

APRIL 2024

# YTP'S TECH TIMES

A PUBLICATION OF THE ILT YOUNG TECHNOLOGY PROFESSIONALS COMMITTEE

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*The YTP's Tech Times, ILT's Young Technology Professionals newsletter, will contain substantive articles on trending legal issues, on emerging technology, IP, cybersecurity and data privacy, interviews, and professional development.*

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*Please note: The articles and information contained in this publication should not be construed as legal advice and do not reflect the views or opinions of the editing attorneys, their law firms, or the ILT.*

## Expert Interview: Jayne Piana, Fletcher Yoder, P.C.

Interview by Kellie Constantine, Judicial Law Clerk, U.S. District Court for the Western District of Louisiana

**KC: What is your technical background? Did you always intend on pursuing a career in IP law?**



**JP:** When I started college at Texas A&M, the weight of deciding what to do “for the rest of my life” was a sizeable burden. The pressure to make such a significant decision as an 18-year-old was no joke.

In an attempt to find my way, I settled on chemical engineering. Even though I didn’t know any chemical engineers (my mom was a teacher and my dad was in sales), I had always liked math and chemistry and so I thought I’d give it a try.

After my sophomore year, I landed an internship at Motorola in Austin, working in a clean room in a wafer fab. The scanning electron microscope became my favorite part of the fab—undeniably cool! One of my summer intern projects involved assisting the team in drafting their invention disclosures. As part of this project, I sat down with the in-house patent attorney and I was hooked! That project gave me a clear direction; after finishing at A&M in chemical engineering, law school was my next step.

**KC:** Since you have extensive experience working both as an IP attorney for a firm as well as in-house legal counsel, can you elaborate on both experiences? Did you find transitioning among the positions to be particularly challenging?

**JP:** Throughout my career, I’ve spent significant time both in private practice and in-house roles, providing me the benefit of varied perspectives. After graduating from law school, I spent a decade in private practice as a patent litigator, diving into the legal and factual complexities of each case and investing countless hours in preparing for and going to trial.

After ten years of patent litigation in private practice, I transitioned to an in-house role at an international energy company. There, I redirected my practice from patent litigation to patent transactions, focusing on technology licensing, joint development agreements, and mergers and acquisitions. Currently, I split my time as a shareholder in private practice at an IP boutique and serving as fractional in-house IP counsel for one of my clients.

While I enjoy both private practice and in-house environments, in my experience each has a different focus, requiring different skills. As outside counsel, my role is sharply specialized; I am the go-to subject matter expert delving into the intricacies and nuances of the law and the problem to be solved. In contrast, as in-house counsel, my responsibilities extend beyond IP law and even beyond legal expertise. In-house clients rely on me to guide the business around legal risks including non-IP related risks such as antitrust and commercial risk, and also ensure alignment with strategic business objectives.

The transition from a legal subject matter expert in private practice to a trusted business advisor in an in-house capacity required some adjustment, but the dual experience has proven invaluable. Now, the insights from my in-house roles inform the collaborative approach I take with my clients, offering comprehensive and strategic legal support while staying attuned to broader business goals.

**KC: What are some of the skills you find most useful in your practice? If you find any particularly unique to IP, please elaborate on those.**

**JP:** Effective communication is crucial for IP lawyers, as well as for lawyers across all fields. Whether it’s written or verbal communication, effective IP lawyers need to articulate complex legal and technical concepts in a way that is understandable to patent examiners, business stakeholders, judges, and juries. Thus, strong writing skills are a must.

In addition, as my practice evolved to increase interaction with technical clients and business decision-makers, effective verbal communication skills and an emphasis on active listening have become equally essential. The

ability to engage and understand various perspectives is increasingly critical in the evolving landscape of an IP legal practice.

**KC: What are the best practices for drafting and negotiating technology-related contracts and agreements?**

**JP:** IP agreements can be daunting—they are often fifty-plus pages long and contain lots of legal boilerplate. It can be easy to lose sight of the most important provisions within this morass. Ensure that you have communicated with your client the impact of the most important provisions (e.g., indemnities, representations and warranties, IP ownership, scope of licenses) and that you know your client's position on these key issues. It is also critical to stay up to date on regulations and laws that may impact the transaction, for example, privacy and data security regulations. This awareness will allow you to appropriately address in the agreement which party has responsibility for compliance and any necessary mitigations for the other party.

**KC: Are there industry specific regulations that tech lawyers should be aware of, such as healthcare technology or fintech regulations?**

**JP:** As mentioned above, the regulations and laws that most frequently impact my practice as an IP transactional attorney relate to privacy and data security. This space is becoming a patchwork quilt where laws differ among countries and even among states. Keeping up with the everchanging landscape is challenging, but necessary.

**KC: What advice do you have for young technology lawyers looking to excel in this field? Is there something you wish you knew when you were just starting?**

**JP:** My advice from my experience as an IP lawyer: explore various projects early in your career. You might discover a passion for working on mergers and acquisition deals, especially diving into the world of IP due diligence. Brief writing could become your forte, or you might find fulfillment in patent prosecution. The more diverse experiences you accumulate as a young lawyer, the better your chances of discovering your true calling.

Even if certain areas don't resonate with you as strongly, every experience contributes to your overall skill set as an IP/technology lawyer. So, don't hesitate to try different things - it's all valuable in shaping your career path.

**KC: How did you decide to serve as a Co-Chair of the 61st Annual Conference on Intellectual Property Law, which took place in November of 2023?**

**JP:** I've been engaged with the Annual Conference on Intellectual Property Law organized by CAIL-ILT for the past several years. I started as a panelist, then progressed to a module chair, and most recently, I've had the honor of

serving as the co-chair. CAIL-ILT stands out as one of the finest CLE conferences I've attended.

When Dwayne Norton approached me to take on the role of co-chair, my immediate response was a resounding yes! The prospect of actively shaping the content and messaging for 2022 and 2023 was very exciting. It's been such a rewarding experience contributing to the conference's evolution and ensuring its continued excellence.

**KC: What were some of the key takeaways from the 2023 IP Law Conference?**

**JP:** In 2023, the IP Law Conference had an intentional focus on AI. As we know, the legal landscape tends to move at a slower pace, often taking years to catch up to evolving technologies. Meanwhile, technology, including AI, does not wait. Therefore, it is crucial for us as IP and technology lawyers to stay informed about the current applications of AI, such as generative AI like ChatGPT, and understand how it can influence both our clients and our legal practice.

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## **Disruptive Technology Strike Force Continues Focus on Trade Secret Theft, Export Control Enforcement**

R. Andrew Austria, J. Patrick Rowan, Alex J. Brackett, Yasser A. Madriz, and Miles O. Indest, McGuireWoods LLP

The [Disruptive Technology Strike Force](#) hosted a [summit](#) on Feb. 7-8, 2024, in Phoenix, Arizona, to commemorate its one-year anniversary. The Strike Force is an interagency law enforcement effort aimed at preventing authoritarian regimes and hostile nation-states from acquiring critical technologies.

The Strike Force, which seeks to identify and prosecute criminal violations of export control laws and enhance administrative enforcement actions, previously named China, Iran, Russia, and North Korea as examples of adversaries that may put these critical technologies to use in ways that threaten U.S. security or lead to oppression of domestic populations.

The summit began with a law enforcement-only day focused on investigative best practices and one-year reports from all 15 of the local cells. On the second day of the summit, the Strike Force was joined by members of the private sector and academia to discuss corporate compliance, best practices for building trade compliance programs and law enforcement outreach efforts.

During the summit, the Strike Force announced an expansion to three new metropolitan areas and formally recognized the Defense Department's Defense Criminal Investigative Service as a partner in the Strike Force. Assistant Secretary for Export Enforcement Matthew Axelrod of the Commerce Department's Bureau of Industry and Security (BIS) noted that, in the Strike Force's second year, industry can "anticipate

seeing some bigger ticket corporate resolutions in 2024.” He explained that “the bigger corporate cases have sort of an additional benefit. When we bring them, it’s not only that we hold people accountable for violating our rules, but also I think it sends a really strong message about the importance of investing in compliance on the front end.”

The Strike Force also announced two prosecutions alleging sophisticated schemes to transfer sensitive technology, goods, and information for the benefit of hostile foreign adversaries.

In the Eastern District of New York, [two Iranian nationals](#) were charged with conspiring to export equipment used in the aerospace industry to Iran without the required licenses, in violation of the International Emergency Economic Powers Act. As alleged in the indictment, the defendants acted on behalf of the government of Iran as they worked to disguise the final destination of U.S. components that Iran’s aerospace industry could use. The defendants allegedly attempted to forward these components through intermediaries in Europe and elsewhere.

In the Central District of California, [a U.S. citizen of Chinese descent](#) was arrested for allegedly stealing trade secrets developed for use by the U.S. government to detect nuclear missile launches and track ballistic and hypersonic missiles. The files the defendant allegedly transferred included blueprints for sophisticated infrared sensors designed for use in space-based systems to detect nuclear missile launches and track ballistic and hypersonic missiles, and blueprints for sensors designed to enable U.S. military aircraft to detect incoming heat-seeking missiles and take countermeasures. According to the complaint, from 2014 to 2022, the defendant submitted numerous applications to the Chinese government’s talent program while employed at several major technology companies in the United States.

As these federal prosecutions demonstrate, the Strike Force continues to focus on cases involving theft of trade secrets and export control enforcement. Exporters and developers of advanced technologies—such as supercomputing and exascale computing, artificial intelligence, advanced manufacturing equipment and materials, quantum computing and biosciences—should be particularly vigilant with export compliance protocols and monitoring employee actions in this heightened enforcement and global threat environment. Investigations launched by the Strike Force likely will require increased cooperation with law enforcement agencies. Additionally, Axelrod’s remarks, including his comments regarding the beneficial message sent as a result of “bigger corporate cases,” underscore the need for robust internal procedures for protecting trade secrets and for compliance with export controls, especially given BIS and the Justice Department’s recent focus on [voluntary disclosures](#).

## Standard Essential Patents: Do SEPs Promote the Progress of Science and the Useful Arts?

Alexander J. Gambino, J.D., B.S., Thrive IP®

### Abstract

*This Article posits that Standard Essential Patents are integral components of modern innovation, assist in reducing overall costs to consumers, and facilitate standardization of industries; however, such technological standardization presents an inherent conflict with Article I, Section 8, Clause 8 of the United States Constitution and may, upon further inspection, have diminished benefits. This Article seeks to introduce Standard Essential Patent practice, highlight its benefits and disadvantages, and discuss the implications of this practice on industry, patent holders, and the public.*

### A. Introduction

Article I, Section 8, Clause 8 of the United States Constitution, which is often referenced as the Intellectual Property Clause, empowers Congress to grant authors and inventors exclusive rights to their respective writings and discoveries for the purpose of “promot[ing] the Progress of Science and the useful Arts.” U.S. Const. art. I, § 8, cl.8. This Clause serves as the foundation for both the federal copyright and patent systems and was modeled upon a utilitarian framework by the Founding Fathers. Peter Lee, *Toward a Distributive Agenda for U.S. Patent Law*, 55 Hous. L. Rev. 321, 323-26 (2017). Such a system was devised to provide incentives for those who develop and innovate while simultaneously benefiting the public through a process of incentivized disclosure and limited exclusivity. *Id.*

Patents, and their underlying technologies, are ubiquitous in modern society, affecting everyone from the everyday consumer to the largest companies in the world. With any system that is so pervasive as to span global economies, there is bound to be conflict in application and effect. Such is true with the patent system—the conflict between benefiting the public through disclosure and protecting the cost of innovation and development has been debated since the enactment of the Constitution, and today, the debate continues as it relates to increased pressure to regulate, standardize, and globalize.

### B. What are Standard Essential Patents?

A Standard Essential Patent, also known as an SEP, is defined as a “patent claiming technology that is essential to an industry standard’s use.” Standard-Essential Patent (SEP) Definition, *Thomson Reuters Glossary of Terms* (2023), available at Westlaw. Traditionally, Standard Setting Organizations (SSOs), (e.g., the American National Standards Institute (ANSI) and the Institute of Electrical and Electronics

Engineers (IEEE) evaluate, administer, and coordinate standards to be implemented by member organizations and participants. *Id.* The most common industry involved in standard-setting technology is the telecommunications industry.

Often, SSOs require participants to disclose pending patent applications and issued patents which may be implicated by a standard. Participation in a SSO will require that the technology-holder license such patents on fair, reasonable, and nondiscriminatory (FRAND) bases to other participants. *Id.* (Terms such as fair, reasonable, and nondiscriminatory (FRAND) and reasonable and nondiscriminatory (RAND) are generally used interchangeably, with the former more common in European countries and the latter more common in the United States).

FRAND licensing schemes promote widespread adoption of standard technologies, often to further the goals of increased efficiency, standardization, and/or safety, and allow for greater competition within the marketplace. However, FRAND licensing is generally a contractual obligation between patent holders and market participants, and the royalties generated from these schemes often fail to adequately compensate the patent holder for relinquishing its exclusivity and recuperating costs related to the research and development expended to generate the given technology. Roger G. Brooks & Damien Geradin, *Interpreting and Enforcing the Voluntary FRAND Commitment*, SOC. SCI. RSCH. NETWORK, July 20, 2010.

### C. Benefits of Standard Essential Patents

SEPs have the potential to benefit consumers, industry participants, and those who developed the underlying technology protected by the SEPs.

To begin, consumers often see a decrease in the cost of end products when SEPs are faithfully adopted. This is because market participants that have access to SEPs do not need to expend exorbitant capital in investment, R&D, and license negotiations, which may ultimately have the effect of reducing the cost to the consumer. Consumers are also afforded flexibility to mix and match components from different sources with the assurance of interoperability. Org. for Econ. Co-Operation and Dev. [OECD], *Data Portability, Interoperability and Digital Platform Competition*, OECD COMPETITION COMM. DISCUSSION PAPER (2021), <http://oe.cd/dpic>.

For industry participants, the greatest benefit is seen in the reduction of the time and cost associated with developing a new technology. By taking advantage of FRAND licensing, smaller market participants, which traditionally lack adequate budgets to develop technologies on their own, can now interact in the marketplace, thus promoting competition, parallel development, and resource prioritization. Comm'r

Christine S. Wilson, Commentary, *SEPs and FRAND at the FTC and ITC: Current Policy Proposals and Respect for IP*, FED. TRADE COMM'N (2022). This form of licensing reduces overall costs and allows market participants who would otherwise be forced out of the market to compete, contribute, and develop within the given industry.

Lastly, the companies and individuals who are responsible for the development of the technology covered by the SEPs benefit. These entities no longer directly negotiate licenses with individual market participants, an often costly and litigious undertaking, and are compensated directly via royalties, which allow for the recuperation of costs associated with developing such technologies. J. Gregory Sidak, *The Meaning of FRAND, Part I: Royalties*, 9 J. COMPETITION L. & ECON. 931 (2013). Furthermore, the developers ensure that their technology becomes a standard within the industry, securing their position in the marketplace and excluding others from developing and implementing rival technologies not adopted or mandated by the SSOs. *Id.*

### D. Disadvantages of Standard Essential Patents

As with any system touting great benefits, disadvantages are always present. Many benefits of a system realized by one group are disadvantages faced by another. The same holds true for SEPs and FRAND licensing.

For developers, when a technology is adopted as an SEP, the exclusivity inherent in the grant of patent protection is lost. Gustav Bismark et al., *Overview of SEPs, FRAND Licensing and Patent Pools*, 58 J. LICENSING EXEC. SOC'Y 57 (2023). Most FRAND licensing schemes require that any person or entity who desires to use the technology be afforded the same licensing opportunity as all other participants concerning duration, scope, and cost. Negotiations within an SSO on rates of return for SEP licenses can be complicated. A push-and-pull scenario arises where, on one hand, the technology holders may hinder innovation by demanding excessive rates, while on the other hand, those who wish to implement technology can employ the regulatory and judicial systems to thwart the ability of SEP holders to license the technology. Stated another way, they, being the implementers, can demand lower rates. Commentator Alden Abbott has referred to the system as one of “holdup” and “holdout.” Alden Abbott, *Proposed European SEP Regulation Would Undermine Efficiency, Innovation, and Economic Growth*, IP WATCHDOG (May 29, 2023, 12:15 PM), <https://ipwatchdog.com/2023/05/29/proposed-european-sep-regulation-undermine-efficiency-innovation-economic-growth/id=161385/>.

Courts in the European Union, where FRAND litigation often takes place, have ruled that SEP holders and implementers must negotiate royalties in good faith before they can seek judicial remedies. See, e.g., Case C-170/13, *Huawei Tech. Co.*

*Ltd. v. ZTE Corp.*, ECLI:EU:C:2015:477 (July 21, 2015). In some cases, courts in the U.S., U.K., Germany, and France have issued so-called anti-suit injunctions, attempting to prevent suits from being filed over rate-setting.

Furthermore, developers no longer retain a monopoly on their technologies and are forced to acquiesce to standard terms in the name of public benefit and interoperability. *Bismark, supra*.

For the market participants, those who did not develop the underlying technology, the FRAND licensing terms are rigid and inflexible. Jorge L. Contreras, *A Brief History of FRAND: Analyzing Current Debates in Standard Setting and Antitrust through a Historical Lens*, 80 ANTITRUST L.J. 39, 85-8 (2015). In the absence of pre-approved terms and conditions, market participants are free to negotiate with the patent holders, often crafting licenses that better align with the goals and scope of their intended use. Additionally, market participants are beholden to an SSO and what it determines to be “standard;” therefore, offering little flexibility to avoid using such technologies if a competing technology is better suited for their needs, is more efficient, or proves more applicable. *Id.*

Lastly, consumers may not necessarily see cost savings from the adoption of SEPs. Srividhya Ragavan et al., *FRAND v. Compulsory Licensing: The Lesser of the Two Evils*, 14 DUKE L. & Tech. Rev. 83, 107-14 (2015). While interoperability and standardization may benefit the consumer, when SEPs are adopted, this generally has the effect of blocking the sale and marketing of competing, often lower cost, alternatives. *Id.* Additionally, consumers often become beholden to these technologies for the duration of the licensing terms despite the distinct possibility that the technologies may become, and often do become, inadequate to meet their changing demands.

## E. Infringement and Standard Essential Patents

As stated in 35 U.S.C. § 271, “whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent.” 35 U.S.C. § 271 (2010). Traditionally, when a finding of infringement is made by a federal court, an injunction prohibiting the infringer from continuing said infringement and/or damages may be awarded to the patentee. Additionally, upon a finding of willful infringement, i.e., infringement undertaken deliberately and intentionally, and with the knowledge of the patent, enhanced, i.e., treble, damages may be awarded to serve as both deterrence and punishment. However, SEP practice and FRAND licensing throws a significant wrinkle in this seemingly straightforward evaluation and remediation process.

In a market governed by SEPs, a person or entity seeking to implement the covered technology, a would-be infringer in the absence of FRAND licensing, is free to take the technology and incorporate it into their products subject to the royalty payment required by the license. Jeffrey Blumenfeld, *FRAND and Efficient Infringement*, LOWENSTEIN SANDLER BLOG (Aug. 18, 2020), <https://www.lowenstein.com/news-insights/publications/blogs/the-big-thoughtsquick-reads-antitrust-blog/frand-and-efficient-infringement>. However, such an implementer may not even trouble itself with paying the upfront royalty—instead, the implementer may choose to use the technology without any cognizable risk. *Id.* The implementer may rely on the fact that its discovery by the patentee or SSO is unlikely, especially for smaller market participants, and even if the implementer is later discovered, the only remedy available to the patentee is to enforce the FRAND royalties, “the same royalties it [the implementer] would have paid had it not engaged in” the prohibited behavior, and “the same royalties that its competing good-faith implementers have been paying all along.” *Id.* Such a shortcoming results in what many have dubbed “efficient infringement.” *Id.*

This gaming of the system is contrary to the purpose of FRAND licensing and cuts against both the Patent Act and the intent of the Framers. However, there does not appear to be any stop to such a practice. Recent decisions by federal courts, including the Supreme Court of the United States, demonstrate a lack of awareness of the threat of efficient infringement. Michael T. Renaud et al., *Efficient Infringement and the Undervaluation of Standard-Essential Patents*, INTELLECTUAL ASSET MANAGEMENT (Sept. 2016), <https://www.mintz.com>.

Furthermore, lax deterrence and costly litigation associated with enforcing the patent holder’s rights only furthers efficient infringement, erodes the value of the implicated patents, and runs contrary to the goals of the patent system.

SEP holders, as such, are faced with a difficult task. Efficient infringement results in the inability for patent holders to commit to low royalties, as SEP holders understand that efficient infringement is commonplace, which results in a higher license fee assessed against those entities who comply with the upfront licensing requirements. This has the effect of increasing the cost of licenses and ultimately increasing the costs borne by the consumers. Furthermore, the more the license rate increases, the more likely a would-be licensee may consider infringing in the hopes of reducing its overall cost.

From this, a key issue with SEPs and FRAND licensing is uncovered. The competing incentives contemplated by the Framers of the Constitution are eroded by this licensing scheme, and there is little that can be done to combat such issues. While foreign courts have started to take notice of these issues, U.S. federal courts have taken a back seat

to enforcement, and the growing costs associated with developing, protecting, and enforcing patented technologies only compounds the issue. Until a more robust approach is taken to limit efficient infringement and protect the value of patents, this trend is likely to continue, and even more likely, to expand.

## F. Conclusion

In sum, SEPs provide a valuable means for recouping costs associated with the development of new technologies, providing standardization among and across industries, and potentially reducing end-product costs to consumers. However, significant shortcomings in the form of high license costs, efficient infringement practices, and lax enforcement by courts, especially federal courts in the United States, undercut many of these touted benefits.

With that being said, SEPs do not appear to be disappearing anytime soon. SEPs have become cornerstones in many industries, and some of the technologies covered by SEPs, such as, Wi-Fi, USBs, and JPEGs, have become so commonplace that their disappearance is almost unimaginable. However, SEP practice is not perfect, resulting in gaping flaws capable of stifling innovation, harming the consumer, and inhibiting competition in the marketplace. While SEP practice does not appear to be on the decline, calls for the rework of licensing systems and balancing the incentives for developers with the benefits of the public will likely continue for the foreseeable future until changes are made to strengthen the effects of FRAND licensing and strike an accord with the intent of the Framers in developing the federal patent system.

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## ILT Member Highlight: Michael Perdunn, Director of Advisory Services, Cyber Defense Labs

Interview by Ryan J. Frankel, McGuireWoods LLP

**RJF:** What did you want to be when you were a child?



**MP:** When I was a child, I wanted to be an architect. I loved building things, and I grew up in Europe, so I had the opportunity to be surrounded by an amazing variety of architecture and history.

**RJF:** Are you originally from Omaha? And what do you enjoy most about living there now?

**MP:** I am not originally from Omaha. I was a military brat and moved all over as a kid. I've been in Omaha for about 25 years now, so it is as close to home as anywhere in the world. I enjoy living in Omaha because of the great

community and vibrant culture in the city. We have fantastic events like the College World Series every summer, a world-class zoo, and a great music scene.

**RJF:** What is your background? Growing up what were your interests, what were you involved in (sports clubs anything that gives us an idea of who you are!)?

**MP:** Growing up I played soccer and we traveled all over. In college, I played soccer and was on the speech and debate team. Now, I do a lot of bike riding, rock climbing, and still love to travel.

**RJF:** What is a professional challenge or fear that keeps you up at night and how do you silence it?

**MP:** The challenge I struggle with is finding the right balance to keep all the balls up in the air and be everywhere I am needed/want to be. We want to be seen as capable of taking on challenges while keeping the right work-life balance. Keeping that inner voice in check takes constant effort. One of the biggest things I do is take time to reflect on where I am and where I want to be. This is a practice I use with my teams often, as well. We all move so fast that if we do not take a beat to pause and reflect, we can miss how far we have come or when we are letting bad habits creep into our workday.

**RJF:** What are you most proud of in your career thus far?

**MP:** I am most proud of all the different areas my career journey has taken me. I've loved the diversity each role has provided me and work to bring that unique worldview into my current role.

**RJF:** In the next five years where do you see yourself?

**MP:** I am working full time and going to law school, so I am looking forward to completing my JD. If I zoom out, I hope to keep growing in my current role and continuing to explore the world.

**RJF:** How did you decide to join the ILT-Young Technology Professionals group and what do you hope to accomplish as a member?

**MP:** I learned about ILT-Young Technology Professionals group at the Cybersecurity and Data Privacy Law Conference. Working in cybersecurity, I enjoy the confluence between technology and law. By being part of the group, I hope to connect with others who are working in this area and discuss issues that are shaping our world.

**RJF:** What are your favorite hobbies or activities?

**MP:** Outside of work, I love traveling and exploring the outdoors. I do a lot of bike riding, rock-climbing, white-water rafting, and hiking. In November, I had the chance to do some

rafting in Chile. This summer, I'll be bike riding across the state of Iowa during the world's largest bike ride, RAGBRAI.

**RJF:** If you could have a conversation with three legal professionals or influencers, dead or alive, factual or fictional, who would they be and why?

**MP:** That's an interesting question, this is such a fast-moving area and there are so many people shaping public policy in this space. I think a lot about the struggle between America, Europe, and China for dominance in the governance of global technology. Ultimately, technology has no true boundaries and is ubiquitous in all our lives, this great-power struggle will shape the future. With that in mind, it would be interesting to talk one on one with the individuals that are shaping the emerging policy.



Do you know a young professional or full-time student who could benefit from being part of the ILT community? Let them know about the new membership categories and encourage them to join:

**Young Technology Professional Membership - \$50 Annual Dues**

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