

NYIPLA

March/April 2007

Bulletin

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CHIEF JUDGE MICHEL'S ACCEPTANCE SPEECH AT THE NEW YORK INTELLECTUAL PROPERTY LAW ASSOCIATION'S 85TH ANNUAL JUDGES' DINNER

March 23, 2007

Fellow Judges, acclaimed attorneys, distinguished guests:

I thank the Association for the honor of this award. Its title, "Outstanding Public Service," means everything to me because ever since law school public service has been my vocation. And, I thank you also for the handsome statue.

Our gathering this evening symbolizes our common calling as servants of the law and of a nation under law. Attorneys and judges share special responsibility for our system of justice. As the late Howard T. Markey, my court's first Chief, often said: "The administration of justice is the heartbeat of democracy."

As judges or advocates, however, we can only serve the cause of justice if we control our own emotions, sideline our own opinions, and ignore our own politics. We must rely instead on fact, law, and logic. This requires not only self-discipline, but complete candor in our communications with one another. Of course, advocates must advocate for their clients; only judges are expected to be impartial. But, we do owe one another accurate analysis and honest explanations. Judges, of course, are interpreters of law, but they are also both teachers and students of the law. When reading your briefs, we are your students, when writing opinions, teachers. And so, each is dependent on the clarity and candor of what the other writes.

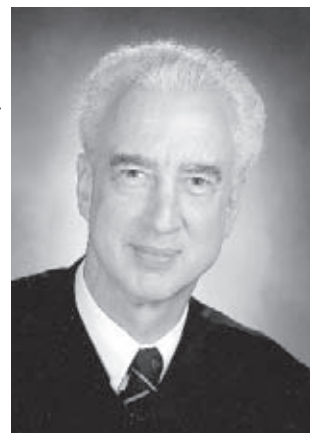
In addition to duties of candor, attorneys too have an opportunity for

public service, one that extends beyond the courthouse to the halls of Congress.

The Patent Act, largely drafted by a member of this Association, my late colleague, Giles S. Rich, has not been fundamentally changed since 1952. No statute is perfect or can continue to serve society well when conditions have changed. Presently, Congress is drafting changes. The challenge for our profession then is not to resist, but to guide the revisions so they are not just changes, but actually improvements. The danger is that if the intellectual property law profession fails to speak up, a few politically-powerful industries may try to reshape patent law in their own narrow self-interest. This very room, however, holds ample talent to shape sound patent policy in the public interest, and for all industries.

After all, who knows better the practice of patent law? Just as the courts need numerous amicus briefs in landmark cases, so too does Congress require all of your candid, expert, and diverse viewpoints. Rendering them would truly be your "Outstanding Public Service."

Thank you for listening.



"As Time Goes By - The Spirits of a Great Event"

by Dale Carlson

Samuel Taylor Coleridge sagely observed that "often the spirits of great events stride on before the events, and in today already walks tomorrow." Our Association's eighty-fifth gathering at the Waldorf in honor of the Federal Judiciary was, by all measures, a great event.

It is eminently fitting that Chief Judge Paul R. Michel was honored at our event for his lifetime of public service. When he took the podium, Judge Michel spoke about the future of our profession, and the changing legislative and judicial landscape. He alluded to the role that our Association can play in helping to mould this landscape from the vantage point of the practical perspective brought to the table by experienced IP practitioners. His presentation was both inspiring and cautionary in tone.

As a recipient of the public service award, Judge Michel followed in the footsteps of one of our earlier award recipients, namely the Federal Circuit's first chief judge, Howard T. Markey.

Those of us who were fortunate enough to attend our Association's CLE weekend gathering at Mohonk Mountain House back in the Fall of 1989 may recall that we enjoyed the presence and the active participation of Judge Markey at that event. Judge Markey reflected good grace and a keen sense of humor upon being presented with a "teddy bear" by our Association's Past President John Pegram as a token of our Association's appreciation.



by our Association's Past President John Pegram as a token of our Association's appreciation.

Dale Carlson, a partner at Wiggin & Dana, serves as the NYIPLA Historian, and as a member of the Board of Directors.

Doubtless more than one attendee thereafter referred to the judge as "judge teddy bear".

Judge Markey passed away last year at the ripe old age of 85. Interestingly, it was Judge Michel who paid tribute to Judge Markey at a memorial service at Arlington National Cemetery on June 23, 2006. In his tribute, Judge Michel credited Judge Markey as "my leader, my teacher, my friend." He went on to say that Judge Markey's teaching was irresistible because he taught by example. In the highest form of tribute, Judge Michel made it clear that Judge Markey was his judicial mentor.

Judge Markey's entitlement to being buried in Arlington National Cemetery was well-earned. It stemmed from his service in the Army Air Force during World War II, as well as during the Korean conflict. He was one of our country's first jet test pilots.

Legend has it that in one mission during World War II, Judge Markey's plane was shot at, and he was hit. Concerned that he was about to lose consciousness, he wrapped his belt around his leg to keep his foot on the brake as the plane landed. After landing, it became clear that the plane had taken two thousand rounds of ammunition, and he was the only one on the plane who was still alive.

Judge Markey also was a hero in his judicial service. That service included a decade on the former Court of Customs and Patent Appeals, followed by almost a decade on the Federal Circuit. He was chief judge of both courts.

Upon retirement from the bench, Judge Markey went on to become dean of his alma mater, John Marshall Law School in Chicago.

Were he alive today, Judge Markey would certainly be proud of the considerable accomplishments of his protégé, Judge Michel, not the least of which was the kindness, grace, and good humor that he brought to our Waldorf event.

DSU MEDICAL: DEFINING THE STANDARD FOR INDUCED INFRINGEMENT

James M. Glass¹

I. INTRODUCTION

In *DSU Medical Corp. v. JMS Co. LTD.*, 471 F.3d 1293 (Fed. Cir. 2006), the Federal Circuit resolved a ten year split in precedent related to the level of intent required to establish active inducement in patent infringement cases. Prior to *DSU*, the Federal Circuit applied both a general and specific intent standard. Under its general intent standard, the Court required that a defendant intend to engage in acts (such as selling a potentially infringing component of an infringing product) that ultimately resulted in direct infringement, apparently without regard to whether the defendant knew its acts would result in direct infringement. Under its specific intent standard, the Court required an additional showing that the defendant actually knew or should have known that its acts would result in direct infringement. In *DSU*, the Court decided, *en banc*, to apply the specific intent standard. The decision will have a considerable effect on how inducement allegations are litigated. In particular, courts are now required to consider evidence of an accused infringer's subjective state of mind. This will likely include consideration of an accused infringer's reliance on the advice of counsel, or, possibly, the failure to obtain such an opinion.

The split originated with *Hewlett Packard Co. v. Bausch and Lomb Incorporated*, 909 F.2d 1464 (Fed. Cir. 1990), where the Court applied a general intent standard to inducement, requiring proof that the alleged infringer intended to cause the acts that resulted in infringement. The Court seemingly abandoned this approach only months later in *Manville Sales Corp. v. Paramount Systems, Inc.*, requiring proof that the infringer had the specific intent to induce infringement of the asserted patent. *Manville Sales Corp. v. Paramount Systems, Inc.*, 917 F.2d 544 (Fed. Cir. 1990). In *DSU*, the Court resolved this split in authority, adopting the approach set forth in *Manville*.

II. THE LAW OF INDUCEMENT

Prior to the Patent Act of 1952, infringement was judicially divided into two categories: "direct" and "indirect" infringement. The 1952 Patent Act codified this distinction, but separated indirect infringement into contributory infringement and active inducement. *Hewlett-Packard*, 909 F.2d at 1468-69. Section 271(c) of the Act codified contributory infringement. Under the Act, a defendant can be held liable for producing a component of a device that does not directly infringe a claim, but would result in direct infringement when incorporated into a final product. Section 271(c) also expressly requires proof that the defendant had knowledge that the component was made or adapted for an infringing use.

Section 271(b) codified "active inducement." The section is broad on its face, requiring that "whoever actively induces infringement of a patent shall be liable as an infringer." 35 U.S.C. § 271(b). The express language of section 271(b) does not require proof that the defendant intended to induce infringement. Early Federal Circuit case law, however, read such a requirement into Section 271(b). *Water Technologies v. Calco, Ltd.*, 850 F.2d 660 (Fed. Cir. 1988). While the Court in *Water Technologies* required the defendant to "knowingly" induce infringement, the question of the level of intent required--whether it be general intent or specific intent--was not addressed.

III. HEWLETT PACKARD AND THE GENERAL INTENT STANDARD

The Court appeared to have resolved the question of the required level of intent in *Hewlett-Packard v. Bausch & Lomb*. In *Hewlett-Packard*, the Court applied a general intent standard, determining that the intent to cause the acts that resulted in infringement was sufficient scienter for inducement.

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The asserted patent in *Hewlett-Packard* related to X-Y plotters. One of Baush & Laumb's divisions manufactured and sold infringing plotters. Baush & Laumb sold this division to a third party, Ametek. As part of the sale, Baush & Laumb agreed to license Ametek under one of its patents, to indemnify Ametek for infringing the asserted HP patent, and to assist Ametek in designing around HP's patent. *Id.* at 1467. HP alleged that Baush & Laumb induced Ametek to infringe its patent, arguing that Baush & Laumb's license to Ametek and its promise to indemnify and to assist in designing around the asserted patent demonstrated that Baush & Laumb knowingly induced Ametek to infringe. *Id.*

The Federal Circuit disagreed. The Court found that to "knowingly" induce infringement required general intent "to cause the acts which constitute the infringement." *Id.* at 1469. Applying this standard, the Federal Circuit reversed the district court. Because none of the facts set forth by HP established that Bausch & Laumb intended to cause Ametek to engage in the acts that resulted in infringement, the court found Bausch & Laumb not liable for inducement.

IV. MANVILLE AND THE SPECIFIC INTENT STANDARD

Less than three months after *Hewlett-Packard*, the Court applied a specific intent standard that was seemingly at odds with the *Hewlett-Packard* standard. *Manville Sales Corp. v. Paramount Systems, Inc.*, 917 F.2d 544 (Fed. Cir. 1990). As part of its ruling, the *Manville* court expressly considered the defendant's reliance on the advice of counsel as a factor that mitigated against a finding of inducement.

In *Manville*, the plaintiff established that Paramount's officers authorized the company to copy its invention, arguing that this was sufficient to establish active inducement. *Id.* at 553. This appeared on its face to satisfy the *Hewlett-Packard* standard, and the court accordingly found Paramount's officers liable for inducing the corporation to infringe. *Id.*

The Federal Circuit reversed the district court's ruling of inducement, and, in doing so, apparently rejected the *Hewlett-Packard* standard. Although there was no question that the Paramount officers intended to cause the actions that resulted in in-

fringement, the Court required more in this case. Specifically, the Court required proof that the officers intended to induce the corporation to infringe, not merely to engage in the acts that resulted in infringement, stating:

The alleged infringer must be shown, however, to have *knowingly* induced infringement . . . ***It must be established that the defendant possess specific intent to encourage another's infringement, and not merely that the defendant had knowledge of the acts alleged to constitute infringement.*** The plaintiff has the burden of showing that the alleged infringer's actions induced infringing acts *and* that he knew or should have known his actions would induce actual infringement. *Id.* at 543.

The key to the Court's decision was the factual finding that, soon after the defendants became aware of Manville's patent, they obtained an opinion of counsel. The Court found that, based on the opinion, the officers had a good-faith belief that their actions would not cause the corporation to infringe. *Id.* at 553.

V. THE CONFLICT BETWEEN HEWLETT PACKARD AND MANVILLE

These apparently inconsistent rulings led to the application of two different standards by both the district courts and the Federal Circuit. For example, soon after the *Manville* decision, the District of New Jersey considered which of the two standards to apply. *Symbol Technologies v. Metrologic Instruments, Inc.*, 771 F. Supp. 1390 (D. NJ 1991). The Court in *Symbol* expressly rejected the *Manville* specific intent standard, as well as an advice of counsel defense offered by the defendant.

In that case, Symbol alleged that Metrologic's officers induced the corporation to infringe by allowing Metrologic to go forward with infringing products. The officer, Knowles, argue that because inducement required specific intent and he relied on the advice of counsel, he could not be found liable for infringement. The Court, noting the apparent conflict generated by *Manville*, applied the general intent standard, and expressly rejected an advice of counsel defense to inducement:

As stated earlier, specific intent to infringe is not necessary for a finding of inducing infringement. . . . Advice of counsel should

be sought “[w]hen a potential infringer has actual notice of another’s patent rights [as] he has the duty to ‘exercise due care to determine whether or not he is infringing.’” . . .

Advice of counsel has no relevance here in determining whether Knowles induced infringement under § 271(b).

The Federal Circuit subsequently addressed the advice of counsel issue in a case that was factually similar to *Symbol. Micro Chemical v. Great Plains Chemical Co., Inc.*, 194 F.3d 1250 (Fed. Cir. 1999).

In that case, Micro Chemical accused one of Great Plains’s officers of inducing the corporation to infringe. The corporation’s officer argued that there could be no intent to induce, because he relied on the advice of counsel. The Court agreed with Great Plains, and applied the *Manville* specific intent standard. *Id.* at 1261. The Court further agreed that it was proper to consider an opinion of counsel when determining if a defendant acted with sufficient intent:

Micro Chemical brought this suit two days after the patent issued, at which time Mr. Hummer took reasonable steps to avoid infringement. ***Among other things, Mr. Hummer sought and relied on the advice of counsel in redesigning the accused machines.*** The undisputed facts do not establish the knowledge necessary to find inducement to infringe. *Id.* at 1261.

The Federal Circuit continued to apply the *Manville* standard in several subsequent decisions. In *Rockwood Pigments v. Axel*, 53 Fed. App. 917 (Fed. Cir. 2002) (unpublished), the Court again determined the liability of an officer for allegedly inducing his corporation to infringe. Although citing both standards, it otherwise ignored *Hewlett-Packard* and applied the *Manville* standard. *Id.* at 921. The Court, however, went further than previous decisions, expressly finding the defendant’s actions inadequate to avoid a finding of inducement. The accused product in *Rockwood* was a redesigned product that had already been found to infringe the *Rockwood* patent in a previous case. In his defense, Axel (the corporate officer of the defendant) argued that because he redesigned the accused products in an attempt to avoid infringement, he could not have possessed the intent to induce infringement. *Id.* at 921. The Court disagreed, finding that “[t]he cause of action for inducement of infringement is

not avoided by the marketer’s preference or hope that the induced actions may avoid infringement.” *Id.* at 921.

Other cases have followed the approach of *Rockwood* and simply ignored the *Hewlett-Packard* standard. See, e.g., *Warner-Lambert v. Apotex*, 316 F.3d 1348, 1364 (Fed. Cir. 2003) (“we have already observed that precedent holds that mere knowledge of possible infringement by others does not amount to inducement; specific intent and action to induce infringement must be proven.”)

Despite a line of several cases adopting the *Manville* approach, the Court abandoned *Manville*’s specific intent standard in *Moba B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306 (Fed. Cir. 2003). In that case, the Court expressly endorsed the *Hewlett-Packard* standard, instructing the district court to apply it on remand. The plaintiff in *Moba* alleged that Diamond induced its customers to infringe the method claims of the asserted patents. The district court found no direct infringement and, therefore, did not reach the issue of inducement. The Federal Circuit reversed, finding that several of the claims were directly infringed. The Court remanded to the district on the issue of inducement. In doing so, it instructed the district court to apply the *Hewlett-Packard* intent standard, stating “[i]n this case, the only intent required of [defendant] is the intent ***to cause the acts that constitute infringement.***” *Id.* at 1318.

VI. THE FEDERAL CIRCUIT STRUGGLES WITH THE COMPETING STANDARDS

In the decisions immediately preceding *DSU Medical*, the Federal Circuit acknowledged the confusion generated by the conflicting standards set forth in *Hewlett-Packard* and *Manville* standards. Indeed, in *Insituform Technologies v. Cat Contracting, Inc.*, 385 F.3d 1360 (Fed. Cir. 2004), the Court expressly acknowledged that “there is a lack of clarity concerning whether the required intent must be merely to induce the specific acts or additionally to cause an infringement.” *Id.* at 1378. Rather than resolve the ambiguity, however, it simply acknowledged and applied both standards. See, e.g., *Fuji Photo Film Co. v. Jazz Photo Corp.*, 344 F.3d 1368, 1376 (Fed. Cir. 2005) (“this court has historically required either a general or specific level of intent to induce infringement”); *MEMC v.*

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Mitsubishi Materials Silicon Corp., 420 F.3d 1369, 1378 (Fed. Cir. 2005); *Golden Blount, Inc. v. Peterson Co.*, 438 F.3d 1354, 1364-65 (Fed. Cir. 2006); *Merexchange v. eBay, Inc.*, 401 F.3d 1323 (Fed. Cir. 2005).

VII. DSU MEDICAL RESOLVES THE CONFUSION

The Federal Circuit finally dealt squarely with the conflicting standards *en banc* in *DSU Medical v. JMS Co.*, 471 F.3d 1283 (Fed. Cir. 2006). The Court in *DSU* found that the specific intent standard set forth in *Manville* should be applied in any inducement analysis. Specifically, the Court found that “[t]he plaintiff has the burden of showing that the alleged infringer’s actions induced infringing acts and that he knew or should have known his actions would induce actual infringements.” *Id.* at 1304. The Court also abandoned the *Hewlett-Packard* standard, stating that “inducement requires evidence of culpable conduct, directed to encouraging another’s infringement, not merely that the induce had knowledge of direct infringers activities.” *Id.* at 1306.

Further, the Federal Circuit appears to have expressly endorsed an opinion of counsel defense. In determining that the defendant in *DSU* was not liable for inducing infringement, the Federal Circuit noted that the “jury learned that [the defendant] contacted an Australian attorney, who concluded that [the accused device] did not infringe. [The defendants] then also obtained letters from U.S. Patent counsel advising that [the accused device] did not infringe.” *Id.* at 1307.

The effects of this ruling are potentially far-reaching. By adopting the *Manville* standard, the Federal Circuit requires courts to consider evidence related to an infringer’s state of mind. Such evidence will likely include whether an accused infringer relied on the advice of counsel before engaging in the activities that resulted in the alleged infringement. As in a willfulness determination, it will also likely include an analysis of the competence of the opinion, as well as the competence of the opinion drafter.

However, although an opinion

of counsel is a factor courts will likely consider when determining whether a defendant induced infringement, it is not the only factor. While it is clear that the “preference or hope” that certain actions will avoid infringement is insufficient, the Court did not address what other factors may be considered is an inducement analysis. Nor did the Court address whether the reliance on an opinion of counsel, on its own, could avoid a finding of inducement. It seems likely that this was intentional, and that the court may adopt a case-by-case “totality of the circumstances” type of analysis used in willfulness determinations.

Other potential effects of *DSU* include whether the fact finder can consider the failure to obtain advice of counsel. In *Knorr-Bremse v. Dana Corp.*, 383 F.3d 1337 (Fed. Cir. 2004), the Court abolished the so-called “adverse inference” in willfulness determinations. In a willfulness context, good-faith reliance on a competent opinion of counsel can avoid increased damages. Prior to *Knorr-Bremse*, a jury was permitted to infer that an opinion of counsel *was* negative if it was obtained but not produced in discovery. The Court in *Knorr-Bremse*, however, expressly refused to consider whether a jury could be informed that an opinion was obtained but not produced. *Id.* at 1347.

This issue will likely be considered in an inducement context. The Federal Circuit already criticized a defendant in *Rockwood* for proceeding with a redesigned product on a “marketer’s preference or hope that the induced actions may avoid infringement.” *Rockwood*, 53 Fed. App. at 921. Whether this will develop into an “adverse inference” rule for inducement, or whether the *Knorr-Bremse* line of cases are ultimately applied to inducement remains to be seen. Although the Federal Circuit made considerable progress in resolving the “lack of clarity” created by *Hewlett-Packard* and *Manville*, there are still many issues left to resolve.



¹ James Glass is Of Counsel in the New York offices of Quinn Emanuel Urquhart Oliver and Hedges, and focuses his practice exclusively on intellectual property and patent litigation. Comments or questions about this article can be directed to Mr. Glass at jimglass@quinnemanuel.com

February 16, 2007 CLE Luncheon Program

TOPIC: WHAT YOU NEED TO KNOW ABOUT E-DISCOVERY

On February 16, 2007, the NYIPLA held a CLE luncheon meeting at the Princeton / Columbia Club regarding “What you Need to Know About E-Discovery.” The speakers were Norman Simon, a litigation partner at Kramer Levin Naftalis & Frankel, Steven Bennett, a litigation partner in the New York office of Jones Day and Edward Vassallo, a partner at Fitzpatrick Cella Harper & Scinto and the immediate past president of the NYIPLA. The meeting was moderated by John E. Daniel of Kramer Levin Naftalis & Frankel, NYIPLA Treasurer.

Mr. Simon, the first speaker, focused on a series of e-discovery related decisions authored by Judge Shira Scheindlin of the Southern District of New York in *Zubulake v. UBS Warburg LLC*. These decisions collectively set forth a framework regarding how to handle electronic discovery. In fact, Judge Scheindlin was intimately involved in developing the newly amended Federal Rules of Civil Procedure relating to e-discovery and is the author of a recent commentary regarding these new Rules, published by Moore’s Federal Practice. Among the concepts addressed in the *Zubulake* decisions are the distinction between reasonably accessible data versus inaccessible data, sampling back-up tapes and determining who should pay for certain discovery based on a seven factor analysis. Mr. Simon also described various do’s and don’t’s in conducting and maintaining a “litigation hold” for arguably relevant documents as well as how to handle back-up data.

Mr. Bennett, the second speaker, focused on the new Federal Rules on e-discovery. He noted that various of the Rules changes had come out of the *Zubulake* case. One of Mr. Bennett’s principal themes was that, ultimately, complying with the new Rules was largely a case management project which, while manageable, required the same sort of exercise of care and diligence that hard copy document production compliance had always required. Among the new Rules developments discussed was the requirement that a plan for e-discovery be discussed at the Rule 26(f) initial conference between counsel as well as at any Rule 16 scheduling conference and, as appropriate, reflected in any resulting scheduling order.

Mr. Bennett discussed cost shifting considerations and assertion of privilege and inadvertent disclosure issues.

Mr. Vassallo, the third speaker, described how the teachings of *Zubulake* and requirements of the new

Rules might play out in intellectual property litigation. He described how e-discovery obligations would make it more difficult to provide a client with a pre-litigation estimate of the ultimate cost of litigation. Mr. Vassallo discussed aspects of the following four stages of e-discovery: litigation hold, assessing the likely universe of relevant documents, reviewing documents and producing them. He described factors to consider in establishing a litigation hold in a patent case and in a trademark case. For example, he described how the *Polaroid* factors would act as a good guide for assessing the scope of a litigation hold in a trademark litigation.



Left to Right: Norman Simon, Edward Vassallo, John Daniel, Steven Bennett, Peter Thurlow

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85th Annual Dinner in Honor of the Federal Judiciary



The New York Intellectual Property Law Association held its 85th Annual Dinner in Honor of the Federal Judiciary on March 23, 2007 at the Waldorf=Astoria. This year's Dinner set a record attendance.



President Marylee Jenkins welcomed the honored guests, members of the NYIPLA and their guests before introducing a trio of Juilliard students who opened the evening's events with an inspiring rendition of the National Anthem.



The Association's Fifth Annual Outstanding Public Service Award was presented to The Honorable Paul R. Michel, Chief Circuit Judge for the United States Court of Appeals for the Federal Circuit. The award was presented to Chief Judge Michel in recognition of his dedication to the pursuit and administration of justice. Judge Michel's informative speech addressed the shared responsibility of our nation's system of justice that is placed on our judges and attorneys.



Keynote Speaker Tim Russert, moderator for NBC's Meet the Press, provided an informative and insightful review of the changing role of the media in presenting the political issues of the day.

This year's recipient of the Diversity Scholarship, as part of the Sidney B. Williams, Jr. Minority Scholarship Program of the American Intellectual Property Law Education Foundation (AIPLEF), was Deepak Parashar, a law student at the University of Alabama, Tuscaloosa.



The presentation of the \$10,000 NYIPLA check was made by NYIPLA President Marylee Jenkins to John Delehanty, President of the AIPLEF and to Philip Johnson, Chairman of the AIPLEF's Board of Trustees.

*Please Save the Date: The 86th Annual Dinner in Honor of the Federal Judiciary
Friday, March 28, 2008*



NYIPLA CALENDAR

— MAY 23, 2007 —

ANNUAL MEETING AND AWARDS DINNER

Princeton-Columbia Club • 15 West 43rd Street, New York, NY •

Keynote Speaker: The Honorable Timothy B. Dyk

Circuit Judge, United States Court of Appeals, Federal Circuit

Honoring The 2007 Inventor of the Year and

The 2007 Conner Writing Competition Winners

http://www.nyipla.org/public/5_23_07meetingnotice.pdf

SAVE THESE DATES

— JUNE 18, 2007 —

CLE SPRING HALF-DAY PROGRAM

HOT TOPICS IN TRADEMARK LAW 3.5 NYS CLE Credits

Princeton-Columbia Club • 15 West 43rd Street, NY, NY

Details to follow

— MARCH 28, 2008 —

86TH ANNUAL DINNER IN HONOR OF THE FEDERAL JUDICIARY AND CLE DAY OF DINNER PROGRAM

Waldorf=Astoria • 301 Park Avenue, NY, NY

ARTICLES

The Association welcomes articles of interest to the IP bar.

Please direct any submissions by e-mail to:

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In Memoriam

The New York Intellectual Property Law Association and Kramer Levin Mourn the Passing of John E. Daniel

We are deeply saddened by the sudden death of our dear friend and colleague, John E. Daniel. Only 59 years old when taken from us, John was an accomplished senior partner in Kramer Levin's Intellectual Property Department, where he specialized in patent litigation. Those of you who share the privilege of having known John are aware that he was a dedicated supporter of the NYIPLA, most recently having served as the Association's Treasurer, and was active in numerous professional organizations, including the New York State Bar Association and the Association of the Bar of the City of New York. John attended Princeton University as an undergraduate and earned his law degree from Stanford University. We will remember John as a gifted lawyer, a spirited advisor, and a talented golfer whose humor and friendship will be sorely missed.



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