

2022 AIA/NDIA Technical Data Rights Forum

Thursday, October 13, 2022

Lockheed Martin Global Vision Center
2121 Crystal Drive, Arlington, VA 22202

7:30 - 8:00 am **Light Refreshments**

8:00 - 8:30 am **Welcome Remarks**

John Stankiewicz

Chair, AIA Intellectual Property Committee
IP Counsel, Rolls-Royce, N.A.

Alexis Lasselle Ross

Chair, NDIA Intellectual Property Working Group
President, Apex Defense Strategies

Edward Beyer

Vice President, Enterprise Collaboration
Lockheed Martin Corporation

8:30 - 9:00 am **Keynote Address**

Eric Chewing

Partner, McKinsey & Company

9:00 - 10:00 am **Panel: Balancing IP Behaviors Between Industry and DOD**

In an environment of accelerating technology evolutions, and the emergence of industry—particularly commercial industry—as the source of new technologies, the traditional rules for data and IP rights are being questioned. In this new environment, how does DoD and industry balance competing needs to both provide the IP protection necessary to foster innovation and maintain a healthy technology base along with DoD's interest in maximizing access to IP within a constrained budget?

Moderator:

Moshe Schwartz, President, Etherton and Associates, Inc.

Panelists:

Margaret Boatner, Deputy Assistant Secretary of the Army (Strategy & Acquisition Reform)

Jerry McGinn, Executive Director, George Mason University Center for Government Contracting

Sushupta Sudarshan, Assistant General Counsel, IP, Northrop Grumman Corporation

10:00 - 10:30 am **Break: Networking**

10:30 - 11:30 am **Panel: The Policy and Legal Implications of Using IP as a Proposal Evaluation Factor**

The DoD is increasingly utilizing proposal evaluation factors which include data rights. This panel will give an overview of how such evaluation factors work, the regulatory framework under which they operate, any commercial analogues to the practice, and the extent to which the practice furthers or inhibits important DoD goals for encouraging investment in emerging technologies and growing the defense industrial base at all levels of the supply chain. The panel will also explore what oversight should be available to ensure the practice harmonizes the DoD policies and goals.

Moderator:

James McEwen, Assistant General Counsel, Intellectual Property, Lockheed Martin Corporation

Panelists:

George Winborne, Lead-Communications, Knowledge & Performance Management, DOD IP Cadre

David Ridders, President, Expedited Climb Capital

Babak Siavoshy, Chief Legal Officer, Anduril Industries

- 11:30 - 12:15 pm **Fireside Chat: Implementation of Recent Statute and FAR/DFARS Rulemaking**
Recent National Defense Authorization Acts (NDAA) adjusted the rights afforded to the government and contractors in IP and sought to shift the way the DOD approaches IP matters. This included the creation of an IP Cadre in the FY18 NDAA. This fireside chat with the Director of the IP Cadre will explore a variety of topics surrounding the implementation of recent legislation on IP, including the posture of the IP Cadre after five years, ongoing FAR and DFARS rulemaking, and the contracting community's use of H clauses in practice.
Moderator: **Alexis Lasselle Ross**, President, Apex Defense Strategies
Guest: **Richard Gray**, Director, DOD IP Cadre
- 12:15 - 1:30 pm **Catered Lunch & Networking**
- 1:30 - 2:30 pm **Panel: Specially Negotiated Licenses (SNLs):**
This panel will discuss the current regulations addressing SNLs along with the statutory preference for SNLs added by Section 835 of the FY2018 NDAA and the current rulemaking status for this statute. Additional topics that will be discussed center on drafting approaches and considerations for SNLs, concerns relating to license terms imposed through H-clauses, and how to educate the government and industry workforce about negotiating these licenses.
Moderator:
Fern Lavallee, Partner, Jones Day
Panelists:
Matt Bailey, Director Of Intellectual Property, US Air Force
Azza Jayaprakash, Counsel & Lead for Law, Regulations, and Policy, DOD IP Cadre
Vicki Allums, Learning Director, Intellectual Property, Defense Acquisition University
Mary Shallman, Director and Chief Counsel, Military & Space IP, The Boeing Company
- 2:30 - 3:15 pm **Break: Networking**
- 3:15 - 4:15 pm **Panel: MOSA and Software Acquisition – Then, Now, and Ahead**
Over five years ago, Congress first established statutory modular open system approach (MOSA) requirements for major defense acquisition programs. More recently, the DoD released a new Adaptive Acquisition Framework (which includes a separate software acquisition pathway) and Congress extended MOSA requirements to other defense acquisition programs authorizing a pilot program for a new DoD budget authority for software. This panel will discuss the current state of the law, regulations and policy for MOSA, as well as challenges and opportunities for software acquisition and intellectual property/data rights.
Moderator:
Kelly Kyes, Law & Global Compliance, Boeing IP, The Boeing Company
Panelists:
George Winborne, Lead-Communications, Knowledge & Performance Management, DOD IP Cadre
Shane Smith, Principal Software System Engineer, MITRE
Dave Hall, Deputy IP Counsel, Collins Aerospace
Kirk Avery, Mission Systems Chief Architect, Lockheed Martin RMS
- 4:15 - 4:30 pm **Closing Remarks**
John Stankiewicz
Chair, AIA Intellectual Property Committee
IP Counsel, Rolls-Royce, N.A.
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