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Our newsletter reflects the focus of Akin's cross-practice autonomous systems and advanced mobility team on developments in the regulatory, policy, trade, intellectual property, and cybersecurity and privacy spaces. Autonomous Akin brings you the latest news and developments so that you can keep a pulse on what is happening in government and industry that is impactful for your business. For our new readers, you can subscribe to future issues of this newsletter here. Thank you!

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Unmanned Aircraft Systems (UAS)

Biden Picks Longtime Transportation Official as Acting Head of the Federal Aviation Administration - AP

President Joe Biden has picked a longtime government official and current top aide in the Transportation Department to serve as acting administrator of the Federal Aviation Administration (FAA). The White House said Thursday that Polly Trottenberg replaced Billy Nolen, who indicated in April that he planned to leave the FAA. Trottenberg held a highranking job in the Transportation Department during the Obama administration and has most recently been deputy to Transportation Secretary Pete Buttigieg. She headed the New York City Transportation Department from 2014 to 2020 and worked as a U.S. Senate aide and at the Port Authority of New York and New Jersey.

In Canada, Flying Drones Up to 150 kg and BVLOS Over Sparsely Populated Areas is Coming with the 3Ps - *sUAS News*

On June 24, 2023, the proposed amendments to the Canadian Aviation Regulations (CARS) that will allow for drones up to 150 kg (medium drones) and Beyond Visual Line of Sight (BVLOS) operations in sparsely populated areas without a Special Flight Operations Certificate (SFOC) were published for public consultation. With this announcement, Transport Canada - Transports Canada is further enabling the societal and economic benefits of commercial drones. In the proposed amendments, the federal department clearly demonstrated that they know they are going to improve life for Canadian citizens and, it seems, tipped their hat to the future stage of commercial drone growth: "The implementation of a new regulatory framework for medium-sized drones and lower-risk BVLOS operations would support growth and investment in the Canadian economy. It would also allow TC to shift resources towards issuing SFOCs for more complex operations - e.g. in urban centres, at higher altitudes or larger aircraft - and integration with the broader aviation sector."

Read the Article

NASA Backs Project to Make Drones Quieter - Digital Journal

Drone delivery continues to advance in terms of technology and with the take-up by different companies. One of the downsides of the future expansion of drones will be the noise, with the hum generated by rotors filling the sky. To seek quieter drones, NASA has awarded \$5.7 million to a multi-university partnership. Leading the discovery of quieter vertical lift air vehicles is Boston University, together with Virginia Tech, Embry-Riddle University, Tuskegee University, and the company Joby Aviation. Electric vertical take-off and landing (eVTOL) vehicles typically have four or more rotors and increased traffic, and industrial activity will make cities louder and louder, adding to the already existing noise pollution. The research will develop methods to better predict low noise operations of such vehicles within the urban canyon. The research team will also explore how much the ingestion of large-scale disturbances during flight, such as gusts of winds, also affect rotor noise.

Read the Article

NYC Drone Permit System Won't Fly, Say Critics Who Deride NYPD Proposed \$150 Fee, Strict Rules - New York Daily News

The New York Police Department (NYPD) is test flying a permitting system that will allow drones to buzz about New York City—but commercial drone operators believe the strict rules will effectively put them in a no-fly zone. After years of banning drones from flying in the fiChocve boroughs—except for five public parks in Brooklyn, Queens and Staten Island—the NYPD on June 2 proposed a new procedure where hobbyists and commercial drone fliers could get a permit to fly drones and take aerial photos and video of the city. But operators of the remote-controlled fliers will have to jump through hoops to get the \$150 permits. Applicants would have to request a permit a month before the flights, must be insured, and must already have a certificate of authorization from the FAA.

Choctaw Nation Demonstrates Drone Technology - ABC KTEN

The Choctaw Nation on Friday conducted its first public drone mission beyond the line of sight. The tribe's Advanced Technology Initiatives Department welcomed Oklahoma lawmakers—including House Speaker Charles McCall—to the demonstration. The Choctaw Nation received a unique waiver from the FAA to fly the remote control aircraft beyond the horizon to test drone missions, including package delivery and to establish realistic payloads. Chief Gary Batton explained why the Choctaw Nation was selected for the testing program. "We're one of the only tribes across the whole United States and some other cities ... it's because of where we're located. It's due to our property that we have here," he said. "We have 142,000 acres, so the testing in a safe environment, because again, we have to implement this into mainstream society."

Read the Article

Drone Biz Knocks Out Aerospace Co.'s Patent Claims at PTAB - Law360

The Patent Trial and Appeal Board (PTAB) has found that multiple claims in a drone patent owned by aerospace manufacturer Textron Innovations Inc. weren't valid, saying they were anticipated and obvious. A three-judge panel of the PTAB on Wednesday said nine claims in U.S. Patent No. 9,162,752 were invalid, handing a win to drone maker DJI Europe BV. The panel said most of the claims at issue were invalid over various pieces of prior art, including a paper referred to as Harding covering how to develop aviation controls in a helicopter. According to the panel, all except one of the claims at issue were invalid as anticipated over Harding. But the panel said all the claims were unpatentable as obvious over both Harding and other pieces of prior art.

Read the Article

North Dakota: The Silicon Valley of Drone Innovation - Avionics International

In a conversation with Avionics International, Josh Teigen, the Department of Commerce Commissioner for North Dakota, and Frank Matus, Director of Digital Aviation Solutions for Thales Group, talked about how the state is enabling innovations in drone technology. North Dakota's plans to become the epicenter in the United States for uncrewed aircraft systems (UAS) began about 10 years ago, according to Teigen. Two key advantages of the state are its low population and its heavy focus on agriculture and energy—spaces where drones can bring significant value. Over the past decade, North Dakota has made more than \$100 million in investments into UAS technology—both for the airspace and for ground infrastructure. "We have the first UAS business park—1.2 million square feet of hangar space that's growing every day," he said. The business and aviation park, called Grand Sky, is used to conduct autonomous drone operations and to develop the necessary ground infrastructure.

Read the Article

FAA Announces UAS Rulemaking Committee Members - AVweb

Fifty-eight aviation stakeholders have been named members of the FAA's unmanned aircraft systems (UAS) Detection and Mitigation Systems Aviation Rulemaking Committee. Established

last March, the committee is tasked with ensuring that "new technologies designed to detect and mitigate risks from errant or hostile UAS do not adversely impact the safe and efficient operation of the nation's airspace." According to the committee's charter, the members (<u>PDF</u>) were selected based on their familiarity with aircraft technology and operations, the national airspace system and aviation infrastructure, UAS detection and mitigation technology and operations, and existing FAA regulations and standards.

Read the Article

FCC Votes to Expand Vehicle, Drone Radar Operations - Reuters

The Federal Communications Commission (FCC) on Thursday voted to expand the use of vehicle drone and other short-range radar operations. The decision by the U.S. telecommunications regulator will support technologies to detect children left behind in hot cars and driver assistance features like pedestrian detection and lane departure warnings, as well as detecting the breathing of premature infants in intensive care units. The decision will also assist drones in construction, emergency rescue and commercial applications, the FCC said. FCC Chair Jessica Rosenworcel said it is likely the technology will be "used for real-time traffic management that can reduce congestion and increase safety for the vehicles, cyclists, and pedestrians who share our roads."

Read the Article

Drone Delivery Startup Zipline Boosts Valuation to \$4.2 Billion - Forbes

In a market environment where few startup unicorns have raised funding at higher valuations, drone delivery startup Zipline is an exception. The South San Francisco-based company is raising \$330 million in a new funding round, according to two sources and a filing obtained by Forbes. The funding values Zipline at about \$4.2 billion, a 55% increase from its \$2.7 billion valuation reached two years ago. In an April 10 filing in Delaware, the company revealed a Series F funding round of that size that priced Zipline at \$40.20 per share. The filing also included a Series F-1 extension of up to \$20 million that could still be rolled into the round, meaning the exact total raised by Zipline could still fluctuate, according to one of the sources. The filing made no mention of a lead investor, nor could one be identified as of publication.

Read the Article

FAA Expands Airport Counter-Drone Testing with Dedrone - *Unmanned Systems Today*

Dedrone is expanding its partnership with the FAA under Section 383 of the FAA Reauthorization Act of 2018, which provides for testing of counter-drone and drone detection, tracking, identification and mitigation technologies to develop clearer regulations around the use of these technologies at airports. Dedrone was part of the first round of technologies selected for testing at Atlantic City International Airport and has now been invited to expand to a second airport as part of the ongoing research being conducted by the FAA to make airports safer from disruptions caused by drones.

Advanced Air Mobility

US Proposes Training, Pilot Certification Rules for Air Taxis - Reuters

The U.S. aviation regulator said on Wednesday it was proposing comprehensive training and pilot certification rules for flying taxis, electric vertical takeoff and landing aircraft (eVTOL), which have been touted as the future of urban air mobility. Low-altitude urban aircraft have drawn intense global interest, with numerous eVTOL companies going public. New rules are needed because many proposed aircraft take off and land like a helicopter but fly like an airplane to their destination, the FAA said. The FAA said its proposal conforms to International Civil Aviation Organization requirements, enabling U.S. pilots to operate in other countries.

Read the Article

Lean Green Flying Machines Take Wing in Paris, Heralding Transport Revolution - ABC News

Just a dot on the horizon at first, the bug-like and surprisingly quiet electrically-powered craft buzzes over Paris and its traffic snarls, treating its doubtless awestruck passenger to privileged vistas of the Eiffel Tower and the city's signature zinc-grey rooftops before landing him or her with a gentle downward hover. And thus, if all goes to plan, a new page in aviation history could be written. After years of dreamy and not always credible talk of skies filled with flying, nonpolluting electric taxis, the aviation industry is preparing to deliver a future that it says is now just around the corner. Capitalizing on its moment in the global spotlight, the Paris region is planning for a small fleet of electric flying taxis to operate on multiple routes when it hosts the 2024 Olympic and Paralympic Games next summer. Unless aviation regulators in China beat Paris to the punch by greenlighting a pilotless taxi for two passengers under development there, the French capital's prospective operator—Volocopter of Germany—could be the first to fly taxis commercially if European regulators give their OK.

Read the Article

The Sustainable Aviation Fuel Entrepreneurs Poised for Takeoff - Reuters

Sustainable aviation fuel (SAF) had a bumper year in 2022, with production soaring to at least 300 million liters, up 200% on the previous year, according to the International Air Transport Association (IATA). But that is a drop in the bucket of the 450 billion liters a year that will be required by 2050, with the airline industry relying on SAF to account for around 65% of the mitigation needed to achieve its net-zero targets. One leading logistics company, DHL, is targeting using 30% of sustainable aviation fuel for all air transport by 2030. In March 2022, it signed deals with BP and Finnish oil refining company Neste to provide more than 800 million liters of SAF within the next five years. "It's a great story when an industrial value chain is increasing in size by 200% in a given year, but when you look at the starting base, SAF currently is only 0.1-0.2% of aviation fuel supply globally. The journey is insanely challenging, and though progress has been made, there's just not enough of it," says PwC director Scott Koronka.

DOT Wants Public Input on AAM Acceptance in US Skies - Avionics International

To prepare a blueprint for advanced air mobility (AAM) operations in the U.S., the Department of Transportation is calling for public input on safety challenges and general acceptance of air taxis and other electric aircraft ferrying passengers short distances in the national airspace. The Department of Transportation is required by law to invite public comment on advanced air mobility under the Advanced Air Mobility Coordination and Leadership Act passed by Congress in 2022. DOT has formed an interagency working group to gather public comment in preparation for a national AAM strategy scheduled for publication in 2024, according to a request for information posted in the Federal Register on Wednesday.

Read the Article

FAA Updates Its Blueprint for Future Air Taxi Operations - Avionics International

The introduction and integration of advanced air mobility (AAM) operations, which includes electric air taxis and autonomous vehicles, is one of the challenges currently facing the aviation industry. With a variety of developers inching closer to feasible prototypes and a multitude of operators demonstrating interest in beginning commercial service with AAM aircraft, the FAA has taken steps to plan for a smooth integration of this technology into pre-existing infrastructure through the release of its Urban Air Mobility Concept of Operations 2.0 blueprint. The release of this document comes at a time of promise for air taxis and other eVTOL operations. Developers across the world are finalizing prototypes of small aircraft designed for short, urban flights. Perhaps most notably, Archer's Midnight aircraft has already received orders from United Airlines. The carrier, which ordered 100 units, aims to place the aircraft in service as soon as next year. With ambitions like this from such a major airline, it seems planning to accommodate this technology is a critical step in maintaining the safety of air travel.

Read the Article

Technology, Environment and Legislation

EPA to Remove Proposed EV Volumes from Biofuel Blending Rule - Reuters

The Biden administration will abandon a proposal to include the electric vehicle (EV) industry in the U.S. biofuel blending program and withdraw potentially billions of dollars worth of tradable credits that had been attributed to the scheme, three sources familiar with the matter told Reuters. Reuters had first reported in early May that the Environmental Protection Agency (EPA) was considering delaying the EV program over concerns the plan could trigger lawsuits. A final rule is set to be released later this month after review by the White House. Scrapping the plan pushes the administration further away from allowing EVs to generate nearly 2 billion credits under the U.S. Renewable Fuel Standard over the next two years, something companies such as Tesla Inc. have pushed for. The EV program would

have been a boost to President Biden's goal of electrifying the motor vehicle industry to fight climate change.

Read the Article

A Major Showdown is Brewing Over What Counts as a Carbon Credit - Bloomberg

A few sentences in a note from an obscure United Nations group has ignited a firestorm in the carbon removal world. At issue is a beguilingly simple question: What counts as a carbon offset? The document—a draft to define a new global carbon market, released last month—elevated nature-based solutions like planting trees while downplaying the role of carbon dioxide removal (CDR) using machines or other forms of technology. Both natural and technological approaches can be effective ways to stave off the most catastrophic impacts of global warming. The demarcation might not sound like a big deal, but to the carbon removal industry, it's existential.

Read the Article

Questions Abound on EU Plan for New Essential Patent Rules - Law360

The European Union's (EU) call—to create a new body to set royalty rates for standard-essential patents before lawsuits could be filed—has drawn a skeptical response, with experts questioning how the plan would work and whether it would achieve its goal of streamlining disputes. The European Commission (EC) released its proposal on Thursday, saying the move is aimed at bringing more transparency and predictability to a complex area of the law that has led to heated disputes and litigation. When patents must be used in a product in order for it to operate on industry standards like Wi-Fi and 5G, the patent owner pledges to license them on terms that are fair, reasonable and nondiscriminatory (FRAND). However, what constitutes such a rate often spurs legal clashes, and the EU proposal could reshape them in unpredictable ways.

Read the Article

How Europe is Leading the World in Building Guardrails Around AI - AP

Authorities around the world are racing to draw up rules for artificial intelligence, including in the EU, where draft legislation faced a pivotal moment on Thursday. A European Parliament committee voted to strengthen the flagship legislative proposal as it heads toward passage, part of a years-long effort by Brussels to draw up guardrails for artificial intelligence. Those efforts have taken on more urgency as the rapid advances of chatbots like ChatGPT highlight benefits the emerging technology can bring—and the new perils it poses.

Over the past five decades, the United States has installed about 140 gigawatts of solar power generation capacity, enough to provide more than 3% of its power. That is just a start: Between now and the end of the decade, the country might add three times that much. It might seem fanciful to expect a market to quadruple in size in only eight years. But for that we can thank President Biden's Inflation Reduction Act and its generous, decade-long subsidies for both clean energy manufacturing and generation in the United States. Adding 360 gigawatts of solar in eight years does not require an exceptional year-on-year growth rate, though it does require investment. And it will certainly need a speeding up of the often-fraught process of interconnection that brings new projects onto the grid.

Read the Article

Idle Oil Wells' Next Act? Becoming Batteries for Renewable Energy - Bloomberg

The fan club for abandoned oil & gas wells is an exceedingly small one, but Kemp Gregory might just be the president. Where others see an eyesore or a source of rogue methane emissions, Gregory sees opportunity. Standing next to a 4,000-foot-deep well on the outskirts of Bakersfield, California, he demonstrates why. A 3,000-pound weight is suspended on a cable deep below the surface. With the push of a button, Gregory starts a small motor turning, drawing the block up from the well's maw until it reaches a predetermined height. Now it's more than a heavy weight; it's a source of potential energy. Gregory pushes another button and the weight begins its descent, releasing that energy in the form of electricity that can be fed onto the grid. The system is designed to store nearly 2 kilowatt-hours (kWh) of electricity, barely enough to power a household dryer, says Gregory, who co-founded the startup Renewell Energy in 2020. But the company is hoping to build larger systems at up to 30% of the millions of inactive oil & gas wells across the United States. In doing so, Renewell wants to turn infrastructure responsible for polluting the planet into a solution that addresses one of the biggest challenges of the energy transition: storing electricity economically and sustainably.

Read the Article

Autonomy & Electric Vehicles

Automakers Are Gearing Up to Get Ahead of EV and Hydrogen Trends - Forbes

The automakers are gearing up to produce new electric and hydrogen fuel cell vehicles—a byproduct of public policies and market demand. The Inflation Reduction Act will cut CO2 emissions by 40% from a 2005 baseline, partly provided by the incentives given to EVs and hydrogen cars. Automakers are shifting gears and moving into the fast lane to give consumers what they want. Indeed, Cox Automotive forecasted sales of new EVs in the United States to surpass 1 million cars for the first time this year. Already, they are 7% of new car sales. Take Toyota Corp.: Currently, 21% of its sales are electric or hybrid cars. The goal is 40% by 2025.

Journal

Lordstown Motors, the electric-truck startup once cheered by investors during the special purpose acquisition company (SPAC) boom and lauded by former President Donald Trump as a savior for a closed General Motors factory in Ohio, has filed for bankruptcy, the company said early Tuesday. Lordstown's filing came after talks with its investment partner, Taiwan-based contract-manufacturing company Foxconn Technology, for it to purchase \$170 million in shares of the electric-truck maker fell through, Lordstown said. Lordstown sold its northeast Ohio factory, a former GM plant, to Foxconn in November 2021, after the startup ran into production issues. As part of the deal, Foxconn and Lordstown agreed to cooperate on a series of new vehicles, which were to be produced at the plant. Early Tuesday, Lordstown said it was filing for chapter 11 bankruptcy protection and would seek a buyer. At the same time, Lordstown sued Foxconn for fraud and breach of contract, alleging that the contract manufacturer's actions "had the intended effect of destroying the business of an American start-up," Lordstown said.

Read the Article

Toyota Sees Way for Future EVs to Drive Like the \$375,000 Lexus LFA - Bloomberg

On the face of it, an electric vehicle with a manual transmission makes no sense. EVs don't have the driveshafts or gears that internal combustion engines need to accelerate from a stop. Instant torque is available at any speed. Many will tell you this is all part of the appeal of battery-electric vehicles—they're less complicated. But in an ironic twist, the automaker synonymous with the merits of eliminating waste and unnecessary work is OK with the idea of the stick shift staying around. Toyota has built a prototype Lexus UX 300e with a gear shifter and clutch pedal that mimics the manual-transmission experience. Those two components aren't connected to anything mechanical—they're effectively no different from joysticks for video games. Although Toyota engineers first briefed journalists on this concept months ago, it wasn't until last week that the carmaker gave analysts and reporters a chance to experience the sensation of switching gears in an EV for themselves at its research facility on the foothills of Mount Fuji, a few hours from Tokyo.

Read the Article

High-Tech Pavement Markers Support Autonomous Driving in Tough Conditions - *Tech Xplore*

Working with partners, ORNL engineers are placing low-powered sensors in the reflective raised pavement markers that are already used to help drivers identify lanes. According to a paper in IEEE Sensors by ORNL researcher Ali Ekti with lead author Sachin Sharma of WMU, microchips inside the markers transmit information to passing cars about the road shape. They are effective even when vehicle cameras or remote laser sensing called LiDAR are unreliable because of fog, snow, glare or other obstructions. "We are working to make autonomous driving features accurate and safe in more remote areas," Ekti said. "And we are doing it by converting a dummy piece of infrastructure into something with many more uses."

EVs Have a Hole Big Enough to Drive a Truck Through - Wall Street Journal

If you thought shifting from gas engines to electric vehicles was complex for the likes of Ford and General Motors, spare a thought for heavy-truck manufacturers. Whereas most passenger-vehicle makers have followed Tesla down the single track of using battery technology to reduce carbon emissions, their peers in the big-rig business are juggling multiple options. Besides batteries, there are hydrogen fuel cells and even internal-combustion engines that might run on hydrogen. As Martin Daum, chief executive of freightliner owner Daimler Truck, pointed out on Tuesday, the industry needs to fund these additional technologies without additional vehicle sales. The occasion was a press conference to discuss Daimler's deal to merge its Japanese truck brand Fuso with scandal-struck local peer Hino, which is controlled by Toyota TM. The companies talked a lot about the need to pool resources. Fuso and Hino will combine everything except their sales operations, while Daimler and Toyota will also collaborate on future technologies, notably hydrogen.

Read the Article

Carmakers Emphasize Practicality in New Goals for Autonomous Driving - Forbes

Pittsburgh held its collective breath when, a couple of years ago, car companies quietly started backing off their projections for how thoroughly and how quickly we would reach the era of fully autonomous driving. So when Ford and Volkswagen announced last fall that they were actually shuttering Argo AI, their self-diving joint venture, it could've been a gut punch for the Iron City, where Argo was based—and where the future of robotic driving largely is being shaped. But what has happened since then is an accurate illustration of the new course that autonomous vehicles are traveling that, while different than five years ago, makes a lot more sense and likely will prove much more beneficial to the economy and even to automotive safety. Even those at the heart of the nascent industry in Pittsburgh seem to be taking it in stride.

Read the Article

Level 2 Approval is the Start of Europe's Long AV Journey - Automotive World

In April 2023, the United Kingdom's Department for Transport (DfT) approved Ford's SAE Level 2 advanced driver assistance system (ADAS) BlueCruise for use on public roads. Available as a monthly subscription for the Ford Mustang Mach-E, drivers will be able to engage the "hands off, eyes on" feature on pre-mapped motorways. Daniel Langkilde, Chief Executive and co-founder of Kognic, affirms to Automotive World that this development represents "an important step" towards eventually making AVs more broadly accessible to European customers. Kognic is a Swedish tech company leading the market in software specifically designed to measure and improve ADAS and autonomous driving (AD) system perception performance.

Waymo is dramatically expanding its robotaxi service areas in Phoenix and San Francisco as it seeks to gain new customers, generate more revenue and make a convincing argument that self-driving cars are more than just an expensive fad. In Phoenix, the company's autonomous Jaguar I-PACE vehicles will now cover a total of 180 square miles, or roughly twice the size of its current map and four times the size of the area that the company served when it first launched its ride-hailing operation in 2020. Waymo's two distinct service areas, Downtown Phoenix and the East Valley communities of Tempe, Gilbert, Mesa, and Chandler, will be connected for the first time. And the company's robotaxis will also now serve the town of Scottsdale, known for its spa resorts and golf courses.

Read the Article

White House to Invest \$51 Million to Strengthen Nationwide EV Charging Network - CNET

Electric vehicles are on the rise in the United States, with more than 3 million EVs on the road today. To support EV adoption, the Biden administration has pledged to create a network of half a million public charging ports across the country. On Friday, the administration announced \$51 million in funding, with the goal of ensuring the network is resilient and reliable. The Ride and Drive Electric program will fund efforts aimed at accelerating the transportation sector's shift to EVs, including projects to improve and deploy EV charging stations, according to a Department of Energy news release. The administration also launched a new group, the National Charging Experience Consortium, tasked with making public EV charging easy to use for everyone.

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Akin Thought Leadership

<u>Akin's Mid-Year TMT Report Provides Important Updates on Regulatory and Policy</u> <u>Developments for TMT Leaders</u> (May 25, 2023)

<u>Autonomous Akin Update - May 2023</u> (May 11, 2023)

<u>Autonomous Systems & Advanced Mobility: 2023 Trends & Predictions</u> (May 5, 2023)

Kayo Sustainable Infrastructure Webinar Recording - Passcode: Fm%!X07T (April 19, 2023)

New Federal Funding Opportunity Announced to Supercharge Electric Vehicle and Alternative Fuel Infrastructure Development (March 20, 2023)

Events

The UAS/AAM community will come together to celebrate the preeminent women in business, government and education.

AUVSI New England UAS and AAM Summit 2023 October 4-5, 2023 Burlington, MA

Akin partner Jennifer Richter will be speaking on a panel at the annual advanced airspace summit.

Questions?

If you have any questions please contact your regular Akin lawyer or adviors or:



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