

Legal and Policy Considerations of IP in 3D Printing

Tuesday, June 28, 2016

A G E N D A

9:00 – 9:15 a.m.

Introductory Remarks

Russell Slifer, Deputy Under Secretary of Commerce for IP and Director of the USPTO

9:15 – 9:45 a.m.

Overview of Additive Manufacturing Technology

Speaker: John Hornick, Partner Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.

9:45 – 10:45 a.m.

Protecting Innovation in the 3D Printing World

Moderator: Pete Mehravari

Panelists:

- **Timothy R. Holbrook, Professor of Law, Emory University School of Law**
- **Lucas S. Osborn, Professor of Law, Director of Campbell Law School's Intellectual Property Law Program**
- **William J. Cass, Partner, Co-Chair Litigation Department, Cantor Colburn**
- **Daniel H. Brean, Shareholder, The Webb Law Firm**

With the advent of 3D printing, patent rights are at a greater risk of infringement by a wider class of infringers. This Panel will explore the challenges of identifying patent infringers in the 3D printing world, and discuss potential liability for such infringers under the doctrines of induced and contributory infringement.

10:45 – 11:00 a.m.

BREAK

11:00 – 12:00 p.m.

Special Concerns for Creators of Industrial Designs in a 3D Printing Environment

Moderator: David Gerk

Panelists:

- **John Cheek, Deputy Chief IP Counsel, Caterpillar Inc.**
- **Elizabeth Ferrill, Partner, Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.**

As manufacturing technologies improve, knock-offs will be easy for anyone to make. Online CAD files call into question the ability of designers to adequately protect and enforce their design rights. This session will focus on the unique challenges and opportunities for protecting designs in a 3D printing environment, including whether a CAD file would qualify as a "product" for purposes of infringement.

12:00 – 1:30 p.m.

LUNCH

1:30 – 2:30 p.m.

The Intersection of Trademark Law and 3D Printing

Moderator: Debbie Lee

Panelists:

- **Paul Banwatt, COO and General Counsel, Matter and Form, Inc.**
- **John Hornick, Partner, Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.**
- **Jonathan Moskin, Partner, Foley & Lardner L.L.P.**

This panel will discuss how the emergence of 3D printing technology might require owners of three-dimensional trademarks to rethink their strategies for enforcing their rights online and explore whether parties who post design files of protected trademarks online without authorization may be liable for contributory infringement.

2:30 – 2:45 p.m.

BREAK

2:45 – 3:45 p.m.

Applying Copyright to the 3D Printing World

Moderator: David Carson

Panelists:

- **Darrell Mottley, Shareholder, Banner & Witcoff**
- **Ira Schwartz, Partner Parker Schwartz, P.L.L.C.**
- **Michael Weinberg, General Counsel, Shapeways**

This panel will explore the role of copyright law in the 3D printing world by considering several questions, including: whether and how the useful article doctrine affects copyright protection in the 3D printing world; whether the making of an object via 3D printing would infringe the copyright in the relevant CAD file if that file was not used in the creation of the object, or if a new CAD file is created through reverse engineering; and, in the 3D printing world, for copyright protection to attach, how much of a role must humans (rather than machines) play in the design and creation of an article.

3:45 – 4:00 p.m.

Closing Remarks

Shira Perlmutter, Chief Policy Officer and Director for International Affairs