



IP and Innovation on Capitol Hill: Week of February 18

February 18, 2019

This week is quiet on Capitol Hill with Presidents' Day on Monday, after which the House of Representatives enters a district work period and the Senate is out of session for the rest of the week. However, Washington, D.C., will still host a series of events related to intellectual property, innovation, and technology. Counsel and *amici* appearing before the U.S. Supreme Court in *Mission Product Holdings Inc. v. Tempnology, LLC* on Tuesday will offer post-oral argument reflections this Wednesday at the American University Washington College of Law. Earlier that same day, the Information Technology & Innovation Foundation looks at the policy debate surrounding the U.S. Postal Service in the e-commerce era. This week in IP, business and tech policy wraps up on Thursday with a look at lunar tech commercialization and other legal matters related to Moon exploration by the Washington Space Business Roundtable.

Monday, February 18

Consortium for Science, Policy & Outcomes

Rethinking Death in the Digital Era

8:30 AM on Monday at the Arizona State University Barrett & O'Connor Center, 8th floor, 1800 I St. N.W., Washington, D.C. 20006

Today, many of us create social media profiles on Facebook and Instagram; receive mail and create web browsing histories through Google; and make digital video and audio purchases through Amazon. What happens to all of these digital properties when we die? This seminar, part of the CSPO's New Tools for Science Policy series, will explore protocols for deceased users put in place by digital platforms and ways that user groups and policymakers can participate, especially in emerging markets with high digital service growth rates and low probability of policy-level guidelines or industry benchmarks. The speaker for this event is Faheem Hussain, Clinical Assistant Professor, ASU's School for the Future of Innovation in Society.

Tuesday, February 19

Space Policy and History Forum

Presidential Leadership and Space: Kennedy, Nixon, and Reagan

4:30 PM on Tuesday at the Smithsonian National Air and Space Museum, 601 Independence Ave. S.W., Washington, D.C. 20560

The United States' space program is heavily affected by the decisions of Presidential administrations; the Kennedy, Nixon, and Reagan Administrations in particular had a large hand in shaping the nation's efforts to explore space. This event will look at the legacy of these past Presidents, as well as national space policy under the Trump Administration and beyond. Presenters at this event include Dr. John Logsdon, Professor Emeritus, George Washington University; and Dr. Bhavya Lal, Research, IDA Science and Technology Policy Institute.

Wednesday, February 20

Information Technology & Innovation Foundation

The U.S. Postal Service in the E-Commerce Era: Preserving Affordable Package Delivery
12:00 PM on Wednesday in 122 Cannon House Office Building

The U.S. Postal Service (USPS) has come under increasing scrutiny as e-commerce shipments through the USPS have boomed in recent years. The nation's mail carrier operates as a monopoly in first-class mail delivery, although it is a competitor in package delivery against firms such as UPS and FedEx. Some critics believe the USPS is subsidizing its package delivery services with mail delivery revenue to gain a competitive edge, while others argue that USPS' profitable package delivery service actually offsets costs for mail delivery. Increased regulation could hurt the USPS' ability to fulfill e-commerce shipments and disproportionately hurt rural Americans. The event will include a discussion with a panel including Brian Bieron, Executive Director, Public Policy Lab, eBay; Edward Hudgins, Research Director, The Heartland Institute; and James Sauber, Chief of Staff, National Association of Letter Carriers. The panel discussion will be moderated by Robert Atkinson, President of the Information Technology & Innovation Foundation.

George Washington University Law School

IP Speaker Series: Joseph Fishman

12:00 PM on Wednesday in GWU Law School's Student Conference Center, 2000 H St. N.W., Washington, D.C. 20052

The next event in GWU Law School's IP Speaker Series features Joseph Fishman, Associate Professor of Law at Vanderbilt University Law School. Fishman joined Vanderbilt's faculty in 2015 and his work has focused on the relationship between intellectual property and the creative process. His work has either been published or is forthcoming in journals including *Harvard Law Review*, *NYU Law Review* and the *University of Pennsylvania Law Review*.

Cato Institute

How Much Should Medicare Pay for Drugs?

12:00 PM on Wednesday in 2045 Rayburn House Office Building

The issue of rising drug prices has been hotly debated in the political arena and proposals from the administration of President Donald Trump have looked at adjusting rules governing the amount paid for pharmaceuticals by Medicare and the program's enrollees. Such rule changes could have a drastic effect on the future of innovation in the pharmaceutical sector, as cost controls reducing drug prices could chill research and development. This event features a discussion with a panel including Michael Cannon, Director of Health Policy Studies, Cato Institute; and Peter Van Doren, Senior Fellow at Cato Institute and Editor of *Regulation*. The

event will be moderated by Matt Weibel, Director of Government & External Affairs, Cato Institute.

Program on Information Justice and Intellectual Property

SCOTUS Series: *Mission Product Holdings Inc. v. Tempnology, LLC*

5:00 PM on Wednesday in Room YT01-02, American University Washington College of Law, 4300 Nebraska Ave. N.W., Washington, D.C. 20016

This is the latest event in PIJIP's Supreme Court series, which offers post-oral argument reflections from counsel of record and counsel for selected *amici* appearing in intellectual property cases before the U.S. Supreme Court. *Mission Product Holdings v. Tempnology* has been taken up by the Supreme Court to solve a circuit split regarding the effects of bankruptcy proceedings on trademark licenses. The case asks the nation's highest court to determine if the rejection of a license in bankruptcy terminates rights held by the licensee to use licensed trademarks or whether that license rejection only constitutes a breach by the licensor, in which case the licensee can still use the marks. The event's speakers include Craig Goldblatt, WilmerHale, Counsel for petitioner Mission Product Holdings; Jonathan Ference-Burke, Ropes & Gray, Counsel for respondent Tempnology; Jasmine Bell and Jeffrey Cunard, Debevoise & Plimpton, Counsel for amicus International Trademark Association; Michael Cannata and Stuart Gordon, Rivkin Radler, Counsel for amicus New York Intellectual Property Association; Theodore Davis, Kilpatrick Townsend, Counsel for amicus American Intellectual Property Law Association; and Travis Wimberly, Pirkey Barber, Counsel for amicus Intellectual Property Owners Association. The event will be moderated by Christine Haight Farley, American University Washington College of Law.

Thursday, February 21

Washington Space Business Roundtable

The Moon – Lunar Landers, Sustainable Presence, Commercialization, and Law

11:30 AM on Thursday at Hogan Lovells US LLP, 555 Thirteenth St. N.W., Washington, D.C. 20004

As the National Aeronautics and Space Administration and its private industry partners look ahead towards sending humans to Mars, the Moon has re-emerged as an important destination not only for scientific purposes but also for the commercialization of technologies. This event will look at business commercialization as well as sustainable presence, moon landers and the legal environment surrounding these topics. The event's panel will include Dan Hendrickson, Vice President of Business Development, Astrobotic Technology, Inc.; Pamela Meredith, Chair of the Space Law Practice Group, KMA Zuckert; Sarah Noble, Program Scientist, Planetary Sciences Division, NASA; and Ben Roberts, VP of Government Affairs, Moon Express. The panel discussion will be moderated by Kahina Aoudia, Director of Legal & Regulatory Affairs, Space Partnership International.