

November 2018

INVITATION FOR SPONSORSHIP OF THE SEDONA CONFERENCE WORKING GROUP SERIES COMMENCING  
JULY 1, 2019

I am pleased to invite your firm or company to join our community of sponsors who make the work of The Sedona Conference possible by becoming an Annual Sponsor of The Sedona Conference Working Group Series for our fiscal year beginning July 1, 2019. The Sedona Conference is committed to moving the law forward in a reasoned and just way by providing forums where leading jurists, lawyers, experts, academics, and others come together in conferences and mini-think tanks called Working Groups and engage in true dialogue to find balanced solutions to cutting-edge issues in the areas of antitrust law, complex litigation, and intellectual property rights. The specific benefits and costs of sponsorship are set forth in this letter beginning on Page 5.

Our most important contributions to the advancement of the law result from the efforts of hundreds of volunteer thought-leaders who participate in our Working Group content creation efforts. We currently have seven active Working Groups: Electronic Document Retention and Production (WG1); International Electronic Information Management, Discovery and Disclosure (WG6); eDiscovery Issues in Canada (WG7 or "Sedona Canada"); Patent Damages and Remedies (WG9); Patent Litigation Best Practices (WG10), Data Security and Privacy Liability (WG11), and Trade Secrets (WG12).

Our Working Group commentaries are available to lawyers, judges, and policy makers throughout the world free of charge, and many courthouses and government agencies host our commentaries on their secure intranets. Our Working Group output has been a powerful force moving the law forward in a reasoned and just way. The following is an update of the activities of the Working Groups during the last twelve months:

WG1 has published multiple commentaries since November 2017 including the final version of the *Federal Rule of Civil Procedure 34(b)(2) Primer*, the public-comment and final versions of the *Commentary on BYOD*, and the public-comment version of the *Principles and Commentary on Defensible Disposition*. Additionally, WG1 updated prior publications and released the public-comment versions of the *Primer on Social Media, Second Edition*, and the *Commentary on Information Governance, Second Edition*. In late 2018 and early 2019, WG1 expects to publish the final versions of the *Principles and Commentary on Defensible Disposition*, the *Primer on Social Media*, and the *Commentary on Information Governance*. WG1 is also working on updates to the 2008 *Commentary on ESI Evidence & Admissibility*, the 2008 *Commentary on Non-Party Production & Rule 45 Subpoenas*, the 2008 *Commentary on Preservation, Management and Identification of Sources of Information that are Not Reasonably Accessible*, and the 2010 *Commentary on Legal Holds*. Public-comment versions of these updates are

expected to be released in late 2018 and early 2019. WG1 continues to consider future publications on issues such as Attorney Competence, Blockchain Technology, Artificial Intelligence and Ethics, and the Internet of Things.

WG6 published the final, post-public comment version of its *International Investigations Principles* in May 2018. A drafting team is preparing a second edition of the *Practical In-House Approaches for Cross-Border Discovery & Data Protection*. Another drafting team continues its work on a draft commentary on choice of law for data in the international context. WG6 also recently formed brainstorming groups on (1) international arbitration, (2) international legal holds, (3) ephemeral data, and (4) dawn raids. WG6 will also hold its first, full stand-alone Working Group Meeting on January 14-15, 2019, in St. Pete Beach, Florida. Its meetings thus far have been half-day meetings following our Annual International Programme on Cross-Border Data Transfers and Data Protection Laws. It is our intention that WG6 will hold full Annual Meetings around the beginning of each calendar year, in addition to its traditional half-day meetings that follow the International Programme in the summer of each year.

WG9 published for public comment “Stage One” of its *Framework for Analysis of Standard-Essential Patent (SEP) and Fair, Reasonable, and Non-Discriminatory (FRAND) Licensing and Royalty Issues*. In 2019, WG9 plans to publish for public comment “Stage Two” of this *Framework*, and to launch a new drafting team addressing the same subject matter but expanding the scope of coverage to include SEP/FRAND litigation outside of the U.S. WG9 further plans to publish for public comment a *Commentary on Case Management of Patent Damages and Remedies Issues*.

WG10 published for public comment its chapters on ITC Section 337 Investigations and on Willful Infringement. In 2019, WG10 plans to publish for public comment chapters on: *Multi-District Litigation; Biopharma Patent Litigation; and the Evolving Relationship between Federal Courts and Administrative Agencies*. WG10 further plans to publish an update to its *Parallel USPTO Proceedings* chapter. In addition, WG10 plans to launch for the first-time drafting teams for topics on global patent litigation issues, including: Strategic and Tactical Considerations in Selecting Venues for International Patent Enforcement; Cross-Border Discovery Issues for Patent Litigation in the U.S. and Abroad.

WG9 and WG10 jointly plan to publish a Patent Litigation Handbook in a special edition of *The Sedona Conference Journal* compiling the final versions of many of the publications described above. Also, in the patent litigation space, WG5 on The Markman Process and Claim Construction will form a team to update its Report on *The Markman Process* (Nov.2010).

WG11 published the final version of its *Data Privacy Primer* in May 2018. WG11 published its *Incident Response Guide* for public comment in March 2018 and its *Commentary on Data Privacy and Security Issues in Mergers & Acquisitions Practice* for public comment in May 2018. WG11 expects to publish final versions of both in the coming months. Drafting teams continue to work on draft commentaries on (1) law firm data security, (2) privilege issues in data security litigation, and (3) data security and privacy issues in civil litigation. Brainstorming groups on (1) a reasonable security test and (2) U.S. judicial enforcement of GDPR recently completed outlines of potential work product. There are other potential brainstorming groups and drafting teams likely to be formed soon.

WG12 is addressing best practices for trade secret issues and just held its inaugural meeting this month. WG12 already has drafting teams working on the creation of a nonpartisan consensus *Commentary on the Proper Identification of Asserted Trade Secrets in Misappropriation Lawsuits*; a *Commentary on Equitable Remedies in Trade Secret Litigation*; a *Commentary on Protecting Trade Secrets in Litigation About Them*; a *Commentary on Trade Secret Issues Across International Borders*; and a *Commentary on The Employee Life Cycle Relating to Trade Secrets*.

The Sedona Conference takes Working Group content and disseminates it to the Bench and Bar in the United States and around the world through its publications, including *The Sedona Conference Journal*, and its “Voices from the Desert” webinars. Commentaries authored by The Sedona Conference were cited in 23 reported opinions. More than 82 courts, federal and state agencies, bar associations, law schools, CLE organizations and others were granted permission to reprint and distribute 154 publications. Finally, The Sedona Conference Institute disseminates this content through continuing legal education programs presented both domestically and internationally, including the recent programs described below.

On March 1-2, 2018, we held the 12<sup>th</sup> Annual Sedona Conference Institute Program on eDiscovery in Nashville, Tennessee. This program continues our decade-long reputation for presenting cutting edge, practical, and balanced training for eDiscovery lawyers, in-house legal personnel, eDiscovery service providers, and electronic records management professionals. The 13<sup>th</sup> Annual Sedona Conference Institute on eDiscovery is scheduled for March 7-8, 2019 in Charlotte, North Carolina.

In February 2018, The Sedona Conference Institute held its annual program on eDiscovery Negotiation Training in New York, NY. This program is a unique, pretrial legal skills program which utilizes a litigation hypothetical and mock exercises to explore practical cooperative strategies to use during the discovery process. Participants learn and impart valuable tactics and strategies that are mutually beneficial in resolving eDiscovery disputes, thereby saving time and costs for all parties involved. The training component of this program and the small student-to-faculty ratio make it the most unique program we offer. The program will be held again in February 2019 in Washington, D.C.

In February 2018, we held The Sedona Conference on International Patent Litigation: Aspirations Toward Attaining Effective Global IP Protections in Reston, Virginia. The conference focused on topics identifying and explaining the emergence of alternatives to the traditional model of U.S. District Court litigation, comparative approaches across different international patent regimes, the interplay between international competition policy and IP enforcement, and the future for domestic enforcement of IP activities occurring abroad. In Q3-Q4 2019, we will hold The Sedona Conference on Global Aspects of Patent Litigation, addressing many of the same themes and incorporating the above-referenced WG9/WG10 drafting team efforts expanding for the first time into global patent litigation issues.

The 10th Annual Sedona Conference International Programme on Cross-Border Data Transfer and Data Protection Laws was held on June 18-19, 2018, in Budapest in order to explore cross-border data transfers for government investigations, discovery in litigation, or various business purposes, and the related compliance, privacy and security concerns.

In January 2019, we are holding The Sedona Conference's Patent Conference: Promoting Invention, Entrepreneurship, Economic Growth, and Job Creation in Washington, D.C. The conference will consider how well the U.S. patent system is working to foster invention, job creation, industrial competitiveness, wealth creation, and strategic strength in the U.S.A.

## THE WGS ANNUAL SPONSORSHIP PROGRAM

The Working Group Series Annual Sponsorship program is an essential component of our overall funding, allowing us to support the efforts of existing and future Working Groups. We also depend on our WGS Annual Sponsor Program to expand our judicial education efforts and produce other conferences and programs to bring the collective wisdom generated in our Working Groups to the broader benefit of the Bench and Bar.

Our goal is to reach 60 WGS Annual Sponsors for our 2019 fiscal year beginning July 1, 2019. This will enable us to effectively serve the public good as a truly balanced and non-partisan law and policy think tank dedicated to the reasoned and just advancement of the law.

When you look at competing requests for donations and sponsorships, we hope that you will recognize the significant and positive impact The Sedona Conference has on the legal system. Being a Working Group Series Annual Sponsor is an effective way to reflect your commitment to improving the legal system while being fully engaged in our Working Group efforts.

## THE BENEFITS

- First and foremost, you will play an integral role in enabling The Sedona Conference to fulfill its mission and continue to develop consensus-based, non-partisan work product and advanced legal education programs.
- WGS Annual Sponsors are entitled to an unlimited number of complimentary annual Working Group Series memberships for their individual employees during the fiscal year of their sponsorship. This enables all of your interested colleagues to join our different Working Groups, to have access to all of our Working Group members-only areas on our website, to see and comment on all draft works in progress, to volunteer to participate in all activities of each of our Working Groups, and to be eligible to register for any of our Working Group meetings (up to capacity). WGS members also receive discounts on registration fees for our regular season conferences, TSCI conferences, and our “Voices from the Desert” webinars, as well as a discount on a subscription to The Sedona Conference Journal.
- WGS Annual Sponsors may identify an individual (who is not a Sponsor employee) to receive a Sedona Scholarship to accompany your Sponsor representative as his or her guest at a Sedona Working Group meeting of choice. The guest will receive a complimentary registration and a complimentary Sedona membership for three months, because Working Group meetings are not open to nonmembers. The Sedona Scholarships are offered only to individuals who have never attended a Sedona Working Group meeting, in order to attract potential new thought

leaders to The Sedona Conference. We hope you will use this opportunity to take a client or other guest who you want to introduce to The Sedona Conference Working Group experience. It's a great way to show your appreciation for the relationship and to demonstrate your personal commitment to moving the law forward in a reasoned and just way.

- WGS Annual Sponsors have their names and logos posted on the Sponsors page of our website, with a link to their own websites, during the period of their sponsorship.
- We have created a special WGS Annual Sponsor logo for use by Sponsors as they see fit during the period of their sponsorship, so long as it does not imply endorsement by The Sedona Conference of our Sponsor's services.
- A reference to our WGS Annual Sponsors (and the page of our website where they are listed) is included in all of our Working Group Series publications and *The Sedona Conference Journal*.
- WGS Annual Sponsors receive a complimentary copy of *The Sedona Conference Journal* published each year.
- WGS Annual Sponsors receive a royalty-free license to reprint WGS publications to hand out to individual existing and prospective clients or for internal use, such as in-house training, and may post WGS publications on their private, secure intranets, during the period of their sponsorships.
- When selecting faculty for Sedona conferences and webinars, and when selecting drafting team members for Working Group commentary drafting projects, we look first to our WGS Annual Sponsors to see if they have representatives with the necessary qualifications and experience to fill the slot before looking elsewhere.
- WGS Annual Sponsors will be invited to participate in conference calls of the Sponsor Advisory Council to discuss with management of The Sedona Conference their ideas and suggestions for improving the work of The Sedona Conference and to help identify new tipping point issues where the influential guidance of The Sedona Conference Working Groups can move the law forward.
- The Sedona Conference pays special attention to tagging, liking, sharing, and promoting our WGS Annual Sponsors and WGS Annual Sponsor representatives on social media. The Sedona Conference is active on Twitter, LinkedIn, and Facebook. Whether it be tagging individual dialogue leaders or faculty in posts, liking updates, sharing upcoming events and articles written by WGS Annual Sponsors and their representatives, or even posting about awards and triumphs of WGS Annual Sponsors and their representatives, we seek to actively engage and educate our social media networks about The Sedona Conference community.

#### THE COST & HOW TO SIGN UP FOR THE FYE 6/30/19 WGS ANNUAL SPONSOR PROGRAM

The Sedona Conference is a nonprofit, 501(c)(3) public charity. Contributions or gifts to The Sedona Conference are tax-deductible under Section 170(c) of the Internal Revenue Code. Sponsorship costs \$10,000/year: \$4,000 of the WGS Annual Sponsor fee is treated by us as a charitable donation, and \$6,000 as payment for the goods and services described above.

To sign up, just send me an email ([cweinlein@sedonaconference.org](mailto:cweinlein@sedonaconference.org)) confirming that your firm or company wants to become a WGS Annual Sponsor for FYE June 30, 2020. Please also let me know the exact way you want your firm or company to be listed as a sponsor on our website, and the URL to use to link your listing to your website. We also want a vector file of your company logo to display on the Sponsor page of our website. We will send out our official welcome letter and invoice in June 2019 for payment in July 2019.

Further background information on The Sedona Conference can be found on our website. Please don't hesitate to let me know at any time if you have any questions or require further information. Thank you very much for your consideration of this invitation.

With my best regards



Craig W. Weinlein  
Executive Director  
The Sedona Conference