

INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

Perspectives • Analysis • Visionary Ideas

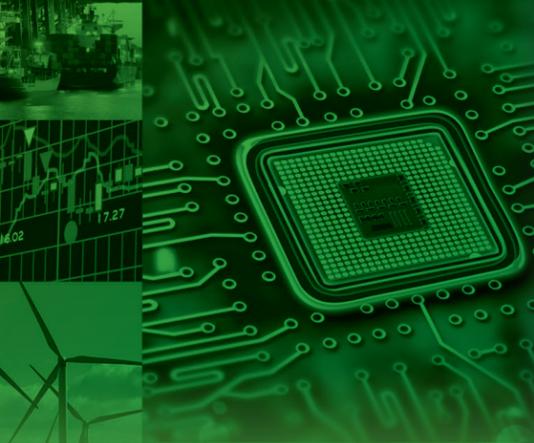
WHAT 2016 MAY BRING

SUPREME COURT
CORNER

THE ROLE OF
EVIDENCE IN INTER
PARTES REVIEW

CYBERSECURITY:
PAST IS PROLOGUE

TOP FRANCHISE
DECISIONS



We are pleased to announce the launch of our new **Technology Sector Showcase** page on LinkedIn, featuring alerts about breaking legal developments as well as announcements important to technology industry professionals.

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DLA Piper Technology Sector

Q1 EDITOR'S COLUMN



Dr. Erica Pascal
Partner
Intellectual Property and Technology

Welcome to the first issue of *IPT News* for 2016. When I am making New Year's resolutions and setting goals for the coming year, I like to look back and see where I have been to plan for what is coming up ahead. We are taking that approach here, looking back at some of the issues that arose in 2015 that impact intellectual property, technology and the companies working in these areas.

The Supreme Court has been extraordinarily active in the patent arena in recent times. In "Supreme Court Corner," we highlight two key cases from 2015 that will be heard in 2016 and that could profoundly affect liability, damages and patent claim interpretation.

Post-grant reviews at the patent office, particularly IPRs, continue to impact IP rights across technologies. We take a look at the sometimes ignored but often important evidentiary issues that can make or break a case.

In this issue, we also look at two franchise decisions concerning joint employer status – rulings with far-reaching implications for many industries, particularly those using contract workers. This area of law will continue to develop in 2016.

The cybersecurity arena was highly active in 2015 too. We review some of the issues that emerged during the year, including a potpourri of new types of cyberattacks, developments on liability for breaches, and new guidance and rules addressing cybersecurity. This area remains one to watch in 2016.

I hope this issue provides some perspectives on where things stand after 2015, and some thoughts to guide you as we march into 2016.

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20 DLA PIPER LAWYERS RANKED AMONG WORLD'S LEADING TRADEMARK PRACTITIONERS

WTR 1000: The World's Leading Trademark Professionals 2016 has named 20 DLA Piper lawyers from 10 countries to its list of top trademark professionals. WTR identifies these leading professionals through an exhaustive research process, highlighting "individuals that are deemed outstanding in this critical area of practice."



Pavel Arieovich
Russia



Horace Lam
China: Foreign



Chris Bennett
Canada



Simon Levine
UK: England



Edward Chatterton
Hong Kong



Michael Malloy
Russia



Gualtiero Dragotti
Italy



Christina L. Martini
US: Illinois



Gina Durham
US: California



Keith Medansky
US: Illinois



Ann K. Ford
US: DC Metro Area



Niels Mulder
Benelux: Netherlands



Mark I. Feldman
US: Nationwide; US: Illinois



Chris Tulley
UK: England



Darius Gambino
US: Pennsylvania



Melinda Upton
Australia



Ruth Hoy
UK: England



Roberto Valenti
Italy



Natalia Kirichenko
Ukraine



Thomas E. Zutic
US: DC Metro Area

WHAT'S IN A NAME?

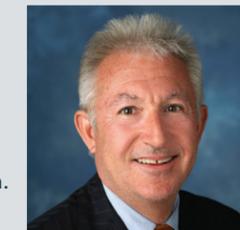
I rarely comment about any of the individual groups within our IPT practice here at DLA Piper, but this time is an exception. As the box to the left exemplifies, the trademark practice here is worthy of note.

As a global practice, DLA Piper has high quality trademark practitioners in virtually every jurisdiction of importance to our clients.

And the market for this kind of work is expanding. Global trademark applications continue to rise. Global brand owners continue to look for help with a global strategy to protect and enforce their marks around the world. Whether it is global branding, litigation, licensing, anti-counterfeiting, or anything else that has to do with trademarks, DLA Piper has a quality group.

Statistically speaking, our trademark group has consistently been ranked in the top 3 for filings in the United States and has been ranked in the top practices in the US and globally by *Chambers*, *Legal 500* and *WTR*.^{*} Moreover, the trademark practice is tightly integrated with the other groups within IPT, as well as the other practice groups in the firm as a whole – so when a trademark problem spills over into virtually any other area of law, we can deliver a coordinated solution.

In sum, I am pleased to congratulate each of the practitioners for the awards and successes you have achieved.



John Allcock
Partner
Global Co-Chair and US Chair, Intellectual Property and Technology

john.allcock@dlapiper.com

^{*}*Chambers Global 2015, Chambers USA 2015, Legal 500 USA 2015, World Trademark Review – World's Leading Trademark Professionals 2016*

THE ROLE OF EVIDENCE IN INTER PARTES REVIEW



By Michael Burns and Dr. Erica Pascal

From denying a famous hedge fund manager's IPR petitions to upholding all claims at final written decision, evidentiary issues alone have decided some PTAB trial proceedings. Even with such impressive results, evidentiary issues have not garnered much air time. In fact, the Patent Trial and Appeal Board (PTAB) has routinely ignored and denied evidentiary challenges. To know where to focus your attack – or shore up your petition – we will explain some evidentiary issues that have decided PTAB proceedings.

SHOW ME THE PRIOR ART

Hedge fund manager Kyle Bass's first few world-famous IPR petitions were denied on evidentiary issues. In those petitions, the Coalition for Affordable Drugs sought to use two posters that were presented in meetings as prior art. The patent owner, in its preliminary response, argued that the posters did not qualify as prior art printed publications.

The PTAB agreed and refused to institute the IPRs, finding insufficient evidence to show that the posters were publicly accessible to qualify as "printed publications" under the patent statutes. The factors it considered included (a) how long the posters were presented at meetings; (b) the expertise of the audience viewing the posters; (c) the expectation that the displayed material would be copied; and (d) the ease of copying the displayed material.

FEDERAL RULES OF EVIDENCE APPLY

The Federal Rules of Evidence require authentication of documents – proof that a presented item is what it purports to be. Authentication has crept into PTAB proceedings on various occasions, commonly in the analysis of webpages as prior art.

For example, an oft-used prior art source is the Wayback Machine website. To use information from the Wayback Machine as evidence, you must authenticate the webpages. Authentication may be done through testimony regarding the functionality of the Wayback Machine, or testimony from a witness having personal knowledge of the webpages. Failure to authenticate webpages leads to exclusion of the evidence. Lack of authentication has been case dispositive where the Wayback Machine was used to provide either prior art content or a date for the prior art disclosure.

Similar issues have arisen with clinical trials posted on the ClinicalTrials.gov website. In at least one case, the PTAB rejected the website evidence because its content could not be authenticated as of its asserted date of publication. The PTAB faulted the challenger for not providing a witness with personal knowledge or other evidence of the public accessibility or dissemination of the document as of the critical date.

The import of the Federal Rules of Evidence includes the rule against hearsay. Out-of-court statements offered for their truth are inadmissible absent an exception to the rule. As with authentication, hearsay has been a factor with Internet evidence.

For example, in one matter, hearsay was used to exclude the use of dates printed on websites to prove when the information on the websites was publicly available. The dates on the website included dates next to a copyright notice and dates within the text describing pictures. The PTAB found

these dates were out-of-court statements offered for their truth and not subject to any hearsay exception. With the loss of the printed dates, the websites could not be invalidating prior art.

BE MINDFUL OF PTAB RULES

The PTAB has its own specific trial practice rules, which have been case dispositive. For example, the rules require that a non-English exhibit must include both a translation and an affidavit attesting to the accuracy of the translation. This rule becomes important when non-English prior art is used as a primary reference to invalidate patents.

In one case, the PTAB excluded the translation of a non-English foreign patent application because no affidavit was filed attesting to the accuracy of the translation. Because the translation was excluded, the PTAB only looked to the drawing of the patent application and an expert's declaration regarding the reference. These sources did not provide adequate evidence to invalidate the claims.

KEY TAKEAWAYS

Evidentiary issues cannot be overlooked in PTAB trials. Missteps have been case dispositive. Just as in trial, key exhibits should be vetted for potential evidentiary issues:

- Is it a printed publication?
- Is the date and content of the prior art authenticated?
- Does the document contain hearsay without an applicable exception?

Attention to evidentiary issues at the outset will increase the likelihood that the PTAB will focus on the merits of your arguments rather than dismiss petitions on technicalities.

Dr. Erica Pascal, an IPT partner and based in San Francisco, focuses on patent litigation and strategic counseling in the life sciences area. Reach her at erica.pascal@dlapiper.com.

Associate Michael L. Burns IV focuses on patent litigation and patent office trial procedures that review the patentability of issued patents. He is based in Philadelphia. Reach him at michael.burns@dlapiper.com.

LAW360 RANKED DLA PIPER AMONG THE TOP FIVE MOST HIRED PATENT DEFENSE FIRMS IN THE US IN 2015.

DLA PIPER PARTNER NAMED 2015-2016 GLOBAL FELLOW

The Federal Circuit Bar Association has named Aaron Fountain, a patent litigation partner in our Houston office, a 2015-2016 Global Fellow.

Global Fellows are an exclusive group of international IP lawyers who promote a higher level of international IP practice in the global IP community. The current class includes 14 Fellows from the US, 5 Fellows from Europe, and 4 Fellows from Asia, each of whom must have practiced for 8 to 15 years, have strongly focused on an international practice, and have achieved recognition as an emerging leader in the global legal community.

During their year-long fellowship, they come together with leading judges and practitioners from the US and Europe for the Global Fellows Series (Washington, DC in October 2015, and Munich in March 2016) to focus on policy issues and practical lessons regarding the patent systems in Europe, China, South Korea, Japan, and the US. Fellows also develop enduring professional relationships across international boundaries and legal cultures.

In Washington, DC, the Global Fellows met with US Supreme Court Justice Samuel Alito, Federal Circuit Judges Katherine O'Malley and Raymond Chen, the Chief and Deputy Chief Judges of the USPTO's Patent Trial and Appeal Board, and the heads of each division of the ITC. The week's program focused on similarities and differences between national intellectual property systems and the growing cooperation among international stakeholders, including clients, judiciaries, administrators, and private practitioners.



Global Fellows at the US Supreme Court



Aaron Fountain
Partner, Houston

SUPREME COURT CORNER

CASES TO WATCH IN 2016

Life Technologies Corp. v. Promega Corp

PATENT – CERT. PENDING

Issue: Whether the Federal Circuit erred in holding that a single entity can “actively induce” itself to infringe a patent under 35 U.S.C. § 271(f)(1) and whether it erred in holding that supplying a single, commodity component of a multi-component invention from the United States is an infringing act under 35 U.S.C. § 271(f)(1), exposing the manufacturer to liability for all worldwide sales.

Life Technologies manufactures genetic testing kits comprising several components which, together, are capable of copying, or amplifying, DNA. Life Technologies manufactures one component of its kits (Taq polymerase) in the United States, and ships it to its facility abroad where the full kits are manufactured and sold worldwide.

Promega filed a patent infringement suit against Life Technologies alleging infringement under 35 U.S.C. § 271(f)(1), which bars supplying “**all or a substantial portion** of the components of a patented invention . . . in such manner as to **actively induce**

the combination of such components outside of the United States.” (Emphasis added.) After a jury found infringement and awarded damages for worldwide sales, the district court granted judgment as a matter of law that Life Technologies did not infringe § 271(f)(1). The Federal Circuit reversed, finding (1) Life Technologies could actively induce itself to infringe by shipping a component to its own facility overseas; and (2) a party may be liable under § 271(f)(1) for supplying a single component for combination outside of the US.

On appeal, Life Technologies argues § 271(f)(1) requires active inducement of another; a single entity cannot “actively induce” itself to infringe; and it cannot be liable for supplying a single, commodity component of the patented invention. Promega argues the Federal Circuit correctly found the statutory text does not require active inducement **of another** and the single component Life Technologies supplied could be “substantial” under the statute.

Cuozzo Speed Techs., LLC v. Lee

PATENT – CERT. GRANTED

Issue: Whether the Patent Trial and Appeal Board (PTAB) may use a “broadest reasonable construction” standard in construing patent claim terms in inter partes review (IPR); and whether its decision to institute an IPR is judicially unreviewable.

The 2011 America Invents Act (AIA) established the PTAB to adjudicate IPRs, a new adversarial proceeding in which parties may challenge patents as anticipated or obvious in view of printed prior art. Generally, the challenger files an IPR petition setting forth the grounds for the challenge; the patent owner may file a preliminary response; and the PTAB decides to institute trial if “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). According to 35 U.S.C. § 314(d), the institution decision is “final and nonappealable.” If instituted, it proceeds to trial, culminating in a final written decision on patentability.

In the final decision on Cuozzo’s patent, the PTAB found certain claims obvious over the prior art based on claim terms construed under the broadest reasonable interpretation (BRI) standard, the same standard the PTO applies in patent prosecution. On appeal, a three-judge panel of the Federal

Circuit found the PTAB’s institution decision unreviewable, and found the BRI standard for claim construction permissible. A divided Federal Circuit denied rehearing (6-5).

In its petition, Cuozzo argues the PTAB should apply the same claim construction standard as the district court, i.e., “ordinary and customary meaning.” Cuozzo argues that while BRI is appropriate in prosecution where the Patent Owner can easily amend its claims, the Patent Owner cannot freely amend in an IPR, and the PTO regulation applying BRI in an IPR is unlawful because the PTO lacks authority to prescribe substantive rules. Cuozzo also argues the decision to institute review should be appealable at least when it “violates clear statutory limits.” The government argues the BRI standard represents the long-standing practice of the PTO, and that the statutory text and Congressional intent are clear that institution decisions should be final and non-appealable.

Oral argument is set for April 25, 2016, and a decision is expected by the end of June 2016.

TO LEARN MORE about this case, see our alert by our partner James M. Heintz, here: <https://www.dlapiper.com/ptab-trial-decisions>

Partner Stan Panikowski, based in San Diego, focuses on IP, antitrust, appeals and other areas of business litigation. Reach him at stanley.panikowski@dlapiper.com.

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Associate Andrew Stein, based in Washington, DC, focuses on patent litigation in federal district courts and §337 investigations. Reach him at andrew.stein@dlapiper.com.

DLA PIPER LAUNCHES GLOBAL DATA PROTECTION, PRIVACY AND SECURITY TOOLS

NEW! DATA PRIVACY SCOREBOX



This new complimentary tool is designed to help you assess your data protection maturity level. It requires completing a survey covering areas such as storage of data, use of data, and customer rights. Once completed, a report is generated summarizing your company's alignment with 12 key areas of global data protection. The report also includes a practical action point check list and peer benchmarking data.

Find out more at
<http://dlapiperdataprotection.com/scorebox>.

DATA PROTECTION LAWS OF THE WORLD HANDBOOK 2016



We are pleased to release the 2016 edition of our popular Data Protection Laws of the World Handbook, which now covers over 80 jurisdictions. This complimentary go-to guide offers a high-level snapshot of selected aspects of data protection laws across the globe in an easily accessible online format.

Download the Handbook at
<http://dlapiperdataprotection.com>.

CYBERSECURITY PAST IS PROLOGUE

Cyberattacks on businesses and developments in cybersecurity law took prominent places on the world's front pages in 2015. As 2016 unfolds, we are not seeing an abatement in this growing trend. Cyberattacks will only continue to grow in scale and severity.

Cybercriminals successfully stole staggering amounts of financial information, large sums of money, and health records – millions of individuals' personal and sensitive data. Even the US government was not immune, suffering an attack that exposed highly sensitive background-check and biometric information. In 2015, attackers' techniques were more advanced than in past years, often evidencing skillful social engineering woven into sophisticated long-term technical exploits. Gone are the days of the one-hit "smash and grab," where victim organizations could quickly triage, stop the incursion and return to business as usual. Both nation-state-funded and independent attackers exhibited sophistication and remarkable patience in operations lasting months or even years.

NEW CYBERATTACKS

First reported cyberattack on power company: In December, destructive malware infected several regional power authorities in the Ukraine and led to wide-scale power outages.

The Internet of Things: A leading global information technology company reviewed ten of the most popular IoT devices, including televisions, webcams, home thermostats, remote power outlets, sprinkler controllers, door locks, home alarms, scales and garage door openers. Almost all of the devices raised privacy and security concerns, including insufficient password complexity and length, failure to encrypt communications and insecure web interfaces.

By Tara Swaminatha

DEVELOPMENTS IN LAWS AND REGULATIONS

2015 also brought developments in case law and regulations governing liability, remedies and new preventative measures to ward off attackers.

Instructive circuit court decisions: In *FTC v. Wyndham*, the Third Circuit affirmed the Federal Trade Commission's authority to regulate cybersecurity. In a data breach class action, *Remijas v. The Neiman Marcus Group LLC*, the Seventh Circuit confirmed that a plaintiff can demonstrate requisite injury-in-fact suffered to establish standing simply by facing an increased risk of future harm (i.e., an increased risk of possible identity or credit card theft without having actually suffered either). Whether other circuits will follow these decisions remains to be seen.

Data breach class action settlements, board of director liability:

Several major data breach consumer class actions settled, including over \$100 million in pledged settlement money for one retailer-defendant. Claims were increasingly filed against boards of directors for violating their fiduciary duty related to cybersecurity oversight.

Cybersecurity guidance: Federal and state regulators, organizations and industry associations chimed in with recommendations and mandates for organizations to shore up cybersecurity programs or face increased liability.

Data transfers between the EU and US: The EU Data Protection Directive prohibits the transfer of personal data outside the European Economic Area unless the destination country has sufficient data protection measures. In October, the European Court of Justice invalidated the Safe Harbor framework, which since 2000 had permitted US companies to transfer data by certifying compliance with seven privacy principles.

The EU and US also negotiated a new data sharing agreement, expected to be finalized in 2016. Instead of self-certification under the original Safe Harbor, the new agreement places greater oversight responsibility on the US Department of Commerce and Federal Trade Commission. The new agreement will also provide a means by which consumers can seek redress if their data is misused by companies. Find out more in our recent alert here: dlapi.prdcocec

NEW SECURITY MEASURES

Many American credit card holders are receiving new chip cards as part of a multi-year rollout of chip and PIN technology designed to reduce payment card fraud. The adoption of so-called EMV cards in the United States will reduce – but not eliminate – payment card fraud. EMV is a technical standard for smart payment cards, ATMs and payment terminals. Notably, EMV does not protect online transactions.

Tara Swaminatha, Of Counsel in the IPT group and based in Washington, DC, has over 15 years of experience in information security and privacy. A former federal prosecutor, she counsels clients through incident responses and investigations into data breaches and other cyberincidents. Reach her at tara.swaminatha@dlapiper.com.

WHAT'S AHEAD: OUR PREDICTIONS

During 2016, we will likely see another increase in cyberattacks, and we will see cybersecurity being taken more seriously by its potential victims. Boards of directors will learn more about cybersecurity risk governance and focus more attention on cybersecurity oversight. Courts will continue to address pieces of the puzzle and evolve the current state of law on liability for cybersecurity incidents. Many companies will increase their investment in cybersecurity – one leading financial services company announced in February 2016 that it will spend \$500 million on cybersecurity this year alone, for example. Many companies will succeed in fending off attacks, and others will not. And some may find themselves forced to give in to cybercriminals' demands – for instance, also in February, a California hospital revealed that it had paid a ransom – in hard-to-trace bitcoin – to cybercriminals who had used ransomware to seize control of the hospital's computers.

Subscribe to our Cybersecurity Alerts to keep up with breaking legal developments – sign up for these and other publications here: <http://www.dlapiper.com/newslettersubscription>



**CYBER
ATTACKS
AHEAD**

TOP FRANCHISE DECISIONS: TWO STANDOUTS FROM 2015

Barry Heller, John Verhey and John Hughes

Perhaps the most significant decision last year affecting franchising was not issued by a court and did not involve a franchise system. In an August 27, 2015 decision, the National Labor Relations Board (NLRB) in *Browning-Ferris Industries of California, Inc.* decided, in a sharply divided opinion, to discard 30 years of NLRB precedent and adopt a broader and looser standard for determining joint employer status. Under the new standard, a putative joint employer is no longer required to exercise “direct and immediate” control over workers’ terms and conditions of employment. “Indirect” or even “reserved” control is now potentially sufficient to establish a joint employment relationship. This decision has potentially far-reaching implications for a large number of industries – in particular, franchising.

At issue was whether Browning-Ferris Industries was a joint employer of recycling facility workers who were provided by a staffing agency under a temporary labor services agreement. The NLRB, noting the explosive growth of “contingent workers” in recent decades, used this as an opportunity to revisit its joint employment standard.

The NLRB re-affirmed the “core” of its joint employer analysis – that an entity will be deemed a joint employer where it “shares or codetermines those matters governing the essential terms and conditions of employment.” However, the Board abandoned the historic requirement that a putative joint employer exercise “direct and immediate” control over workers’ terms of employment, determining it will now also consider “indirect” control exercised through an intermediary employer (such as a staffing agency), as well as a party’s reserved contractual rights to control workers’ terms and conditions of employment, even if that control is not actually exercised.

The NLRB clarified that it will not limit its inquiry to control over hiring, firing, discipline, and supervision. It will also consider a putative joint employer’s control over other matters that may impact employment practices, such as the number of workers to be supplied, scheduling, seniority, overtime approval, and the assignment of work.

How this new test for “joint employer” will be applied in franchise settings remains to be seen, though another NLRB decision last year provides some hope for franchisors in avoiding joint employer status.

In an advice memorandum issued a few months before the *Browning-Ferris* decision, the Associate General Counsel of the NLRB found in *Nutritionality, Inc. d/b/a Freshii* that Freshii Development, LLC was not the joint employer with Nutritionality, Inc. (its franchisee) under the NLRB’s then-existing joint employer standard or a broader standard proposed by the NLRB’s General Counsel.

Freshii provided the franchisee with an operations manual containing mandatory and suggested specifications and operating procedures (“System Standards”) typical of most franchise systems. The franchise agreement specified, however, that System Standards did not include “any personnel policies or procedures,” which Freshii may make available for franchisees’ optional use, and that the franchisee alone will “determine to what extent, if any, these policies and procedures might apply” to its restaurant operations.” Although the operations manual contained some guidance on human resource matters, Freshii did not require its franchisees to follow that guidance.

Under the NLRB’s then-existing joint employer standard, the Associate General Counsel found that Freshii’s control over the franchisee’s operations was “limited to ensuring a standardized product and customer experience, factors that clearly do not evince sharing or codetermining matters governing essential terms and conditions of employment.”

The Associate General Counsel also found that Freshii was not a joint employer under the “totality of the circumstances” standard the General Counsel urged in its amicus brief in *Browning-Ferris*. Freshii did “not significantly influence the working conditions of Nutritionality’s employees;” it had “no involvement in hiring, firing, discipline, supervision, or setting wages;” and because it did “not directly or indirectly control or otherwise restrict the employees’ core terms and conditions of employment, meaningful collective bargaining” could occur in its absence. Therefore, the joint employer concept did not apply. Because this test is arguably broader than the standard adopted in *Browning-Ferris*, it is likely that Freshii would not have been considered a joint employer under *Browning-Ferris* either.

Given the developing law on joint employer in the franchising context, 2016 should be an interesting year.

DLA PIPER HOLDS THIRD ANNUAL GLOBAL IP SYMPOSIUM IN JAPAN



Left: Paul Steadman, Shuzo Maruyama (both Chicago), Robynne Sanders (Melbourne), Dr. Markus Gampp (Munich) during their presentation on strategies for addressing product copying



Guests and DLA Piper lawyers network during the cocktail reception



Dan Christenbury (Philadelphia) speaks to the lifetime achievements of the late Henry Koda, DLA Piper Senior Counsel.



Attendees learn about global patent litigation

In October 2015, our Intellectual Property and Technology group hosted the third annual Global IP Symposium in both Osaka and Tokyo.

More than 70 guests attended the program in Osaka, co-produced with Fukami Patent Office and Daiichi Law Office. Daniel Christenbury (Philadelphia) presented on drafting commercially valuable patent claims to survive post-AIA validity challenges. Paul Steadman (Chicago), Robynne Sanders (Melbourne) and Dr. Markus Gampp (Munich) discussed global patent litigation and strategies for addressing product copying. Matthew Satchwell (Chicago) presented on the status of patent assertion entities for 2015, and guest speaker Dr. Michael Lettenberger (Epping Hermann Fischer) addressed the impact of the upcoming unitary patent system on EPO patent prosecution.

The Symposium concluded with a panel discussion among leading Japanese IP thought leaders addressing product-by-process claims under Japanese laws, including the recent landmark decision from Japan’s Supreme Court. The program was followed by a reception in the Daiichi Law office.

More than 60 guests attended the half-day Tokyo program and reception. Among the guests were in-house counsel from Bravell,

Fuji Film, Kubota, Konica Minolta, Ricoh and Zeon Corporation. In addition to the foregoing presentations, Shuzo Maruyama (Chicago) moderated a panel of guest speakers. The panelists included Hirohiko Usui (professor, Meijo University Law School; director, Intellectual Property Division, DENSO Corporation), Masayoshi Sumida (professor, Tokai University Law School; attorney, Takino, Kawasaki & Associates International Patent Office), Hajime Shirasaka (patent attorney, president at Shirasaka & Patent Partners; Intellectual Property Management Skills Test examiner certified by the government of Japan) and Erika Takeuchi (Intellectual Property Department, Dow Corning Toray Co. Ltd.).

After the panel, guests enjoyed a networking reception at our Tokyo office with an address by Lance Miller (Tokyo) commemorating the anniversary of the Tokyo office.

The late Henry Koda, DLA Piper Senior Counsel, was commemorated at both events and acknowledged for his many contributions to Japanese businesses.

Partner Barry Heller, based in Washington, DC and Northern Virginia, concentrates on franchise litigation and arbitration throughout the US and internationally. Reach him at barry.heller@dlapiper.com.

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Partner John Hughes, based in Chicago, concentrates on franchise litigation in forums throughout the US. Reach him at john.hughes@dlapiper.com.



BECAUSE PRO BONO MATTERS

DLA Piper is proud to be named to the *National Law Journal's* 2016 Pro Bono Hot List. DLA Piper patent litigators helped lead a legislative reform effort resulting in the State of Texas decriminalizing student truancy. This is just one example of work we are doing every day to help our communities around the world.