

# REGISTRATION

## Energy Industry Intellectual Property Law Conference

March 28, 2017

The Center for American and International Law • Plano, Texas

Registration includes all meals. Most materials will be provided electronically and/or posted on our website.

Check applicable box:	Received by 3/8/17	Received after 3/8/17
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PAYMENT MUST ACCOMPANY REGISTRATION

### GENERAL INFORMATION

**CANCELLATION POLICY:** Tuition, less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by March 8, 2017. E-mail cancellation notice to lgaspar@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 the Dallas/Plano Marriott at Legacy Town Center, 7121 Bishop Road, Plano, Texas 75024. Guests may call Marriott Reservations directly at 1-800-228-9290 and mention "IEL - Energy Industry IP Law Conference" to receive the reduced room rate of \$198 + tax. The last day to obtain this special rate is March 6, 2017.

**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 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 7.5 hours, including 1 hour of ethics. Course ID Number: 901372662. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules.

For this conference, IEL 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. IEL conferences are typically accredited by all mandatory CLE states.



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**ENERGY INDUSTRY INTELLECTUAL LAW CONFERENCE**

Institute for Energy Law  
The Center for American and International Law  
5201 Democracy Drive  
Plano, TX USA 75024

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