



THE NEW YORK PATENT, TRADEMARK AND
COPYRIGHT LAW ASSOCIATION

NYPTC BULLETIN

VOLUME 24

NUMBER 1

OCTOBER 1984



Douglas W. Wyatt (left) transfers the gavel to incoming President Lee C. Robinson, Jr. at last May's Annual Meeting.

York 10036 (telephone: 212-840-3333).
This is going to be a busy and active year for your Association, and I am looking forward to working with each and every one of you on matters affecting the Association and our profession.

Lee C. Robinson, Jr.
President,
New York Patent, Trademark &
Copyright Law Association

CLE Weekend Seminar to be Held November 9 - 11

The New York Patent, Trademark and Copyright Law Association, Inc. will be holding its annual continuing legal education weekend seminar Friday, November 9 through Sunday, November 11, 1984. The seminar will be held at Arrowood Conference Center, at Purchase (Westchester County), New York.

Among the weekend's presentations:

- * Judge Kevin Duffy (Southern District of New York) on trademark preliminary injunction practice
 - * Ian A. Calvert, Chairman of the Board of Patent Interferences on Interference Practice
 - * Rene D. Tegmeyer, Assistant Commissioner of Patents and Trademarks on New Rules of Patent Practice
 - * Mary Beth Peters, Special Assistant to the Register of Copyrights on Developments in Copyright Law
 - * Impact of recent Circuit decisions
 - * Panel Discussions:
 - trial presentation
 - estimating patent suit liability exposure
- A reception and dinner dance on Saturday evening, and the famous Arrowood Brunch at midday Sunday

President's Corner

As this is my first opportunity to communicate with you as your President, I want to discuss something important to our Association and to the Patent, Trademark and Copyright Bar at large. Over the past year or two we have seen a plethora of activity on the part of Congress and others to revamp the laws, rules and regulations under which we practice. Patent term extension bills, process patent importation bills, automation, pay increases, fee increases, record rental bills, R&D bills, patent law reform, trademark appeals, genericness, omnibus trade bills and others in one form or another seem to march like martinets through the legislative process. The legislation no sooner becomes law than we are deluged with a host of rule changes which in some cases are designed to implement the mandates of Congress but in others seem to be put forth solely for the purpose of change.

It behooves all of us not only to evaluate the merits and demerits of each piece of legislation as it comes along but also to make our views known. The NYPTC is one of the larger organizations of its kind in the country, and on some matters at least we have a substantial amount of clout. But unless we take forceful, well thought out positions that reflect the views of the membership, our efforts and influence will go for naught. So I ask all of you to telephone or write the appropriate committee chairman on each proposed statute or rule change and let the committee know how you feel. If you prefer, or don't know which chairman to contact, get in touch with me, and I will see that your views are given careful consideration by those who evaluate such matters. I can be reached at substantially any time during business hours, c/o Curtis, Morris & Safford, P.C., 530 Fifth Avenue, New York, New

will crown the weekend activities.

The per-attendee charge for the seminar, with tax, is \$482.43, covering registration, as well as room and meals for both the registrant and his/her spouse or guest. All of Arrowwood's vast recreational facilities are available at no additional charge.

To register, or for more information, please contact David H. T. Kane at 420 Lexington Avenue, New York, NY 10170 (tel. 212-687-6000 x307), Dale L. Carlson at Union Carbide Corp., Danbury, CT 06817 (203-794-6168), or Bernhard P. Molldrem, Jr. at 530 Fifth Avenue, New York, NY 10036 (212-840-3333).

Arbitration Committee Seeks Input on Arbitration Experiences

The Arbitration Committee of your Association is writing a comprehensive arbitration guide for all practitioners who may wish to utilize the new arbitration provision, 35 U.S.C. §294. To make this guide as helpful as possible, we would appreciate receiving comments from any members who have had personal contact with patent arbitrations relating to validity, infringement or enforceability. Please refer any information to:

Thomas L. Creel
Kenyon & Kenyon
One Broadway
New York, New York 10004
(212) 425-7200

First Annual Association Footrace

In conjunction with the Manufacturers Hanover Corporate Challenge, Race #2, the NYPTCLA held its first annual road race of 3.5 miles on July 10, 1984.

Eight separate trophies were awarded. Morgan, Finnegan's Leonard Sanders, John Schiffhauer, Colm Dobbyn, John Andres and Jim Gould copped the Men's Team trophy, while the Women's Team trophy was won by Brumbaugh, Graves' team of Andrea Ryan, Tammy Sperling and Phyllis Krawiec. Fitzpatrick, Cella's Michael Mitri, Steve Lazar, Carolyn Bain and Katherine Staton took First Coed Team honors.

Individual awards were taken by Peter Phillips of Brumbaugh, Graves, whose time of 19:34 bested the First Man and

First Man Lawyer categories, Peggy Ranft (running with Morgan, Finnegan), who received First Woman and First Woman Lawyer awards with 24:20, and Richard Clark of Brumbaugh, Graves, whose 23:10 topped the Master's division.

Jim Gould and Peter Phillips organized the event for the Association. Participants already have their sights set on next year's race, and it is hoped that other similar Association events will be organized.

Committees for 1984 - 1985

COMMITTEE ON ADMISSIONS

Scope of the Committee. 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 on Admissions of the Association.

Paul H. Heller,
Board of Directors Liaison
William F. Lawrence,
Chairman
Andrew Baum
Michael J. Kelly
Fred A. Keire
Edward H. Loveman
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

Scope of the Committee. 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.

Barry Evans,
Board of Directors Liaison
Karl F. Jorda,
Chairman
Pasquale A. Razzano
John A. Reilly
John O. Tramontine
Douglas W. Wyatt

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.

John Pegram,
Board of Directors Liaison
Thomas L. Creel,
Chairman
Charles P. Baker
Gerald T. Bodner
J. Hart Evans
Robert H. Fischer
Gerald T. Flintoft
Edward Halle
James M. Heilman
J. Russell Juten
L.B. Mackey
Robert I. Pearlman
Roland Plott

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 experienced practitioner, and to make recommendations with respect thereto to the Board of Directors.

James W. Badie,
Board of Directors Liaison
David H.T. Kane,
Chairman

Dale L. Carlson
Murray I. Franck
Andrea Loshin
Bernhard P. Molldrem, Jr.
Charles J. Zeller

COMMITTEE ON COPYRIGHTS

Scope of the Committee. 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 and recommend to the Board of Directors any changes therein which, in the opinion of the Committee, are desirable.

Richard G. Berkley,
Board of Directors Liaison
Eliot Gerber,
Chairman
Richard Dannay
William F. Dudine, Jr.
Leonard Holtz
David A. Kalow
Theodore R. Kupferman
Gerald J. McGowan, Jr.
Howard C. Miskin
M. Lawrence Oliverio
Vincent N. Palladino
William V. Pesce

COMMITTEE ON ECONOMIC MATTERS AFFECTING THE PROFESSION

Scope of the Committee. 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 programs, 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.

John O. Tramontine,
Board of Directors Liaison
Dayton R. Stemple,
Chairman
Albert L. Jacobs, Jr.
Peter J. Phillips
Norman St. Landau
Edward Weingram
Daniel Zirker

COMMITTEE ON EMPLOYMENT

Scope of the Committee. 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.

Herbert Blecker,
Board of Directors Liaison
Patrick J. Walsh,
Chairman
Steven J. Baron
Eugene L. Flanagan, III
James J. Foster
Edward R. Freedman

Anthony H. Handal
Gabriel P. Katona
Morris N. Reinisch
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.

Michael N. Meller,
Board of Directors Liaison
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Chairman
J. Philip Anderegg
E.W. Adams, Jr.
Edward Black
Murray J. Ellman
Alfred Engelberg
Samson Helfgott
Gezina Holtrust
Ferdinand F.E. Kopecky
Martin A. Levitin
Maria C.H. Lin
Angelo Notaro
Jeffrey A. Schwab
John P. Sinnott
Vincent J. Vasta, Jr.
Raymond R. Wittekind

COMMITTEE ON FOREIGN TRADEMARK LAW AND PRACTICE

Scope of the Committee. 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.

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Board of Directors Liaison
Virginia R. Richard,
Chairman
George W. Cooper
Gabriel M. Frayne
Ethan Horwitz
Perla M. Kuhn
Clark W. Lackert
Milton Oliver
James N. Palik
Mark I. Peroff
Norman St. Landau

HOST COMMITTEE

Scope of the 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.

Douglas W. Wyatt,
Board of Directors Liaison
Joseph J. Previto,
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

Scope of the Committee. 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.

Douglas W. Wyatt
Board of Directors Liaison
Milton L. Honig,
Chairman
Burton P. Beatty
E. Janet Berry
Joseph J. Brindisi
Ralph E. Bucknam
Peter Ludwig
Lloyd McAulay
H.J. Winegar

COMMITTEE ON LEGAL AID

Scope of the Committee. 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
Edward M. Blocker
Ernest F. Marmorek
Lawrence S. Rogers

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
Thomas M. Gibson
Frank J. Jordan
Ernest F. Marmorek
Eric C. Wogtom

COMMITTEE ON MEETINGS AND FORUMS

Scope of the Committee: 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
Anthony J. Casella
Alfred P. Ewert
Charles W. Grimes
Harold Haidt
William F. Lawrence
David M. Rogers
Philip T. Shannon
Vincent J. Vasta, Jr.

NOMINATING COMMITTEE

Scope of the 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.

Douglas W. Wyatt,
Board of Directors Liaison and Chairman
Paul N. Enlow
Howard B. Barnaby
Stanley H. Lieberstein
Peter Saxon

COMMITTEE OF THE PAST PRESIDENTS

Scope of the Committee. 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.

Douglas W. Wyatt,
Board of Directors Liaison
Paul M. Enlow,
Chairman
Lorimer P. Brooks
Granville M. Brumbaugh
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William C. Conner
John C. Cooper
Mark N. Donohue
William F. Eberle
Frank W. Ford, Jr.
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Edward Halle
Albert C. Johnson
David S. Kane
John T. Kelton
W. Houston Kenyon, Jr.
Stanton T. Lawrence, Jr.
Jerome G. Lee
Alexander C. Neave
Joseph J. Previto
John A. Reilly
Morris Relson
Giles S. Rich
Albert Robin

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 procurement, licensing and use of patents and 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.

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

COMMITTEE ON PROFESSIONAL ETHICS AND GRIEVANCES

Scope of the Committee. 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 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 as to any member applying therefor with respect to conduct contemplated by such member.

Douglas W. Wyatt,
Board of Directors Liaison
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Edgar W. Adams, Jr.
John C. Calimafde
William F. Dudine, Jr.
Russell G. Pelton
Frank F. Scheck
Lawrence F. Scinto

COMMITTEE ON PUBLICATIONS

Scope of the 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.

Frank F. Scheck,
Board of Directors Liaison
Elsie Quinlan,
Chairman & Yearbook Editor
Howard B. Barnaby,
Bulletin Editor
Gregory J. Battersby
Albert F. Bower
Bradford S. Breen
Theresa M. Gillis
Thomas A. O'Rourke
Charles Zeller

COMMITTEE ON PUBLIC INFORMATION AND EDUCATION

Scope of the Committee. 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.

Peter Saxon,
Board of Directors Liaison
Philip Furgang,
Chairman
Jay L. Chaskin
Christopher B. Garvey
Martin E. Goldstein
Allen R. Kipnes

COMMITTEE ON PUBLIC AND JUDICIAL PERSONNEL

Scope of the Committee. It shall be the duty of this Committee to consider and 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.

Mary-Ellen Timbers,
Board of Directors Liaison

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Meyer A. Gross
David J. Mugford
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Leonard J. Santisi
Herbert F. Schwartz

COMMITTEE ON U.S. PATENT LAW AND PRACTICE

Scope of the Committee. It shall be the duty of this Committee 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.

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C. Cornell Remsen, Jr.
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Sidney R. Bresnick
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Kurt Richter
Lawrence F. Scinto
Joseph B. Taphorn
Berj A. Terzian
William J. Thomashower
George W. Whitney
Milton Wolson
Norman H. Zivin

COMMITTEE ON UNITED STATES TRADEMARK LAW AND PRACTICE

Scope of the Committee. 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.

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William K. Guild
Laurence R. Hefter
Fred A. Keire
Paul B. Morofsky
Eric D. Offner
Glenn Ostrager
Margaret Ranft
Stanley J. Silverberg
Mark H. Sparrow
Milton Springut

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MEMBERS

Howard B. Barnaby, Editor; Gregory J. Battersby, Albert F. Bower, Bradford S. Breen, Theresa M. Gillis, Gary Gittelsohn, Thomas A. O'Rourke, Charles Zeller.

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