

Nineteen Hundred and Twenty-two

# NYIPLA

The New York Intellectual Property Law Association®

## 2010-2011

## GREEN

## BOOKLET

## ASSOCIATION ANNUAL REVIEW

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**Dale L. Carlson**  
*NYIPLA President*  
*2010-2011*

On May 18, 2010, incoming Association President Dale Carlson welcomed members and guests at the NYIPLA's Annual Dinner at the Union League Club . Dale expressed his appreciation for outgoing President Mark Abate. He noted that the NYIPLA's legacy is attributable to its active participation in all aspects of IP law as exemplified by Judge Rich's co-authorship of the 1952 Act during the time he was NYIPLA President in 1950-51. Thanks to all Board Members, Committee Chairs and Members for making this a bright and shining year for our Association. Special thanks to Terri Gillis for making this Green Booklet a reality.



### **OFFICERS AND BOARD OF DIRECTORS 2010-2011**

*Standing:* John T. Moehringer, 2nd Vice President: Charles R. Hoffmann, John M. Delehanty, Susan Proffoff, Walter E. Hanley  
*Sitting:* Treasurer: Alice C. Brennan, Immediate Past President: Mark J. Abate, President: Dale L. Carlson, President-Elect: Theresa M. Gillis, 1st Vice President: Thomas J. Meloro, Secretary: Dorothy R. Auth

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# 2010-11 YEAR IN REVIEW

## PROLOGUE

The Association year actually got off to a head start vis-a-vis the Annual Meeting. Prior to that time, the Board engaged in extensive discussions regarding the possibility of bringing in a new Executive Director, what impact it would have on the Association, whether it was the prudent thing to do, and, if so, which choice would be most appropriate. In advance of the Annual Meeting, the Board decided to retain Robin Rolfe Resources to handle the administrative functions of the Association for a one year term beginning on June 1, 2010, with a one year renewal option for the benefit of the Association.

The Board was aware of the risk associated with making this change, but decided that the reward to be gained outweighed the risk. As things turned out, the Board made a propitious decision.

## SPRING INTO SUMMER 2010

The incoming President held a luncheon for the Association's incoming Officers and a dozen Past Presidents on the day of the Annual Meeting at Wiggin and Dana's mid-town office.

The purpose of the luncheon was two-fold: first, to introduce the attendees to Robin Rolfe and Feikje van Rein of Robin Rolfe Resources; and second, to gain insight from the Past Presidents as to their accomplishments during their administrations, and what they might have done differently, as a prelude to offering suggestions for initiatives for this year.

That evening, the Annual Meeting was held at the Union League Club of New York. It was a most enjoyable gathering in a classic, historic setting.

The June Board meeting was held in conjunction with a full day Board retreat at Wiggin and Dana's offices. The retreat served as a "brainstorming session" to help formulate and prioritize NYIPLA initiatives for the Association year.

An initiative for controlling Board costs involved having each Board member with a mid-town Manhattan location host a Board meeting at their firm. The financial savings was about a thousand dollars per Board meeting, as compared to meetings held at a university club. As an added plus, the Board members gained insight into each other's firm's facilities and setting. The net result was to enhance esprit de corps among Board members.

Another initiative involved strengthening the Board liaison role with the Committees. Each Board mem-

ber was requested to provide a monthly update on the progress of the Committee for which they have oversight responsibility.

The net effect was to streamline the functioning of the Committees, and to enhance individual Board members' participation at the Board meetings. By way of further streamlining, the number of Committees was cut by one-third in an effort to focus on core Committees.

As another initiative, a "Women in IP Law Committee" was formed to provide a forum for female lawyers' networking, and to encourage their increased participation in Association activities.

Yet another initiative involved implementing a suggestion by Alice Brennan to hold an "executive session" at the end of each Board meeting limited to Board members. These executive sessions encouraged frank and open discussion among the Board members.

Due to the timing of the change to a new Executive Director, the half-day Trademarks program, originally slated for mid-June, was rescheduled to mid-July. Despite coinciding with the peak of the summer vacation season, the program featuring Commissioner Lynne Beresford held at the Princeton Club was well-attended and well-received. Kudos to Anna Erenburg, Richard Parke and Dorothy Auth for this fine result.

The July Board meeting was held at Willkie Farr's offices. The Board supported a request to permit Goodwin Procter to prepare an amicus brief supporting neither party in the Federal Circuits *en banc* rehearing of *Tivo Inc. v. EchoStar Corp.* Association expenses were decreasing due to administrative changes, and increased use of electronic communications, that have been implemented.

By the September Board meeting at Wiggin and Dana's offices, it was clear that planning for the 2011 Judges Dinner was well underway.

## FALL INTO WINTER

The October Board meeting at the Union League Club was preceded by a meeting among the Committee Chairs and Board. The reduction in the number of Committees permitted all available Chairs to sit around a table with the Board to have a cross-committee dialogue about plans for the year. This allowed for excellent communication across the spectrum of committee initiatives.



At the October Board meeting, it was announced that (1) Judge Arthur Gajarsa will receive the Outstanding Public Service Award; (2) a lifetime achievement award will be presented posthumously to Judge Giles S. Rich on the diamond anniversary of his term as NYIPLA President [1950-51], and (3) Judge John Gleeson from The Eastern District of New York will be the after-dinner keynote speaker at the event.

The Meetings & Forums Committee's October luncheon entitled "Important New Developments in International Prosecution and Enforcement" was held at the Harvard Club. It was geared to IP litigators and prosecutors alike. The program was well-attended and well-received. Kudos to Jay Anderson for this fine result.

The CLE Committee's Fall One Day Patent Program was held in November at the Princeton Club. The program had 135 registrants, and generated a profit for the Association.

The November Board meeting was held at Mintz, Levin's offices. Membership categories, and the sending of a "welcome letter" to all new members were agreed upon. The pricing structure for the Judges Dinner will be held at last year's Dinner's prices.

The Meeting & Forums Committee's December luncheon at the Harvard Club featured the Federal Circuit's Chief Judge Randall Rader as the speaker. It was well-attended and informative.

The December Board meeting was held at Ropes & Gray's offices. The Board discussed the naming of the NYIPLA law student diversity scholarship in honor of Judge Giles Rich, a Past President of the NYIPLA.

The Meetings & Forums Committee's January luncheon at the Harvard Club featured a lively discussion of the Microsoft v. i4i case pending before the U.S. Supreme Court.

The January Board meeting was held at Wiggin and Dana's offices. The Board discussed forums for the diversity scholarship. The 2010-11 scholarship was provided to Fordham Law's Susan Shin. For the 2011-12 scholarship, Cardozo Law is being considered. Launch of the NYIPLA's redesigned website is slated for the Spring.

The February Board meeting was held at Winston & Strawn's mid-town office. The Young Lawyers Committee plans to host a networking gathering at the Social Bar in Manhattan. In addition to the Inventor of the Year Award, it was decided to provide a Young Innovators Award at the 2011 Annual Meeting slated for May.

## SPRING AHEAD

The March Meetings & Forums Committee luncheon at the Harvard Club focused on privacy law topics. The NYIPLA's efforts to reach "outside the box" with this topic helped to extend awareness of our Association among lawyers with non-IP specializations, and encouraged awareness by our members of the developing body of privacy law.

By the time of the March Board meeting at Baker Botts' offices, final preparations for Judges Dinner and Day of Dinner program were in full swing. Both programs were projected to be well-attended. Chief Judge Raymond Dearie of the Eastern District of New York agreed to be the keynote speaker at the Annual Dinner, and Judge Barbara Jones agreed to present awards to the Conner Writing Competition winners.

The 2011 Judges Dinner at the Waldorf went exceptionally well. Judge John Gleeson gave a brilliant and funny keynote speech. It was relevant to IP law, and of interest to the wider audience. It was perhaps the best keynote address in living memory.

Judge Arthur Gajarsa's acceptance of the Outstanding Public Service Award was most gracious. It was followed by Judge Giles Rich's granddaughter's acceptance of her grandfather's Lifetime Achievement Award. By virtue of her great-grandfather's having attended the NYIPLA's first Judges Dinner in 1922, the circle of the Rich family's participation in our annual Waldorf event was completed.

The April Board meeting at the Union League Club was preceded by a gathering with Committee Chairs to discuss their accomplishments for the year. It was noted that the Judges Dinner had increased attendance year-over-year. Preparations for the JPP CLE gathering and for the Annual Meeting were in their final stages.

By all accounts, it was a most productive and rewarding Association year.

## EPILOGUE

The Association's financial condition improved by a full twenty four percent, year-over-year.

In the days leading up to the Annual Meeting, the Board was called upon to engage in a dialogue regarding the Association's By-Laws, and if and how they might be improved over time. This dialogue served to further enhance the esprit de corps among the Board members.

Thanks to all Board members and to all Committee Chairs for having made this year a bright and shining moment in our Association's history, as the future is bound to show.

With kind regards, Dale Carlson

## 2011 Inventor of the Year

The NYIPLA is pleased to recognize the 2011 Inventor of the Year, Dr. Rajiv Laroia, for his pioneering work with Qualcomm Flarion in the area of OFDM (Orthogonal Frequency Division Multiplexing), which is the foundation for future generation telecommunication technologies such as LTE, 4G and Wi-Fi. Kevin Ecker presented the award.



## 2011 Young Innovators Award

The NYIPLA is pleased to present the Young Innovators Award to a group of students, Barber et al., for their invention made during high school relating to a Curb Climbing Wheelchair. Jessica Copeland presented the award.





## The 2011 Hon. William C. Conner Writing Competition Winners

### First Place Winner

Anthony Cheng from The Columbia Law School for his paper entitled "How the Termination Right Threatens to Tear the Man of Steel in Two." The Honorable Barbara Jones presented the awards to the first and second place winners.



### Second Place Winners

Jason Kreps & Tom Lemmo from The New York Law School for their paper entitled "Patents in the New Idea Economy: An Overview of Monetization, Non-Practicing Entities, and Recent Federal Jurisprudence."



### NYIPLA Diversity Scholarship Award

The NYIPLA awards its 2011-2012 diversity scholarship program grant of \$10,000 to Benjamin N. Cardozo School of Law. John Delehanty presented the award. Accepting on behalf of Cardozo was Professor Justin Hughes.

The Association plans to award at least one scholarship annually to offset tuition costs for a student in a local law school with an interest in intellectual property law who is from a background traditionally underrepresented in the legal profession.



## 2010 – 2011 Committees

### Amicus Briefs

**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*

John M. Hintz and David F. Ryan  
*Board Liaison* Charles R. Hoffmann

#### *Members*

Stanley H. Lieberstein, Charles Macedo, Anthony Pastor, Jason Rockman

The Amicus Briefs Committee coordinates the activities of the Association relating to the preparation and filing of amicus briefs and makes recommendations with respect thereto to the Board of Directors. During the past year, over a dozen proposals for amicus curiae briefing by the Association were presented to the Amicus Briefs Committee by interested parties, and two additional proposals were initiated by members of the Committee. The Committee made recommendations to the Board that seven briefs amicus curiae should be filed, five in the Supreme Court of the United States and two in the Court of Appeals for the Federal Circuit.

During this time, the Federal Circuit issued decisions consistent with the Association's previous amicus filings in *Princo v. ITC (en banc)* involving patent misuse, in *Hyatt v. Kappos (en banc)* involving evidence in Section 145 lawsuits, and in *Tivo v. Echostar* involving contempt proceedings. The Supreme Court explicitly referred to the Association's amicus brief in its *City of Ontario v. Quon* decision involving the extent of privacy rights for communications in work-related settings. The *John Wiley & Sons v. Kirtsaeng* case involving copyright exhaustion, in which the NYIPLA also filed an amicus brief, is still pending before the Court of Appeals for the Second Circuit.

### 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 with respect thereto the Board of Directors.

#### *Chair*

Maren C. Perry  
*Board Liaison* John Moehringer

#### *Members*

Deborah Drazen, Jordan Garner, Aaron Johnson, Natasha Sardesai, William Thornewell

The Committee solicited and reviewed entries for the William C. Conner Writing Competition. We worked with Robin Rolfe Resources to prepare and post the announcement of the competition on the NYIPLA website in December, update the database of e-mail addresses and create an electronic spreadsheet with information for the intellectual property contacts (professors or deans) at each of the eligible schools. An e-mail was sent by the Board liaison to the contacts to encourage that the writing competition announcement be posted at the school to ensure the students were aware of the opportunity.

We received 46 submissions which represented a significant increase over prior years. Each Committee member reviewed the submitted materials and a teleconference was held to make a first cut. Twelve papers were identified for further consideration. Each Committee member re-read the 12 papers and ranked his or her top three submissions. A full Committee meeting was held to discuss the rankings and a consensus was reached with respect to the top recommendations. The top four recommendations were sent to the NYIPLA Board for its consideration.



Based on the recommendations of the Committee and a further discussion during the April NYIPLA Board meeting, the winner and runner-up were selected by the Board:

1. “Lex Luthor Wins: How the Termination Right Threatens to Tear the Man of Steel in Two” by Anthony Cheng (Columbia Law School).
2. “Patents in the New Idea Economy: An Overview of Monetization, Non-Practicing Entities, and Recent Federal Jurisprudence.” by Jason Kreps & Tom Lemmo (New York Law School).

The committee notified the winners and made the arrangements for the presentations to be made at the Annual Dinner.

## Continuing Legal Education

**Scope of the Committee:** To formulate and present continuing legal educational seminars 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*

Richard E. Parke and Anna Erenburg  
*Board Liaison* Dorothy R. Auth

### *Members*

Karen Axt, Amy Benjamin, Jessica Copeland,  
John Halski, Wan Chieh Lee, Richard Margiano, Tod Melgar,  
Sonja Keenan, Mary Richardson, Debra Resnick, Irena Royzman, Keith Zullo

It has been our pleasure to serve as Co-Chairs of the Committee on Continuing Legal Education this year.

## NYS CLE ACCREDITED PROVIDER STATUS

The New York Intellectual Property Law Association (“NYIPLA”) initially was certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education (“CLE”) in the State of New York on September 1, 1999. All of our live CLE courses and programs given from August 1, 1997 up to August 27, 1999 were retroactively approved. As of January 11, 2000, the NYS CLE Board approved our application for non-traditional formats for videotapes. Videotaped CLE courses and programs given from August 1, 1997 were retroactively approved. Approval of the non-traditional CLE format (DVD) was received August 15, 2005. Certification was approved for the period April 27, 2004 through August 27, 2005.

Our Application for Renewal of Accredited Provider Status was submitted to the New York State Continuing Legal Education Board on January 30, 2008. Approval as an Accredited Provider of CLE programs for the period of August 28, 2008 through August 27, 2011 was renewed on November 5, 2008 for the following formats:

- Live classroom, for group participation;
- DVD, for self-study (individual participation); and
- Videotape, for self-study (individual participation).

We continue to provide educational courses that satisfy NYS CLE credits in accordance with NYS Rules, Regulations and Guidelines.

In compliance with the requirements of the New York State CLE Rules and Guidelines, we also filed an annual report with the New York State CLE Board on January 14, 2011 covering the 2010 calendar year.

This year the Committee continued the CLE program series in conjunction with NYIPLA’s Annual Dinner in Honor of the Federal Judiciary at the Waldorf-Astoria on March 25, 2011. Special invitations were sent to the Honored Guests attending the dinner. A distinguished panel, including four federal judges, presented a well-received discussion. The program had a total registration of 153, including thirteen federal judges.

Since last year's report, NYIPLA has sponsored 7 CLE programs totaling 8 credit hours of legal education. Our videotape library currently contains 3 credit hours of NYS CLE programs for NYIPLA's calendar year which are made available to NYIPLA members, members of the bar, law firms, and corporations.

During the program period (May 1, 2010 thru April 30, 2011), NYIPLA awarded approximately 19 NYS CLE credits, including approximately one ethics credit, and approximately eighteen professional practice credits. In addition, there were approximately 533 attorneys who attended CLE programs during this program period.

We continue to price programs as reasonable as possible to cover necessary costs. There were four financial aid requests granted in 2010-11 in the form of four partial scholarships.

### **EXCELLENT ADMINISTRATIVE SERVICES OFFERED BY ROBIN ROLFE RESOURCES, INC.**

All of the CLE-related administrative functions continued to be centralized with Robin Rolfe Resources, with systems and procedures in place to provide continuous, coordinated support. This includes scheduling; communications with the hosting committee's program chairs, speakers and attendees; preparation and mailing of meeting notices; registration processing; preparation of Certificates of Participation, Course Evaluations and Certificates of Attendance under the direction of the CLE Committee Chair; logistical planning and coordination; and providing video/DVD program availability. Robin Rolfe Resources also assisted in the preparation of the year-end report to the NYS CLE Board and the accredited provider renewal application and audit. Robin Rolfe Resources continue to use a broadcast e-mail system, which provides greater flexibility in communicating up-to-date CLE program information to our members.

Robin Rolfe Resources, Inc. has provided excellent administrative services in support of the CLE program.

### **ON THE HORIZON**

The following programs are anticipated for the upcoming period of time:

- \* Half –Day Trademark Luncheon and Program on June 14, 2011.
- \* Monthly Committee on Meetings and Forums luncheon programs, each satisfying at least 1.0 NYS CLE credit.
- \* Fall One-Day Seminar.
- \* Judges' Dinner CLE Luncheon Program.

### **COMPLIANCE**

NYIPLA has moved aggressively to continue compliance with substantially expanded CLE procedures which include new requirements as to the format and content of the Certificate of Participation, the substantiation of the registration procedure, and the monitoring of program attendance.

### **CONCLUSION**

It has been our pleasure serving this year as Co-Chairs of the Committee on Continuing Legal Education. It is our hope that NYIPLA continues an aggressive approach to continuing legal education programs, whose goal is to meet and exceed the needs of the intellectual property bar.

In addition, it would not have been possible for the Committee to achieve such successful CLE programming without the excellent support of the individual members of the Committee. These members have devoted extensive time and effort in planning programs and arranging for speakers and content: Karen Axt, Amy Benjamin, Jessica Copeland, John Halski, Wan Chieh (Jenny) Lee, Richard Margiano, Tod Melgar, Sonja Keenan, Debra Resnick, Mary Richardson, Irena Royzman, Keith Zullo, and Board Liaison Dorothy Auth. We also would like to thank the Meeting & Forums Committee chaired by Jay Anderson for organizing the monthly luncheon programs.

## NYIPLA CLE PROGRAMS

Since last year's report, the following NYS CLE-accredited courses and programs have been sponsored by NYIPLA:

Title: *2010 CLE Spring Half-Day Trademark & Copyright Program*

Date: July 15, 2010

Instructors: Lynne Beresford, David Bernstein, Dale Cendali, Erin Hickey, Barbara Kolsun, Theodore C. Max, Joel Karni Schmidt

Credits: 3.0 Professional Practice

Cost: \$195/NYIPLA Member  
\$225/Non-NYIPLA Member

Video/DVD: Not Available

Number of Registrants: 63

Number of Participants Awarded Credit: 58

Scholarships Awarded: 0

Title: *Important Developments in International Prosecution and Enforcement*

Date: October 15, 2010

Instructors: Brian R. Daley, Samson Helfgott, Tony V. Pezzano

Credits: 2.0 Professional Practice

Cost: \$175/NYIPLA Member  
\$200/Non-NYIPLA Member

Video/DVD: Not Available

Number of Registrants: 37

Number of participants Awarded Credit: 33

Scholarships Awarded: 0

Title: *2010 CLE Fall One-Day Patent Program*

Date: November 4, 2010

Instructors: Hon. Paul J. Luckern, Mark J. Abate, Karen Axt, Richard H. Brown, Robert C. Faber, Christopher Gerardi, Ethan Horwitz, James R. Klaiber, Don Martens, Wendy E. Miller, Kevin F. Murphy, Sandra Park, Paul E. Slater, Stephen S. Rabinowitz, Charles A. Weiss, Thomas M. Williams

Credits: 7.0 Professional Practice  
1.0 Ethics

Cost: \$420/NYIPLA Member  
\$470/Non-NYIPLA Member

Video/DVD: Available

Number of Registrants: 134

Number of Participants Awarded Credit: 126

Scholarships Awarded: 2

Title: *Perspective of the United States Court of Appeals, Federal Circuit*

Date: December 13, 2010

Instructor: Hon. Randall R. Rader

Credits: 1.0 Professional Practice

Cost: \$140/NYIPLA Member  
\$165/Non-NYIPLA Member

Video/DVD: Not Available

Number of Registrants: 68

Number of Participants Awarded Credit: 58

Scholarships Awarded: 1



2010 – 2011 Committees

Title: *Microsoft v. i4i: Preponderant Evidence vs. Clear-and-Convincing Evidence – The U.S. Supreme Court Tackles the Standard for Judging Patent Validity*  
 Date: January 26, 2011  
 Instructor: Hon. Paul Michel, James W. Dabney, Charles E. Miller, Donna M. Praiss  
 Credits: 1.5 Professional Practice  
 Cost: \$140/NYIPLA Member  
 \$165/Non-NYIPLA Member  
 Video/DVD: Not Available  
 Number of Registrants: 51  
 Number of Participants Awarded Credit: 47  
 Scholarships Awarded: 0

Title: *FTC Report: “Protecting Consumer Privacy in an Era of Rapid Change”*  
 Date: March 1, 2011  
 Instructor: Steven C. Bennett, Leonard L. Gordon, Marc J. Lederer, Randi W. Singer  
 Credits: 1.5 Professional Practice  
 Cost: \$150/NYIPLA Member  
 \$175/Non-NYIPLA Member  
 Video/DVD: Not Available  
 Number of Registrants: 27  
 Number of Participants Awarded Credit: 24  
 Scholarships Awarded: 0

Title: *Day of Dinner CLE Luncheon Program “A View from the Bench on the Role of the Expert Witness in Patent Litigation”*  
 Date: March 25, 2011  
 Instructor: Hon. Timothy B. Dyk, Hon. Susan G. Braden, Hon. Garrett E. Brown, Jr., Hon. Theodore R. Essex, and Christopher A. Hughes  
 Credits: 2 Professional Practice  
 Cost: \$165/NYIPLA Member  
 \$190/Non-NYIPLA Member  
 Video/DVD: Not Available  
 Number of Registrants: 153  
 Number of Participants Awarded Credit: 86  
 Scholarships Awarded: 1

## Copyrights

**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.

### *Chair*

Ronald A. Clayton  
*Board Liaison* Doreen L. Costa

### *Members*

William Bassler, Chad Ross Berkowitz, Philip Blum, Celeste Butera, Paul Connuck, Seth Graham, Jim Gibson, Richard Klar, Kathleen McCarthy, Clyde Vanel

The main goal of the Copyrights Committee this year has been to prepare papers for publication by the Association dealing with recently decided cases and interesting new issues in the copyright area. The subjects of these papers include:

- *Facebook v. Power Ventures*: Copyright Infringement for Copying User-Generated Content Hosted on Social Networking Websites;
- *WPIX v. Ivi Inc.* regarding the scope of lawful secondary transmissions;
- The law of copyright infringement of non-published trade secret information;
- The law of infringement of architectural drawings, parts schematics, hull designs and the like by copying the building, part, or hull design;
- iPod law;
- Ownership of user generated data on the Internet, such as on Facebook, Twitter, and the like.

The paper on the first topic is under review at the time of this writing and will be submitted for publication shortly.

## 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*

Susan E. McGahan and Alexandra B. Urban  
*Board Liaison* Alice C. Brennan

### *Members*

Eric M. Agovino, Michelle J. Burke, R. Tulloss Delk, Kevin C. Ecker, David M. Fortunato, Matthew J. Golden, Joy S. Goudie, Jerome D. Jabbour, Caren K. Khoo, George M. Macdonald, James Markarian, Gerard McGowan Jr., Samuel H. Megerditchian, David H. Vickrey, Frank P. Sedlarcik, Mark Schildkraut, Jaime A. Siegel, Marian Underweiser

### **Membership:**

We gained several new members this year, from IBM, Becton Dickinson, Wockhardt and Unilever.

### **Regular Teleconference Calls:**

Consistent with its goal of focusing on IP-related issues that affect in-house counsel, the committee held monthly meetings by teleconference during the 2010-2011 year to identify and discuss these issues. The average participation in each call was 10-12 committee members. Our discussions generated many useful practice tips for committee members and helped highlight the challenges in-house IP attorneys face (and victories achieved) in directly supporting their global clients. The following are several of the topics that were discussed:

#### 2010 – 2011 Committees

- Licensing and NPEs: standard processes for handling solicitations to license
- Corporate policies on unsolicited inventions
- Trademark portfolio management
- IP due diligence in M&A
- Patent quality
- False marking
- NPE litigation
- USPTO guidelines on obviousness
- Defensive publication
- Patent reform
- Litigation in China
- Inequitable conduct (*Microsoft v. i4i* case)
- Border seizures of infringing goods; preliminary injunctions
- Standard of proof to invalidate patent
- Fostering innovation with students/youngsters

#### Litigation Benchmarking Roundtable:

In October 2010, the Committee conducted a benchmarking/roundtable event in which a subcommittee led by James Markarian, Susan McGahan and Alice Brennan drafted and circulated twenty questions to the committee directed to patent litigation practice. The responses were anonymously submitted and analyzed, and the results were compiled and shared only with members who responded to the questionnaire. The success of this exercise followed that of our first benchmarking event in 2009 with questions relating to patent prosecution.

#### Work with Other Committees:

We have begun to work with the Women in IP Law committee to participate in events such as joining a panel of in-house practitioners at a NY area law school and participating in various mentoring and networking opportunities. In the coming year, the Corporate Practice Committee will work with several other NYIPLA committees, such as the Young Lawyers and Meetings and Forums Committees, to increase visibility of our committee to association members and to encourage participation of our committee members in other NYIPLA events.

### Inventor of the Year Award (IOTY) Committee

**Scope of the Committee:** To publicize, gather nominations, and review nominations for Inventors of the Year awards, and to make recommendations with respect thereto to the Board of Directors.

#### *Co-Chairs*

Jessica L. Copeland and Kevin Ecker  
*Board Liaison* John T. Moehring

#### *Members*

Jonathan Ball, David Leichtman, Paul Margulies, Eric Yecies

The 2011 Inventor of the Year Committee reviewed the submissions for the 2011 NYIPLA Inventor of the Year award and presented our top three choices to the Board for discussion and approval. We received approximately seven nominations including several from last year. The Board agreed with the Committee's findings and decided to recognize Dr. Laroia as the 2011 Inventor of the Year for his work in OFDM/LTE cellular communications. In addition, the Board decided to recognize a group of students



with a new, Young Innovators award for their work, while in high school, for a curb climbing wheelchair attachment. Congratulations to the winners!

Co-Chairs Kevin Ecker and Jessica Copeland want to acknowledge Eric H. Yecies, Jonathan Ball, Paul Margulies and David Leichtman for their help with reviewing and ranking the submissions. We also want to thank our board liaison, John Moehringer, for his help navigating the process for the 2011 award.

## Meetings & Forums

**Scope of the Committee:** To prepare and conduct a series of monthly educational meetings of the Association other than meetings of the Officers, Committees and Board of Directors, the Annual Meeting of the Association and the Annual Dinner in Honor of the Federal Judiciary.

### *Chair*

Jay H. Anderson

*Board Liaison* Ira J. Levy

### *Members*

Jeffrey M. Butler, Samson Helfgott,

Chuck Miller, Jonathan Moskin, Donna Praiss, Deborah Resnick, Peter Thurlow

The NYIPLA Committee on Meetings and Forums hosted four CLE luncheon gatherings with programs on these topics:

October 15, 2010 -- "Important New Developments in International Prosecution and Enforcement";

December 13, 2010 – Remarks by Chief Judge Randall Rader of the CAFC;

January 26, 2011 -- "*Microsoft v. i4i*: Preponderant Evidence vs. Clear and Convincing Evidence – The U.S. Supreme Court Tackles the Standard for Judging Important Patent Validity"; and March 1, 2011 -- "FTC Report on 'Protecting Consumer Privacy in an Era of Rapid Change'".

Our thanks, again, to all those who graciously contributed their time and expertise as panelists and moderators, and to all those who came to participate.

## Membership

**Scope of the Committee:** To promote membership in the Association, to process applications for membership in accordance with Article III of the Bylaws and the Rules on Admissions of the Association, and to make recommendations with respect thereto to the Board of Directors.

### *Co-Chairs*

Paul A. Bondor and Marilyn M. Brogan

*Board Liaison* Theresa M. Gillis

Membership in the Association remained essentially flat from last year, reflecting the continued pressure of expense-reduction efforts by members and their firms as a result of the economic downturn (and caution in light of the slow recovery). The Committee continued its efforts to recruit new members from non-member attendees at monthly luncheons and CLE events, and to increase student memberships through outreach programs at area law schools. The Committee also continued its efforts to locate lapsed members, and to renew those memberships where possible. Consistent with past experience, the Association again observed a sharp spike in new memberships in advance of the Judges' Dinner. Association membership totals for the year were as follows:

- Total paid and active membership: 1398
- Total new members this dues period: 90
- Total new student members this dues period: 34

For current members in the Association's membership database, those totals break down as follows:

• Paid active members (admitted to practice 3+ years):	1078
• Paid active members (admitted to practice < 3 years):	148
• Paid associate members (outside NJ, NY, VT, CT):	82
• Paid retired members:	27
• Paid student members:	51
• Life members:	12

The Committee continued its efforts to locate members and former members who left their previous firm, but who did not provide updated contact information to the Association. The Committee hopes and expects that the newly added option for members to update their own contact information through the new Association web site will help minimize membership lapse attributable simply to changes in firm affiliation.

### 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*

William H. Dippert and Peter G. Thurlow  
*Board Liaison* Walter E. Hanley Jr.

#### *Members*

Andrew H. Berks, Carolyn Blessing, Margaret B. Brivanlou, Joseph A. Farco, Mark H. Francis, Elysa Goldberg, Joshua Hamberger, Samson Helfgott, Sean Jackson, Michael P. Kahn, David Kaplan, John C. Laurence, Steve Lendaris, Anne Li, Dave Lorenz, Leila K. Marcovici

The Committee includes approximately 25 patent attorneys who work either in-house or in law firms throughout the city.

The Committee worked on a number of interesting matters this year related to U.S. Patent and Trademark Office policies and procedures, patent reform and reexaminations. For the Bulletin we wrote an article related to post-grant proceedings in the USPTO after patent reform.

In addition, representatives from the Committee attended and spoke at the USPTO meeting on June 1, 2011, to discuss the USPTO's proposed changes to streamline the reexamination process.

## 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.

### *Chair*

Anthony F. Lo Cicero

*Board Liaison:* John M. Delehanty

### *Members*

Sadaf Abdullah, Gary Abelev, Edmond Bannon, James Barabas, Laural Boone, Victor Cole,  
John Kenneth Felter, James Gould, Robert Isackson, Jason Johnson, Benjamin Keller,  
Edward Meilman, Daniel Melman, Clement Naples, Marc Pensabene, Alexander Piller, Debra Resnick,  
Joseph Saphia, Brad Scheller, Aasheesh V. Shrivah, Scott Stimpson, Ksenia Takhistova

The NYIPLA Patent Litigation Committee communicates to the NYIPLA membership information on recent developments affecting patent litigation practice, including recent cases, statutes, proposed legislation, local rules, etc. This year, members of the Committee have submitted articles for publication in the Bulletin covering the litigation related aspects of the pending patent reform legislation and the effect on litigators of the recent decisions involving patent damages. Both of these topics are likely to be of significant interest to the membership and beyond and could form the basis for a CLE program in coordination with the Continuing Legal Education Committee.

On the patent local rules front, the Committee reviewed and commented on the patent local rules proposed for the District of Connecticut, which were largely modeled on the Northern District of California local rules. In addition, it is an ongoing Committee project to update and publish a comparison of the patent local rules promulgated around the country and to consider recommending patent local rules to the Southern District of New York.

On the legislative front, H.R. 628, aimed at establishing a pilot program for educating and increasing patent expertise for certain district court judges, has moved through Congress and will be a subject for ongoing Committee study.

Overall, this has been a productive year for the Committee, but much remains to be done.

## Privacy Law

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

### *Chair*

Jonathan E. Moskin

*Board Liaison* Jeffrey M. Butler

### *Members*

Steven C. Bennett, Joseph M. Dicioccio,  
Brenna Drury, Patrice Ettinger, Christopher Gaspar, James M. Gibson,  
Amanda Katzenstein, Sandra Kirsch, Clifford R. Michel, Suzanne E. Miller,  
Kevin Moss, Roland Plottel, Thomas J. Puppa, Marie-Astrid Roger-Roussel, Joel Karni Schmidt

The Privacy Law Committee devoted many meetings this year to considering emerging issues in the law, focusing in particular on developments concerning the practice of “behavioral advertising”: namely, the tracking of individual computer users’ on-line activity for the purpose of delivering advertising targeted to the users’ patterns of conduct. Behavioral advertising has been the subject of increasing interest by the FTC, which is weighing new regulations, as well as the United States Commerce Department, which is seeking to establish consistent policies and better coordinate government response to these new challenges to individual privacy, both among the states that have legislated in the area and foreign privacy regulations. Moreover, there are now at least two significant pieces of bipartisan legislation pending in Congress – the “Commercial Privacy Bill of Rights Act of 2011” (S. 799), sponsored by John



Kerry and John McCain, and “Consumer Privacy Protection Act of 2011” (H.R. 1528), sponsored by Cliff Stearns and Jim Matheson. Further, there is legislation pending in certain states, most notably California, where a bill (S.B. 761) would give consumers broad new rights to opt out of such tracking, including a private right of action. California previously has led the way in the development of privacy law, including broad legislation limiting spam emails, which led Congress to pass the CAN-SPAM Act, preempting the California law and creating national standards. It is conceivable a new California law would hasten federal action to establish uniformity.

On March 1, 2010, the Privacy Law Committee hosted a CLE program at the Harvard Club entitled “FTC Report: Protecting Consumer Privacy in an Era of Rapid Change.” The panelists were the New York Regional Director of the Federal Trade Commission, and three NYIPLA members. I served as the moderator. The panelists discussed in particular the FTC’s December 2010 report, “Protecting Consumer Privacy in an Era of Rapid Change.” The FTC recognizes there are considerable benefits to allowing such advertising, given that so much of the content available on the Internet is paid for by advertising. On the other hand, the FTC (and many consumer groups) are concerned about the potential dangers to consumers in tracking individuals’ conduct – particularly insofar as it concerns sensitive queries and activities (e.g. regarding medical or financial matters) and insofar as such information can be personally identifiable. Using such tracking methods, advertisers are, indeed, able to develop highly detailed profiles of individual users. Even if such data is tracked only by IP address rather than individual name, advertising firms increasingly have at their disposal the ability to de-anonymize the data and conduct such tracking without the computer users’ knowledge or meaningful consent. One of the most controversial proposals being considered by the FTC is to require a “do-not-track” option (modeled on the FTC’s “do-not-call” registry), under which consumers could set their Internet browsers to block tracking.

Because of continuing high levels of interest in the subject, including bipartisan efforts in Congress to regulate the area, the Privacy Committee is continuing to monitor developments, and I am currently preparing a more complete report, to be published in the NYIPLA Bulletin, summarizing these developments and discussing them in greater detail. The FTC is eager to establish a mechanism whereby consumers can exercise greater control or meaningful choice over the data collected (particularly sensitive data); to limit data retention by internet advertisers; to control the sharing (or sale) of such data beyond the scope of any original consent, and to allow consumers greater access to and control over what data is being collected about them. Although the two principal bills pending in Congress do not include the “do not track” option, both seek to give individuals far greater control than they (we) now have to control use of personally identifiable data and seek to give the FTC broad rulemaking and enforcement powers. A third bill in Congress and the California legislation mentioned above do include provisions establishing a do-not-track mechanism. By continuing to monitor these developments, the Privacy Law Committee will continue to seek opportunities to publish informational pieces on the subject, conduct additional CLE programs, and perhaps exert some influence on these new legislative developments. Having recently agreed to continue as Chair of the Privacy Law Committee for the coming year, I hope to maintain a continuing focus on these and other developments in the area of privacy law, which I hope will broaden the base of interest (and membership) in the NYIPLA generally among members of the bar.

## 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*

Stephen Quigley and Wanli Wu  
*Board Liaison* Dale L. Carlson

### *Members*

William Dippert, Robert Greenfeld, John Gulbin, Mary Richardson

The Committee published the NYIPLA Bulletin on a bi-monthly basis. The Greenbook was replaced by online posting of Association information on the NYIPLA website ([www.nyipla.org](http://www.nyipla.org)), together with information contained in this Green Booklet.

The Bulletin is a journal of articles of interest to the intellectual property community written by Association members. Articles in the Bulletin during this year covered a wide range of topics including patent false marking, the Supreme Court's *Bilski* ruling, inequitable conduct in light of the *Exergen v. Wal-Mart Stores* ruling, the standard of intent required for finding induced infringement, the common interest doctrine, patent eligibility of isolated nucleic acids, reverse payment terms in ANDA settlement agreements, patent damages, and analyses of the pending patent reform legislation.

In addition, Judge John Gleeson's speech and President Carlson's remarks on behalf of Judge Giles Rich delivered at the Judges' Dinner were reprinted in the Bulletin. Each edition of the Bulletin featured the President's column, the Historian's Corner, minutes of the Board of Directors' meetings, calendar of the Association's upcoming events, and reports of the Association's CLE presentations. A new feature was added this year – Moving Up & Moving On – for publicizing news of members' transitions.

Copies of the Bulletin were mailed to all Association members and posted on the *nyipla.com* web site in color.

## 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*

Steven R. Gustavson and Kathleen E. McCarthy  
*Board Liaison* Susan Proff

### *Members*

Chad Berkowitz, Pina Campagna, Ursula Day, Dyan Finguerra-DuCharme, Michelle Graham,  
William Guild, Suzanne Hengl, Erin Hickey, Deborah Kramm, Roland Plottel, Ashley Roberts,  
Joel Schmidt, Clyde Vanel

The Trademark Law and Practice Committee had 15 active members this year. The committee met in person once, and has corresponded extensively.

The committee is participating in the development of the Half-day Trademark CLE program which will be held on June 14, 2011; and contributed a speaker to the previous such program. The committee has also corresponded with Commissioner for Trademarks Lynn Beresford, volunteering to take part in a PTO study, but as of yet has not been called upon to do so.

The committee plans to submit a proposal to put on a trademark-related luncheon CLE program later in the year, once the entire schedule is set for the upcoming Half-day program.

## Women in IP Law

*Scope of the Committee:* To facilitate and empower women in their practice of intellectual property law.

### *Co-Chairs*

Carolyn A. Blessing and Donna M. Praiss  
*Board Liaison* Leora Ben-Ami

### *Members*

Sadaf Abdullah, Beth Alter, Alexandra Awai, Blaire Babcock, Amy Beckman, Rachel Blitzer, Margaret Brivanlou, Andra Dallas, Sona De, Shannen Delaney, Aleksandra Fayer, Ching-Lee Fukuda, Catherine Gratton, Angie Hankins, Jessica Hiney, Khue Hoang, Manali Joglekar, Eleanor Lackman, Dana Lau, Anne Li, Stephanie Lollo, Leila Marcovici, Michelle Riley, Tonia Sayour, Mairead Schwab, Laura Sheridan, Catherine Stockell, Ksenia Takhistova, Marian Underweiser, Alexandra B. Urban

The NYIPLA Women in IP Law Committee has just completed its inaugural year. For the most part, this year has been spent working with women on the committee and in the NYIPLA at large to determine the best way for this committee to serve the NYIPLA membership. To this end, we have started several initiatives that will carry into next year. Specifically, the following initiatives have begun:

**Monthly Mentorship Meetings:** The committee plans to meet monthly for informal mentoring and sharing of useful practice points/success stories. We have successfully hosted our first Mentorship Meeting, where many constructive ideas were shared, both relating to mentorship and the growth and development of our committee, and our next gathering is already on the calendar for June.

**Committee Directory:** In order to get to know the members of the committee a bit better, we are working to compile a directory with everyone's name, photo, employer/position, and a 1-2 sentence description of their background/practice area. This will make it easier for us to see what resources we have within the committee and will make it easier for us to recognize other members of the committee at gatherings and other networking events.

**Networking at the Judges' Dinner:** Our initial committee gathering took place before the NYIPLA Judges' Dinner, however we realized that a simple gathering was not fully harnessing the potential of this event. Thus, we resolved that next year we will prepare in advance by circulating/discussing networking tips and setting networking goals to encourage members of the group to make introductions to other members and facilitate more efficient use of this networking opportunity.

**Panel at NY Law School:** One of our student members, Blaire Babcock, has offered to help secure space at NY Law School as a venue for a panel discussion on women in IP in-house counsel roles. More details will follow as this event is planned and dates are secured.

**Information Sharing:** As the committee leadership becomes aware of resources that may be valuable to members - from topical websites/articles to useful CLE and networking events - this information is being passed along for the members' benefit.

Overall, the Women in IP Law Committee has had a productive inaugural year. Many insightful ideas have been shared and continue to be brought forward in order to further develop this committee and enable it to best serve its members and the NYIPLA community. Most importantly, though, the committee has already begun to impact its membership as useful information and opportunities are being shared and new mentorship and networking bonds are formed. Co-chairs Donna Praiss and Carolyn Blessing look forward to working with Terri Gillis, the third woman in NYIPLA history to hold the position of President, and to facilitating the growth of this committee, making it a greater resource 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.

### *Chair*

Sonja Keenan

*Board Liaison* Allan Fanucci

### *Members*

Jonathan Auerbach, Zaed Billah, Rebecca Cantor, Andrew Chien, Thomas Desimone, Aimee Drouin, Kristina Hanson, Alison Hanstead, Jaspal Hare, Amy Kaplan, Jennifer Lee, Viny Lee, Gabrielle Markeson, Julie Martin, Greg Maskel, Benu Mehra, Richard Mills-Robertson, Daniel Reagan, Robert Rosasco, Larry Rosenthal, Debra Smith, Edward Tulin, Jennifer Wu

On September 16, 2010, Committee Chair Sonja Keenan represented the NYIPLA in a Bar Associations Panel Discussion held at New York Law School. Her presentation was well-received by the student attendees. On October 25, 2010, the Young Lawyers' Committee hosted a panel entitled "IP Litigation: Perspectives on the Practice" at Fordham Law School in conjunction with the Fordham IP Institute. This panel provided law students an insight into how to market themselves to IP litigation employers and various pathways for entrance into the practice of IP law. Panelists included Magistrate Judge Patty Shwartz of the U.S. District Court for the District of New Jersey, Kevin C. Ecker of Philips Electronics, Kathleen McCarthy of King & Spalding LLP, Brad Scheller of Mintz Levin LLP, and Jeff Zachmann of IBM. The event was well attended by students from at least six area law schools. The Committee would like to thank the Board and Goodwin Procter LLP for their support of this event.

The Young Lawyer's Committee hosted a networking reception for young members of the NYIPLA on February 15, 2011 at Social in midtown. Approximately 70 attendees joined us throughout the evening. They were a diverse group including members, nonmembers, and a number of law students who expressed a desire to become active members in the NYIPLA. The Committee would like to thank the Board for their support of this event and the NYIPLA administrators for their assistance in organizing the event.

## US Bar – Japan Patent Office

*Co-Liaisons* John B. Pegram and Marylee Jenkins

The US Bar – JPO Liaison Council, comprising delegates from approximately 30 U.S. intellectual property organizations, usually meets annually as a users group with high officials of the Japan Patent Office. Typically, each side makes presentations on subjects of interest to the other side in the fields of patent law, practice and harmonization.

In 2010, the Council Chair-designate suddenly retired from the practice of law and was no longer interested in serving the Council. An informal committee sought new leaders and in October 2010 a strong team of new leaders was elected, including Jim Forstner as Chair, Mark Guetlich as the Vice Chair, and Chen Wang as Secretary and Treasurer. The Council also adopted new Bylaws at the same meeting.

It was not practical to schedule a meeting with the JPO in 2010 or early 2011; however, a delegation of approximately 12 Council members will meet with the JPO in Tokyo on June 1, 2011.

Japanese topics on the agenda include: JPO Office Update: Revision of grace period for activities by/on behalf of applicant prior to application filing, including advance declaration by the applicant at time of filing; a Patent Prosecution Highway status report; comparative discussion of inventive step/obviousness, including JPO inventive step guidelines and Japanese court application of inventive step law; requirements for description and claims, including enablement and written description requirements, including the JPO's restriction on new matter to satisfy written description requirement; the standard of proof required by the JPO for utility in chem/biotech applications; and the JPO's literal translation requirements.

In addition to comparative discussions of some of the Japanese practice topics, U.S. topics to be discussed include: the US America Invents Act of 2011; USPTO policy under David Kappos; September 2010 USPTO Guidelines on the KSR case; and "After the *Bilski* case."

**Annual Reports of the Treasurer 2010-2011**  
**The New York Intellectual Property Law Association, Inc.**  
**Statements of Financial Position – Cash Basis**  
**For the years ended April 30**

<b>ASSETS</b>	<b>2011</b>	<b>2010</b>
<b>CURRENT ASSETS</b>		
Cash – Checking Accounts	1,201,196	920,015
Money Market Account	9,461	9,412
Certificate of Deposit – 3 month	85,448	85,320
Certificate of Deposit – 6 month	35,752	3,563
Certificate of Deposit – 6 month	88,880	88,655
Certificate of Deposit – 1 year	36,685	36,478
<b>TOTAL ASSETS</b>	<b>1,457,422</b>	<b>1,175,543</b>
<b>NET ASSETS</b>		
Unrestricted Net Assets	1,457,422	1,175,543
<b>TOTAL NET ASSETS</b>	<b>1,457,422</b>	<b>1,175,543</b>

**Annual Reports of the Treasurer 2010-2011**  
**The New York Intellectual Property Law Association, Inc.**  
**Statements of Activities & Changes in Net Assets – Cash Basis**  
**For the years ended April 30**

<b>Changes in Unrestricted Net Assets</b>	<b>2011</b>	<b>2010</b>
<b>REVENUES</b>		
Annual Dues Income	350,870	334,595
CLE Program Income	112,745	160,085
Judges Dinner Income	1,010,400	945,235
Annual Meeting Income	51,080	70,000
Other Events Income	8,195	13,444
Interest Income/ Other Income	1,343	2,802
<b>Total Unrestricted Revenues</b>	<b>1,534,633</b>	<b>1,531,161</b>
<b>EXPENSES</b>		
CLE Program Expense	56,516	95,363
Judges Dinner Expense	659,679	776,724
Annual Meeting Expense	23,217	30,947
Board of Directors Meeting Expense	4,351	14,577
Consulting Expense	339,644	644,907
Printing Expense	57,317	28,266
Membership Support Expense	27,159	6,383
Accounting Expense	14,000	20,000
Insurance Expense	11,462	9,512
General Sponsorship expense	10,596	16,500
Committee Meeting Expense	7,283	8,054
Administrative Expense	15,560	7,210
Website Expense	18,283	3,600
Young Lawyers Expense	2,775	6,000
Past President Dinner Expense	4,903	7,098
Bank Service Charge	8	404
<b>Total Expenses</b>	<b>1,252,754</b>	<b>1,675,543</b>
<b>Increase (Decrease) in Unrestricted Net Assets</b>	<b>281,879</b>	<b>(144,382)</b>
<b>Unrestricted Net Assets at Beginning of Period</b>	<b>1,175,543</b>	<b>1,319,925</b>
<b>Unrestricted Net Assets at End of Period</b>	<b>1,457,422</b>	<b>1,175,543</b>



# *89<sup>th</sup> Annual Dinner in Honor of the Federal Judiciary*



The New York Intellectual Property Law Association's 89<sup>th</sup> Annual Dinner in Honor of the Federal Judiciary on March 25, 2011 was, as always, a festive and memorable event.

Notwithstanding a less than robust economy, 2600 judges, NYIPLA members and their guests packed the Waldorf=Astoria where Association President Dale Carlson presided over the ceremonies.

The Keynote Speaker was the Honorable John Gleeson of the United States District Court for the Eastern District of New York.

The Association's Ninth Annual Outstanding Public Service Award was presented to the Honorable Arthur Gajarsa of the United States Court of Appeals for the Federal Circuit.

A special Lifetime Achievement Award honoring the late Honorable

Giles Rich was presented to his granddaughter, Elizabeth Hallinan. All guests received a CD prepared by the Federal Circuit Historical Society commemorating Judge Rich's long and distinguished career.







Standing: Hon. Paul Luckern, □  
Sitting: Hon. John Gleeson, □





















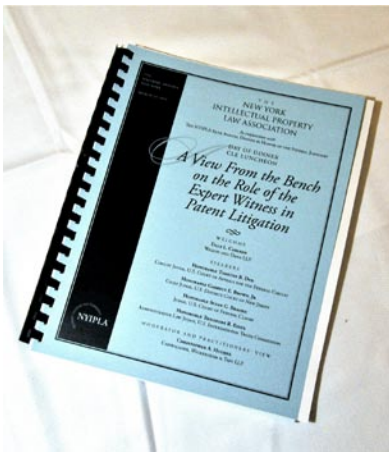
## Day of Dinner CLE Luncheon Program *"A View from the Bench on the Role of the Expert Witness in Patent Litigation"*

March 25, 2011

Speakers: Hon. Timothy B. Dyk, Hon. Susan G. Braden, Hon. Garrett E. Brown, Jr., Hon. Theodore R. Essex, and Christopher A. Hughes



Standing: Dorothy Auth, Christopher Hughes, Hon. Susan Braden, Richard Parke  
Sitting: Hon. Theodore Essex, Hon. Timothy Dyk, Hon. Garrett Brown







## 2010 CLE Spring Half-Day Trademark & Copyright Program

**July 15, 2010**

*Speakers:* Commissioner Lynne Beresford,  
David Bernstein, Dale Cendali, Erin Hickey,  
Barbara Kolsun, Theodore C. Max,  
Joel Karni Schmidt



## Important Developments in International Prosecution and Enforcement

**October 15, 2010**

*Speakers:* Brian R. Daley, Samson Helfgott,  
Tony V. Pezzano



## Perspective of the United States Court of Appeals, Federal Circuit

**December 13, 2010**

*Speaker:* Hon. Randall R. Rader





**Microsoft v. i4i: Preponderant  
Evidence vs. Clear-and-Convincing  
Evidence The U.S. Supreme Court  
Tackles the Standard for Judging  
Patent Validity  
January 26, 2011**

**Speakers:** Hon. Paul Michel, James W.  
Dabney, Charles E. Miller, Donna M. Praiss



**FTC Report: "Protecting Consumer  
Privacy in an Era of Rapid  
Change"**

**March 1, 2011**

**Speakers:** Steven C. Bennett, Leonard L.  
Gordon, Marc J. Lederer, Randi W. Singer



*In Memoriam*  
**John A. Reilly**

John was NYIPLA President in 1978-79.  
He was a partner at Curtis, Morris & Safford and, before that,  
at Keynon & Keynon. He argued the *Adams* case before the  
Supreme Court of the United States.  
He passed away in Ocean Ridge, Florida  
on October 7, 2010.



## 2010 CLE Fall One-Day Patent Program

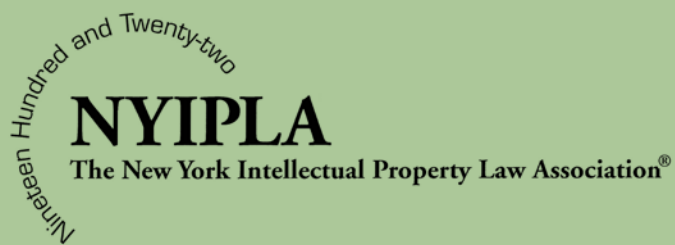
November 4, 2010

*Speakers:* Hon. Paul J. Luckern, Mark J. Abate, Karen Axt, Richard H. Brown, Robert C. Faber, Christopher Gerardi, Ethan Horwitz, James R. Klaiber, Don Martens, Wendy E. Miller, Kevin F. Murphy, Sandra Park, Paul E. Slater, Stephen S. Rabinowitz, Charles A. Weiss, Thomas M. Williams









[www.nyipla.org](http://www.nyipla.org)