

Tensions Between IP Agencies and Other Parts of the Executive Branch

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Silicon Valley office Managing Partner Kathi Vidal moderated a panel at UC Berkeley School of Law's 2018 Annual BCLT/BTLJ Symposium, The Administrative Law of Intellectual Property, which took place on April 12-13 in Berkeley, CA. This symposium turned a spotlight on a wide range of important administrative law issues that affect the IP field in a cross-cutting fashion, comparing similarities and differences in administrative agency practices and policies in the patent, copyright, and trademark fields. Winston is a benefactor of The Berkeley Center for Law & Technology for the 2017-2018 year.

Kathi's April 12 panel, "Tensions Between IP Agencies and Other Parts of the Executive Branch," explored agency conflict: the FDA vs the PTO on drug patents and exclusivities, the Copyright Office vs the FCC on cell phone unlocking, the Patent Office vs the FTC on antitrust considerations, and the ITC vs the PTO on choice of forum. The discussion addressed the following questions:

- What is the relationship between the policies and decisions of IP agencies and those of other executive agencies?
- Some agencies may have different priorities than IP agencies on IP issues. When this happens, how are the tensions that arise addressed and resolved?

Panelists included R. David Edelman of MIT, Rebecca Eisenberg of University of Michigan Law School, Sapna Kumar of University of Houston Law Center, and Tejas Narechania of UC Berkeley School of Law.

Kathi is a nationally-recognized intellectual property litigator known for trying high-profile, high-stakes, and high-tech patent disputes for leading companies.

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