The No.

YIPLA

The New York Intellectual Property Law Association®

2013-2014

GREEN BOOKLET

ASSOCIATION ANNUAL REVIEW

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Charles R. Hoffmann
NYIPLA President
2013-2014



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Sitting: Annemarie Hassett, Secretary; Walter E. Hanley Jr., Second Vice President; Dorothy R. Auth, First Vice President; Charles R. Hoffmann, President; Anthony F. Lo Cicero, President-Elect; Denise L. Loring, Treasurer

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2013-2014 YEAR IN REVIEW

My year as President has been an enjoyable, illuminating, and gratifying experience. I have been overwhelmed by the support provided by the Board of Directors and other members of the Association in giving of their time and effort on behalf of the NYIPLA to serve the intellectual property law profession. The innovation and expansion of programs during the year has been particularly pleasing, leading to growth of the NYIPLA in membership and services and resulting in a blockbuster year. The Association is only at the beginning of a continuous success in implementing a well thought-out strategic plan.

I would be remiss if I did not extend my thanks to Robin Rolfe Resources, Inc. for their excellent service and support throughout the year, with particular applause due Robin Rolfe, Feikje Van Rein, and Lisa Lu.

Strategic Plan

During the year, the Board of Directors developed and passed a three-year strategic plan as a guiding platform to provide service and education for the intellectual property law profession. Educational programs were presented in the New York metropolitan area, as well as upstate New York and Long Island. Additionally, the NYIPLA became more involved in the legislative process in Washington D.C. in regard to proposed modifications in the law and implementation of the America Invents Act (AIA). The Association was very active in preparing and filing amicus briefs to provide guidance for the federal judiciary. Activity in the NYIPLA is not limited to the United States as the Association continues to cooperate with European and Far East patent authorities. The strategic plan provided a jump start to the expanded activities of the Association and was instrumental in developing a number of new initiatives.

NYIPLA Presidents' Forums

One major new program that was implemented during the year is the NYIPLA Presidents' Forum. It involves a series of high-level roundtable discussions including intellectual property lawyers in corporate and private practice, representatives of various business entities involved in pertinent aspects of intellectual property law, and members of the federal judiciary and the U.S. Patent and Trademark Office. Issues were discussed for several hours and the results were publicized. The first forum in October 2013 was entitled, "What to Do About NPEs: Do We Risk Throwing the Baby Out With the Bathwater?"; the second forum held in February 2014 addressed proposed patent legislation pending in Congress. Both forums and the program as a whole were well received and additional forums are planned for the coming year.

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Legislative Involvement

On an expedited basis to provide advice and guidance, the Association took upon itself this past year to prepare and submit letters to members of Congress and other interested parties relating to legislation proposed to supplement the previously passed AIA and to address other perceived necessary changes in the patent laws.

Judicial Support

During the year the Association demonstrated its support for the pilot program in place for educating federal judges to facilitate their handling of patent litigation. We continue to reach out to those judges who are interested and willing to expand their ability to preside over patent cases. Numerous CLE programs during the year were presented to support the process and appear to have been well received by the federal judiciary. Another program that is being developed in this respect involves cooperation with the Federal Judicial Center to provide an annual educational program for selected judges to aid in managing patent litigation. Part of the funding for this program will be provided by a newly formed NYIPLA Educational Foundation, whereby the Association will provide funds for the Federal Judicial Center program and other educational programs to support the education of judges regarding intellectual property law as part of the strategic plan of the Association. Past President Tom Meloro is to be thanked for his efforts to form the Foundation.

Annual Dinner in Honor of the Federal Judiciary

I am pleased to report that our 92nd Annual Dinner in Honor of the Federal Judiciary was a great success. The number of attendees, as well as the number of judges, significantly increased, evidencing growth of the membership in the Association as well as recognition of the NYIPLA in New York and beyond. The program for the dinner included a well-deserved public service award presented to Judge Gregory M. Sleet, Chief Judge of the U.S. District Court for the District of Delaware. We were honored to present the award to Judge Sleet and point out his exemplary public service contributions over the years and his close geographic ties with the Association. We were also particularly pleased to have as our dinner speaker Kenneth A. Starr, former federal judge, special prosecutor, practicing appellate specialist, professor of law, and current President of Baylor University. It was a great honor to have Ken Starr as our speaker, and we are gratified that he was so well received at the dinner. I would be remiss if I did not mention the excellent Day of the Dinner Luncheon CLE Program: "Key Developments in the Evolving Law of Remedies in Patent Infringement Cases." The program included a diverse and excellent group of participants including judges, U.S. Patent and Trademark Office representatives, and skilled practitioners.

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NYIPLA Cooperative CLE Programs

For the 30th consecutive year, the Association cooperated with the Connecticut, New Jersey, and Philadelphia IP law associations to conduct the Joint Patent Practice (JPP) CLE Seminar in April 2014. This joint, one-day program continues to draw numerous attendees and successfully provide a timely educational opportunity in New York City for intellectual property practitioners. In March 2014, I was pleased to participate along with others from the NYIPLA in cooperation with the Federal Circuit Bar Association in its Bench and Bar Program entitled, "Patent Litigation in New York Courts: A View from the Bench." This event was one of a series of Federal Circuit Bar events held throughout the country. It was well attended and happily cosponsored by the NYIPLA. We were also pleased to participate in the March 2014 Licensing Executives Society of the United States and Canada mid-year meeting in New York City and to join in providing education concerning patent litigation for the LES attendees. Plans are also underway for a joint program with Rensselaer Polytechnic Institute in Troy, New York, to inform and educate students, professors, judges, and the bar in that region regarding pertinent technology and intellectual property law issues. We also co-sponsored an AIA trial proceedings roundtable event with the U.S. Patent and Trademark Office. In May 2014, we participated in World IP Day with a program entitled, "Movies a Global Passion." Also in May 2014 we joined with the Long Island Forum for Technology and other technological organizations on Long Island to host a joint program entitled, "A Toolkit of Practical and Essential IP Advice for Startups." It is clear that our joint educational efforts throughout the year are guite significant and hopefully provide a positive impact on the profession. It is with the enthusiasm and participation of the Association committees, officers, and members of the Board that we are able to provide such a diverse and comprehensive service. There is no doubt that the strategic plan of the Association is being pursued in regard to cooperation with fellow bar associations in New York and other geographic areas to widen the scope and recognition of the Association and to serve a wider range of the community. In return, it is expected that growth of the Association will follow as it has for the benefit of all.

NYIPLA Independent CLE Programs

The variety of independent CLE programs made available by the Association was also quite comprehensive. In May 2013, a Young Lawyers Roundtable was held entitled, "Expert Depositions in Intellectual Property Litigation." In June 2013, a full-day symposium was held entitled, "Patent Law Developments in China." A program entitled, "Oh the Places You'll Go! Diverse Careers in IP Law and Strategies for Achieving Success" and a CLE seminar on hot topics in trademarks, advertising, copyrights, and design patents took place in July 2013. In September 2013, another Young Lawyers Roundtable was held entitled, "Legal Writing," as well as a CLE program entitled, "Intellectual Property Law Considerations for Software and Mobile Apps." In October 2013, we presented the CLE program entitled, "Life as a Young IP Associate – Managing the Non-Legal Aspects of Your

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Practice." In November 2013, a CLE program was presented entitled, "Understanding Recent Changes in Patent Law and Their Effect on Litigation."

Another CLE program was also held in November 2013 entitled, "Patent Litigation from the Law Clerks' Perspective – Insights on New Patent Rules and Successful Litigation Strategies." In December 2013, we provided an amicus brief discussion entitled, "Fee Shifting in Patent Litigation" and a patent litigation program entitled, "Patent Litigation: Managing Modern IP Litigation Before the Federal Courts, PTO and ITC." Also in December 2013, we were pleased to have Judge Kathleen O'Malley of the United States Court of Appeals for the Federal Circuit provide a review from the bench. In January 2014, we held our annual one-day patent CLE seminar at the Princeton Club in New York City, which was well attended and included representatives from the federal government, the federal courts, and leading practitioners. In February 2014, we held another Young Lawyers Roundtable directed to oral argument, and expanded our programming by providing a Webinar entitled, "What Every NY Attorney Should Know About California Privacy Law – But Is Afraid to Ask!" In April 2014, our CLE presentation included a program entitled, "Diverse Careers in IP Law and Strategies for Achieving Success."

Annual Meeting and Awards Dinner

Our Annual Meeting held on May 20, 2014 at the Princeton Club in New York City was a successful conclusion to an extraordinary year for the NYIPLA. The day began with an innovative CLE luncheon program that included interactive participation with the audience in an enjoyable and relaxing environment. NYIPLA committee meetings were held along with the annual meeting itself. The dinner that followed was well attended, as were the events during the day, and we particularly enjoyed the remarks of Judge Richard J. Sullivan, of the United States District Court for the Southern District of New York. We also thank Judge Roslynn Mauskopf, of the United States District Court for the Eastern District of New York, for presenting the Honorable William C. Conner Writing Competition Awards. We also were pleased to again present the Inventor of the Year Awards and the Honorable Giles Rich Diversity Scholarship Award to very deserving recipients.

Conclusion

In conclusion, I would like to thank all of the members of the Association and supporting personnel who contributed greatly to what I believe has been a very successful year for the NYIPLA. I believe that we can look forward to many successful years to come including development of many innovative programs as an effective and useful service to the profession. I encourage continued cooperation in the same manner in providing a benefit to all.

Best regards, Charles R. Hoffmann

2013 Annual Meeting

n May 21, 2013, incoming Association President Charles Hoffmann welcomed members and guests at the Princeton Club of New York. Charles expressed his appreciation for outgoing President Thomas Meloro.

Keynote Speaker: Honorable Dennis Jacobs, United States Court of Appeals for the Second Circuit





Back row: Robert Neuner, Melvin Garner, Dale Carlson, Edward Filardi, John Pegram **Front row:** Christopher Hughes, Charles Hoffmann, Thomas Meloro, David Kane









Hon. Dennis Jacobs, Hon. Roslynn Mauskopf

















2013 Annual Meeting







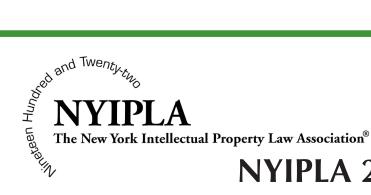












NYIPLA 2013 Annual Meeting CLE Luncheon

CLE PRESENTATION

Attorney Feud: Name One Thing Corporate & Private Practice Attorneys Wish The Other Knew

presented by the Corporate Practice Committee with your host Mr. Kevin (Dawson) Ecker,
Philips Intellectual Property & Standards

Corporate Counsel Team

- Heather Champion Brady, Johnson & Johnson
- Alexandra B. Frisbie, UTC Climate, Controls & Security
- Frank P. Sedlarcik, IBM
- Peter Welch, Take Two Interactive Software, Inc.
- Mark Schildkraut, Becton, Dickinson and Company

Law Firm Team

- Leora Ben-Ami, Kirkland & Ellis
- Christopher A. Hughes, Cadwalader Wickersham & Taft
- Marylee Jenkins, Arent Fox
- Robert J. Lane Jr., Hodgson Russ
- Thomas J. Meloro, Willkie Farr & Gallagher

CLE WORKSHOPS

Ethics, Data Security & Risk Mitigation In Cyberspace

hosted by the Internet & Privacy Law Committee

- John Merchant, AIG
- Anne B. Sekel, Foley & Lardner

O'Reilly v. Morse: Mock Oral Argument Reconsidering The Patent-Eligibility Of Morse's Invention Under Today's Standards

hosted by the Amicus Brief & Patent Litigation Committees

Counsel for Mr. Morse

• Charles R. Macedo, Amster, Rothstein & Ebenstein

Counsel for Mr. O'Reilly

• Robert D. Katz, Eaton & Van Winkle

Presiding Justices

- Hon. Barbara S. Jones (ret.), Zuckerman Spaeder
- Melvin C. Garner, Leason Ellis
- David Leichtman, Robins, Kaplan, Miller & Ciresi
- Ksenia Takhistova, Kenyon & Kenyon

Clerk of the Court

• Benjamin Charkow, Amster, Rothstein & Ebenstein

Comparing Patent Prosecution & Enforcement Across Multiple Foreign Jurisdictions

hosted by the Patent Law & Practice Committee

- Samson Helfgott, Katten Muchin Rosenman
- John B. Pegram, Fish & Richardson



Trademark & Copyright Supreme Court And Appellate Court Round-Up: Get The Rundown On Recent Decisions And Discuss Practice Pointers

hosted by the Trademark Law & Practice and Copyright Law & Practice Committees

Moderator

• Pina M. Campagna, Carter, DeLuca, Farrell & Schmidt

Panelists

- Dale Cendali, Kirkland & Ellis
- Tony Fletcher, Fish & Richardson
- Jyotin Hamid, Debevoise & Plimpton
- Siegrun D. Kane, Kane Advisors
- · Kathleen McCarthy, King & Spalding
- Jonathan Sobel, Sobel & Feller

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2013 Annual Meeting





































Award Recipients at the 2014 Annual Meeting



Inventors of the Year Award

Dr. Michel Sadelain and Dr. Renier Brentjens were recognized for their numerous disclosures relating to the design of chimeric antigen receptors, or CARs. The winning inventions take a patient's own T-cells and engineer them to recognize a protein that appears on the surface of cancer cells. The modified T-cells are then infused back into the patient's blood stream so they can launch a precise

immunologic attack against the cancer. A treatment protocol based on these inventions is currently being used to treat adult patients with relapsed B-cell acute lymphoblastic leukemia (ALL) in a Phase 1 study. In a recent article published in Science Translational Medicine in March 2013, and updated at the American Society of Hematology annual meeting in December 2013, 10 of 12 patients with relapsed, refractory ALL went into molecular remission after CAR treatment. While more study is needed, it is a truly promising outcome for these patients.

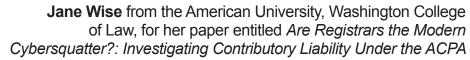
Hon. William C. Conner Writing Competition Winners



First Place Winner

Kristen Niven from the Benjamin N. Cardozo School of Law for her paper entitled *Towards a New Model for Social Media Newsgathering:* AFP v. Morel *and Digital Rights in the Age of Citizen Journalism*







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NYIPLA Diversity Scholarship Award

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

The NYIPLA awarded its 2014-2015 Hon. Giles S. Rich NYIPLA Diversity Scholarship to the St. John's University

School of Law, which will select a scholarship recipient from among its students. Thomas Meloro presented the award, and Professor Jeremy Sheff accepted on behalf of St. John's.

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What to do about NPEs: Do We Risk Throwing The Baby Out With The Bath Water?

Discussion Leaders:

Hon. Paul R. Michel, Retired Chief Judge for the Court of Appeals of the Federal Circuit Hugh Hansen, Professor of IP Law, Fordham Law School Alexander Poltorak, Chairman & CEO, General Patent Corporation William H. Sorrell, Attorney General of Vermont Marian Underweiser, Counsel, IP Law Strategy & Policy, IBM

NYIPLA Past Presidents Marylee Jenkins and Melvin Garner facilitated a town-hall style discussion.

Wednesday, October 9, 2013 • Goodwin Procter LLP *By personal invitation only.





Coordinated by the NYIPLA Presidents' Forum Project Team: Dorothy Auth,
Charles Hoffmann, Anthony Lo Cicero, Annemarie Hassett, Matthew McFarlane,
Marylee Jenkins, Melvin Garner, Christopher Hughes and Jeffrey Butler.

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Addressing Patent Litigation Abuse: Do the Courts Need Legislative Activism or Restraint?

Discussion Leaders:

Hon. Loretta A. Preska, Chief Judge of the United States District Court for the Southern District of New York

Hon. Gregory M. Sleet, Chief Judge of the United States District Court for the District of Delaware

Hon. Arthur Gajarsa (Retired), Judge of the United States Court of Appeals for the Federal Circuit

Philip S. Johnson, Chief Intellectual Property Counsel, Johnson & Johnson

Daniel P. McCurdy, CEO, Allied Security Trust

Melissa Finocchio, Chief Litigation Counsel, Intellectual Ventures Management, L.L.C.

John Desmarais, Desmarais L.L.P.

Bryan Giles, InterDigital, Inc.

Christopher Sprigman, Professor of IP Law, New York University School of Law

The **Hon.** Garrett E. Brown Jr. (ret., USDNJ) and NYIPLA Past President Christopher Hughes facilitated a town-hall style discussion.

Tuesday, February 11, 2014 • Thurgood Marshall US Courthouse *By personal invitation only.





Coordinated by the NYIPLA Presidents' Forum Project Team: Dorothy Auth, Annemarie Hassett, Charles Hoffmann, Christopher Hughes, Denise Loring, Matthew McFarlane, Thomas Meloro, John Moehringer, and Robert Rando.

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2013 – 2014 Committee Reports

AMICUS BRIEF

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

Co-Chairs: Charles Macedo, Robert Isackson and David Ryan **Board Liaison:** Matthew McFarlane

Members: Bruce Abramson, Karen Axt, Thomas Bean, Mark Chapman, John Cleary, Marcus Colucci, Ronald Daignault, Melvin Garner, John Hintz, Scott Howard, Julia Kim, Thomas Kowalski, Noah Leibowitz, Jeffrey Lewis, Charles Miller, Kalpana Nagampalli, Robert Rando, Brad Scheller, Heather Schneider, Ksenia Takhistova, Charles Weiss, Stuart Yothers

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

Since the last Annual Meeting, the Supreme Court has ruled on a number of cases where the Association filed briefs amicus curiae.

In cases examining the relationships among patent law, antitrust law and the misuse doctrine, the Court's ruling in *Bowman v. Monsanto Co.* followed the Association's reasoning that the doctrine of patent exhaustion does not bar an infringement claim based on the purchase of genetically modified soybeans from a grain elevator to replicate a new generation of genetically modified soybeans. In *FTC v. Actavis, Inc.,* although the Court reversed the Eleventh Circuit's ruling and remanded for a rule-of-reason trial, it followed the Association's recommendation and rejected the FTC's request that a "quick look" rule of presumptive illegality should be applied to reverse payment terms in Hatch-Waxman settlements.

In Association for Molecular Pathology v. Myriad Genetics, Inc., the Court accepted the Committee's reasoning that manipulated DNA sequences are patent eligible under 35 U.S.C. § 101, but was not willing to go so far as to hold that composition claims directed to isolated, naturally occurring human DNA sequences are also patent eligible.

This year, the Committee has submitted numerous amicus briefs to the Supreme Court in key patent cases it is considering.

In *Alice Corp. Pty. Ltd. v. CLS Bank International*, which involves the patent eligibility of computer-implemented claims, the Association filed a brief in support of a Writ of Certiorari, which was granted. The Association's brief on the merits supports neither party, but instead lays out helpful factors to assist the Court in fashioning clearer guidelines on the application of Section 101 of the Patent Act. Oral argument in this case was heard on March 31, 2014.

The Association also submitted identical briefs on the merits in *Octane Fitness, LLC v. ICON Health & Fitness, Inc.* and *Highmark Inc. v. Allcare Health Management System, Inc.* In these twin cases, the Court agreed with the Association's argument that the standard used in determining whether a case is "exceptional" under 35 U.S.C. § 285 was too high and should be eased. Accordingly, on April 29, 2014, the Court ruled that "exceptionality" should be determined by a totality of the circumstances test and that appellate review will be based on an abuse of discretion standard and will not proceed *de novo*.

The Committee also prepared an amicus brief in a significant copyright case heard by the Court this term: *American Broadcasting Cos. v. Aereo, Inc.* That case involves the scope of the public performance right under the Copyright Act, which defines a "public performance" to include the public transmission of the copyrighted work. The NYIPLA advocated in its amicus brief that the Second Circuit's interpretation of the "transmit clause" within the definition of the public performance right in the Copyright Act would make such a right meaningless. Second, allowing the Second Circuit's decision to stand precludes

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2013 - 2014 Committees

copyright holders from enforcing their rights against free-riders and other copyright infringers operating under the guise of "innovation," "entrepreneurship," and "technological advances." The NYIPLA amicus brief advanced the proposition that parties should not be permitted to use technology to circumvent liability for copyright infringement, essentially "designing around" the Copyright Act.

The Committee wishes to thank all its members for their dedication, attention, and hard work in these several accomplishments over the past year. In addition, the Committee is especially grateful to members of other Association committees – including Copyright, Trademark Law & Practice, Corporate Practice, Patent Litigation and others – who made contributions great and small on a variety of issues under consideration. The Committee extends an open invitation to all NYIPLA members to contribute their ideas and labor to support this vital function of the Association.

HON. WILLIAM C. CONNER WRITING COMPETITION

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

Co-Chairs: Gary Butter and Pejman Sharifi **Board Liaison:** Walter Hanley Jr.

Members: Richard Brown III, Mark Francis, Heather Jensen, Peter Lambrianakos, Anna Lamut, Mira Martinez

The Committee solicited and reviewed entries for the Hon. William C. Conner Writing Competition. We posted the announcement of the competition on the NYIPLA website in November 2013. In December 2013 and January 2014, emails were sent to professors and students at a number of law schools to encourage that the writing competition announcement be posted at the school to ensure the students were aware of the opportunity.

We received 22 submissions, which were divided into two groups. Each committee member reviewed and ranked the submissions in one group. The best submissions were then reviewed and the top three submissions were chosen and 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. "Towards a New Model for Social Media Newsgathering: *AFP v. Morel* and Digital Rights in the Age of Citizen Journalism" by Kristen G. Niven (Benjamin N. Cardozo School of Law)
- 2. "Are Registrars the Modern Cybersquatter?: Investigating Contributory Liability under the ACPA" by Jane W. Wise (American University, Washington College of Law)

The committee notified the winners and arranged for the presentations to be made at the Annual Meeting Awards Dinner.

CONTINUING LEGAL EDUCATION (CLE)

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: Mark Bloomberg and Robert Rando **Board Liaison:** Richard Parke

Members: Andrew Berks, David Bomzer, Adda Gogoris, Irene Hudson, Patrice Jean, Michael Johnson, Wan Chieh (Jenny) Lee, Arun Subramanian, William Thomashower

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NYS CLE ACCREDITED PROVIDER STATUS

The New York State Continuing Legal Education Board ("NYS CLE Board") initially certified the New York Intellectual Property Law Association ("NYIPLA") as an Accredited Provider of continuing legal education ("CLE") in the State of New York on September 1, 1999. All NYIPLA 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. We received approval of the non-traditional CLE format (DVD) on August 15, 2005.

We submitted our Application for Renewal of Accredited Provider Status to the NYS CLE Board on May 1, 2011. Approval as an Accredited Provider of CLE programs for the period of August 28, 2011 through August 27, 2014 was renewed on October 3, 2011 for the following formats:

- Live classroom, for group participation; and
- Prerecorded video, for self-study.

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 NYS CLE Rules, Regulations and Guidelines, we also filed an annual report with the NYS CLE Board on January 2014 covering the 2013 calendar year.

This year the Committee continued the CLE program series in conjunction with the NYIPLA Annual Dinner in Honor of the Federal Judiciary at the Waldorf Astoria New York Hotel on March 28, 2014. Special invitations were sent to the Honored Guests attending the dinner. A distinguished panel, including four federal judges, presented a well-received discussion.

During the program period (May 1, 2013 through April 30, 2014), the NYIPLA has sponsored 15 CLE programs. We continue to price programs reasonably, so as to cover necessary costs. There were five financial aid requests granted in 2013-2014 in the form of five 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, Inc., 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 Co-Chairs; 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 continues 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 has provided excellent administrative services in support of the CLE program.

COMPLIANCE

The 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 process, and the monitoring of program attendance.

CONCLUSION

It has been our pleasure serving this year as Co-Chairs of the Continuing Legal Education Committee. We hope that the NYIPLA continues an aggressive approach to continuing legal education programs, the goal being 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. We also would like to thank all the NYIPLA Committees that co-sponsored the monthly programs and the Meeting & Forums Committee, co-chaired by Colman Ragan and Steven Lendaris, for organizing the programs.

COPYRIGHT LAW & PRACTICE

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

Co-Chairs: Joseph Farco and Thomas Kjellberg **Board Liaison:** Stephen Quigley

Members: Lauren Beth Emerson, James Gibson, Douglas Kenyon, Nikole Lee, Andrew Moses, Claudia Ray, Joel Schmidt, Matthew Tynan

The Committee held several telephone conferences with the membership to discuss emerging issues and topics for possible CLE programs as well as possible amicus briefs. The Committee worked with the World IP Day Committee to support the NYIPLA's participation in this year's event, "Movies – A Global Passion."

The Committee has also worked to provide panelists for the Annual Meeting Workshop in conjunction with the Trademark Law & Practice Committee. The committee has engaged the expertise of academia and industry personnel to put together presentations on the state of the copyright law in the wake of the Supreme Court's decisions in *Petrella v. MGM, Inc.* and *American Broadcasting Cos. v. Aereo, Inc.* The panel will also discuss the implications of the hotly debated *Cariou v. Prince* case on fair use.

The Committee plans to continue monitoring developments in copyright law, to seek opportunities to publish informational pieces, and to work with other committees to develop CLE programs.

CORPORATE PRACTICE

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: Jeffrey Butler and Frank Sedlarcik **Board Liaison**: Alexandra Frisbie

Members: Eric Agovino, Alice Brennan, Tulloss Delk, Kevin Ecker, Joy Goudie, Jason Grauch, Gerard McGowan Jr., Mark Schildkraut, Jaime Siegel, Marian Underweiser, David Vickrey

In mid-October 2013, the Committee held an in-person mixer to re-connect and re-invigorate continuing and prospective members. In 2014, we have held monthly conference calls to share ideas and discuss topics, including legislative reform, Supreme Court activity, *inter partes* review and proposed rules from the USPTO.

The Committee was also active in working with other committees on issues important to in-house counsel. By way of example, members of the Committee joined the Amicus Brief Committee in discussions regarding the Association's *Highmark/Octane* amicus briefs. Members of the Committee also worked with members of the Patent Law & Practice Committee in considering the USPTO's proposed rules regarding the identification of attributable patent owners, to which the Association provided comments. Both served as great opportunities to share in-house perspectives with members outside the Corporate Practice Committee. In addition, a number of Corporate Practice Committee members actively participated as panelists at NYIPLA events, including the Presidents' Forum and the Annual Meeting. We look forward to continuing our activity in the year ahead.

INTERNET & PRIVACY LAW

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

Chair: Kevin Moss Board Liaison: Jessica Copeland

Members: Karen Bromberg, Lindsey Canning, Charles Chen, David Einhorn, Jonathan Moskin, Scott Sisun, William Tabler, James Williams, George Wukoson

The NYIPLA Internet & Privacy Law Committee organized a CLE Presentation for the May 21, 2013 Annual Meeting entitled, "Data Security & Risk Mitigation In Cyberspace." The speakers were John Merchant, CyberEdge Specialist at AIG, and Anne B. Sekel, Foley & Lardner LLP. The panel explored issues unique to practicing law in the era of social media, including risks of modern communication technologies, protecting confidentiality, permissible lawyer advertising, and unintended creation of attorney-client relations through blogging, as well as risks to businesses using social media, cloud computing and other new platforms, as well as tools to ensure against such risks.

On February 18, 2014, the Committee hosted a Webinar, "What Every NY Attorney Should Know About California Privacy Law – But Is Afraid to Ask!" featuring Joanne McNabb, Director of Privacy Education and Policy in the newly created Privacy Enforcement and Protection Unit in the California Department of Justice, and one of the architects of California's privacy requirements, especially in the mobile and internet ecospheres. Ms. McNabb fielded questions and engaged in a lively discussion with James Williams, a Vice President and Senior Privacy Officer for HSBC Technology & Services North America, and Kevin Moss of Kramer Levin Naftalis & Frankel LLP, and Chair of the Committee, on a variety of topics where California is arguably driving the conversation on privacy. The presentation began with an introduction to California's so called "CalOPPA" statute, and then traversed various topics including breach notification, California's expanded definition of what constitutes PII, and the recent "Privacy on the Go" initiatives directly related to mobile privacy issues, as well as California's Digital Privacy Rights for Minors Act. The Webinar, the NYIPLA's first, was very well attended, and garnered considerable positive reviews.

Finally, the Committee is currently working on another webinar on privacy issues arising from the use of drones by governmental and commercial entities. That webinar is scheduled to occur in the Fall of 2014.

INVENTOR OF THE YEAR (IOTY) AWARD

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

Co-Chairs: David Leichtman and Eric Yecies **Board Liaison:** Kevin Ecker

Members: Jessica Copeland, Victor Cole, Joseph Pieroni, Jason Scher

The 2014 Inventor of the Year Award Committee reviewed ten (10) submissions for the Inventor of the Year award this year, including one (1) resubmission from the prior year. The Committee presented its top three (3) choices to the Board for discussion and approval. The Board agreed with the Committee's finding and decided to recognize Drs. Michel Sadelain, M.D., Ph.D., and Renier J. Brentjens, M.D, Ph.D., of the Memorial Sloan-Kettering Cancer Center in New York for their extensive work in the area of CAR T-Cell technologies, which involve taking a patient's own T-cells and engineering them to recognize a protein that appears on the surface of cancer cells. The modified T-cells are then infused back in the patient's bloodstream so they can launch a precise immunological attack against the cancer.

2013 - 2014 Committees

The Committee has also updated its compilation of useful FAQs on the NYIPLA website to provide information to potential nominators and candidates for the award, which we believe contributed to the Committee's receiving an increased pool of nominations. The Committee also added a notice component of its program to advise the nominating parties for each submission that they were not the winner, which resulted in some valuable feedback on the process from interested parties.

We would like to recognize all the Committee members for their excellent work researching, reviewing, and ranking the submissions this year.

We also want to thank our Board Liaison, Kevin C. Ecker, for his help navigating the process for the 2014 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, and to make recommendations with respect thereto to the Board of Directors.

Co-Chairs: Colman Ragan and Steven Lendaris **Board Liaison:** Raymond Farrell

Members: Soumitra Deka, Rory Radding, Francisco Villegas

This year, a main focus of the Meetings & Forums Committee was to attract more members to our CLE functions by hosting events targeting different NYIPLA constituencies, including law students and younger attorneys as well as attorneys practicing outside of Manhattan. We feel that this strategy was a success and we will continue the strategy into 2014-15. Below is a brief summary of the programs our Committee hosted in 2013-14.

Over the course of the past year, the Meetings & Forums Committee and the Young Lawyers Committee jointly hosted a series of three networking events and panels aimed at creating an open dialogue with young lawyers addressing the variety of career options presented in today's changing marketplace. These events, held on July 19, 2013 at Kaye Scholer LLP, on October 10, 2013 at New York Law School, and April 2, 2014 at Fordham University School of Law, were well attended and offered a unique opportunity to introduce the NYIPLA to law students as well as attorneys in the earliest stages of their careers.

Building on the successful collaboration with the Young Lawyers Committee, the Meetings & Forums Committee teamed up with the Patent Litigation Committee on November 30, 2013, for a reception and presentation on the litigation perspectives of former law clerks from jurisdictions with heavy patent case dockets. The program was such a success that consideration is being given to hosting a series of similar events in the future.

On December 16, 2013, we held our annual CLE luncheon event featuring a member of the judiciary. This year we were pleased to host Circuit Judge Kathleen M. O'Malley of the United States Court of Appeals for the Federal Circuit. Judge O'Malley led a lively discussion focused primarily on her thoughts concerning recent congressional "patent reform" efforts. In particular, Judge O'Malley discussed how her views relating to the roles that the Federal Circuit and Congress play in establishing substantive and procedural law, particularly in the patent arena, have evolved since she was appointed to the United States District Court for the Northern District of Ohio in 1994. This event was well attended and many attendees were able to engage Judge O'Malley in a question-and-answer session after the formal presentation.

Our final event was held on May 1, 2014 at the Morrelly Homeland Security Center in Bethpage, New York. This was our second annual event planned in collaboration with Accelerate Long Island, the Long Island Forum for Technology ("LIFT"), and the Long Island Software and Technology Network ("LISTNet") and provided an excellent opportunity to extend the reach of the NYIPLA into the Long Island community of technology companies. This program featured three panels discussing concrete solutions for start-ups,

from initial company formation and protection of key intellectual property, through resources for funding and scale-up, to addressing issues that arise when success takes the company beyond the incubator.

In the coming year, we hope to keep this momentum going and offer programs to our members and prospective members at convenient times and venues as well as continue the outreach to our members who live and work in the areas surrounding Manhattan, such as Northern New Jersey, Long Island, and Westchester County. To this end, we are currently working with the New Jersey Intellectual Property Association to organize a joint event for Fall 2014.

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: William McCabe and John Moehringer **Board Liaison:** Bruce Haas

Members: Jessica Copeland, Alan Fanucci, Arianna Frankl, Albert Jacobs Jr., Maren Perry, Thomas Spath, Grace Yang

Overall membership increased to 1352 (2013-14) vs. 1298 members (2012-13). To help encourage more corporate members, the Association Bylaws were amended in 2012 to create a "Corporate Membership." Corporate membership is offered to members of a corporate law department at a rate of \$150 per year. The Membership Committee worked with the Corporate Practice Committee to help grow this segment of members. We have a total of 52 paid corporate members. It is also worth noting that student membership increased to 134 from 116.

The Committee continues trying to locate lapsed members and to renew those memberships where possible. The new Association website helps to minimize membership lapses; members now can update their own contact information, so it is easier for the Association to stay in touch with members as they change location/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: Brian Rothery and Peter Thurlow **Board Liaison:** Dorothy Auth

Members: Muna Abu-Shaar, Ojeiku Aisiku, Anne Barschall, Andrew Berks, Carolyn Blessing, Margaret Brivanlou, Seth Cannon, Jerry Dainow, Allan Fanucci, Joseph Farco, Robert Feinland, Mark Francis, Elysa Goldberg, Eric Greenbaum, Joshua Hamberger, Samson Helfgott, Steven Hoffberg, Sean Jackson, Michael Kahn, David Kaplan, Robert Katz, Philippe Laguerre, John Laurence, Chul-Woo Lee, Steven Lendaris, Jay Lessler, Anne Li, Stanley Liang, Dave Lorenz, Leila Marcovici, Edward Meilman, Safet Metjahic, Karl Milde, Charles Miller, Veronica Mullally, Douglas Nemec, Thomas O'Rourke, Jonathan Passner, Robert Rando, Laurence Rogers, Charles Ruggiero, William Sapone, Peter Saxon, Thomas Spath, Laura Sheridan, Scott Stimpson, Jaksha Tomic, Clifford Ulrich, John White, Grace Yang, Matthew Zisk

Assisted colleagues from the NYIPLA in-house Corporate Practice Committee in reviewing and preparing comments to the U.S. Patent and Trademark Office's proposed rules on attributable ownership, which requires, among other things, patent applicants and owners to regularly update patent ownership information during pendency of the patent application in the USPTO and after the patent has been granted.

Continued to review patent reform proposals in Congress and related proposed rule changes in the USPTO.

Organized a full-day CLE program at Benjamin N. Cardozo School of Law on Intellectual Property Developments in China; hosted representatives from the China State Intellectual Property Office ("SIPO"), including Commissioner Tian, who is one of the leading voices in China on intellectual property matters. Commissioner Tian gave a keynote address to the meeting and emphasized China's commitment to intellectual property issues, and its work with international organizations to enhance China's intellectual property system. Commissioner Tian also discussed the IP5 meeting with representatives from the U.S., Japan, Europe, and Korea to discuss global IP issues.

Drafted and published articles in the NYIPLA bulletin directed to patent reform and recent USPTO developments.

Committee members participated on NYIPLA monthly CLE panels to discuss patent reform and recent USPTO developments at the Patent Trial and Appeal Board and, in cooperation with the Young Lawyers Committee, gave a presentation on reasons why it is important to obtain a USPTO registration number.

Continued to work with the USPTO, New York Volunteer Lawyers for the Arts, and IP bar associations around the country to finalize a pro bono IP assistance program for small businesses and independent inventors.

Met with and coordinated USPTO activities in New York with the USPTO designate residing in New York for one year; participated in IP presentations with the USPTO designate.

Participated in the NYIPLA's Presidents' Forums.

PATENT LITIGATION

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

Co-Chairs: Victor Cole and Scott Stimpson **Board Liaison:** Anthony Lo Cicero

Members: Kenneth Adamo, Poopak Banky, James Barabas, Brian Biddinger, Jeremy Boczko, Delphine Knight Brown, Richard Brown, Marla Butler, Donald Cameron, Kenneth Canfield, Randy Eisensmith, Mark Francis, Aaron Frankel, Michael Gabriel, James Gould, Irene Hudson, Robert Isackson, David Kaplan, Robert Katz, Julia Kim, Steven Kline, David Leichtman, Ira Levy, Stephanie Lollo-Donahue, Robert Maier, Richard Mandaro, Dennis McMahon, Daniel Melman, Yousef Mian, Clement Naples, Douglas Nemec, Lauren Nowierski, Jerry Padian, Aaron Pereira, Peter Phillips, Alan Ratcliff, Laurence Rogers, Hassen Sayeed, Elias Schilowitz, Jeffrey Schwab, Ognian Shentov, Jack Slobod, Milton Springut, Ksenia Takhistova, Alan Tenenbaum, Thomas Vetter, Francisco Villegas, Ron Vogel

The NYIPLA Patent Litigation Committee ended the last year with a survey of its members on ways to improve the Committee, and began this year with a similar survey, both seeking ideas for activities of interest that would be appropriate for the Committee. The surveys received strong responses, and directed much of the Committee's work this year. The first meeting was held on July 24, followed by inperson luncheons approximately every month, with strong attendance of the Committee's 50+ members.

Committee members contributed to various CLE programs (including a presentation with the Amicus Brief Committee for the Annual Meeting), published numerous articles, monitored and commented on patent reform bills, contributed to the Association's letters to the Senate Judiciary Committee, and monitored important Federal Circuit and Supreme Court cases.

In addition, the Committee, in conjunction with the Meetings & Forums Committee, organized and ran a successful "Former Clerk Panel," which was well received and generated interest in additional, future panels with clerks from different jurisdictions, a project that the Committee intends to continue in the coming year.

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: Robert Greenfeld and Mary Richardson Board Liaison: Wanli Wu

Members: Poopak Banky, Jayson Cohen, William Dippert, Alexandra Gil, Dominique Hussey, Keith McWha

The Publications Committee publishes the NYIPLA Bulletin on a bi-monthly basis, five times a year. The Green Booklet, published in the summer, is the annual record of the NYIPLA, replacing the former Greenbook.

The Bulletin is a journal of articles of interest to the intellectual property community written by Association members and guests. A new feature this year was a themed issue, which was published as the February/March issue and centered on Smartphones. Articles of note included a review of several *Apple v. Samsung* cases, a design patent case involving BlackBerry® devices, and protecting trademarks for mobile apps.

Articles in the other issues of the Bulletin this year covered a wide range of topics. In the beginning of the year, the Bulletin continued publishing the first and second place Hon. William C. Conner Writing Competition winners' articles, which discussed resolving trademark disputes in the fashion industry and reverse payment agreements in pharmaceutical litigation. There were a number of articles that surveyed various patent law topics, including those that examined the Patent Pilot program, patent eligibility challenges since *Bilski*, requests to stay pending *inter partes* review (IPR), and *inter partes* joinder. Throughout the year there were several other articles discussing IPR proceedings, the America Invents Act (AIA), amicus briefs filed on behalf of the NYIPLA in the Supreme Court and the Federal Circuit, and legislative efforts to change or reform the patent laws.

Many of the articles published in the Bulletin come from members of other NYIPLA Committees, such as the Patent Litigation Committee, the Patent Law & Practice Committee, the Trademark Law & Practice Committee, and the Amicus Brief Committee.

Regular features in the Bulletin include reviews of Supreme Court cases decided in last year's Term (August/September issue), previews of Supreme Court cases to be argued in this year's Term (October/November issue) and the following features that appear in each edition of the Bulletin: the President's Corner, the Historian's Corner, IP Media Links, Notable Trademark Trial and Appeal Board Decisions, reports of the Association's CLE presentations, minutes of the Board of Directors' meetings, calendar of the Association's upcoming events, New Members list, and Moving Up & Moving On – for publicizing news of members' transitions and accolades. Copies of the Bulletin were mailed to all Association members and posted on the nyipla.com website 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: Pina Campagna and Kathleen McCarthy **Board Liaison:** Anthony Lo Cicero

Members: Magdalena Berger, Alessandra Biaggi, James Bikoff, Charles Chen, Laura Chubb, Dickerson Downing, Noel Humphreys, Karlo Lugo, Kaydi Osowski, Joel Schmidt, David Sherman

The Trademark Law & Practice Committee had 13 active members this year. The Committee has corresponded extensively and had several conference calls. The Committee also had a meet-and-greet luncheon at King and Spalding earlier this year.

The Committee is currently planning the Hot Topics in Trademark, Advertising, & Copyright CLE Seminar which will be held on July 17, 2014.

2013 - 2014 Committees

The Committee has developed a list of current topics of interest and a list of potential speakers for the program. The keynote address will be given by John Tantillo, Ph.D., the "Brand Marketing Doctor."

The Committee has planned a CLE workshop for the NYIPLA Annual Meeting on May 20, 2014, which comprises a panel of speakers discussing recent notable Supreme Court and Federal Circuit decisions in the trademark and copyright areas.

In addition, several Committee members have contributed articles to the NYIPLA Bulletin throughout the year.

The Committee plans on working with other committees to organize an after-work function in September and conducting at least one other CLE program.

U.S. BAR - EUROPEAN PATENT OFFICE LIAISON COUNCIL

Delegates: Samson Helfgott and Thomas E. Spath

The U.S. Bar/EPO Liaison Council includes delegates from U.S. IP organizations and IP sections of state and regional bar associations having a special interest in European patent practice that has met annually with officials of the EPO, often including its president, for the last 29 years. In 2013, the U.S. delegation was invited to join in the EPO's full-day celebration of the 40th anniversary of the signing of the European Patent Convention prior to the Council meeting in Munich on October 18, 2013.

As has occurred in the past, the EPO representatives advised the delegates, before the EPO's public announcement, of two important changes in EPO practice which had been raised in prior Council meetings by the U.S. delegates.

The U.S. Council delegates are preparing for the 30th annual meeting to be held in conjunction with the AIPLA October meeting in Washington, D.C., and at which the EPO president is expected to be a keynote speaker.

A report of the Munich meeting was published in the April/May edition of the *NYIPLA Bulletin* and is available on the Association's website.

U.S. BAR - JAPAN PATENT OFFICE LIAISON COUNCIL

Delegates: Raymond Farrell and John Pegram

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

Thirteen U.S. members of the Council met with officials of the Japan Patent Office in Tokyo on June 17, 2013. A report of that meeting has been published in the NYIPLA Bulletin and on the NYIPLA website.

Council delegates are now preparing for the annual meeting with JPO officials in Washington, D.C. on June 20, 2014.

U.S. BAR – STATE INTELLECTUAL PROPERTY OFFICE OF CHINA LIAISON COUNCIL

Delegates: Brian Rothery and Peter Thurlow

Following a very successful meeting between SIPO (State Intellectual Property Office) of China and the US Bar Liaison Council in NYC at Benjamin N. Cardozo School of Law last year, the 2014 annual SIPO/US Bar Liaison Council meeting took place on May 7th and 8th, 2014 in Beijing. On May 7th, an afternoon meeting with SIPO Leadership took place at SIPO where Articles 33, 22.3, 26.3, and 26.4 were discussed along with the draft amendment related to administrative enforcement. On May 8th, SIPO and the US Bar Liaison Council meeting took place at the Chinese Intellectual Property Training Center (CIPTC) and started with the exchange of gifts. SIPO made three (3) presentations on Chinese laws while the Council made three (3) presentations on United States law. SIPO made presentations on (1)

CN Utility Models including updates on the recent amendments, (2) Updates to recent draft amendments to the Inventor for Remuneration for Service Invention, and (3) CN Design Patent, particularly Electronic Screen Design, amendments. The U.S. Council made presentations on (1) U.S. patentable subject matter (*Alice Corp. Pty. Ltd. v. CLS Bank International* case), (2) Updates on U.S. policy and progress of anti-troll legislation, and (3) Updates on induced and direct infringement in light of *Limelight Networks, Inc. v. Akamai Technologies, Inc.* A formal report on the meeting is expected in late May. The annual SIPO/US Bar Liaison Council meeting should be held in the United States in 2015.

Hosted an Intellectual Property Delegation from China. Committee members provided presentations to the Chinese delegation on U.S. patent law; the Chinese delegation provided an update on recent IP developments in China.

WEBSITE & RECORDS

Scope of the Committee: To oversee the Association's web-based presence and preservation of the Association's historical documents and records. Our Committee oversees both present-day and historical information for the Association. We oversee the design, updating, and maintenance of the Association's website and make recommendations for further improvements to the Association's web presence. In addition, we manage the gathering, care, archiving, and availability of the Association's publications, photographs, and other historical documents and records (relating as far back as to the founding of the Association in 1922) to identify matters of interest and relevance to the current membership.

Co-Chairs: William Dippert and Wan Chieh (Jenny) Lee **Board Liaison:** Walter Hanley Jr.

Members: Ron Brown, Dale Carlson, Mary Richardson

During the 2013-2014 year our Committee studied the NYIPLA website in depth and recommended certain updates and changes to the content and layout of the website, which updates and changes were implemented with the assistance of Lisa Lu of Robin Rolfe Resources. Notably, the Committee recommended the addition of a members-only job board for member firms to post opportunities available to other members and updates to the membership list.

In addition, the Committee has continued to devise a plan for screening, organizing, and preserving the Association's historical documents. The Committee has identified documents and information that are potentially useful to other committees of the Association, particularly the CLE Committee, and is in the process of sorting through other historic documents in accordance with the Association's document retention policy.

WOMEN IN IP LAW

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

Co-Chairs: Sona De and Jeanna Wacker **Board Liaison:** Denise Loring

Members: Alexandra Awai, Jennifer BianRosa, Margaret Brivanlou, Alexandra Caleca, Shannon Clarke, John DiMatteo, Wanda French-Brown, Karen Grus, Samantha Himelman, Sara Kapner, Abigail Langsam, Benu Mehra, Debra Resnick, Michelle Riley, Krista Rycroft, Anne Toker, Patricia Werner

Overall, the Women in IP Law Committee had a productive year. It has spent this year planning and conducting meetings, CLE events, and networking events. The Committee has also increased its membership over the past year.

The Committee held an NYIPLA Women and Wine Tasting Networking Event in November 2013, hosted by Orrick, Herrington & Sutcliffe LLP. The event included Orrick's wine vendor, who set up a tasting flight for the participants and presented information about the wines. The event was well attended by Committee and Board members alike, as well as guests. At the Board's request, the Committee also

conducted a survey on ways to improve diversity in the NYIPLA and compiled a report of their findings, which the Committee submitted through its Board Liaison. The Committee is also presenting a CLE panel discussion at the May 2014 Annual Meeting on "Perspectives on Recent Patent Legislative and Supreme Court Developments." The panelists are in-house counsel from various industries. The Committee also continued to hold informal membership meetings on a bimonthly basis where constructive ideas were shared, both relating to mentorship and the growth and development of our Committee.

The Committee plans to continue holding regular informal meetings through 2014 and to organize another formal event later this fall. We look forward to continued growth of the Committee, making it an even 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.

Co-Chairs: Jonathan Auerbach, Michael Bullerman and Lauren Nowierski **Board Liaison:** Annemarie Hassett

Members: Emily Beman, Andrew Bochner, Preetha Chakrabarti, Isaac Chao, Alice Cheng, Joseph DiCioccio, David Draper, Vicki Franks, Austin Ginnings, Stephen Kunen, Xiao Li, Nicholas Loaknauth, Loren Pani, Kiran Patel, Rachel Rubin, Michael Sebba, Steven Skelley, Jack Shaw, Edward Tulin, Gary Yen

The NYIPLA Young Lawyers Committee recently wrapped up another successful year, launching the new Young Lawyers Roundtable series, which brought experienced practitioners and young lawyers together for informal discussions on relevant topics in intellectual property law and practice. The Committee has had approximately 20 members throughout the year, and is co-chaired by Jonathan Auerbach (Goodwin Procter LLP), Michael Bullerman (Kaye Scholer LLP) and Lauren Nowierski (Desmarais LLP). Annemarie Hassett (Goodwin Procter LLP) serves as the Committee's Board Liaison.

The Committee kicked off the year on May 29, 2013, with the first Roundtable discussion held at Goodwin Procter LLP entitled, "Expert Depositions in Intellectual Property Litigation." The discussion was led by Past President Tom Meloro (Willkie Farr & Gallagher LLP) and Elizabeth Holland (Kenyon & Kenyon LLP). On July 9, 2013, the Committee co-hosted a CLE with the Meetings & Forums Committee at Kaye Scholer LLP entitled, "Oh the Places You'll Go! Diverse Careers in IP Law and Strategies for Achieving Success." The CLE was moderated by Meetings & Forums Committee Co-Chair Colman Ragan (Actavis, Inc.) and featured panelists Eugene Chang (Willkie Farr & Gallagher LLP), Winston Henderson (Nano Terra, Inc.), and Hanna Cohen (Kaye Scholer LLP). On September 24, 2013, the Committee hosted the second Roundtable discussion at Desmarais LLP entitled, "Legal Writing for Young Lawyers," which was led by Paul Bondor (Desmarais LLP) and Henry Dinger (Goodwin Procter LLP). On October 29, 2013, the Committee hosted a panel discussion at Crowell & Moring LLP entitled, "Life as a Young IP Associate: Managing the Non-Legal Aspects of Your Practice," featuring Committee members Preetha Chakrabarti (Crowell & Moring LLP), Vicki Franks (Frommer Lawrence & Haug LLP), Steven Skelley (Kirkland & Ellis LLP), and Edward Tulin (Skadden, Arps, Slate, Meagher & Flom LLP). Committee Co-Chair Jonathan Auerbach moderated. On February 6, 2014, the Committee hosted the third Roundtable Discussion at Kaye Scholer LLP entitled, "Oral Argument for Young Lawyers," which was led by Past President Terri Gillis (Mayer Brown LLP) and Robert Pollaro (Cadwalader, Wickersham & Taft LLP). The Committee concluded the 2013-2014 year with the fourth Roundtable discussion at Skadden, Arps, Slate, Meagher & Flom LLP entitled, "Claim Construction for Young Lawyers." The discussion was led by CLE Committee Co-Chair Robert Rando (The Rando Law Firm PC) and John Hanish (Goodwin Procter LLP).

The Committee would like to thank everyone who participated in its events this year and would especially like to thank Board Liaison Annemarie Hassett for all her help throughout the year.

Annual Report of the Treasurer 2013-2014 The New York Intellectual Property Law Association, Inc. Statements of Financial Position – Cash Basis For the years ended April 30

	_	2014		2013
Revenues				
Judges Dinner - event fees	\$	1,378,360	\$	1,277,885
Continuing Legal Education (CLE) revenue		96,596		95,652
Membership dues		296,108		295,792
Other programs and events		32,647		26,092
Interest income	_	1,229	. <u> </u>	1,138
Total revenues	_	1,804,940	. <u> </u>	1,696,559
Expenses				
Judges Dinner		813,427		838,370
Continuing Legal Education (CLE)		38,294		35,670
Other programs and events		94,097		91,975
Scholarships, awards and donations		19,980		
Professional fees		323,832		313,154
Postage and mailing		9,344		9,550
Printing and publications		78,796		75,164
Office expense		18,771		16,881
Telephone		1,987		2,078
Insurance		8,358		2,541
Bad debt				24,000
Miscellaneous	_	558	_	1,703
Total expenses (Note 3)	_	1,407,444	. <u> </u>	1,411,086
Change in unrestricted net assets (Exhibit C)		397,496		285,473
Net assets - unrestricted - beginning of year	_	1,503,454	_	1,217,981
Net assets - unrestricted - end of year (Exhibit A)	\$	1,900,950	\$	1,503,454

See independent auditor's report.

The accompanying notes are an integral part of these statements.

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Annual Report of the Treasurer 2013-2014 The New York Intellectual Property Law Association, Inc. Statements of Activities & Changes in Net Assets – Cash Basis For the years ended April 30

	-	2014		2013
Cash flows from operating activities				
Change in net assets (Exhibit B)	\$	397,496	\$	285,473
Adjustments to reconcile change in net assets				
to net cash provided by operating activities				
Decrease (increase) in assets				
Accounts receivable				27,000
Prepaid expenses and other assets		(36,232)		
Increase (decrease) in liabilities				
Accounts payable and accrued expenses		10,707		6,452
Deferred revenue	-	(715)		(175)
Net cash provided by				
operating activities	-	371,256		318,750
Net change in cash and cash equivalents		371,256		318,750
Cash and cash equivalents - beginning of year	-	1,530,681	_	1,211,931
Cash and cash equivalents - end of year	\$	1,901,937	\$	1,530,681

See independent auditor's report.

The accompanying notes are an integral part of these statements.

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92nd Annual Dinner in Honor of the Federal Judiciary

he New York Intellectual Property Association held its 92nd Annual Dinner in Honor of the Federal Judiciary on March 28, 2014 at the Waldorf Astoria New York Hotel. President Charles Hoffmann welcomed the honored guests, members of the NYIPLA, and their guests. Joseph Bartning, Malena Dayen, and Candice Hoyes opened the evening's events with a magnificent rendition of the National Anthem. The Association's Twelfth Annual Outstanding Public Service Award was presented to the Honorable Gregory M. Sleet, Chief Judge of the United States District Court for the District of Delaware. The Keynote Address was given by Ken Starr, President and Chancellor of Baylor University.



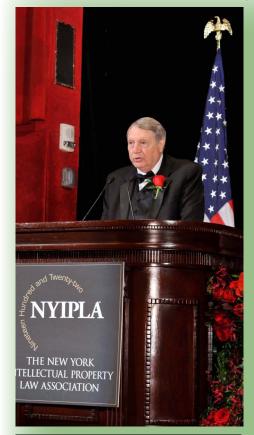






Standing: Walter E. Hanley Jr., Hon. Loretta A. Preska, Hon. Leonard E. Davis, Dorothy R. Auth, Hon. William M. Skretny, Hon. Joy Flowers Conti, Hon. Richard W. Roberts, Annemarie Hassett

Sitting: Hon. Petrese B. Tucker, Anthony F. Lo Cicero, Kenneth W. Starr, Charles R. Hoffmann, Hon. Gregory M. Sleet, Hon. Carol Bagley Amon, Hon. Ruben Castillo





















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THE Waldorf Astoria New York Hotel

MARCH 28, 2014

NEW YORK INTELLECTUAL PROPERTY LAW ASSOCIATION

In conjunction with
The NYIPLA 92ND ANNUAL DINNER IN HONOR OF THE FEDERAL JUDICIARY

presents

DAY OF THE DINNER CLE LUNCHEON

Key Developments in the Evolving Law of Remedies in Patent Infringement Cases

REGISTRATION & RECEPTION 10:30 A.M. – 11:30 A.M.

LUNCH 11:30 A.M. – 12:20 P.M.

PRESENTATION 12:20 P.M. – 2:15 P.M.

2.0 NYS/NJS
CLE PROFESSIONAL
CREDITS FOR BOTH
NEWLY ADMITTED
AND EXPERIENCED
ATTORNEYS



SPEAKERS

Honorable Pauline Newman

CIRCUIT JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Honorable Richard G. Andrews

Judge of the United States District Court for the District of Delaware

Honorable Theodore R. Essex

Administrative Law Judge of the United States International Trade Commission

MODERATORS

MICHELLE LEE

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office

THOMAS J. MELORO

NYIPLA Immediate Past President, Willkie Farr & Gallagher LLP

Hosted by the NYIPLA Continuing Legal Education Committee





Standing: Mark Bloomberg, Charles Hoffmann, Robert Rando, Hon. Theodore Essex, Michael Johnson, Thomas Meloro **Sitting:** Michaelle Lee, Hon. Pauline Newman, Hon. Richard Andrews

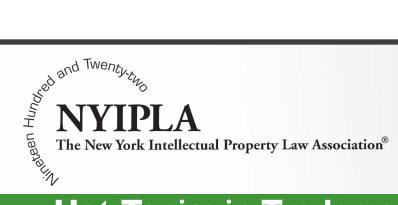














Hot Topics in Trademarks, Advertising, Copyrights & Design Patents CLE Seminar

Wednesday, July 17, 2013 • The Princeton Club, 15 West 43rd Street, New York EARN 3.5 NY/NJ CLE CREDITS INCL. ETHICS • FOR BOTH NEWLY ADMITTED & EXPERIENCED ATTORNEYS



Keynote Speaker Honorable Garrett E. Brown Jr. (ret.)

Chief Judge of the United States District Court for the District of New Jersey

Chief Judge Brown addressed the devastating impact that sequestration budget cuts are having on the federal judiciary and its effect on federal practitioners and the parties appearing before the federal courts.

AGENDA

12:00 - 12:30 PM Registration 12:30 - 1:10 PM Lunch

1:15 - 1:45 PM Keynote Speaker: Hon: Garrett E. Brown Jr. (ret.),

Chief Judge of the United States District Court for the District of New Jersey

1:45 - 2:55 PM

 What you need to know about the new PTO Ethics rules Director William Covey, USPTO

 Copyright First Sale in a Digital World (Capitol Records v. ReDigi) Jonathan King, Cowan, Leibowitz & Latman

2:55 - 3:10 PM Refreshment Break

3:10 - 4:55 PM

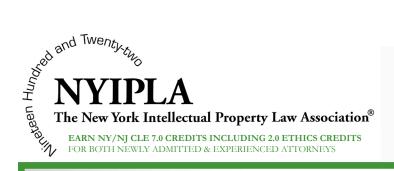
Protecting Design Rights: Comparing Design Patents, Trade Dress, Copyrights –
 Different Rights, Remedies, Strategies

Moderator/Panelist: Bill Thomashower, Schwartz & Thomashower Panelists: Lisa Simpson, Orrick and Jonathan Moskin, Foley & Lardner

- Update from the FTC: Recent False Advertising Actions including "Health" and "Green" Claims Lesley Fair, FTC
- New gTLDs Rollout Practical Advice for Cost Effective Management of Trademark Protection Marty Schwimmer, Leason & Ellis

Hosted by the Continuing Legal Education Committee Co-Chairs Mark Bloomberg and Robert Rando, in conjunction with the Trademark Law & Practice Committee Co-Chairs Pina Campagna and Kathleen McCarthy, and Copyright Law & Practice Committee Co-Chairs Thomas Kjellberg and Joel Schmidt

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One-Day Patent CLE Seminar January 16, 2014

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

AGENDA

8:15 AM - 8:55 AM Continental Breakfast

8:55 AM - 9:05 AM Welcome Remarks

9:05 AM - 10:20 AM Panel 1: Exploiting Patent Rights - Antitrust and Valuation Issues

Moderator Irene Hudson, Fish & Richardson

- Antitrust Issues and the FTC Benjamin Gris, Federal Trade Commission
- Patent/Antitrust Concerns Arising in Corporate Transactions Heather Schneider, Willkie Farr & Gallagher
- Valuation of Patent Portfolios Kathlyn Card-Beckles, JP Morgan Chase

10:20 AM - 10:35 AM Refreshment Break

10:35 AM - 11:55 AM Panel 2: Litigation Involving NPEs

Moderator William Thomashower, Schwartz & Thomashower

- Legislative Proposals for Addressing Abuses by NPEs
- NPE Litigation Strategies for Patent Owners and Accused Infringers
- Ethical Issues in NPE Litigation

Panelists: Kim Bykov, CA Technologies, Michael Kahn, Ropes & Gray, Robert Maier, Baker Botts

11:55 AM - 12:30 PM Keynote Speaker Chief Judge Carol Bagley Amon

United States District Court for the Eastern District of New York

12:30 PM - 1:15 PM Lunch

1:15 PM - 2:15 PM Interactive Ethics Presentation NEW!

- Mark Bloomberg, Zuber Lawler & Del Duca
- Patrice Jean, Kenyon & Kenyon
- Robert Rando, The Rando Law Firm

2:15 PM - 3:35 PM Panel 3: Legal Update

Moderator Michael Johnson, Willkie Farr & Gallagher

- Supreme Court Update Charles Macedo, Amster, Rothstein & Ebenstein
- Federal Circuit Update Melvin Garner, Leason Ellis
- PTAB Update Peter Thurlow, Jones Day

3:35 PM - 3:50 PM Refreshment Break

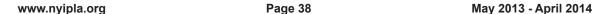
3:50 PM - 5:00 PM Panel 4: Current Issues In Patent Prosecution

Moderator Wan Chieh (Jenny) Lee, Fay Kaplun & Marcin

- Pre-grant Activities: Procedural Options to Maximize Your Ability and Minimize an Opponent's Ability to Obtain a Patent Frank DeLucia, Fitzpatrick, Cella, Harper & Scinto
- Post-grant Proceedings: How Often Are They Used and How Well are They Working Michael Levy, Kenyon & Kenyon
- Prosecution Ethics Issues Chris Bowley, Fish & Richardson

5:00 PM - 5:10 PM Closing Remarks

Hosted by the Continuing Legal Education Committee Co-Chairs Mark Bloomberg and Robert Rando





















Young Lawyers Roundtable: Expert Depositions in Intellectual Property Litigation

May 29, 2013





Panelists: Thomas J. Meloro, Elizabeth Holland

Hosted by Young Lawyers Committee

Co-Chairs: Jonathan Auerbach,

Michael Bullerman and Lauren Nowierski

Oh the Places You'll Go! Diverse Careers in IP Law and Strategies for Achieving Success

July 9, 2013

Panelists: Eugene L. Chang, Hanna G. Cohen, Winston E. Henderson

Hosted by Meetings & Forums Committee Co-Chairs: Colman Ragan and Steven Lendaris in conjunction with Young Lawyers Committee Co-Chairs: Jonathan Auerbach, Michael Bullerman and Lauren Nowierski



Full Day Symposium: Patent Law Developments in China June 3, 2013

Panelists: Commissioner Tian Lipu, Matthew Diller, C. Frederick Koenig III, Peter Thurlow, Wei Zhang, Henry Hadad, Ge Shu, Ji Liu, Alan Kasper, Manny Schecter, Yonghua Zhang, Xiaomen Gu, Alexandra Darraby, Andrew Schwaab, Hubin Zhou, Bin Chen, Yimei Hammond, Wendy Choi, Professor Justin Hughes, Patrick Coyne, Thomas B. Mason, Christopher Shao Wei, Barbara Gislason, Hans Sauer, Li Wu, Chen Wang, Denise Kettlelberger, Qinghong Xu, Rory Radding

Hosted by U.S. Bar – State Intellectual Property Office of China Liaison Council and All China Patent Agent Association (ACPAA) Co-Liaisons: Brian Rothery and Peter Thurlow



Young Lawyers Roundtable: Legal Writing September 24, 2013





Panelists: Paul A. Bonder, Henry C. Dinger

Hosted by Young Lawyers Committee Co-Chairs: Jonathan Auerbach, Michael Bullerman and Lauren Nowierski

Intellectual Property Considerations for Software and Mobile Apps

September 26, 2013

Panelists: Jeanine Ray-Yarletts, Al Cutaia, Rob Fluskey Hosted by Jessica L. Copeland



Diverse Careers in IP Law and Strategies for Achieving Success

Held at the New York Law School

October 10, 2013

Panelists: Michael Chang, Thomas Meloro, John Resek, Steven Lendaris, Colman Ragan

Hosted by Meetings & Forums Committee Co-Chairs: Colman Ragan and Steven Lendaris in conjunction with Young Lawyers Committee Co-Chairs: Jonathan Auerbach, Michael Bullerman and Lauren Nowierski



In-house Counsel Mixer

October 17, 2013

Hosted by Corporate Practice Committee Co-Chairs: Frank Sedlarcik and Jeffrey Butler



NYIPLA Past Presidents Dinner

October 22, 2013

Hosted by Immediate Past President Thomas J. Meloro

Life as a Young IP Associate – Managing the Non-Legal Aspects of Your Practice

October 29, 2013

Panelists: Preetha Chakrabarti, Vicki Franks, Steven Skelley, Edward Tulin

Hosted by Young Lawyers Committee Co-Chairs: Jonathan Auerbach, Michael Bullerman and Lauren Nowierski

Understanding Recent Changes in Patent Law and Their Effect on Litigation

November 7, 2013

Panelists: Honorable Thomas Giannetti, Honorable William D. Wall, Salvatore J. Abbruzzese, Rod S. Turner, Ronald J. Baron, Irving N. Feit, Michael Ertel, Robert Neuner, Michael I. Chakansky

Hosted by Hoffmann & Baron and the NYIPLA



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Patent Litigation from the Law Clerks' Perspective – Insights on New Patent Rules and Successful Litigation Strategies

November 20, 2013

Panelists: Glen Cheng, Leah Edelman, Michelle Nerozzi Ankenbrand

Hosted by Patent Litigation Committee Co-Chairs: Victor Cole and Scott Stimpson in conjunction with

Meetings & Forums Committee Co-Chairs: Colman Ragan and Steven Lendaris



Wine Tasting & Networking November 21, 2013

Hosted by Women In IP Law Committee Co-Chairs: Sona De and Jeanna Wacker With appreciation to Lisa Simpson





Amicus Brief Discussion "Fee Shifting in Patent Litigation" December 4, 2013

Panelists: Charles Macedo, Robert M. Isackson, John Cleary, Julia Kim, Sandra Hudak

Hosted by Amicus Brief Committee Co-Chairs: Charles Macedo, Robert Isackson and David Ryan



December CLE Luncheon: A View From The Bench

December 16, 2013

Speaker: Circuit Judge Kathleen M. O'Malley Hosted by Meetings & Forums Committee Co-Chairs: Colman Ragan and Steven Lendaris



Young Lawyers Roundtable: Oral Argument

February 6, 2014





Panelists: Terri Gillis and Robert Pollaro Hosted by Young Lawyers Committee Co-Chairs: Jonathan Auerbach, Michael Bullerman and Lauren Nowierski

Webinar: "What Every NY Attorney Should Know About California Privacy Law - But Is Afraid To Ask!"

February 18, 2014

Panelists: Joanne McNabb, Kevin Moss, James Williams

Hosted by Internet & Privacy Law Committee

Chair: Kevin Moss

Federal Circuit Bar Association Bench & Bar: Patent Litigation in New York Courts: A View from the Bench

March 14, 2014

Panelists: Honorable Brian M. Cogan, Honorable Denise L.
Cote, Honorable James C. Francis, Honorable
Steven M. Gold, Honorable Gabriel W. Gorenstein,
Honorable John G. Koeltl, Honorable Frank Maas,
Honorable Victor Marrero, Honorable Randall R. Rader,
Patrick J. Coyne, Carolyn H. Blankenship,
Charles R. Hoffmann, David J. Kappos, Ed Haug, Eric Stone,
Mark J. Abate, Nicholas M. Cannella

Hosted by the Federal Circuit Bar Association (FCBA) and the NYIPLA

Diverse Careers in IP Law and Strategies for Achieving Success

Held at Fordham University School of Law

April 2, 2014

Panelists: Mindy Bickel, Walter E. Hanley, Megan Hungate, Soumitra Deka

Hosted by Meetings & Forums Committee Co-Chairs: Colman Ragan and Steven Lendaris in conjunction with Young Lawyers Committee Co-Chairs: Jonathan Auerbach, Michael Bullerman and Lauren Nowierski



USPTO AIA Trial Proceedings Roundtable

April 17, 2014

Panelists: Honorable James Smith, Honorable Scott Boalick, Honorable Thomas Giannetti, Honorable Grace Obermann, Janet Gongola, Erika Arner, Robert Sterne, Vincent McGeary, Sharon Israel

Hosted by the USPTO and the NYIPLA Organized by Marylee Jenkins and Peter Thurlow



World IP Day: Movies a Global Passion May 1, 2014

Panelists: Barry Werbin, Hillel Parness, Jonathan Band
Hosted by The Copyright Society of the U.S.A.
and the NYIPLA
Organized by John Moehringer and Robert Rando

Accelerate, LIFT, LISTnet and the NYIPLA "A Toolkit of Practical and Essential IP Advice for Startups" Joint Program

May 1, 2014

Panelists: Raymond Farrell, Steven Lendaris, Jim Harrington, Mike Faltischek, Mark Lesko, Mindy Bickel, Bill Wahlig, Rich Foster, Matthew Stadler, Colman Ragan, John DiMatteo, Mark Getachew, John Resek

> Hosted by Meetings & Forums Committee Co-Chairs: Colman Ragan and Steven Lendaris

Young Lawyers Roundtable: Claim Construction

May 1, 2014





Panelists: John Hanish, Robert Rando

Hosted by Young Lawyers Committee Co-Chairs: Jonathan Auerbach, Michael Bullerman and Lauren Nowierski



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