

Nineteen Hundred and Twenty-two

NYIPLA

The New York Intellectual Property Law Association®

2015-2016

GREEN

BOOKLET

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Dorothy R. Auth

***NYIPLA President
2015-2016***



Standing: Garrett E. Brown, Anthony F. Lo Cicero, Frank A. DeLucia Jr., Jessica L. Copeland, Robert M. Isackson, Peter G. Thurlow, Colman B. Ragan
Sitting: Kathleen E. McCarthy, Robert J. Rando, Walter E. Hanley, Dorothy R. Auth, Annemarie Hassett, Matthew B. McFarlane, Jeanna Wacker

2015-2016 BOARD OF DIRECTORS

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Kathleen E. McCarthy



Colman B. Ragan

2015-2016 YEAR IN REVIEW

My year as President has been a whirlwind of activity. The NYIPLA has continued the tradition of its CLE programs, amicus briefs, and the glamorous Judges Dinner, but also recently added areas of focus, including the Legislative Action Committee and the Privacy, Big Data & Cybersecurity Committee.

The unfailing leadership of the Board of Directors and Committee Chairs of the NYIPLA makes this organization vibrant and alive with activity. And, with the precision and attention to detail of our Executive Administrator RRR Associates, under the direction of Feikje van Rein, each NYIPLA project is executed with perfect accuracy. I am honored and humbled to have served as the President of this fine organization.

Strategic Planning

The NYIPLA is always focused on the future. Several years ago we formed a special committee called the Strategic Planning Committee, whose goal is to develop and refine our long-term plan for the success of the NYIPLA organization. The Committee focuses on making improvements in the NYIPLA as an organization to provide enhanced value for its members, from law students to life-time members. This year, the Committee spent much effort developing a plan to enhance our presence in law schools by providing students with intensive IP clinics presented by NYIPLA members at the law schools. This program is still in its planning phase but already has the support of several law schools and our Board members. This program, in the years to come, will be yet another example of innovation in our thinking in regard to community outreach.

Legislative Action Committee

The Legislative Action Committee (LAC) is now in its second year and has grown in its influence and reach. Members of this Committee meet regularly to debate the direction needed from Congress in order to steady the course of intellectual property law. The LAC works with our Washington, D.C. consultants, ACG, to respond to congressional bills introduced by the House and/or the Senate. This year the LAC commented on the impact of the Trans-Pacific Partnership treaty and the Defense of Trade Secrets Act of 2016 related to IP. The LAC most recently met with a member of the House of Representatives to learn and share his views. Through its activity in the legislative sphere, the LAC helps the NYIPLA shape U.S. IP law in Congress.

Amicus Brief Committee

The Amicus Brief Committee (ABC) is a bedrock of the NYIPLA, consistently striving to generate lively discussion and to provide a consistent and trustworthy view to the judiciary on IP issues. This year the ABC was very productive, submitting five briefs to the U.S. Supreme Court and two to the Court of Appeals for the Federal Circuit. The cases briefed addressed expansion of patent monopoly rights beyond the patent term, the preclusive effect of a prior trademark infringement determination, and the doctrine of patent misuse. This Committee provides a steady stream of intellectual stimulation on challenging and controversial issues, where detailed knowledge of IP case law is a prerequisite for addressing the issues. The NYIPLA's voice before the judiciary is a vital part of the role of our organization, and the ABC is alive and ready and able to contribute to the judicial dialogue.

Continuing Legal Education Programs

Our CLE programs are an integral part of the IP education of practitioners in the practice of IP law in New York City and the surrounding area. Our Fall One-Day Patent CLE Seminar, the Summer Trademark Half-Day program, and the Day-of-the-Dinner luncheon are mainstays of practicing IP law in NYC. In addition to our regular programs, this year we also held several special programs, including a mock trial presentation of an expert witness in the U.S. District Court for the Western District of NY, a live *Markman* Hearing with Judge Rakoff presiding at Fordham University School of Law, our summer moot court presentation at the U.S. Court of Appeals for the Second Circuit, a Joint NYIPLA-NYIPLA event in NJ, a Presidents' Forum entitled, "Go Ask Alice," and a series of Young Lawyers Roundtables, just to name a few. The Programs Committee also works with other committees within the NYIPLA to present focused events, for example, a Patent Quality overview event (Patent Law & Practice Committee), a WIPO Services and Initiatives program (International Law Committee), Patent Litigation from the Law Clerks' Perspective (Patent Litigation Committee), a Hot Topics and Issues in the Biosimilars Space and Legal and Cultural Barriers to Patentability events (Women in IP Law Committee), and a Nuts and Bolts of IP Practice breakfast (Law Firm Management Committee), again, to name a few. Our CLE programs have attracted many esteemed judges to participate, and it is our sincere honor to air their insights at these programs.

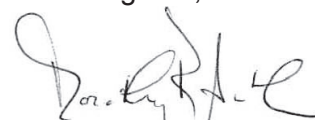
Women in IP Law

The Women in IP Law Committee has existed for a few years. It seeks to promote women and their success in the practice of intellectual property law. This year the Women in IP Law Committee held a couple of stimulating meetings, and, as my year wound down, we held a small gathering of women, including many local federal judges, to celebrate the special anniversaries of the NY Courts and individual judges this year, and to raise a glass to our collective successes. Women have come a very long way in the legal profession, making it just that bit easier for our daughters to succeed. It is no small feat that so many federal judges in NY are women, and an opportunity to celebrate that fact should never be missed.

Conclusion

It has been a privilege for me to serve as the NYIPLA's President in 2015-2016 and to have been on its Board for several years. This fine organization will certainly continue to grow and be a vital part of the IP community, and I hope to continue to be a part of it.

Best regards,



Dorothy R. Auth

2015 Annual Meeting

On May 19, 2015, incoming Association President Dorothy R. Auth welcomed members and guests at the Princeton Club of New York. Dorothy expressed her appreciation for outgoing president Anthony F. Lo Cicero.

Keynote Speaker: T. David Petite, President & Founder of Smart IP Co, Intus IQ, and Founder of Native American Intellectual Property Enterprise Council.





Nineteen Hundred and Twenty-two

NYIPLA

The New York Intellectual Property Law Association®

Annual Meeting May 19, 2015

The Princeton Club, 15 West 43rd Street, New York

11:30 AM – 12:00 PM

Registration

11:30 AM – 12:30 PM

Lunch

12:30 PM – 12:45 PM

Welcome Remarks

12:45 PM – 1:10 PM

Keynote Speaker

T. David Petite, A Key Inventor of Wireless ad hoc Network, the Founder of Native American Intellectual Property Enterprise Council, and a member of the Fond du Lac Chippewa Tribe, will speak on Patent Stakes for Small Inventors

1:10 PM – 2:00 PM

CLE Panel Presentation

What's Happening on Capitol Hill:

HR 9, PATENT Act, STRONG Act

Q. Todd Dickinson, former Director of the United States Patent and Trademark Office and Executive Director of the American Intellectual Property Law Association

Steven Pinkos, former Staff Director House Judiciary Committee and Policy Director to House Majority Director Kevin McCarthy (R-CA)

Chris Israel, Partner, The American Continental Group

2:15 PM – 3:15 PM

CLE Workshop

The Shape of the Future: 3D Printing and Intellectual Property Rights

Charlene Flick, Principal and Founder, Transcend 3D

James R. Klaiber, Partner, Pryor Cashman

Natalia Krasnodebska, Head of Communication, Sketchfab

Moderator: Lauren Emerson, Senior Associate, Baker Botts

3:30 PM – 4:30 PM

Committee Meetings

(Non-members are welcome)

4:30 PM – 5:30 PM

Annual Meeting of Members

(Free for NYIPLA Members)

5:30 PM – 6:00 PM

Board Meeting

(Board of Directors and Past Presidents only)

5:30 PM – 9:00 PM

Cocktail Reception

followed by

Awards Dinner

Awards Dinner Program

Welcome

NYIPLA Incoming President

Dorothy R. Auth

Fireside Chat with Dana R. Colarulli,

United States Patent and Trademark Office Deputy, Governmental Affairs

Hon. William Conner Writing Competition Awards

presented by

Honorable Rosalynn R. Mauskopf,

United States District Court Judge for the Eastern District of New York

followed by

Hon. Giles S. Rich Diversity Scholarship

and

Inventor of the Year Award



Award Recipients at the 2016 Annual Meeting

Inventor of the Year Award



Dr. Thaddeus Prusik was recognized for his contributions to the development of low-cost temperature history indicators for use with vaccines and other biologics.

Hon. William C. Conner Writing Competition Winners



First Place Winner

Christie Larochelle

from Villanova University School of Law for her paper entitled *An Argument For Allowing Inter Partes Review Institution Decisions*

Second Place Winner

Daryl Steiger

from the NYU School of Law for her paper entitled *Everyone's a Celebrity: The Role of the Right of Publicity in a World Increasingly Dominated by Social Media.*



NYIPLA Diversity Scholarship Award



Each year the Association awards at least one scholarship to offset tuition costs of a student from a background traditionally underrepresented in the legal profession, who is interested in Intellectual Property law, and who is currently attending a local law school.

The NYIPLA awarded its 2016-2017 Hon. Giles S. Rich NYIPLA Diversity Scholarship to the St. John's University School of Law, which will select a scholarship recipient from among its students.

2015 – 2016 Committee Reports

AMICUS BRIEF

Scope of the Committee: To coordinate the activities of the Association relating to preparation and submission of amicus briefs, and to make recommendations with respect thereto to the Board of Directors.

Co-Chairs: Charles Macedo and Irena Royzman

Board Liaison: Robert Isackson

Members: Bruce Abramson, Thomas Bean, Andrew Bochner, Mark Chapman, John Cleary, Melvin Garner, David Goldberg, Scott Howard, Sandra Hudak, Thomas Kowalski, Jeffrey Lewis, Stanley Lieberstein, Charles Miller, Jonathan Moskin, Lauren Nowierski, Steven Purdy, Robert Rando, Alicia Russo, Hassen Sayeed, Heather Schneider, Karen Sebaski, Victor Siber, Stephen Smirti, Leslie Spencer, Ksenia Takhistova, Edward Tulin, Marian Underweiser, Howard Wizenfeld, and Stuart Yothers

The Association has continued its strong history of representing its diverse intellectual property constituency before the courts through its Amicus Brief Committee, which coordinates the activities of the Association regarding the preparation and filing of briefs amicus curiae and makes recommendations with respect thereto to the Board of Directors.

Since the last Annual Meeting on May 19, 2015, the Association has filed five briefs amicus curiae in the Supreme Court and two in the Court of Appeals for the Federal Circuit. During this same period, the Supreme Court has ruled on two cases where the Association filed briefs amicus curiae on the merits, and the Federal Circuit has ruled on one.

Specifically, in the patent case *Kimble v. Marvel Enterprises, Inc.*, the Association submitted a brief to the Supreme Court in support of appellant's argument that *Brulotte v. Thys Co.*, 379 U.S. 29 (1964) (holding that any temporal expansion of the patent monopoly beyond its term is illegal per se), should be overruled since its economic rationale is outdated. Citing the doctrine of stare decisis, the Court declined to overrule *Brulotte*.

In the trademark case *B&B Hardware, Inc. v. Hargis Industries, Inc.*, the Association filed a brief in support of respondents arguing that decisions by the Trademark Trial and Appeal Board ("TTAB") on the issue of likelihood of confusion should not be entitled to preclusive effect as a matter of course. The Supreme Court agreed and held that a court should give preclusive effect to TTAB decisions only if the ordinary elements of issue preclusion are met.

Finally, in the Federal Circuit patent case *Lexmark International, Inc. v. Impression Products, Inc.*, the court's en banc decision closely followed the reasoning in the Association's brief in support of neither party. Harmonizing *Quanta Computer, Inc. v. LG Electronics, Inc.*, 553 U.S. 617 (2008), and *Mallinckrodt, Inc. v. Medipart, Inc.*, 976 F.2d 700 (Fed. Cir. 1992), the Federal Circuit held that "single-use" field-of-use restrictions on patented articles are generally permissible under the doctrine of patent misuse. The court also held that the authorized sale of patented articles outside of the United States generally does not exhaust a patentee's rights in the United States.

The Amicus Brief Committee will continue its commitment to represent the Association's interests in all areas of intellectual property law in the courts in the year to come.

HON. WILLIAM C. CONNER WRITING COMPETITION

Scope of the Committee: To publicize and conduct a law school writing competition on an intellectual property law topic, and to make recommendations to the Board of Directors with respect thereto.

Co-Chairs: Richard Brown and Keith McWha

Board Liaison: Raymond Farrell

Members: Stephen Ankrom, Mark Francis and Vadim Vapnyar

The Committee solicited and reviewed entries for the Hon. William C. Conner Writing Competition. The announcement of the competition was posted on the NYIPLA website in November. In December and January, emails were sent to professors and students at a number of law schools encouraging that the writing competition announcement be posted at the school to ensure that the students were aware of the opportunity.

The Committee received 24 submissions, which were initially divided into two groups. Each Committee member reviewed and ranked the submissions in one group. The best submissions from each group were then reviewed, and the overall top three submissions were chosen and sent to the NYIPLA Board for its consideration. The Board agreed with the recommendations of the Committee and selected the following as first and second place submissions:

1. *An Argument for Allowing Judicial Review of Inter Partes Review Institution Decisions* by Christie L. Larochelle
2. *Everyone's a Celebrity: The Role of the Right of Publicity in a World Increasingly Dominated by Social Media* by Daryl Steiger

Through the NYIPLA, the Committee notified the winners and arranged for the presentations to be made at the Annual Awards Dinner.

COPYRIGHT LAW & PRACTICE

Scope of the Committee: To consider all aspects of United States, foreign and multi-national copyright law and practice, and to make recommendations with respect thereto to the Board of Directors.

Co-Chairs: Lauren Emerson and Joseph Farco

Board Liaison: Hon. Garrett Brown

Members: Matthew Abbott, Julie Albert, Nick Bartelt, Timothy Buckley, Dickerson Downing, James Gibson, Benjamin Humphreys, Paul Llewellyn, Krystil McDowall, Peter Menchini, Alanna Moulds, and Francesca Silverman

The 2015-2016 term for the NYIPLA Copyright Law & Practice Committee has been a busy and productive one. The Committee was pleased to welcome several new members this year. Our membership has continued to be very engaged, and participation on our monthly calls has been high throughout the year.

The Committee continues to stay abreast of case law, legislative developments and Copyright Office initiatives. We have had several discussions regarding the CODE Act, and have considered the

Copyright Office's policy reports on issues such as orphan works and mass digitization, among other topics. The Committee prepared comments which were submitted on behalf of the NYIPLA in response to the Copyright Office's Notice of Inquiry regarding Section 512 of the Digital Millennium Copyright Act ("DCMA"). The commentary focused on the effectiveness of the DCMA's notice and takedown provisions. This is a topic that we will continue to explore in the coming months, and will likely provide the backdrop for a presentation as part of the Trademark half-day program this summer.

The Committee organized a presentation as part of the Annual Meeting entitled, "Blurred Lines – The State of Play in Design Patent, Copyright, and Trade Dress Law." The panel featured Darius Gambino, Professor Andrew Beckerman-Rodau and Toby Butterfield, and was moderated by Joe Farco. The Committee has also contributed several pieces to *The Report*, including Nick Bartelt's fantastic piece entitled, "What About Us? Pre-1972 Sound Recordings, Music Licensing, and Recording Artists' Public Performance Rights in the Wake of *Flo & Eddie v. Sirius XM*."

The Copyright Committee collaborated with the Amicus Brief Committee on various matters, and provided feedback on an amicus brief to the Supreme Court in the case of *Kirtsaeng v. John Wiley & Sons, Inc.* We have also provided feedback on a potential amicus brief in *Fox News Network v. TVEyes, Inc.*, and are currently engaged in discussions regarding filing a brief in *Star Athletica, LLC v. Varsity Brands, Inc.*

The Committee has been asked to assist the Legislative Action Committee (LAC) in studying various topics and preparing white papers regarding the copyright issues that are hitting the radar of legislators in Washington, D.C. We are looking forward to working with the LAC on issues such as Copyright Office modernization and the FCC's recent set-top box proposal. This is an exciting opportunity to place the NYIPLA before legislators in Congress on timely and important intellectual property issues.

In addition to being productive, we have also been social. The Committee hosted its own happy hour in the fall, and co-hosted a happy hour this winter in conjunction with the Trademark Law & Practice Committee and the Young Lawyers Committee. We took a field trip to the Center for Architecture in New York to see the exhibition "Un/Fair Use," and we are in the process of planning another field trip.

With the momentum of this past term, the Committee looks forward to a very successful 2016-2017 season.

CORPORATE

Scope of the Committee: To consider intellectual property issues having an impact on in-house intellectual property counsel, and to make recommendations with respect thereto to the Board of Directors.

Co-Chairs: Tulloss Delk and Betty Ryberg

Board Liaison: Colman Ragan

Members: Eric Agovino, Jeffrey Butler, Nidhi Garg, Joy Goudie, Jason Grauch, George Macdonald, Gerard McGowan, Steven Purdy, Frank Sedlarcik, Jaime Siegel, and David Vickrey

In October 2015, the Committee held an in-person mixer to reconnect and reinvigorate continuing and prospective members. This mixer has become an annual event for the Committee—one that is always well received by the membership. This time, we invited the Young Lawyers Committee to join us, which provided an opportunity to meet many of them in person and to discuss issues important to younger lawyers who may seek an in-house career. We plan to schedule at least one similar event in 2016. This past year, we continued our monthly conference calls to share ideas and discuss relevant topics, including legislative reform (in particular, patent reform and federal trade secret legislation), Supreme Court activity, PTAB post-grant proceedings, and the patent litigation landscape.

The Committee has also continued its efforts to work with other committees on issues important to in-house counsel. By way of example, members of the Committee provided comments (1) to the Legislative Action Committee regarding the proposed IPR amendment for pharma/biopharma patents and (2) to the Patent Law & Practice Committee regarding the USPTO's proposed rule changes to post-grant proceedings. Committee members have been updated on the activities of the Amicus Brief Committee, and members provide comments where appropriate. Our members participated on several NYIPLA panels, and we continue to work with the Programs Committee to plan additional panels in which Corporate Committee members can participate. In sum, the Committee remains focused on finding opportunities to share in-house perspectives with members outside the Corporate Committee, and we look forward to continuing our activity in the year ahead.

Finally, we continue to identify and reach out to potential new Corporate Committee members. To that end, we welcomed several new members during the past year.

INVENTOR OF THE YEAR (IOTY) AWARD

Scope of the Committee: To solicit, gather, and review nominations for the Inventor of the Year award, and to make recommendations with respect thereto to the Board of Directors.

Co-Chairs: Jonathan Auerbach and David Leichtman

Board Liaison: Raymond Farrell

Members: Justine Gozzi, Lori Morrison, Allen Rubenstein, and Eric Yecies

The 2016 Inventor of the Year Award Committee reviewed a number of submissions for the Inventor of the Year Award and presented its top three (3) choices to the Board for discussion and approval. The Board agreed with the Committee's recommendation. At the NYIPLA Annual Meeting on May 17, 2016, the Association honored the 2016 Inventor of the Year Award Winner Dr. Thaddeus Prusik. Dr. Prusik was recognized for his numerous contributions to the development of low-cost, temperature history indicators for use with vaccines and other biologics, for which he has been awarded 27 U.S. patents as an inventor or co-inventor. That work is embodied in a product called the Vaccine Vial Monitor, which is used for vaccines in vials that are shipped across the world, especially to third-world countries. This invention is particularly important on a global basis because excessive heat or excessive cold can often undermine the effectiveness of vaccines. Dr. Prusik's technology consists of a smart label that attaches to individual vaccine vials; the smart label changes color if exposed to too much heat or cold based on the cumulative level of temperature changes the vial experiences during shipping/storage. Use of the Vaccine Vial Monitor helps prevent the administration of potentially ineffective vaccines and can identify where in the vaccine delivery supply chain vaccines are being exposed to too much heat or cold.

We would like to recognize the entire Committee for their excellent work researching, reviewing, and ranking the submissions this year. We also want to thank our Board liaison, Raymond Farrell, for his help navigating the process for the 2016 Award.

LAW FIRM MANAGEMENT

Scope of the Committee: To consider aspects of law firm management, particularly as they pertain to law firms and practice groups practicing intellectual property, and to publish and present as appropriate on such topics with respect thereto to the Board of Directors.

Co-Chairs: Richard Goldstein and Scott Stimpson

Board Liaison: Walter Hanley

Members: Andrew Berks, Jamie Lucia, Brian McGuire, Gerard Messina, Karl Rackette, and John Resek

The NYIPLA Law Firm Management Committee, in its second year, had multiple presentations and meetings. In November, the Committee held its second annual “Nuts and Bolts of running an IP Practice” breakfast. This time the topic was marketing, and we were honored to have guest speakers travel from Boston and Ottawa to present at our event. The sold-out presentation was well received and interactive. In March, the Committee held a CLE event that focused on best practices for working with small clients, led by Brian McGuire and John Resek. The Committee is currently working with the Young Lawyers Committee to host a coordinated meeting and event, and plans are in the works for our third annual “Nuts and Bolts” breakfast later in the fall.

LEGISLATIVE ACTION

Scope of the Committee: To evaluate proposed federal and state legislation and rules, including USPTO and court rules, that may impact patent and other NYIPLA committees and intellectual property issues; to develop positions and recommendations on the proposed legislation and rules for consideration by the NYIPLA Board of Directors; and to communicate the NYIPLA’s positions and recommendations to the legislative and rule-making bodies, as approved by the Board.

Co-Chairs: Julia Kim and Denise Loring

Board Liaison: Annemarie Hassett

Members: Michael Bullerman, Jeffrey Butler, Bindu Donovan, Brian Doyle, Mitchell Epner, Terri Gillis, Michael Johnson, Charles Macedo, Patricia Martone, Daniel McGlynn, Lori Morrison, Steven Purdy, Colman Ragan, Robert Rando, Irena Royzman, Jaime Siegel, and Edward Tulin

In its second year, the Legislative Action Committee (LAC) has continued to work with public policy advocacy group American Continental Group (“ACG”), as well as other members, to follow, analyze, and provide unbiased input on legislation relating to intellectual property.

Highlights of the LAC’s work for the year 2015 to the present include the following:

1. The LAC has continued its analysis of various patent reform bills including the PATENT Act (S. 1137); the Innovation Act (H.R. 9) and related amendments and bills that (a) carve out certain pharmaceutical and biotech patents from IPRs (“Tillis Amendment”), (b) provide a mechanism for claim amendment before the PTO during IPRs (draft text that is a work-in-progress), (c) tighten venue requirements for patent cases (S. 2733, “Venue Equity and Non-Uniformity Elimination Act of 2016”), and (d) impose liability and damages for fraudulent IPRs, ex parte reexaminations, or post-grant reviews (“Vitter Amendment”).

2. In conjunction with an ad hoc Association committee, the LAC has analyzed legislation which creates a federal cause of action for trade secret misappropriation including provisions for ex parte seizure (S. 1890 and H.R. 3326, collectively “the Defend Trade Secrets Act of 2015” or “DTSA”). The DTSA passed the Senate and House, and is awaiting signature by President Obama.
3. The LAC has continued to analyze the impact of the Trans-Pacific Partnership treaty on U.S. IP law.

Other issues on the horizon include Set-Top Box copyright issues, a patent venue bill (S. 2733), and a bill intended to prevent abusive patent litigation at the ITC (H.R. 4829).

In the coming year, the LAC will continue to analyze and provide input to legislators, their staff, and relevant agencies on these issues and other issues of interest to our members, and will continue to collaborate with other NYIPLA committees and members.

We are very grateful to our Committee members and to other participating NYIPLA committees and members for their generous commitment to the work of the LAC, and to Anne Hassett, the Board liaison to the LAC, for her tireless effort and commitment to the LAC. We are particularly grateful to Denise Loring for her unmatched leadership, commitment, expertise, judgment, insight, and diplomacy in forming and chairing the LAC.

MEDIA

Scope of the Committee: To coordinate and oversee the public dissemination of significant news regarding key, IP-related legislative and court developments, as well as NYIPLA programs, events, activities and significant achievements, and to make reports and recommendations to the Board of Directors with respect to the foregoing.

Co-Chairs: Jeffrey Butler, Michael Kasdan, and Anthony Lo Cicero

Board Liaison: Denise Loring

Members: Committee members and liaisons from various other Association committees, including: Amicus Brief Committee: David Goldberg and Charles Macedo; Patent Law & Practice Committee: David Kaplan; Programs Committee: Jamie Lucia and Susan Progoff.

The Media Committee also liaised with other committees, including the Corporate Committee and the Legislative Action Committee.

During the 2014 – 2015 Association year, the Media Committee actively engaged with various Association committees (especially via those committees’ respective liaisons to the Media Committee) to ensure that the association membership was informed of key Association developments (such as external position papers and statements, press releases, publications, briefs and other public submissions), and to serve as (and provide for) a central repository for such materials.

In addition to editing and proposing content for the NYIPLA Weekly Report e-blast publications (so that those reports were as timely and comprehensive as possible), the Media Committee also edited and proposed content for various ad hoc information releases, press releases, etc. The Media Committee also provided substantive input and recommendations in connection with press releases for various regularly scheduled Association activities and programs, as well as in connection with extraordinary events, such as the Presidents’ Forum (e.g., assisting in the write-up of last autumn’s Forum).

When the Association filed amicus briefs, the Media Committee coordinated with the Amicus Brief Committee to review and, as appropriate, comment on the proposed amicus brief informational publications (“blurbs,” press releases, etc.). The Media Committee also proposed additional avenues for advising the public of amicus filings, and advising the membership of court action in cases where the Association has filed an amicus brief (e.g., providing an update to the membership on the status or outcome of cases in which the Amicus Brief Committee previously filed a brief, such as in the *Arios*a case).

The Media Committee (which, in 2015 – 2016, was in its inaugural year), also proposed various other activities in order to ensure that the Committee’s mission is carried out. Among these is the archiving of the Weekly Reports and a means of inventorying the positions taken by (or proposed to be taken by) various committees and others within the Association, so as to be in a position to provide such information and data points to the Board of Directors, if so requested. The Media Committee also proposed a “What’s Going On In the NYIPLA” communication to the membership — which has been part of the Weekly Report and, potentially in the future could be a stand-alone communication or a page or paragraph on the NYIPLA.org website.

PATENT LAW & PRACTICE

Scope of the Committee: To consider all aspects of patent laws and practice which affect the rights of United States entities in technology, and to make recommendations with respect thereto to the Board of Directors.

Co-Chairs: Brian Rothery and Carl Wischhusen

Board Liaison: Peter Thurlow

Members: Eric Agovino, Gaurav Arora, Thomas Bean, Dennis Gregory Caramenico, Robert Drolet, Walter M. Egbert III, Hanting Fan, TaeRa Franklin, Melvin Garner, Daniel Goldman, Blaine Hackman, Samson Helfgott, Geoffrey Hu, Minyi Hu, David Hubbard, Daniel Jacob, Gina Kim, Fritz Klantschi, Chul-Woo Lee, Mord Lewis, Jessica Lin, Steven Luksenberg, Joel Lutzker, Gerard McGowan, Brian McGuire, Daniel Melman, Jennifer Moore, Lynda Nguyen, Charles Ruggiero, Alan Sack, Barry Schindler, Karen Sebaski, Laura Sheridan, Kyung Shin, Timur Slonim, Stefan Stoyanov, William Thomashower, Peter Thurlow, Rod Turner, Thomas Vetter, and John White

The mission of the Patent Law & Practice Committee is to monitor, study, and promulgate changes in U.S. patent law and regulations and U.S. Patent & Trademark Office (USPTO) internal practice and to publicly participate in USPTO rule making, practice changes, and policy initiatives on behalf of the NYIPLA. In pursuit of these objectives, the Committee: monitors and circulates Federal Register notices relating to USPTO rule making and practice; prepares formal submissions on behalf of the NYIPLA to Federal Register notices where the USPTO is seeking comment(s) from the public and/or practitioners; and holds monthly in-person and/or telephonic meetings to discuss recent Federal Register notices, recent USPTO announcements and practice before the Office generally, recent court decisions of note, and any other developments which affect patent practice and patent practitioners. The Committee also contributes articles to *The Report* (formerly known as the NYIPLA *Bulletin*), participates in NYIPLA Continuing Legal Education panels and courses, cooperates with other NYIPLA committees on issues relating to patent law, regulations, and practice.

In 2015, the Committee was heavily involved in the USPTO’s Patent Quality Initiative, including the drafting of comments in response to the Office’s Federal Register notice of May 6, 2015, which presented six proposals for achieving the Office’s goals relating to patent quality, i.e., “excellence in work products, excellence in measuring patent quality, and excellence in customer service.” Committee members met with the USPTO’s patent quality team, including Deputy Commissioner Valencia Martin-Wallace, at the Cornell Tech Center to discuss the Office’s latest efforts relating to patent quality and to

provide feedback on patent quality issues on behalf of the NYIPLA. It is anticipated that the Committee members will participate in a further meeting with the U.S.P.T.O. on quality issues in June, 2016.

The Committee studied and successfully provided comments opposing the proposed rule (in a Federal Register notice dated August 20, 2015) to amend the existing consolidated set of rules to permit one administrative judge to determine whether to institute the Office's trial practice for inter partes review ("IPR"), post-grant review ("PGR"), the transitional program for covered business method patents ("CBM"), and derivation proceedings. The Committee also studied and responded to the Office's request for comments on its 2014 Interim Guidance on Patent Subject Matter Eligibility, which led to the Office issuing the recent "May 2016 Subject Matter Eligibility Update."

PATENT LITIGATION

Scope of the Committee: To consider legislation and rules affecting practice and procedural matters in intellectual property litigation outside the Patent and Trademark Office, and other matters relating to practice in such litigation, and to make recommendations with respect thereto to the Board of Directors.

Co-Chairs: William McCabe and Doug Nemec

Board Liaison: Anthony Lo Cicero

Members: Kenneth Adamo, Will Autz, James Barabas, Jeremy Boczko, Richard Brown, Marla Butler, Donald Cameron, Kenneth Canfield, Gregory Carbo, Joseph Casino, Stacey Cohen, David Conca, Joseph Drayton, Randy Eisensmith, Thomas Fleming, Mark Francis, Aaron Frankel, James Gould, Philip Hirschhorn, Robert Isackson, Jesse Jenner, Michael Kahn, Dewey Kang, David Kaplan, Robert Katz, Delphine Knight Brown, David Leichtman, Robert Maier, Richard Mandaro, Dennis McMahon, Daniel Melman, Theodore Mlynar, Kyle Mooney, Christopher Noyes, Gerald Padian, Marc Pensabene, Aaron Pereira, Charles Phipps, Benoit Quarmby, Alan Ratliff, Debra Resnick, Elias Schilowitz, Pooja Shah, Ognian Shentov, Kyung Shin, Jack Slobod, Milton Springut, John Stellabotte, Ksenia Takhistova, Alan Tenenbaum, Tara Thieme, Colleen Tracy, Ron Vogel, Robert Wasnofski, Joshua Whitehill, and Aaron Zakem

With more than 75 members, the Committee showed continued growth this year. To promote networking and to encourage active participation of its members, the Committee continued to emphasize in-person meetings, held every other month, as well as a number of telephonic meetings. As in the past, we began the year with a survey seeking ideas for activities of interest that would be appropriate for the Committee. The survey received strong responses, and directed much of the Committee's work. Committee members participated actively in meetings and provided valuable support in organizing events – efforts for which the Committee Co-Chairs wish to express their appreciation.

Based on popular demand, in January, the Committee held its (now) annual former clerks' panel. The program entitled, "Patent Litigation from the Law Clerks' Perspective -- Strategies for Success and Pitfalls to Avoid," featured former clerks from the Districts of Delaware and New Jersey. The panel was very well attended and well received. The Committee is organizing a panel of PTAB judges and practitioners in June and a panel of retired judges in September.

PRIVACY, BIG DATA & CYBERSECURITY

Scope of the Committee: To consider all aspects of Internet and privacy law in the United States, and to make recommendations with respect thereto to the Board of Directors.

Co-Chairs: Karen Bromberg and Kevin Moss

Board Liaison: Kathleen McCarthy

Members: Matthew Abbott, Nick Bartelt, James Bikoff, Ken Canfield, Lindsey Canning, Duane Cranston, Natasha Daughtrey, David Einhorn, Mark Francis, Shannon Hedvat, Annie Huang, Fritz Klantschi, Devin Kothari, Keith McWha, Jonathan Moskin, Joel Schmidt, Peter Sullivan, and George Wukoson

During the 2015 – 2016 committee year, the “Internet & Privacy Law Committee” rebranded to become the “Privacy, Big Data & Cybersecurity Committee.” The Committee also doubled in size.

The Committee co-hosted, with the Young Lawyers Committee, a webinar entitled, “A Day in the Life of a Privacy Practitioner.” The panelists included Carrie Parikh, of Beazley; Gary Kibel, of Davis & Gilbert; and Brittany Bacon, of Hunton & Williams. The panel was moderated by Professor Felix Wu, of Benjamin N. Cardozo School of Law.

The Committee is currently working on a webinar that will be co-sponsored with Bloomberg BNA entitled, “Privacy Issues in M&A Transactions: A Primer for Intellectual Property Attorneys.”

The Committee is also working on developing a topic for another panel related to New York state case law, statutory and regulatory treatment of data privacy, security and breaches including New York State Attorney General actions related thereto.

The Committee meets in person or by phone the last Thursday of every month, and has social meetings as well.

PROGRAMS

Scope of the Committee: To formulate and present a series of monthly continuing legal educational programs of interest to the broad spectrum of the Association’s membership, and to make recommendations with respect thereto to the Board of Directors.

Co-Chairs: Mark Bloomberg, Michael Johnson, and Heather Schneider

Board Liaison: Robert Rando

Members: Elana Araj, Andrew Berks, Natasha Daughtrey, Raymond Farrell, Richard Goldstein, Patrice Jean, Omar Khan, Wan Chieh Lee, Ira Levy, Jamie Lucia, Lawrence Perry, Susan Progoff, John Resek, Irena Royzman, Cindy Shu, William Thomashower, Thomas Vetter, Christine Willgoos, and Huiya Wu

This year the Programs Committee continued to provide, and expand upon, its slate of programs, including, among others, the One-Day Patent CLE Seminar, the Day of the Dinner program, the annual moot court program before the Second Circuit, and a number of programs presented jointly with other committees. The Programs Committee also partnered with the Southern District of New York to present a live claim construction hearing to commemorate the 225th anniversary of the court. The Committee continued its service to NYIPLA Members by providing high quality programs, informative presentations and distinguished keynote speakers.

The Programs Committee was honored to have participation from judges from various circuit and district courts and members of the Executive Branch at its programs. In July 2015, the Committee organized the 2nd Annual Second Circuit Moot Court Argument CLE Program, presided over by the Honorable Pierre N. Leval of the U.S. Court of Appeals for the Second Circuit, and the Honorable

Katherine Polk Failla, the Honorable J. Paul Oetken, and the Honorable Edgardo Ramos, United States District Judges for the Southern District of New York. In September 2015, the Honorable Jed S. Rakoff, also of the Southern District of New York, presided over the claim construction hearing anniversary event.

At the One-Day Patent CLE Seminar in November 2015, the Honorable Mary L. Cooper, United States District Judge for the District of New Jersey, was the keynote speaker. Panelists throughout the day included Seth DuCharme, Deputy Chief, Terrorism and Cybercrimes Unit, United States Attorney's Office, Eastern District of New York; Michael Cygan, William LaMarca and Tariq Hafiz from the U.S. Patent & Trademark Office; the Honorable F. Scott Kieff, Commissioner, International Trade Commission; and the Honorable Faith Hochberg, former United States District Judge for the District of New Jersey. Participation from the judiciary and Patent Office continued at the Day of the Dinner Luncheon in April 2016 on "Changing the Rules of the Road: Recent Amendments to the Fed. R. Civ. P., the Continued Push for Patent Law Reform, and the Impact on Intellectual Property Litigation." That program featured a distinguished panel including the Honorable Leonard P. Stark, Chief Judge of the United States District Court for the District of Delaware; the Honorable Shira A. Scheindlin, United States District Court Judge for the Southern District of New York; and the Honorable Joseph A. Dickson, United States Magistrate Judge for the District of New Jersey. In addition, Director Michelle Lee, Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent & Trademark Office, delivered opening remarks describing Patent Office initiatives that have been implemented and are being planned.

The Programs Committee also hosted, and assisted other NYIPLA committees in hosting, a number of CLE events, including (1) a Patent Office Patent Quality Overview in July 2015; (2) a "Seminar on WIPO Services and Initiatives" in September 2015; (3) a program on "Hot Topics and Issues in the Biosimilars Space" in February 2016; and (4) Diverse Careers in IP Law events at Brooklyn Law School and Benjamin N. Cardozo School of Law in October 2015 and April 2016. As the above report indicates, the Committee has been working closely with the Patent Office to participate in, and to facilitate, programs sponsored by it with the goal of reaching patent practitioners.

The success of the Committee's programs could not have been achieved without the hard work and dedication of all of the members of the Committee and the NYIPLA administrative office to whom we are grateful.

PUBLICATIONS

Scope of the Committee: To prepare, edit, publish and disseminate such publications as may be requested by the Board of Directors, and to make recommendations to the Board of Directors.

Co-Chairs: Mary Richardson and William Dippert

Board Liaison: Jeanna Wacker

Members: Ronald Brown, Jayson Cohen, TaeRa Franklin, Robert Greenfeld, Annie Huang, Dominique Hussey, Keith McWha, Vadim Vapnyar, and Joshua Whitehill

This year marked the name change of the NYIPLA's journal from the *Bulletin* to *The Report*. The Publications Committee publishes *The Report* on a bi-monthly basis, five times a year. The Green Booklet, published in the summer, is the annual record of the NYIPLA, replacing the former Greenbook.

The Report is a journal of articles of interest to the intellectual property community written by Association members and guests. For the third year in a row, a themed issue was published as the February/March issue—its focus was on biologics and biosimilars. Articles of note included the patent dispute resolution procedures of the Biologics Price Competition and Innovation Act and recent court decisions interpreting those procedures, Patent Trial and Appeal Board decisions for

inter partes review in the biosimilars context, a comparison of biosimilars litigation in the United States and Canada, biosimilars and the *Mensing* product liability shield, and trends in state laws on pharmacy substitution of interchangeable biosimilars.

Articles in other issues of *The Report* this year covered a wide range of topics. In the beginning of the year, *The Report* continued its practice of publishing the first and second place Hon. William C. Conner Writing Competition winners' articles, which discussed the trademark as a novel innovation index and the Supreme Court's application of the Copyright Act in the digital age in *American Broadcasting Companies v. Aereo*. There were articles on a variety of intellectual property law topics, including pre-1972 sound recordings, music licensing, and recording artists' public performance rights in the wake of *Flo & Eddie v. Sirius XM*, recent court decisions refining and expanding the limits of the *Kessler* doctrine, application of the first sale doctrine to gray goods, recent changes in Section 101 patentability jurisprudence, a review the Federal Circuit's decision in *ClearCorrect Operating, LLC v. International Trade Commission*, and the Federal Circuit's consideration of the patent venue standard.

Many of the articles published in *The Report* come from members of other NYIPLA Committees, such as the Copyright Law & Practice Committee, the Patent Law & Practice Committee, the Patent Litigation Committee, and the Trademark Law & Practice Committee.

Regular features in *The Report* include reviews of Supreme Court cases decided in last year's Term (August/September issue), interviews with new members of the NYIPLA Board of Directors (August/September issue), IP Media Links, U.S. Bar-JPO Liaison Council and U.S. Bar/EPO Council Liaison Meeting Reports (August/September and October/November issues, respectively), and the following features that appear in each edition of *The Report*: the President's Corner, the Historian's Corner, Notable Trademark Trial and Appeal Board Decisions, reports of the Association's CLE presentations, minutes of the Board of Directors' meetings, calendar of the Association's upcoming events, New Members list, and Moving Up & Moving On—for publicizing news of intellectual property attorneys' transitions and accolades. Copies of *The Report* were mailed to all Association members and posted on the nyipla.com website in color.

STRATEGIC PLANNING

Scope of the Committee: To provide input and support to the Board of Directors in developing and implementing a Strategic Plan designed to enhance the long-term direction and impact of the NYIPLA.

Co-Chairs: Matthew McFarlane and Colman Ragan

Board Liaison: Dorothy Auth

The Strategic Planning Committee (SPC) has focused on developing new initiatives to expand NYIPLA membership and our reach within our community, including those that impact its more junior members who represent the “next generation” for the organization and our industry.

Intellectual property law and practice have changed considerably in ways that impact this next generation. Among the changes we have noticed in our past year of fact-finding are: (i) the large boutique IP firms that historically fueled NYIPLA membership have largely vanished; (ii) the larger full-service firms that have absorbed those practices no longer put a premium on (and in some cases we understand may not reimburse) NYIPLA membership fees; (iii) the practice of IP law is no longer centered in New York—it has branched out to other cities; and (iv) some “hot” and “emerging” areas of IP law are under-represented in our membership and programming (e.g., data privacy, rights of publicity, digital media). Given these trends, it is perhaps not surprising that law student and new attorney members are the vast majority of members who did not renew their NYIPLA membership in previous years.

Initially, the SPC proposed a gap-filling solution that might: (i) provide law students (and perhaps junior lawyers) with real-world training opportunities in IP law; (ii) provide NYIPLA members with teaching opportunities; and (iii) increase the strength of the NYIPLA's brand to drive both member participation and retention of junior lawyers in the organization. We envisioned creating a clinic that engages students in the NYIPLA's member law schools over two periods of time. In the first period, the NYIPLA will support classroom instruction by NYIPLA members to students on issues in IP law likely to arise when representing the individuals and smaller companies helped by the clinic, and practical aspects of advising clients as to IP law issues (in other words, practical implementation of the legal theory students would be exposed to in other courses). In the second period, NYIPLA members will assist a clinic director at the school.

After several meetings with representatives from Benjamin N. Cardozo School of Law, and a presentation to students there, the SPC decided this initial proposal is not quite the right approach. In addition, we received feedback that proposing courses with NYIPLA members as adjunct faculty would be a lengthy process. Even if such a course were approved, a group of instructors would have to commit to a teaching load of about 30 hours of instruction per semester for a two-unit course—a time commitment that might be infeasible for members.

In light of this information and feedback, the SPC has now developed a new approach that will involve a series of five or six seminars by NYIPLA members over the course of two semesters. The thought is that the subject matter of these individual seminars would provide content that one would obtain through interaction with practicing attorneys, i.e., information typically not covered in law school curricula. By way of example, the seminars could cover practitioners' perspective on such practical client-facing issues as privacy, intellectual property transactions, attorney-client privilege in IP cases, document collection and preservation issues and multi-jurisdictional litigation. The SPC has begun to research those topics that might fill existing gaps and that might be appropriate to propose as seminars.

The seminars would be open to law students (JD and LLM) enrolled at participating law schools that would provide space for the seminars to take place, along with a cocktails and networking session afterwards. As an incentive to attend, students attending all seminars offered in a year would receive a certificate from the NYIPLA, confirming their participation in practical aspects of IP law. The SPC envisions the NYIPLA certificate to be a value-add for the student, perhaps by creating an advantage in interviewing for jobs, or allowing a certificate holder to join the NYIPLA as a member fee-free for a certain period of time, or providing a "fast-track" to leadership positions within the NYIPLA. In addition to building the NYIPLA brand among law students and law schools, the NYIPLA certificate program and seminar series would provide a platform for students at different law schools to network with each other and hopefully create entire cohorts of junior lawyers interested in continuing membership after law school.

The seminar series could also serve as an internal marketing and promotion tool as well. The SPC anticipates that certain committees will have new responsibilities: developing content, nominating a member to make the presentation, and encouraging committee members to attend networking sessions after the seminar. The SPC believes that the Young Lawyers Committee is a key resource for at least serving as a sounding board for content for seminars, and for bridging the gap with attending students. To that end, the seminar series could incorporate an element of career development which could come from our existing "Diverse Careers in IP Law" series.

Once the SPC completes its research and agrees on a set of topics, we will present it to the Board for approval. In its current form, the SPC believes that this seminar series could be an innovative structure to pull together our local member law schools under the NYIPLA umbrella, and enhance the NYIPLA's visibility among students. We could also feature members' participation in seminars at the Judges Dinner or in some other visible manner.

TRADEMARK LAW & PRACTICE

Scope of the Committee: To consider all aspects of trademark law and practice, and to make recommendations with respect thereto to the Board of Directors.

Co-Chairs: Pina Campagna and Dyan Finguerra-DuCharme

Board Liaison: Kathleen McCarthy

Members: Lakendra Barajas, Magdalena Berger, Timothy Buckley, Alexandra Caleca, Michael Cannata, Alexandra Cordero, Ursula Day, Dickerson Downing, David Einhorn, Anthony Fletcher, Joan Burger Flores, James Gibson, Zalika Headley, Lynn Hsieh, Benjamin Humphreys, Noel Humphreys, Sean Jackson, Kaela Joyner, Lindsay Korotkin, Paul Llewellyn, Nehal Madhani, Arielle Matza, Krystil McDowall, Rayna McKenzie, Alanna Moulds, Patrick Murphy III, Nicole Palermo, Susan Proffoff, Emily Reisbaum, Joel Schmidt, Puja Sharma, Timur Slonim, Emily Stein, William Thomashower, Julie Vo, Robert Wasnofski, David Weild, and Keith Weltsch

The Trademark Law & Practice Committee (“Committee”) had 38 active members this year. The Committee corresponded extensively and had several conference calls and three in-person meetings, as well as a winter and spring CLE event.

On November 4, 2015, the Committee had an in-person meeting at the offices of Cowan, Liebowitz & Latman followed by a CLE presentation entitled, “#Trademarkinghashtags & Emojis: How and When to Trademark Hashtags and Emojis,” presented by Joel Karni Schmidt, a partner at Cowan.

The Committee Co-chairs participated in the preparation of a SCOTUS amicus brief in the case of *Shammas v. Hirschfeld* on behalf of the Committee, which was filed on December 1, 2015.

The Committee held an after work-networking event on January 21, 2016, together with the Copyright Law & Practice Committee and the Young Lawyers Committee in NYC at the Knickerbocker Hotel.

The Committee also held a telephonic meeting in February that was well-attended by its members.

On April 13, 2016, we had an in-person meeting at the offices of Wilson Elser Moskowitz Edelman & Dicker followed by a CLE presentation on “Cyber Security and Cyber Liability: Your Clients May Be Protected But Are You and Your Law Firm?,” presented by Richard Reiter and Jura Zibas, partners at Wilson Elser.

The Committee is presently planning the Half-Day “Hot Topics in Intellectual Property Law” CLE program, which will be held on July 20, 2016, at The Princeton Club. The Committee has developed a list of current topics of interest and confirmed several dynamic speakers for the program. The keynote address will be provided by Barbara Kolsun, co-director of The Fame Center, a leading fashion industry attorney, an adjunct professor of fashion law at Benjamin N. Cardozo School of Law, and co-editor of a seminal text on the subject. The program will also include presentations from in-house counsel, a government representative, and Chief Judge Gerard Rogers of the Trademark Trial and Appeal Board, who will discuss the recent proposed rule changes at the TTAB.

US BAR – JAPAN PATENT OFFICE COUNCIL

Delegates: Raymond Farrell and John Pegram

The U.S. Bar–JPO Liaison Council is a group of delegates from U.S. IP organizations that has been meeting annually with high officials of the Japan Patent Office, and more recently, with the Japan IP High Court as well, to discuss matters of interest to JPO users, international patent law harmonization issues, and areas of developing U.S. case law.

Thirteen U.S. members of the Council met with Commissioner Ito and other officials of the Japan Patent Office, as well as Chief Judge Shitara and the members of the IP High Court, in Tokyo on June 24-25, 2015. A report of that meeting has been published in *The Report* and on the NYIPLA website.

Council delegates are now preparing for the annual meeting with JPO officials, which will take place this year in Seattle, Washington on June 10, 2016.

US BAR – EUROPEAN PATENT OFFICE LIAISON COUNCIL

Delegates: Samson Helfgott and Thomas Spath

The US Bar/EPO Liaison Committee met at the EPO in Munich on November 19, 2015, and was attended by thirteen U.S. Bar Association representatives and a former U.S. Council President. Nine top level EPO representatives, including President Battistelli, were in attendance and gave presentations. The NYIPLA was represented by Tom Spath.

The agenda included a wide range of subjects of interest to U.S. applicants and practitioners, including practice guidelines and then-current updates on the Unitary Patent and the Unified Patent Court. Copies of the presentations by the EPO representatives are available on the Association's website. Plans are underway for the next Council meeting, which will be held in Washington, D.C., in October 2016.

WOMEN IN IP LAW

Scope of the Committee: To facilitate and empower women in their practice of intellectual property law, and make recommendations with respect thereto to the Board of Directors.

Co-Chairs: Jenny Lee and Krista Rycroft

Board Liaison: Jessica Copeland

Members: Jennifer BianRosa, Rachel Blitzer, Ursula Day, Jennifer Dereka, James French, Sarah Geers, Justine Gozzi, Abigail Langsam, Wan Chieh Jenny Lee, Lynda Nguyen, Diana Santos, Karen Sebaski, and Huiya Wu

The NYIPLA Women in IP Law Committee successfully planned and conducted Committee meetings, CLE events, and networking events this year. The Committee, along with the Programs and Patent Litigation Committees, held its annual CLE event in February 2016, hosted by Axinn Veltrop & Harkrider and Committee member Delphine Knight, and organized and moderated by Committee member, Abigail Langsam. The event—"Hot Topics and Issues in the Biosimilars Space"—attracted over 70 registrants and began with a networking hour that was followed by a panel discussion. The panelists—Terry Rea, former acting and deputy director of the United States Patent and Trademark Office (USPTO), and outside counsel for both generic and innovator companies—discussed important regulatory and litigation issues in the biosimilars space. The Committee along with several board members also successfully organized a luncheon CLE program on Legal and Cultural Barriers to Patentability in May 2016 at Aureole. The May luncheon CLE program included a key note address by Jamie Simpson, Senior Advisor to the Undersecretary and Director of USPTO, and a panel discussion with senior in-house counsel and NYIPLA President, Dorothy Auth, moderated by Board Liaison, Jessica Copeland.

The Committee, along with the Young Lawyers Committee, also held a networking event in the Fall of 2015. The Committee continued to hold informal membership meetings where constructive ideas were shared, all relating to potential CLE events as well as mentorship and the growth and development of our Committee. The Committee intends to schedule similar events in the upcoming year in an effort to expand membership from not only law firms, but area companies and law schools alike. Overall, the Women in IP Law Committee had a productive year with various ideas shared in order to further develop this Committee and enable it to best serve its members and the NYIPLA community. Current Co-Chairs Jenny Lee and Krista Rycroft look forward to continuing to work with the Committee to facilitate its growth and encourage others to join the Committee and actively participate in NYIPLA events in the coming year.

YOUNG LAWYERS

Scope of the Committee: To address the concerns and needs of minorities, women and newly-admitted lawyers, and to report with respect thereto to the Board of Directors.

Co-Chairs: Steven Bernstein and Gary Yen

Board Liaison: Frank DeLucia

Members: Stephen Ankrom, Elana Araj, Timothy Buckley, Alexandra Caleca, Preetha Chakrabarti, Isaac Chao, Srikant Cheruvu, Frank DeLucia, Vicki Franks, John Geager, David Hubbard, Gina Kim, Lindsay Korotkin, Eric Lin, Steven Luksenberg, Jacqueline Niedbala, Khalil Nobles, Loren Pani, Brian Reddy, Jeremy Saks, Diana Santos, Michael Sebba, Kyung Shin, Cindy Shu, Emily Stein, Edward Tulin, Julie Vo, George Wukoson, and George Zalepa

The Young Lawyers Committee wrapped up another eventful year in 2015-2016. This year the Committee continued its educational series of Young Lawyers Roundtables, expanded collaboration with other NYIPLA committees, and created more networking opportunities for young lawyers in the NYIPLA.

The first of this year's Roundtables took place on October 7, and was entitled, "All the Licenses You Will Encounter as an IP Attorney." Led by Christopher Chase (Frankfurt Kurnit Klein & Selz) and Kristin Garriss (Kilpatrick Townsend & Stockton) and moderated by Committee member Gary Yen, Roundtable attendees participated in a lively discussion about all aspects of licensing law and practice. The Committee's spring Roundtable took place on February 23, and was entitled, "The ABCs of ADR." Led by Daniel Ebenstein (Amster, Rothstein & Ebenstein) and Theodore Cheng (Fox Horan & Camerini) and moderated by Committee member Mike Sebba, participants learned about the practices of arbitration and mediation from two experienced practitioners.

This year the Committee also increased collaboration on events with other NYIPLA committees. The Committee joined several other committees for happy hours throughout the year to create networking opportunities for young lawyers, and also co-hosted a webinar entitled, "A Day in the Life of a Privacy Practitioner," with the Internet & Privacy Law Committee. The Committee also strengthened relationships with several groups at New York law schools, and expects to build upon those relationships to host exciting events in the upcoming year.

The Committee looks forward to a year of growth as it plans additional networking, outreach, and educational activities in the upcoming year. The Committee thanks all NYIPLA members who participated in its events this past year, and invites all young lawyers to attend an upcoming Young Lawyers Committee happy hour.

Annual Report of the Treasurer 2015-2016
The New York Intellectual Property Law Association, Inc.
Statements of Financial Position – Cash Basis
For the years ending April 30th

	<u>2016</u>	<u>2015</u>
Revenues		
Judges Dinner - event fees	\$ 1,236,890	\$ 1,320,295
Continued Legal Education (CLE) revenue	87,385	115,890
Membership dues	277,403	289,120
Other programs and events	13,956	18,306
Interest income	<u>2,473</u>	<u>1,667</u>
Total revenues	<u>1,618,107</u>	<u>1,745,278</u>
Expenses		
Judges Dinner	878,811	902,796
Continued Legal Education (CLE)	47,959	54,298
Other programs and events	65,227	57,851
Scholarships, awards and donations	63,500	14,570
Professional fees	473,658	451,972
Postage and mailing	1,311	8,377
Printing and publications	72,784	67,697
Office expense	13,510	18,055
Telephone	1,538	954
Insurance	12,007	11,275
Miscellaneous	<u>753</u>	<u>2,434</u>
Total expenses (Note 3)	<u>1,631,058</u>	<u>1,590,279</u>
Change in unrestricted net assets (Exhibit C)	(12,951)	154,999
Net assets - unrestricted - beginning of year	<u>2,055,949</u>	<u>1,900,950</u>
Net assets - unrestricted - end of year (Exhibit A)	<u><u>\$ 2,042,998</u></u>	<u><u>\$ 2,055,949</u></u>

See independent auditor's report.

The accompanying notes are an integral part of these statements.

Annual Report of the Treasurer 2015-2016
The New York Intellectual Property Law Association, Inc.
Statements of Activities & Changes in Net Assets – Cash Basis
For the years ending April 30th

	<u>2016</u>	<u>2015</u>
Cash flows from operating activities		
Change in net assets (Exhibit B)	\$ (12,951)	\$ 154,999
Adjustments to reconcile change in net assets to net cash provided (used) by operating activities		
Decrease (increase) in assets		
Accounts receivable	(3,150)	
Prepaid expenses		27,908
Increase (decrease) in liabilities		
Accounts payable and accrued expenses	(45,047)	38,398
Deferred revenue	<u>(8,750)</u>	<u>10,705</u>
Net cash provided (used) by operating activities	<u>(69,898)</u>	<u>232,010</u>
Net change in cash and cash equivalents	(69,898)	232,010
Cash and cash equivalents - beginning of year	<u>2,133,947</u>	<u>1,901,937</u>
Cash and cash equivalents - end of year	<u><u>\$ 2,064,049</u></u>	<u><u>\$ 2,133,947</u></u>

See independent auditor's report.

The accompanying notes are an integral part of these statements.

94th Annual Dinner in Honor of the Federal Judiciary

The New York Intellectual Property Law Association held its 94th Annual Dinner in Honor of the Federal Judiciary on April 1, 2016 at the Waldorf Astoria New York Hotel. President Dorothy R. Auth welcomed the honored guests, members of the NYIPLA, and their guests. The evening's events opened with a magnificent rendition of the National Anthem. The Association's Fourteenth Annual Outstanding Public Service Award was presented to the Dr. Thaddeus Prusik, of the Temptime Corporation. The Keynote Address was given by Peter Sagal and Nina Totenberg, of National Public Radio (NPR).



Standing: Walter Hanley, Hon. Leonard Stark, Hon. Carol Bagley Amon, Hon. Ron Clark, Hon. Loretta Preska, Robert Rando, Matthew McFarlane
Sitting: Hon. Sharon Prost, Hon. Leonard Davis, Dorothy Auth, Peter Sagal, Nina Totenberg, Annemarie Hassett



WALDORF ASTORIA
NEW YORK HOTEL

APRIL 1, 2016

REGISTRATION
11:00 A.M. – 11:30 A.M.

LUNCH
11:30 A.M. – 12:20 P.M.

PRESENTATION
12:20 P.M. – 2:15 P.M.

2.0 NY/NJ CLE
PROFESSIONAL
CREDITS FOR BOTH
NEWLY ADMITTED
AND EXPERIENCED
ATTORNEYS



THE
NEW YORK INTELLECTUAL PROPERTY
LAW ASSOCIATION

In conjunction with
THE NYIPLA 94TH ANNUAL DINNER IN HONOR OF THE FEDERAL JUDICIARY
presents

DAY OF THE DINNER CLE LUNCHEON

Changing the Rules of the Road
Recent Amendments to the Fed. R. Civ. P.,
the Continued Push for Patent Law Reform, and
the Impact on Intellectual Property Litigation



PRESENTER

MICHELLE K. LEE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

PANELISTS

HONORABLE LEONARD P. STARK

CHIEF JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HONORABLE SHIRA A. SCHEINDLIN

DISTRICT JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

HONORABLE JOSEPH A. DICKSON

MAGISTRATE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CHRIS ISRAEL

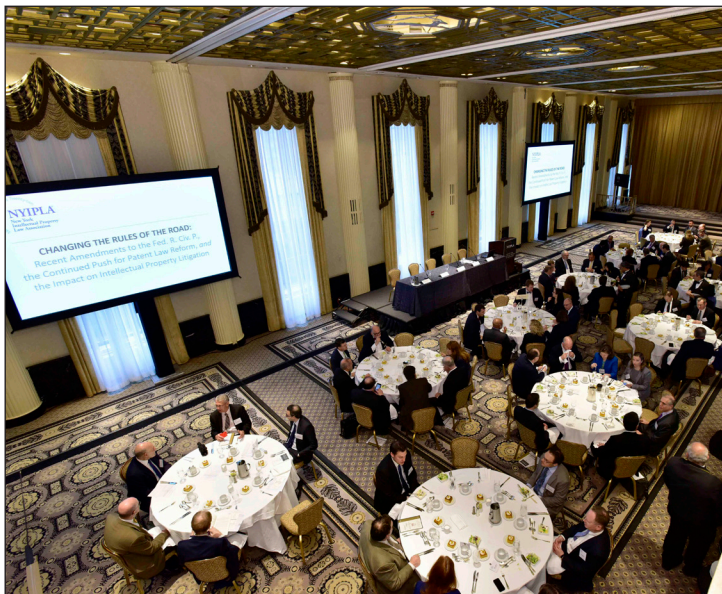
PARTNER OF THE AMERICAN CONTINENTAL GROUP

MODERATOR

ANTHONY LO CICERO

NYIPLA IMMEDIATE PAST PRESIDENT

Hosted by the
NYIPLA Programs Committee





AGENDA

- 8:15 AM - 9:00 AM** Registration and Continental Breakfast will be served
- 9:00 AM - 9:05 AM** Welcome Remarks **Dorothy Auth**, *NYIPLA President*, Cadwalader, Wickersham & Taft
- 9:05 AM - 10:25 AM** **Panel 1: Data Privacy, Security and Confidentiality Issues in Litigation and Transactional Matters**
Moderator: **Michael Johnson**, Willkie Farr & Gallagher
- **Seth DuCharme**, *Deputy Chief, Terrorism and Cybercrimes Unit*, United States Attorney's Office, Eastern District of New York
 - **Steven Purdy**, *Senior Attorney*, IBM
 - **Boris Segalis**, *Partner*, Norton Rose Fulbright
- 10:25 AM - 10:40 AM** Refreshment Break
- 10:40 AM - 11:35 AM** **Panel 2: Current Initiatives of the USPTO**
Moderator: **Robert Rando**, The Rando Law Firm
- **William LaMarca**, *Special Counsel for Patent and IP Litigation*, Solicitor's Office, USPTO
 - **Michael Cygan**, *Senior Legal Advisor, Office of Patent Legal Administration*, USPTO
- 12:00 PM - 12:30 PM** Keynote Speaker **Honorable Mary L. Cooper**, District Judge, United States District Court for the District of New Jersey
- 12:30 PM - 1:15 PM** Lunch
- 1:15 PM - 2:10 PM** **Interactive Post-Lunch Panel On Legal Ethics and professional responsibility concerning the Internet and the use of "the cloud" ETHICS!**
- **Patrice Jean**, Kenyon & Kenyon, **Ira Jay Levy**, Goodwin Procter
- 2:10 PM - 3:30 PM** **Panel 3: 35 U.S.C. § 101 Patentability and Subject Matter Eligibility**
Moderator: **Heather Schneider**, Willkie Farr & Gallagher
- **Tulloss Delk**, *Senior Counsel*, IBM
 - **Joel Lutzker**, *Chief IP Counsel*, Ocean Tomo
 - **Laura Sheridan**, *Senior Patent Counsel*, Google
- 3:30 PM - 3:45 PM** Refreshment Break
- 3:45 PM - 5:05 PM** **Panel 4: Issues Concerning Proof of Patent Infringement**
Moderator: **Jamie Lucia**, Saul Ewing
- **Honorable F. Scott Kieff**, *Commissioner*, International Trade Commission
 - **Honorable Faith Hochberg**, *Former District Judge*, United States for the District of New Jersey
 - **Dorothy Auth**, *Partner*, Cadwalader, Wickersham & Taft
 - **Thomas Meloro**, *Partner*, Willkie Farr & Gallagher
- 5:05 PM - 5:10 PM** Closing Remarks

Hosted by the Programs Committee



Events

Happy Hour! With the Women in IP Law and Young Lawyers Committees

June 23, 2015

Women in IP Co-Chairs: Jenny Lee and Krista Rycroft
Young Lawyers Co-Chairs: Steven Bernstein and Gary Yen

2nd Annual Second Circuit Moot Court Argument CLE Program

July 16, 2015

Hosted by the Programs Committee

Co-chairs: Mark Bloomberg, Michael Johnson, Heather Schneider

Judges' Panel: Honorable Katherine Polk Failla,
Honorable Pierre N. Leval, Honorable J. Paul Oetken,
Honorable Edgardo Ramos

Participating Firms: Alston & Bird, Goodwin Procter,
Hodgson Russ, Willkie Farr & Gallagher



Seminar on WIPO Services and Initiatives

September 17, 2015

Panelists: Susan Anthony, Dorothy Auth, Andrew Berks,
Matthew Bryan, Pina Campagna, Alan Datri, Samson
Helfgott, Christopher Hughes, Victor Vázquez López, Glenn
Mac Stravic, Michael Neas, John Resek, Karen Strzyz



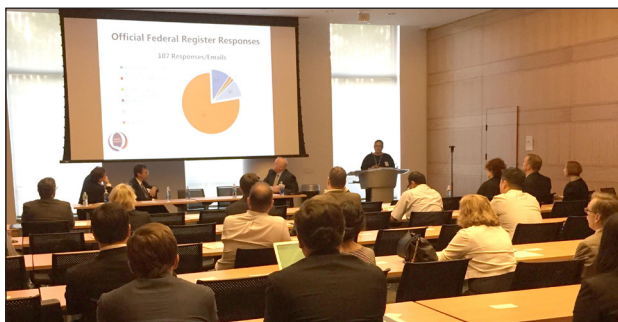
USPTO Patent Quality Overview

July 29, 2015

Hosted by the Programs Committee

Co-chairs: Mark Bloomberg, Michael Johnson, Heather Schneider

Panelists: Mark Bloomberg, Kathleen Bragdon,
Tim Callahan, Janet Gongola, Brian Hanlon, Sid Kapoor,
Robert Rando, Valencia Martin Wallace



Effective Patent Damages Expert Testimony

October 2, 2015

Panelists: Robert B. Conklin, Jodyann Galvin, Robert J. Lane Jr.,
Honorable Jeremiah J. McCarthy, Dr. Richard Shick,
Honorable Gregory M. Sleet, Neal L. Slifkin, Laura W. Smalley,
Honorable Elizabeth A. Wolford



Events

Young Lawyers Roundtable: All the Licenses You Will Encounter as an IP Attorney

October 7, 2015

Hosted by the Young Lawyers Committee
Co-Chairs: Steven Bernstein and Gary Yen
Panelists: Christopher Chase and Kristin Garriss



Christopher Chase



Kristin Garriss

Diverse Careers in IP Law and Strategies for Achieving Success at Brooklyn Law School

October 13, 2015

Hosted by the Programs Committee
Co-Chairs: Mark Bloomberg, Michael Johnson and Heather Schneider
Subcommittee Programs Chair: Cindy Shu
Panelists: Elana Araj, Anthony Lo Cicero, Diana Rea, Cindy Shu, Laurie Stempler, Maja Szumarska, Dave Ugelow



In-house Counsel Happy Hour

October 28, 2015

Hosted by the Corporate Committee
Co-Chairs: Tulloss Delk and Betty Ryberg



The Nuts and Bolts of Marketing your IP Practice

November 10, 2015

Hosted by the Law Firm Management Committee
Co-Chairs: Richard Goldstein and Scott Stimpson



Events

NJIPLA & NYIPLA Joint Program: The New World Order -- Current Developments in Challenging and Defending Patents in the PTAB

December 2, 2015

Hosted by NYIPLA and NJIPLA
Panelists: Mark Abate, Dorothy Auth,
Honorable Scott Boalick, Jeffrey Butler,
Ken Corsello, Henry Hadad,
Annemarie Hassett, Chris Israel,
Honorable Susan Mitchell,
Honorable Pauline Newman,
Professor David Opderbeck, Alexander Poltorak,
Colman Ragan, Timothy Salmon,
Honorable Jerome Simandle,
Edward Tempesta, Peter Waibel



Patent Litigation from the Law Clerks' Perspective -- Strategies for Success and Pitfalls to Avoid

January 13, 2016

Hosted by the Patent Litigation Committee
Co-Chairs: William McCabe and Doug Nemec
Panelists: Gianna Cricco-Lizza, Christina F. Emerson,
Deborah Kemi Martin, Stephen O'Donohue, Ed Tulin



Happy Hour! With the Copyright Law & Practice and Trademark Law & Practice Committees

January 21, 2016

Copyright Co-chairs: Lauren Emerson and Joseph Farco
Trademark Co-chairs: Pina Campagna and
Dyan Finguerra-DuCharme

Events

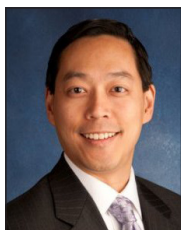
Young Lawyers Roundtable: The ABCs of ADR

February 23, 2016

Hosted by the Young Lawyers Committee

Co-Chairs: Steven Bernstein and Gary Yen

Panelists: Theodore K. Cheng, Daniel S. Ebenstein,
Michael Sebba



Theodore K. Cheng



Daniel S. Ebenstein



Michael Sebba

Hot Topics and Issues in the Biosimilars Space

February 29, 2016

Hosted by the Women in IP Law Committee

Co-Chairs: Jenny Lee and Krista Rycroft

Panelists: Robert M. Isackson, Chad Landmon,
Abigail Langsam, David Leichtman, Terry Rea



Working with Small Clients

March 9, 2016

Hosted by the Law Firm Management Committee

Co-Chairs: Richard Goldstein and Scott Stimpson

Speaker: Brian McGuire



Brian McGuire

Cyber Security and Cyber Liability: Your clients may be protected but are you and your law firm?

April 13, 2016

Hosted by the Trademark Law & Practice Committee

Co-Chairs: Pina Campagna and Dyan Finguerra-DuCharme

Panelists: Richard Reiter and Jura Zibas



Richard Reiter



Jura Zibas

Diverse Careers in IP Law and Strategies for Achieving Success at Cardozo School of Law

April 19, 2016

Hosted by the Programs Committee

Co-Chairs: Mark Bloomberg, Michael Johnson, and
Heather Schneider

Panelists: David Bomzer, Jenny Lee,
Lee Pham, Colman Ragan, Professor Felix Wu



David Bomzer



Jenny Lee



Lee Pham



Colman Ragan



Professor Felix Wu

Nineteen Hundred and Twenty-two

NYIPLA

The New York Intellectual Property Law Association®
2125 Center Avenue, Suite 406, Fort Lee, NJ 07024-5874
Tel 1.201.461.6603 • Fax 1.201.461.6635
E-mail admin@nyipla.org • Web www.nyipla.org