



INTERNATIONAL CENTRE  
FOR DISPUTE RESOLUTION®



## Smarter, Faster, Cheaper Technology Dispute Resolution Conference *Open Forum with New York*

November 14, 2018 | 9:45 a.m.-5:00 p.m.

Fordham University, Lincoln Center Campus, New York, NY

Join leading corporate counsel, litigators and other dispute resolution experts from across the technology industry for this interactive open forum. Panels will feature thought leaders in the fields of technology litigation and technology alternative dispute resolution – and will discuss the following topics:

- Smarter, Faster and Cheaper Litigation and Arbitration for Technology-Related Disputes
- Association of Corporate Counsel Roundtable: Creative Business Strategies for Avoiding and Resolving Technology Disputes
- Strategic Planning for Technology Development, Licensing, Distribution, Outsourcing and Copyright, Trade Secret and Patent Disputes
- Key Strategies for International Technology Disputes
- Spotlight on the EU GDPR, Privacy Shield, Data Security, and Data Breach

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# PROGRAM AGENDA

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November 14, 2018 | Fordham University, Lincoln Center Campus, New York, NY

## NOVEMBER 14, 2018

9:00-9:45 a.m.	<b>Registration</b>
9:45-10:00 a.m.	<b>Welcome/Introductions</b> <ul style="list-style-type: none"><li>* <b>Lester Schiefelbein</b>, CEO, Silicon Valley Arbitration &amp; Mediation Center; Palo Alto, CA</li><li>* <b>Simon Kyriakides</b>, President, NYC Chapter, Association of Corporate Counsel; New York, NY</li><li>* <b>Peter Ruby</b>, Executive Committee, ITechLaw; Toronto, ON</li><li>* <b>Eric Tuchmann</b>, Senior Vice President, International Centre for Dispute Resolution; New York, NY</li></ul>
10:00-11:10 a.m.	<b>Session I: Smarter, Faster and Cheaper Litigation and Arbitration for Technology Disputes</b> <p><u>Discussion Topics:</u></p> <ul style="list-style-type: none"><li>• Survey says – what's right and wrong with litigation of technology disputes?</li><li>• Arbitration of technology disputes – is it faster, cheaper?</li><li>• Expert decision-making vs judges/juries. What's smarter?</li><li>• Injunctions, emergency relief, and appeals.</li><li>• Should I customize arbitration clauses?</li><li>• Picking arbitrators and providers.</li><li>• How does mediation fit in?</li><li>• Tips for dealing with outside counsel, company executives, and arbitrators.</li></ul> <p><i>Open discussion with the audience.</i></p> <p><b>MODERATOR</b></p> <ul style="list-style-type: none"><li>* <b>Michael Diamant</b>, Independent Arbitrator and Mediator / Taft, Stettinius &amp; Hollister; Cleveland, OH</li></ul> <p><b>FACULTY</b></p> <ul style="list-style-type: none"><li>* <b>Andrew Berdon</b>, Quinn Emanuel Urquhart &amp; Sullivan; New York, NY</li><li>* <b>Theo Cheng</b>, Theo Cheng ADR; New York, NY</li><li>* <b>David Greenbaum</b>, Nuance Communications, Inc; Burlington, MA.</li><li>* <b>Kim J. Landsman</b>, Two Sigma Investments, LP; New York, NY</li><li>* <b>Ina C. Popova</b>, Debovoise &amp; Plimpton; New York, NY</li><li>* <b>Jeffrey Zaino</b>, American Arbitration Association; New York, NY</li></ul>
11:10-11:30 a.m.	<b>Break</b>
11:30 a.m.-12:40 p.m.	<b>Session II: Strategic Planning for Technology Development, Licensing, Distribution and Outsourcing and Copyright, Trade Secret and Patent Disputes</b> <p><u>Discussion Topics:</u></p> <ul style="list-style-type: none"><li>• Strategic planning for technology disputes – when does it start/when does it end? What are the issues/concerns?</li><li>• Every industry has technology disputes but is court or ADR right for every dispute?</li><li>• What's important in selecting counsel and the neutral in technology disputes – substantive law expertise, ADR expertise or technology expertise? Are two out of three enough?</li><li>• Keeping licensing and distribution contracts focused on business relationships.</li></ul>

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11:30 a.m.-12:40 p.m.  
(Cont.)

- Thinking about dispute planning when outsourcing major operations.
- FRAND strategies in telecom and life sciences.
- Trademark protect strategies.
- Copyright when judge and jury don't know how to use a computer.
- Is relying on the new federal trade secret act the best way to keep trade secrets secret?
- Is there a need for arbitration in patent disputes? Is the current system – including Inter partes review, ITC and the Federal Circuit appeals – sufficient?
- What can in-house counsel do to make IP cases more efficient?

*Open discussion with the audience.*

### MODERATOR

- \* **Stephen P. Gilbert**, The Law Office of Stephen P. Gilbert; New York, NY

### FACULTY

- \* **James H. Carter**, Wilmer Hale; New York, NY
- \* **Victoria Cundiff**, Paul Hastings; New York, NY
- \* **Vlad Elgort**, Sony Corporation of America; New York, NY
- \* **Merriann Panarella**, Merriann Panarella Dispute Resolution Services; New York, NY
- \* **Peter Ruby**, Goodmans; Toronto, ON

12:40-2:30 p.m.

### Session III: Lunch Program: Corporate Counsel Roundtable – Creative Business Strategies for Avoiding and Resolving Technology Disputes [1:15-2:20 program]

Discussion Topics:

- Transactional tips for avoiding disputes in the first place.
- Dealing with disputes as a business process.
- Guided choice – business solutions instead of going to court.
- Negotiation and mediation strategies for resolving technology disputes.
- Planning for litigation and arbitration.
- Managing the dispute resolution process – in-house, in court and in ADR.

*Open discussion with the audience.*

### MODERATOR

- \* **Laura A. Kaster**, Appropriate Dispute Solutions; Princeton, NJ

### FACULTY

- \* **Kevin Fumai**, Oracle; New York, NY
- \* **Dina Mack**, Quest Diagnostics; Maplewood, NJ
- \* **Frank Nuzzi**, Siemens; New York, NY
- \* **Robert Shives**, Shinko Electric America; Sunnyvale, CA
- \* **Mark Ringes**, IBM; Armonk, NY
- \* **Paul Teta**, Kolmar America, Inc.; Bridgeport, CT
- \* **Eric Tuchmann**, International Centre for Dispute Resolution; New York, NY

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2:30-3:40 p.m.

### Session IV: Key Strategies for International Technology Disputes

#### Discussion Topics:

- Tactics and considerations in litigating against foreign parties and litigating outside the US.
- Pros and cons of international arbitration as an alternative to litigation.
- Does international arbitration make sense for technology disputes?
- Doing international technology arbitration right – the right providers, rules, and arbitrators.
- Smart clause crafting, the interplay of autonomy and cost, and how corporate counsel should manage cases.

*Open discussion with the audience.*

#### **MODERATOR**

- \* **Maria Chedid**, Arnold & Porter; San Francisco, CA

#### **FACULTY**

- \* **Steven Andersen**, International Centre for Dispute Resolution; Los Angeles, CA
- \* **George L. Graff**, George L. Graff Dispute Resolution Service; New York, NY
- \* **Sari Granat**, IHS Markit, Inc.; New York, NY
- \* **Kenneth B. Reisenfeld**, BakerHostetler; Washington, DC

3:40-4:00 p.m.

### Break

4:00-5:00 p.m.

### Session V: Spotlight on Privacy Shield, GDPR, Data Security, and Data Breach

#### Discussion Topics:

- Privacy and data security advance planning to avoid disputes.
- What do I need to know about GDPR and the EU-U.S., Swiss-U.S. Privacy Shield?
- Data breach strategies in litigation and arbitration – lessons learned from the 10 biggest data breaches of the last decade.
- Corporate counsel data breach dispute tips – handling regulators, suppliers, customers, insurers, the press, and your Board all at the same time.

*Open discussion with the audience.*

#### **MODERATOR**

- \* **Sherman Kahn**, Mauriel Kapoutyian Woods LLP; New York, NY

#### **FACULTY**

- \* **Stephanie Cohen**, Independent Arbitrator; New York, NY
- \* **Joe DiMarco**, Devore & DiMarco; New York, NY
- \* **Bert Kaminski**, GE Digital; New York, NY
- \* **Luis Martinez**, International Centre for Dispute Resolution; New York, NY
- \* **David McIlwaine**, Pinsent Masons; London, UK
- \* **Urvashi Sen**, HCL Technologies, Ltd.; New York, NY

5:15-6:30 p.m.

### Reception

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## VENUE

**Fordham University – Lincoln Center Campus**  
**James McNally Amphitheatre**  
140 West 62<sup>nd</sup> Street  
New York, NY 10023

## REGISTRATION FEE

**Corporate Counsel:** Complimentary

**Non-corporate counsel and non-organizing entity members:** \$350

**Organizing entity members:** \$175

**TO REGISTER ONLINE:** Go to <http://www.adreducation.org/courses/smarter-faster-cheaper-technology-dispute-resolution-conference/ed5017003o/>

## CLE CREDIT INFORMATION

West LegalEdcenter is procuring continuing legal education (CLE) credits on behalf of American Arbitration Association. This program is available for CLE credits in California, Connecticut, New Jersey, New York, and Pennsylvania. Credit amounts vary by attendance verification and jurisdictional rules.

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## CONFERENCE PLANNING COMMITTEE

Steven Andersen  
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