

2017 NOVA LAW REVIEW SYMPOSIUM

# ENTREPRENEURSHIP

**2.0**



**ENTREPRENEURSHIP 2.0: LEGAL,  
REGULATORY AND ECONOMIC  
CHALLENGES TO THE  
INNOVATION ECONOMY**

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SPONSORED IN PART BY THE  
**NSU SHARON & MITCHELL W. BERGER  
ENTREPRENEUR LAW CLINIC**

## Welcome from the Nova Law Review

On behalf of the Executive Board of the Nova Law Review, welcome to the 2017 Nova Law Review Symposium, "Entrepreneurship 2.0: Legal, Regulatory, and Economic Challenges to the Innovation Economy." This symposium provides an opportunity for scholars to discuss the many changes facing the global economy, including workforce transformations, entrepreneurship, artificial intelligence, regulation, privacy, and security concerns brought on by the developments in technology and the legal regimes that govern these sectors.

Topics of discussion will range from international economic innovation, economics of entrepreneurial development, patents and intellectual property as innovation catalysts and barriers and technology, ethics and professional responsibilities for the creators of the innovation economy.

Attendees will have the unique opportunity to learn from distinguished attorneys and law professors from around the world including representatives from University of Berkeley School of Law, Elon University School of Law, Autonomous University of Barcelona, University of Richmond School of Law, among many others. Overall, the goal of this event is to provoke conversation and awareness about important various entrepreneurial issues presently affecting our global economy.

We sincerely thank you for attending and hope you enjoy the presentations.



**Stephen Ayeni,**  
Juris Doctor Candidate | 2018  
Nova Law Review | Editor-in-Chief, Vol. 42  
Nova Southeastern University | Shepard Broad College of Law



Shepard Broad College of Law: Nova Southeastern University's College of Law offers a cutting edge, skills-centered academic program in three-year full-time and four-year part-time divisions. With its recently redeveloped clinical programs, every NSU Law student is guaranteed a live-client experience.

In-house clinical studies are supplemented by full-time field placement opportunities practicing law in Florida, across the United States, or select locations throughout the globe.

**The Sharon and Mitchell W. Berger Entrepreneur Law Clinic** will enable NSU to provide direct legal service to nonprofit organizations, NSU students, and researchers associated with the new NSU Center for Collaborative Research (CCR), as well as innovators in technology, life sciences, and in the creative communities. For more information, please visit [www.law.nova.edu](http://www.law.nova.edu)

"The Future of South Florida business will be in life science and technology development and in the commercialization of those ideas. The legal profession will need to train its professionals to be counselors to the business community as it transforms itself to take on new, 21st-century challenges. Sharon and I hope this new clinic will assist the training of homegrown lawyers to represent our next generation of South Florida entrepreneurs."

—Mitchell W. Berger



2017 Nova Law Review Symposium  
Entrepreneurship 2.0: Legal, Regulatory, and Economic Challenges  
to the Innovation Economy  
Friday, October 6, 2017 | Shepard Broad College of Law, Panza Maurer Law Library

8:00 – 8:40 am	<b>Continental Breakfast</b>	
8:45 – 9:00 am	<b>Welcome &amp; Introductions</b>	<b>Jon Garon</b> , Dean of NSU College of Law & Nova Law Review Editors
9:00 – 10:00 am	<b>PANEL1: Economics of Entrepreneurial Development &amp; International Economic Innovation</b> <b>Moderators:</b>  <b>Speakers on Panel:</b>	<b>Stephen Ayeni</b> , Nova Law Review Editor-in-Chief  <b>Dr. Tom Tworoger</b> , Buying a Business with No Money <b>Aleksei Gudkov, LL.M., MBA</b> , Control Over the Blockchain Network Communities <b>Petros Georgios Papathanasiadis Neto, MBA</b> , Internet of Things <b>Andrew Hinkes</b> , Attorney – Economics/legalities of Crypto-token Sales, and Emerging Legal Issues Related to Crypto-assets/blockchain Models
10:00 – 10:15 am	<b>Break</b>	
10:15 – 11:30 am	<b>PANEL2: Patents &amp; Intellectual Property as Innovation Catalyst &amp; Barrier</b> <b>Moderator:</b>  <b>Speakers on Panel:</b>	<b>Rachele Hendricks-Sturupp</b> , M.S., M.A., NSU Doctoral Student, College of Health Care Sciences  <b>Scott Smiley</b> , Attorney - Patents—The Government Giveth and Now the Government Taketh Away, but is the New Process Under the America Invents Act Constitutional? <b>Raphael Zingg</b> , Attorney - Betting on the Mediocre – National Institutes of Health and Cancer-Related Patenting

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**Professor Kristen Osenga**, Institutional Design for Innovation – Better Solutions for Addressing 101 Statutory Subject Matter

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**11:30 – 1:00 pm**     **Lunch**

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**1:00 – 2:15 pm**     **PANEL3: Technology, Ethics, and Professional Responsibilities for the Creators of the Innovation Economy**

**Moderator:**

**Mayda Nahhas**, Nova Law Review Editor

**Speakers on Panel:**

**Professor Drew Simshaw**, Lawyers' Professional Duties as Advisors on - and Consumers and Developers of - New and Evolving Technologies  
**Professor George Horvath**, Trading Safety for Innovation and Access: An Empirical Evaluation of The FDA's Premarket Approval Process

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**2:15 – 2:30 pm**     **Break**

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**2:30 – 3:45 pm**     **PANEL 4: Open Floor Discussion – Conglomeration of all Speakers**

**Moderator:**

**Kenneth Lewis, Jr.**, NSU Law Professor

**Speakers on Panel:**

**All speakers**

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**3:45 – 5:00 pm**     **Closing Remarks and Reception**

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**The Florida Bar Certificate of Accreditation for Continuing Legal Education**

Reference No.: 1707168N  
Title: Nova Law Review Symposium  
Level: Intermediate  
Approval Period: 10/06/17 – 04/06/2019  
CLE Credits: General: 6

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## PANEL 1: ECONOMICS OF ENTREPRENEURIAL DEVELOPMENT & INTERNATIONAL ECONOMIC INNOVATION

### **Aleksei Gudkov – Control Over the Blockchain Network Communities**



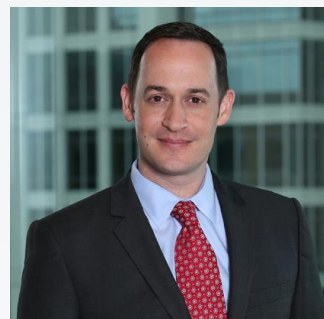
Aleksei Gudkov is a legal researcher with a specialization on the blockchain legal and finance matter, white papers and ICO, corporate law and mergers & acquisition deals. Mr. Gudkov has a law degree from Moscow State Academy, an LLM degree from the joint program of University of Manchester and Academy of National Economy; an MBA degree from Kingston University; and is a Ph.D. law candidate for Autonomous University of Barcelona. Mr. Gudkov speaks English and Russian languages (basic German and Spanish).

### **Petros Georgios Papathanasiadis Neto - Internet of Things**



Petros Georgios Papathanasiadis Neto is a lawyer and entrepreneur currently residing in Sao Paulo, Brazil. In 2014 Mr. Papathanasiadis Neto obtained his law degree from Pontificia Universidade Catolica, then in 2016 obtained his MBA degree in Electronic Law from Escola Paulista De Direito. Mr. Papathanasiadis Neto is currently working on obtaining a Lato Sensu Digital Law and Compliance degree from Damasio Educacional. Mr. Papathanasiadis Neto speaks English, Portuguese, Spanish, French, Italian and Arabic.

### **Drew Hinkes – Economics/legalities of Crypto- token Sales, and Emerging Legal Issues Related to Crypto-assets/blockchain Models**



Drew represents leading companies and entrepreneurs in state and federal commercial litigation matters including representation of court-appointed receivers and trustees, business torts, and trade secrets litigation. He advises numerous companies and entrepreneurs in the growing digital currency and blockchain space, including token issuers, BitcoinATM networks, investment funds, and high net worth investors. Drew is published and cited frequently in academic and popular press in the areas of virtual currencies, smart contracts, distributed ledger-based technology. He will join the

faculty of NYU Stern as an adjunct professor in the Spring of 2018 to co-teach "Digital Currency, Blockchains, and the Future of Financial Services" to JD and MBA students.

## Tom Tworoger – Buying a Business with No Money



Tom Tworoger knows what it takes to be a successful entrepreneur. He spent 22 years building his company, Kenworth Truck of South Florida, into a world leader in sales for Kenworth. Tworoger applied the strategies he teaches in his classes to expand his business to four locations in South Florida and become the first dealer in the United States to sell Japanese medium-duty trucks. His last year in business the company did \$130 million in sales. The company was sold to Freightliner Corporation, a division of Daimler. "As an automotive dealer, I was involved in at least six different types of businesses, ranging from service to sales," said Tworoger. "Those experiences allow me to relate to many different industries."

Tworoger joined NSU in 2000 and directs the entrepreneurship concentration in the M.B.A. program and the entrepreneurship minor and major in the undergraduate program. He was recognized with the Excellence in Teaching Award in 2005 and the Student's Choice Award in 2010. He enjoys the challenge of teaching to the different learning styles of the students in his classes. A sports enthusiast, Tworoger enjoys surfing, snow and water-skiing, scuba diving, fishing, spinning, and competing in 5K runs and sprint triathlons.

## Moderator: Stephen Ayeni



Stephen Ayeni is a third-year law student at Nova Southeastern University Shepard Broad College of Law in Davie, FL. He currently is serving as both the Editor-in-Chief of the Nova Law Review, Volume 42 and Treasurer of the Student Bar Association. His student comment, Intentional Grounding: How the NCAA and NFL Have Engaged in Practices That Unreasonably Restrain the Football Player Labor Market, which questioned possible anti-trust issues related to the restrictive practices of both the NCAA and the NFL, was published in the Nova Law Review, Volume 41. Prior to law school, Stephen obtained his Bachelor of Science in Finance at Florida State University. He also

was employed at the Bank of New York Mellon, as both a Mutual Fund and Private Equity Accountant. Ayeni currently is a law clerk at the law firm of Moffa, Sutton, and Donnini, P.A. which primarily focuses on Florida sales tax litigation.

## **PANEL 2: PATENTS & INTELLECTUAL PROPERTY AS INNOVATION CATALYST & BARRIER**

### **Scott Smiley Patents—The Government Giveth and Now the Government Taketh Away, but is the New Process Under the America Invents Act Constitutional?**



In addition to serving as the Adjunct Professor of Patent Law at Nova Southeastern University, Shepard Broad College of Law, Scott Smiley practices law at his firm, The Concept Law Group, P.A., where he concentrates his practice on Patent and Trademark law. Smiley is a Registered Patent Attorney and holds a degree in Electrical Engineering. Before entering the field of law, Scott designed antenna and communication systems for military and commercial aircraft and magnetic components for a broad range of electronic applications. He also served as an Adjunct Professor of Engineering at a local South Florida college.

Smiley is admitted to practice in the Supreme Court of the United States, the Federal Circuit Court of Appeal, the U.S. Patent and Trademark Office, and the Southern District of Florida.

Scott was part of a team that litigated a three-year-long patent infringement case against The Home Depot U.S.A., Inc., where they successfully proved that The Home Depot engaged in willful patent infringement. In 2010, after a nearly month-long trial that made news across the nation, the jury awarded the client \$15 million in actual damages. To that, the Court added an additional \$3 million in punitive damages, \$2.8 million in attorneys' fees, \$3.1 million in prejudgment interest, and over \$300k in costs, for a total award of almost \$25 million.

Impressively, he was named as one of 2015's "Super Lawyers" by Super Lawyer magazine and "Legal Elite" by Florida Trend Magazine (limited to top 2% of Florida's attorneys).



Scott graduated from Nova Southeastern University, Shepard Broad College of Law, in 2003. During law school, he served as Chief Advocate of Moot Court, Assistant Technical Editor of the Journal of International and Comparative Law, Student Justice of the Honor Court, Student Prosecutor of the Honor Court, and Student Defender of the Honor Court. Additionally, he was the recipient of the award given to the "Winner of Best Brief" and was a Semi-Finalist for Oral Arguments at the E. Earle Zehmer Moot Court Competition. Smiley has also been granted membership in the National Order of Barristers for "Exhibiting Excellence in Courtroom Advocacy."

### **Raphael Zingg – Betting on the Mediocre – National Institutes of Health and Cancer-Related Patenting**



Raphael Zingg is a Ph.D. student at the Center for Law & Economics and a research assistant to Prof. Stefan Bechtold. He is currently a visiting scholar at UC Berkeley under the SNSF Doc. Mobility fellowship, after being a visiting scholar at the Max Planck Institute for Innovation and Competition.

Prior to joining the ETH, he was a junior associate in a leading law firm's patent litigation practice group. He graduated with a Masters and Bachelors in Swiss Law from the Universities of Zurich and Fribourg and with a License in French Law from Université Panthéon-Assas, Paris II.

His research interests lie at the interface between law and science. Currently, his Ph.D. focuses on empirical patent litigation in Europe. In addition to the aforementioned, he pursued training in Pharmaceutical Sciences at the ETH Zurich, and has completed an Advanced Biosciences Program at UC Berkeley.

## **Kristen Osenga – Institutional Design for Innovation - Better Solutions for Addressing 101 Statutory Subject Matter**



Professor Kristen Jakobsen Osenga teaches and writes mainly in the area of intellectual property. Some of her recent scholarship focuses on patent licensing firms, standard setting organizations, patent eligible subject matter, patent law reform, and claim construction. She has written numerous law review articles, book chapters, and opeds on these and other topics. She also speaks regularly on patent-related issues. Professor Osenga is an active member of the Federal Circuit Bar Association and AIPLA.

Professor Osenga received a B.S. degree in Biomedical Engineering (University of Iowa), an M.S. degree in Electrical Engineering (Southern Illinois University – Carbondale), and a J.D. from the University of Illinois College of Law, where she graduated magna cum laude. After law school, she practiced at the law firm of Finnegan, Henderson, Farabow, Garrett, & Dunner LLP, where she did patent prosecution and litigation. She then clerked for the Judge Richard Linn of the U.S. Court of Appeals for the Federal Circuit. After clerking, she entered academia, and is now at the University of Richmond, where she has been since 2006.

## **Moderator: Rachele Hendricks-Sturup, M.S., M.A., NSU Doctoral Student, College of Health Care Sciences**



Rachele Hendricks-Sturup is a health science entrepreneur, journalist, policy analyst, and business development specialist for the digital health industry. Currently, she serves as the Vice-Chair of the Association of Health Care Journalists' (AHCJ) South Florida Chapter and is an AHCJ Comparative Effective Research fellow. Rachele will receive a Doctor of Health Science degree from Nova Southeastern University in March 2018. The primary focus of her doctoral analysis is "Topics in Health Science Innovation: Developing and Measuring the Value of Technology-Driven Products and Services in Value-Based Health Care and Precision Medicine." She is the Founder and Publisher of a new health media outlet and think tank called Aceso Ingenuity.

## PANEL3: TECHNOLOGY, ETHICS, AND PROFESSIONAL RESPONSIBILITIES FOR THE CREATORS OF THE INNOVATION ECONOMY

### **Drew Simshaw – Lawyers’ Professional Duties as Advisors on – and Consumers and Developers of – New and Evolving Technologies**



Drew Simshaw is a communications and technology attorney and a Legal Method and Communication Fellow at the Elon University School of Law. He previously practiced with the Institute for Public Representation in Washington, D.C. and taught in Georgetown Law’s Communications & Technology clinic. Prior to joining Georgetown, he served at Indiana University as a fellow with the Center for Applied Cybersecurity Research and as an analyst with the Center for Law, Ethics, and Applied Research in Health Information. He frequently publishes and presents on the regulation of emerging technologies and the ethical obligations of lawyers in light of new technology.

### **George Horvath – Trading Safety for Innovation and Access: An Empirical Evaluation of The FDA’s Premarket Approval Process**



George Horvath is a Post-Doctoral Fellow at Berkeley Law. His scholarship focuses on the regulation of medical devices and drug manufacturers, and on how constitutional and federalism concerns intersect with the health care enterprise. His most recent work, *Trading Safety for Innovation and Access*, employs a novel empirical analysis of medical device failures to understand and critique the balance between ensuring safety and innovation that Congress and the FDA have sought to strike. His student comment, *Recovery and Preemption: The Collision of the Medicare Secondary Payer Act and the Medical Device Amendments*, which examines the unforeseen effects of federal preemption of products liability suits on the Medicare programs, was published in the *California Law Review*.

Horvath earned his J.D. at Berkeley Law, where he served as Editor-in-Chief of the California Law Review. He served as law clerk to Judge John T. Noonan, Jr., on the Ninth Circuit Court of Appeals.

**Moderator: Mayda Z. Nahhas, Nova Law Review Goodwin and Alumni Relations Editor, Vol. 42**



Mayda Nahhas is a third-year law student at the Nova Southeastern University Shepard Broad College of Law in Davie, Fl. Ms. Nahhas currently serves as the Goodwin and Alumni Relations Editor of the Nova Law Review, Volume 42 and in 2016 was the founding President of the law school's Fashion Law Association in 2016. Ms. Nahhas currently works as a law clerk for the Business Litigation and Intellectual Property departments of the Miami office of Kluger, Kaplan, Silverman, Katzen & Levine, P.L.

**PANEL4: OPEN FLOOR DISCUSSION – CONGLOMERATION OF ALL SPEAKERS**

**Moderator: Kenneth Lewis**



Associate Prof. Lewis joined the Shepard Broad College of Law Faculty in 2009. He teaches Legal Research and Writing I and II, and Property Law. Prof. Lewis has also taught Sports Law, Administrative Law, and Employment Law. Prior to joining the faculty, Professor Lewis worked as a litigator for Greenberg Traurig in Miami, Florida. Professor Lewis also managed his own law firm where he, among other things: (1) litigated commercial disputes; (2) represented community associations; and (3) represented athletes and entertainers. Prior to becoming an attorney, Professor Lewis was the chief financial officer and chief operating officer for a multi-million dollar Florida company.