



NYPTC BULLETIN

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NYPTCLA Opposes Appointment of Unger to CAFC

Kenneth E. Madsen testified on behalf of the Association before the Senate Judiciary Committee on September 29, 1983 in opposition to the appointment of Sherman Unger to the CAFC. Madsen's statement was as follows:

The New York Patent Trademark and Copyright Law Association is a professional association having about 1,000 active members. Our Association has considered the advisability of the appointment of the present candidate to the Court of Appeals for the Federal Circuit and has concluded it would not be appropriate to do so, at least at the present time.

The factor which, in our judgment militates against this appointment is that the candidate does not have the requisite experience in patent matters which we believe are so important to the growth of the Court of Appeals for the Federal Circuit at this point in its young history.

The CAFC, as we all know, is at least de facto, a specialty court. Although its jurisdiction accommodates a number of rather disparate legal issues, the driving force for the creation of the Court was the desire by a large segment of the patent Bar, industry and the federal judiciary, that the appeals in patent causes be handled by a single informed bench.

These times are particularly important ones in the history of the CAFC. It is presently undertaking the difficult task of medling and resolving the views expressed by several different Courts of Appeal in patent matters over several years. One of the primary benefits to be derived from this Court was the realization of better uniformity and predictability in the application of our Patent Laws. It is indeed distressing that this difficult task is being undertaken at a time when the Court has only two judges who came from patent backgrounds and only three who come from intellectual property backgrounds.

This would be an inadequate representation on a Court whose interpretations of the patent law and procedure had reached a steady state. It is woefully inadequate for a Court which is still struggling to achieve a modicum of uniform operative principles in the patent field. There could not be a clearer need at this time for the appointment of a highly qualified patent expert. The appointment of the present candidate weakens the ability of the CAFC to carry out its primary function and puts an unnecessary and unwarranted burden on those few numbers of the Court whose background allows them to slice more readily through complex technical facts to resolve the important issues facing the Court.

We are not opposed to generalists on the Court. Indeed, if otherwise qualified, we favor them. But there must be some balance that makes sense—one which allows for enough expertise to resolve essential

issues even though the facts are very complex, yet not so narrow-minded and technocratic that basic principles are overlooked or misunderstood. The present Court is way out of balance, and the appointment of Mr. Unger, does not alleviate the situation.

If the CAFC is to gain the respect of the legal profession and the commercial litigants it serves, and attain its rightful stature among the Courts of Appeal, the appointment of highly qualified candidates is especially important. In this regard we take note that Judge Helen Nies of the CAFC, who is one of the three judges having an intellectual property background, in a speech earlier this year, expressed her concerns with respect to the selection of the judges for this important Court and with the present weakness in patent expertise. A reprint of her speech, is attached hereto as it appeared in the PTC Newsletter. We do not repeat her views, which are self-explanatory. However, we do note that due to the varied jurisdiction of the CAFC, she stated that:

"At any given time there may be a need for tax expertise, government contracts expertise or patent law expertise."

Now is the time for patent law expertise. It is not the time to use the pending vacancy to reward service to the government, no matter how well-earned.

We would like to make clear that we oppose Mr. Unger on no ground other than that expressed here. We do not know, and express no opinion, as to whether Mr. Unger would otherwise be qualified for the Court of Appeals.

Calendar of Events

LUNCHEON MEETING

DECEMBER 15, 1983

Topic & Speaker to be Announced

DINNER MEETING

DECEMBER 8, 1983

Harley Hotel of New York

42nd St. & 3rd Ave.

Charles P. Baker, "Important Intellectual Property Legislation Now Before Congress"

N.Y.P.T.C. Golf Outing and Dinner-Dance

The N.Y.P.T.C. Golf Outing and Dinner-Dance was held on September 23, 1983 at Knollwood Country Club. Prizes were awarded to the winners of the golf tournament during the dinner-dance.

Bob Pollock won first prize and Bob Kosinski won second prize for gross score. Both fired a score of 84 but Bob Pollock had a birdie on the first hole and Bob Kosinski had a par, thus entitling Bob Pollock to first prize.

Spence Daly and Al Robin were, respectively, winners of first and second prizes for net score.

Lorry Robin was the winner among the ladies followed by Mary Daly who finished second.

Next year, our golf outing will be held in May, followed by a dinner-dance which will be combined with the Inventor of the Year Award Dinner.

PLEASE WATCH FOR ANNOUNCEMENTS IN FUTURE ISSUES OF THE BULLETIN!!

N.Y.P.T.C.L.A. Committee Assignments

COMMITTEE ON ADMISSIONS

It shall be the duty of this Committee to promote membership in the Association, and thereby increase the number of members, and to process applications for membership in accordance with Article III of the By-Laws and the Rules of Admissions of the Association.

Paul H. Heller,
Board of Directors Liaison
M. Andrea Ryan,
Chairman

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A.L. Jacobs, Sr.
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Seth Natter
Rolf E. Schneider
William J. Ungvarsky
Donald F. Wohlers
S.C. Yuter

COMMITTEE ON THE ANNUAL DINNER IN HONOR OF THE FEDERAL JUDGES

It shall be the duty of this Committee to assist the President in connection with the preparation for and the conduct of the Annual Dinner Meeting in honor of the Federal Judges.

Douglas W. Wyatt,

Board of Directors Liaison

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Chairman
W. Edward Bailey
C. Joseph Laughon
Pasquale A. Razzano
John A. Reilly
Lee C. Robinson, Jr.

COMMITTEE ON ARBITRATION

It shall be the duty of this Committee to consider the use of arbitration in resolving intellectual property disputes and to make recommendations with respect thereto to the Board of Directors.

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Charles W. Grimes
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Gerald Levy
Eugene Lieherstein
L.B. Mackey
Robert I. Pearlman
Roland Plottel
Henry J. Renk

COMMITTEE ON CONTINUING LEGAL EDUCATION

It shall be the duty of this Committee to present continuing legal educational seminars of interest to the Association's membership, with a balance between programs of interest to the young and experience practitioner, and to make recommendations with respect thereto to the Board of Directors.

Douglas W. Wyatt,
Board of Directors Liaison
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Chairman
Dale L. Carlson
Ernest F. Marmorek
Bernhard P. Mollndrem
Edward R. Weingram

COMMITTEE ON COPYRIGHTS

It shall be the duty of this 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. The Committee shall keep fully informed as to all procedures, rules, regulations and decisions, statutes, treaties, agreements and conventions, existing or proposed, relating to copyright protection, licensing, use and enforcement in the United States and in foreign countries, and make recommendations with respect thereto to the Board of Directors and shall consider existing such procedures, rules, regulations, decisions, statutes, treaties, agreements and conventions and recommend to the Board of Directors any changes therein which, in the opinion of the Committee, are desirable.

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Fritz L. Schweitzer, Jr.
Joseph B. Taphorn

COMMITTEE ON ECONOMIC MATTERS AFFECTING THE PROFESSION

It shall be the duty of this Committee to keep informed as to all matters affecting the economic interests of the members of the Association including tax problems, retirement plans, pension programs, insurance programs, office management, office equipment, patent costs, trademark and copyright registration costs and employee salaries, to advise the Board of Directors with respect to such matters and to make recommendations to the Board of Directors with respect to such matters.

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Bernard Gerb
Albert L. Jacobs, Jr.
Norman St. Landau
Joel Lutzker
Terry Sue Zisowitz
Norman H. Zivin

COMMITTEE ON EMPLOYMENT

It shall be the duty of this Committee to maintain records of requests for employment and requests for employees in the patent, trademark and copyright fields, and to answer such requests and to otherwise assist the persons making such requests in satisfying such requests.

Douglas W. Wyatt,
Board of Directors Liaison
Patrick J. Walsh,
Chairman
Steven J. Baron
Isaac Jarkovsky
Richard A. Joel
Gabriel P. Katona
Edmund R. Papalian
Robert C. Sullivan
Howard P. Terry

COMMITTEE ON FOREIGN PATENT LAW AND PRACTICE

It shall be the duty of this Committee to consider all aspects of foreign and multi-national laws, treaties, conventions, etc., relating to the procurement, licensing and use of patents and to the protection, licensing and use of technology in foreign countries and which affect the rights of United States entities in foreign countries and the rights of foreign entities in the United States and to make recommendations with respect thereto to the Board of Directors.

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H.J. Winegar

COMMITTEE ON FOREIGN TRADEMARK LAW AND PRACTICE

It shall be the duty of this Committee to consider all aspects of foreign and multi-national trademark law and practice and to make recommendations with respect thereto to the Board of Directors.

Karl F. Jorda,
Board of Directors Liaison
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Chairman
Burton P. Beatty
Linda Bierman
Ethan Horwitz
Ian Jay Kaufman
Perla M. Kuhn
Eric D. Offer
Virginia R. Richard
David Weild, III

HOST COMMITTEE

It shall be the duty of this Committee to prepare for and conduct any activities for the benefit of other professional associations and their members which may be authorized or requested by the Board of Directors.

Paul H. Heller,
Board of Directors Liaison
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Chairman
William F. Dudine, Jr.
Gerard F. Dunne
William F. Eberle
Gerald W. Griffin
Richard T. Laughlin
Albert Robin
Philip T. Shannon
Joseph C. Sullivan
John C. Vassil

COMMITTEE ON INCENTIVES FOR INNOVATION

It shall be the duty of this Committee to undertake studies and make recommendations to the Board of Directors regarding those changes in law, regulations and governmental policy which are most likely to give adequate incentives for innovation and to assist the Association in expressing its issues to the appropriate governmental bodies.

Karl F. Jorda,
Board of Directors Liaison
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Burton P. Beatty
Paul H. Heller
Lloyd McAulay
Alvin J. Riddles
Norman St. Landau
Berj A. Terzian
Warren Woessner

COMMITTEE ON LEGAL AID

It shall be the duty of this Committee to assist the Legal Aid Society of New York City in rendering services in the patent, trademark or copyright fields to persons designated by the Society as qualifying for the aid of the Society.

James W. Badie,
Board of Directors Liaison
Steven J. Baron,
Chairman
Jay L. Chaskin
Ernest F. Marmorek
Norman St. Landau

COMMITTEE ON LEGISLATIVE OVERSIGHT

It shall be the duty of this Committee to identify important legislation and keep the relevant Committee chairman aware of legislative proposals and hearings. This Committee will coordinate the activity of Association committees with the substantive aspects of pending bills to ensure that the Association develops a position in a timely manner and that the Association's position is heard by Congress and the Administration.

Karl F. Jorda,
Board of Directors Liaison and Chairman
Howard B. Barnaby,
Vice Chairman
William J. Burnet
Thomas L. Creel
Eliot Gerber
Francis C. Hand
Philip J. McCabe
M. Andrea Ryan

COMMITTEE ON LICENSE TO PRACTICE REQUIREMENTS

It shall be the duty of this Committee to keep fully informed as to requirements and proposed requirements of government agencies, including the Patent and Trademark Office and the Courts, relating to admission to practice, qualifications for practice, continuing legal education and specialization and to make recommendations thereof and to changes therein to the extent that such requirements and proposed requirements affect the practice of members of the Association.

Barry Evans,
Board of Directors Liaison
Charles E. McKenney,
Chairman
Frank J. Jordan
Leonard B. Mackey
Herbert F. Schwartz
Herbert J. Winegar

COMMITTEE ON MEETINGS AND FORUMS

It shall be the duty of this Committee to prepare for and conduct all meetings of the Association other than meetings of the Officers, Committees and Board of Directors and other than the Annual Dinner in honor of the Federal Judges.

Barry Evans,
Board of Directors Liaison
Pasquale A. Razzano,
Chairman
Curtis W. Carlson
William H. Dippert
Harold Haidt
Daniel M. Rosen
Peter Saxon
Philip T. Shannon
Leo Stanger
Vincent J. Vasta, Jr.

NOMINATING COMMITTEE

It shall be the duty of this Committee to consider candidates for the elective offices of the Association and to submit to the members, at the Annual Meeting of the Association, the names of candidates which the Committee nominates for such elective offices.

Paul M. Enlow,
Board of Directors Liaison and Chairman
Albert Robin
Walter J. Baum
Philip Furgang
Arthur S. Tenser

COMMITTEE ON PAST PRESIDENTS

It shall be the duty of this Committee to propose to the Board of Directors ways in which the Association and its objectives and public image may be improved and to study and report to the President or the Board on any matter which may be referred to the Committee by the President or the Board of Directors.

Paul M. Enlow,
Board of Directors Liaison
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Chairman
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Granville M. Brumbaugh
Hugh A. Chapin

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John T. Kelton
W. Houston Kenyon, Jr.
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Jerome G. Lee
Alexander C. Neave
Joseph J. Previto
John A. Reilly
Morris Relson
Giles S. Rich

COMMITTEE ON PEOPLE'S REPUBLIC OF CHINA TRADEMARKS AND PATENTS

It shall be the duty of this Committee to consider all aspects of trademark and patent law and practice in the People's Republic of China, and laws, treaties, conventions, etc. relating to the protection, licensing and use of technology in the People's Republic of China and which affect the rights of United States entities in the People's Republic of China and the rights of Chinese entities in the United States and to make recommendations with respect thereto to the Board of Directors.

Douglas W. Wyatt,
Board of Directors Liaison
Jerome G. Lee,
Chairman
Maria C.H. Lin
Bernard Gerb
James N. Palik
David W. Plant

COMMITTEE ON PLANNING

It shall be the duty of this Committee to make studies of the activities, objectives and organization of the Association and to make recommendations to the Board of Directors with respect to changes and improvements therein.

Douglas W. Wyatt,
Board of Directors Liaison
Jerome G. Lee,
Chairman
Christopher A. Hughes
Mary Ellen Hughes
M. Andrea Ryan
Steven I. Weisburd
George W. Whitney

COMMITTEE ON PROFESSIONAL ETHICS AND GRIEVANCES

It shall be the duty of this Committee to perform the activities set forth in Section 5 of Article VI of the By-Laws of the Association, to keep fully informed as to all Codes of Ethics or Professional Responsibility applicable to members of the Association and interpretations thereof and as to all proposed changes in such Codes, to make recommendations to the Board of Directors with respect to such proposed changes in such Codes, to consider such Codes and recommend to the Board of Directors any changes therein which, in the opinion of the Committee, are desirable and to render advisory opinions to any member applying therefor with respect to conduct contemplated by such member.

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Chairman
Edgar W. Adams, Jr.

John M. Calimafde
Michael J. Quillinan
Frank F. Schck
Caspar C. Schneider, Jr.
Lawrence F. Scinto

PUBLICATIONS COMMITTEE

It shall be the duty of this Committee to prepare, edit, publish and disseminate such publications as may be authorized or requested by the Board of Directors.

a. Yearbook Sub-committee

It shall be the duty of this Sub-committee to prepare, edit, publish and distribute to the members of the Association the Yearbook of the Association.

b. Bulletin Sub-committee

It shall be the duty of this Sub-committee to prepare, edit, publish and distribute a bulletin setting forth the activities of the Association and any matter of interest to the members of the Association and to prepare, edit, publish and distribute any other publication authorized or requested by the Board of Directors.

Richard G. Berkley,
Board of Directors Liaison
James W. Badie,
Chairman & Yearbook Editor
Howard B. Barnaby,
Bulletin Editor
Gregory J. Battersby
Albert F. Bower
Bradford S. Breen
Theresa M. Gillis
Elsie M. Quinlan
Charles Zeller

COMMITTEE ON PUBLIC INFORMATION AND EDUCATION

It shall be the duty of this Committee to obtain publicity for the Association and the activities thereof, to publicize the patent, trademark and copyright systems and the benefits thereof and to educate the lay public with respect to such systems.

Ewan C. MacQueen,
Board of Directors Liaison
Philip Furgang,
Chairman
Christopher B. Garvey
Martin E. Goldstein
Allen R. Kipnes
Peter H. Priest

COMMITTEE ON PUBLIC AND JUDICIAL PERSONNEL

It shall be the duty of this Committee to consider and to propose candidates for public and judicial offices which involve patent, trademark and copyright matters and to make recommendations to the Board of Directors with respect to such candidates.

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Herbert F. Schwartz
Evelyn M. Sommer
Robert T. Tobin
George W. Whitney

COMMITTEE ON UNITED STATES PATENT LAW AND PRACTICE

It shall be the duty of this Section to consider all aspects of United States patent and technology law and

practice and to make recommendations with respect thereto to the Board of Directors.

Frank F. Scheck,
Board of Directors Liaison
William J. Brunet,
Chairman

Subcommittee on Antitrust, FOIA and Trade Secrets
Martin E. Goldstein,
Chairman

Subcommittee on Legislation
Stevan J. Bosses,
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Stanley I. Rosen
Lawrence F. Scinto
Berj A. Terzian
John P. White
Michael I. Wolfson

COMMITTEE ON UNITED STATES TRADEMARK LAW AND PRACTICE

It shall be the duty of this Committee to consider all aspects of United States trademark law and practice and to make recommendations with respect thereto to the

Board of Directors.

Siegrun D. Kane,
Board of Directors Liaison

Philip J. McCabe,
Chairman

Howard B. Barnaby
C. Stephen Barrett, III

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Vincent F. Bick

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Milton Wolson

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