

# How to Handle a Technology Copyright Infringement Claim

*What to do when your client says, “Isn’t that our code (or data)?”*

Time was when a software developer could recover payment owed simply upon an attorney’s threat to seek an injunction in a copyright infringement suit. With the Supreme Court’s elimination in 2006 of the presumption of an injunction, the evolution of the doctrines of first sale and fair use, and the “mash up” of technology content from multiple sources—sometimes “open”—the cost of enforcement may easily eclipse expected remedies. Awareness of the inflection points is crucial for efficient response to infringement or accusation.

## Agenda

- Technology Protected by Copyrights (and Related Rights)
- The Right Parties—Owners, Employees and Infringers
- Investigation and Discovery, Experts and Neutrals
- Common Technology Defenses—Untangling the Web
- Remedies—Quantifying and Preventing Further Harm

## Speakers



**STEPHEN Y. CHOW**, managing partner at Hsuanyeh Law Group, PC in Boston, has served technology companies from start-up to Fortune 50 for more than 40 years. Steve provides critical tactical, strategic and negotiation advantages in complex matters with major counter-parties through his full-spectrum competence that provides asymmetrically favorable “burn rates.” Steve practiced at Gaston Snow and Donovan Leisure Newton & Irvine of New York, then the second and seventh largest firms in the country, and was a partner for 30 years at Boston general practice firms Nutter, McClennen & Fish and Burns & Levinson, and boutique patent firm Cesari and McKenna. Steve is a trouble-shooter for technology companies across financial, governance and intellectual property issues, and a leader in the development of intellectual property, information privacy and electronic commerce law. He earned his J.D. as a Stone Scholar from Columbia University School of Law, SM in Applied Physics from Harvard Graduate School of Arts & Sciences, and AB, cum laude, in Physics & Philosophy from Harvard College.



**QUINCY L. KAYTON**, an associate in the Boston office of McCarter & English LLP, focuses her practice on intellectual property litigation and transactional IP matters. Quincy works closely with clients to create and to protect the brands that are at the core of their businesses. She regularly counsels clients on issues relating to trademark selection, clearance, prosecution, maintenance, policing, and enforcement, both internationally and domestically. Quincy’s practice also includes copyright, trademark, and patent litigation in federal courts and before the United States Patent and Trademark Office. In addition, Quincy aids clients with transactional issues relating to their intellectual property and is experienced in licensing matters.

Quincy is also a Certified Information Privacy Professional (CIPP/US) through the International Association of Privacy Professionals (IAPP). Quincy obtained her J.D. from Boston University School of Law, and BA in Cultural Anthropology and Classical Civilizations, cum laude, from University of California at Davis. While in law school, she was the Executive Editor of the International Law Journal and participated in the International Human Rights Clinic. Following law school, Quincy was the interim director at Volunteer Lawyers for the Arts and worked as an associate focusing on copyright litigation.



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Tuesday, February 23, 2021  
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