

Nineteen Hundred and Twenty-two

NYIPLA

The New York Intellectual Property Law Association®

2014-2015

GREEN

BOOKLET

ASSOCIATION ANNUAL REVIEW

NYIPLA Board of Directors	2 - 3
Year In Review by Anthony F. Lo Cicero	4 - 5
Annual Meeting	6 - 10
Committee Reports	11 - 22
Annual Report of the Treasurer	23 - 24
93 rd Annual Dinner in Honor of the Federal Judiciary	25 - 26
Day of the Dinner CLE Luncheon.....	27 - 28
Hot Topics in Trademarks, Advertising, Copyrights & Design	
Patents CLE Seminar.....	29
One-Day Patent CLE Seminar	30 - 31
Events	32 - 35



Anthony F. Lo Cicero

***NYIPLA President
2014-2015***



Standing: Raymond Farrell, Garrett Brown, Jessica Copeland, Stephen Quigley, Matthew McFarlane, Jeanna Wacker, Richard Parke, Peter Thurlow

Sitting: Denise Loring, Walter Hanley, Dorothy Auth, Anthony Lo Cicero, Annemarie Hassett, Kevin Ecker, Charles Hoffmann

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Wanli Wu (2015)
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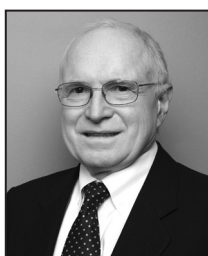
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2014-2015 YEAR IN REVIEW

My service as president of the NYIPLA has been one of the most rewarding experiences of my 40-year legal career. I have been privileged to work with a dedicated and committed Board of Directors, hard-working and creative committee chairpersons, and an outstanding Executive Office, spearheaded by Feikje van Rein and Lisa Lu.

Throughout the year, we have kept in mind the Association's strategic plan, which has as its goals promoting the growth and diversity of the Association, enhancing services to its members, and promoting wider visibility and influence of the Association. The several initiatives, programs, and events of the past year demonstrated our success in advancing those objectives. In particular, rather than simply reacting to developments of importance to the intellectual property system, we have sought to influence events.

Legislative Action

Our newly formed Legislative Action Committee, working with our government relations consultant, American Continental Group, has actively participated in the legislative process relating to patent reform legislation in both the House and Senate. Association members have met with congressional staffers and a United States Senator, have prepared white papers and bill markups, and have closely followed all legislative developments relating to intellectual property. NYIPLA views have been discussed on the Senate floor, and several of the positions that the Association has taken appear to have influenced the direction of legislation. This is an achievement that we can all be proud of.

Amicus Support

The Association has also sought to increase its influence in the courts. In addition to regularly monitoring and reporting about important judicial developments, the Association continued its long-standing practice of filing amicus briefs before the U.S. Supreme Court and the Court of Appeals for the Federal Circuit. This year we filed briefs on issues as diverse as the effect to be given in litigation to TTAB proceedings (*B & B Hardware*), per se patent misuse presumption (*Marvel Enterprises*) and seminal issues relating to post-issuance proceedings under the AIA (*In re Cuozzo Speed Technologies*).

Relations with the PTO

The Association this year has worked diligently to enhance the Association's relationship with the U.S. Patent and Trademark Office (USPTO). We regularly comment on proposed USPTO rules, and we have established an excellent working relationship with senior officials, including Director Michelle Lee.

The AIA

Few developments have had as profound an effect on the practice of patent law as the passage of the America Invents Act (AIA). In keeping with the importance of this law, the Association dedicated an entire issue of the Bulletin to that portion of the law covering post-grant proceedings and sponsored a program featuring Lead Administrative Patent Judge Michael Tierney of the PTAB. We also sponsored a roundtable including law firm and corporate representatives as well as Lead Administrative Patent Judges Thomas L. Giannetti and Grace K. Obermann. We presented our Outstanding Public Service Award to former Chief Administrative Patent Judge James Smith at the Judges Dinner.

Sponsored Programs and Events

The diversity of interests of the Association and its members is best illustrated by the wide variety of programs that the Association sponsors and presents. This year was no different.

An annual highlight of the year is the one-day patent seminar, which was held on November 20, 2014, at the Princeton Club. In addition to several informative presentations, this year featured a keynote speech by Chief Judge Jerome Simandle of the United States District Court for the District of New Jersey.

Our programs on patent law and practice included one offering perspectives on recent patent legislative and Supreme Court developments, a presentation by former law clerks who provided unique insights into the actual judicial decision-making process, a roundtable on transactional practice, and a program on the changing patent landscape highlighting issues affecting practice in the district courts and the USPTO.

From the non-patent standpoint there were presentations on important and emerging topics in trademark, advertising, and copyright law.

Interestingly, there have been several programs this year that transcend categorization, including the Second Circuit Moot Court Argument, and programs on diverse careers in IP law, storytelling for lawyers, and setting up and maintaining an IP practice. On a more social note, we held the Past Presidents' Dinner and the Young Lawyers happy hour.

Although most of our programs were conducted in New York City, not all were. We conducted an extremely well-received program in Troy, New York, in association with Rensselaer Polytechnic Institute, and two joint programs with the NJIPLA, one on the influence of recent U.S. Supreme Court decisions on patent law and potential patent law reform, and the other on intellectual property protection in China.

Judges Dinner

Our signature event, the 93rd Annual Dinner in Honor of the Federal Judiciary took place on March 27, 2015. Over 2700 people attended, including 142 honored guests, among whom were 96 Article I and Article III judges. The dinner was highlighted by the speeches of our Outstanding Public Service Award recipient, former Chief Administrative Patent Judge James Smith of the PTAB, and our keynote speaker the Hon. Madeleine K. Albright. The comments that we received from the dinner were overwhelmingly positive. It was particularly gratifying to hear from several of the judges who expressed their appreciation and their anticipation of next year's event.

Conclusion

I'm proud to say that this past year was a productive and successful one for the Association. I look forward to watching the Association continue to grow and prosper.

Best regards,



Anthony F. Lo Cicero

2014 Annual Meeting

On May 20, 2014, incoming Association President Anthony F. Lo Cicero welcomed members and guests at the Princeton Club of New York. Anthony expressed his appreciation for outgoing President Charles R. Hoffmann.

Keynote Speaker: Honorable Richard J. Sullivan, United States District Court Judge for the Southern District of New York





Nineteen Hundred and Twenty-two

NYIPLA

The New York Intellectual Property Law Association®

Annual Meeting

May 20, 2014

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

11:30 AM – 12:00 PM

Registration

12:00 PM – 2:00 PM

Lunch

followed by

CLE Presentation

**Perspectives on Recent Patent Legislative
and Supreme Court Developments**

hosted by the Women in IP Law Committee

~

2:15 PM – 3:15 PM

CLE Workshops

(Free for NYIPLA Members - select one)

Workshop 1

**Mock Oral Argument Contemplating the
Implications of the Revised Standard for
Attorney Fees Under 35 U.S.C. § 285**

hosted by the

Amicus Brief and Patent Litigation Committees

Workshop 2

Hard Issues in Soft IP-A Year in Review

hosted by the

Trademark Law & Practice and Copyright Committees

~

3:30 PM – 4:30 PM

Committee Meetings

(Free for NYIPLA Members)

4:30 PM – 5:30 PM

Annual Meeting of Members

(Free for NYIPLA Members)

5:30 PM – 6:00 PM

Board Meeting

(Board of Directors and Past Presidents only)

5:30 PM – 9:00 PM

Cocktail Reception

followed by

Awards Dinner

~

Awards Dinner Program

Welcome

NYIPLA Incoming President

Anthony F. Lo Cicero

Keynote Speaker

Honorable Richard J. Sullivan

*United States District Court Judge
for the Southern District of New York*

**Hon. William C. Conner
Writing Competition Awards**

presented by

Honorable Roslynn R. Mauskopf

*United States District Court Judge
for the Eastern District of New York*

followed by

Hon. Giles S. Rich Diversity Scholarship

and

Inventor of the Year Award

~



Award Recipients at the 2015 Annual Meeting

Inventor of the Year Award



Dr. Brian D'Andrade was recognized for his numerous disclosures relating to the field of technologies and materials for organic light emitting diodes (OLEDs). These disclosures have addressed many of the main challenges in fundamental OLED science and in making OLEDs a viable commercial product: efficiency, longevity, stability, control of emission color, and electronic transport properties, to name a few. Major manufacturers have licensed these OLED technologies from Dr. D'Andrade for use in the newest mobile phones, TVs, digital cameras, tablets, car audio systems, and other consumer electronics. Looking forward, OLED technologies are enabling

lighter, flexible, and more energy efficient next-generation applications, such as wearable electronics and “green” lighting OLEDs, in large part due to Dr. D'Andrade's inventions.

Hon. William C. Conner Writing Competition Winners



First Place Winner

Brian J. Focarino

from William & Mary Law School for his paper entitled
The Trademark as a Novel Innovation Index

Second Place Winner

Catherine Contino

from the Villanova University School of Law for her paper entitled
“Guilty by Resemblance”?

*The Supreme Court Struggles to Apply the Copyright Act
in the Digital Age in American Broadcasting Companies v. Aereo*



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 2015-2016 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. Dorothy Auth presented the award, and Professor Jeremy Sheff and Professor Eva Subotnik accepted on behalf of St. John's.

2014 – 2015 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: Robert Isackson, Charles Macedo and David Ryan

Board Liaison: Matthew McFarlane

Members: Bruce Abramson, Thomas Bean, Andrew Bochner, Mark Chapman, John Cleary, Melvin Garner, David Goldberg, Scott Howard, Sandra Hudak, Thomas Kowalski, Jeffrey Lewis, Stanley Lieberstein, Charles Miller, Julie Petruzzelli, Robert Rando, Irena Royzman, Alicia Russo, Heather Schneider, Karen Sebaski, Victor Siber, Stephen Smirti, Scott Spencer, Ksenia Takhistova, Marian Underweiser, Howard Wizenfeld and Stuart Yothers

The Association has continued its strong history of representing the Intellectual Property community before the courts 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 Judges Dinner on March 28, 2014, the Supreme Court has ruled on four cases in which the Association filed briefs *amicus curiae*.

In *Alice Corp. Pty. Ltd. v. CLS Bank International*, regarding the patent eligibility of computer-implemented claims, the Association filed a brief in support of neither party that laid out helpful factors to assist the Supreme Court in fashioning clearer guidelines on the application of Section 101 of the Patent Act. In a unanimous decision that affirmed the Federal Circuit's decision, the Court clarified the application of the test for patent eligibility along lines consistent with the Association's suggestions.

The Association also submitted identical briefs in *Octane Fitness, LLC v. ICON Health & Fitness, Inc.* and *Highmark Inc. v. Allcare Health Management System, Inc.* arguing that the standards used in determining whether a patent case is "exceptional" under 35 U.S.C. § 285 were too high. The Supreme Court decision eased the standard, replacing the old two-pronged test with a multi-factor analysis of exceptionality.

Finally, the Supreme Court's decision in *American Broadcasting Cos., Inc. v. Aereo, Inc.* followed the Association's reasoning that the Second Circuit's ruling in favor of the defendant misconstrued the Transmit Clause of the Copyright Act, and agreed that Aereo, Inc.'s system of rebroadcasting television over the Internet was a "public performance" of copyrighted works that violated the Act.

This year, in the patent case *Kimble v. Marvel Enterprises, Inc.*, the Association submitted a brief to the Supreme Court in support of the appellant's argument that the Court should overrule the 50-year-old patent misuse case, *Brulotte v. Thys Co.*, 379 U.S. 29 (1964). The brief argues that the legal and economic principles underlying *Brulotte*, which held that any temporal expansion of the patent monopoly beyond its term was illegal per se, are now outdated. The case was argued before the Court on March 31, 2015.

Further, in collaboration with the Trademark Law & Practice Committee, on October 31, 2014 the Amicus Brief Committee submitted a brief in *B&B Hardware, Inc. v. Hargis Industries, Inc.* The Association's brief in support of respondents argued that decisions by the Trademark Trial and Appeal Board on the issue of likelihood of confusion should not be entitled to preclusive effect as a matter of course. Instead, on those occasions when the Board considers the marketplace context of the marks, evidentiary weight should be given to the Board's decision on the issue of entitlement to registration, but not on the issue of likelihood of confusion. The case was argued on December 2, 2014.

The Amicus Brief Committee will continue its commitment to represent the Association's interests in all areas of Intellectual Property law in the courts in the year to come.

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: Richard Brown and Gary Butter

Board Liaison: Wanli Wu

Members: T. David Bomzer, Mark Francis, Philip Hirschhorn,
Allen Rubenstein, Emily Stein and Tara Thieme

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. In December and January, 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 29 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 four submissions were chosen and sent to the NYIPLA Board for its consideration. Based on the recommendations of the Committee and further discussions, the winner and runner-up were selected by the Board:

1. "The Trademark as a Novel Innovation Index" by Brian J. Focarino (William & Mary Law School)
2. "'Guilty By Resemblance'? The Supreme Court Struggles to Apply the Copyright Act in the Digital Age in *American Broadcasting Companies v. Aereo*" by Catherine Contino (Villanova University School of Law)

Through the NYIPLA, the Committee notified the winners and arranged for the presentations to be made at the Annual Dinner.

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: Lauren Emerson and Joseph Farco

Board Liaison: Hon. Garrett Brown

Members: Julie Albert, James Gibson, Heather Jensen, Peter Menchini,
Hillel Parness and Francesca Silverman

During 2014-2015, the New York Intellectual Property Law Association (NYIPLA) Copyright Law & Practice Committee had 11 members, including in-house and firm attorneys who practice copyright law, and one law student. The Committee conducted monthly conference calls to discuss recent decisions and developments in the law. Topics included the Copyright Office's report on the Music Marketplace, the proposed CODE (Copyright Office for the Digital Economy) Act legislation, Copyright Office Reform Bill, and the Copyright Office's report on Orphan Works and Mass Digitization. On October 30, 2014, the Committee held an in-person meeting at Baker Botts LLP. Later that month, the Committee organized a trip to the Gagosian Gallery to view the controversial Instagram prints of Richard Prince, a frequent participant in copyright disputes.

During the 2014-2015 year, the Copyright Law & Practice Committee collaborated with other NYIPLA committees on various projects. In conjunction with the Trademark Law & Practice Committee, and with Annemarie Hassett's good help, the Committee organized a panel discussion on issues related to 3D printing, which was held on May 19, 2015. Three distinguished panelists addressed the state of the technology, the legal issues raised by the technology, and practical ways for businesses to embrace and address 3D printing technology. Members of the Copyright Law & Practice Committee participated in calls with the Amicus Brief Committee to consider cases such as *Google Inc. v. Oracle America, Inc.*, *Garcia v. Google, Inc.*, and *Kienitz v. Sconnie Nation LLC*. The Committee has also started to work with the Legislative Action Committee.

A highlight of the year was our April 28, 2015 meeting with Yi-Ching Chen, Section Chief of the Copyright Division of the Intellectual Property Office of Taiwan. Ms. Chen visited the United States under the auspices of the U.S. Department of State's International Visitor Leadership Program, and specifically requested a meeting with our Committee. Taiwan is in the process of revising its copyright law. As part of this process, Ms. Chen toured the United States to meet with various industry groups to learn about how we handle various copyright issues. Our two-hour discussion spanned a wide variety of topics, including recent decisions, music royalties, SOPA/PIPA, the DMCA, and the copyright registration process. The meeting was held at Locke Lord LLP's midtown offices and was well attended by Committee members and attorneys from Locke Lord.

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: Tulloss Delk and Betty Ryberg

Board Liaison: Kevin Ecker

Members: Eric Agovino, Jeffrey Butler, Andrea Colby, Alexandra Frisbie, Joy Goudie, Jason Grauch, Corey Horowitz, Joel Lutzker, George McDonald, Gerard McGowan, Priscilla Saraf, David Schaeffer, Laura Sheridan, Jaime Siegel, Marian Underweiser, David Vickrey and Philip Wadsworth

In late October 2014, the Committee held an in-person mixer to reconnect and reinvigorate continuing and prospective members. This has become an annual event for the Committee – one that is always well received by the membership. We plan to schedule more than one in 2015 as a result. This past year, we have held monthly conference calls to share ideas and discuss topics, including legislative reform (e.g., “Patent Reform” and trade secret misappropriation legislation), Supreme Court activity, PTAB post-grant proceedings, and the patent litigation landscape.

The Committee has also increased its efforts to work with other committees on issues important to in-house counsel. For example, members of the Committee provided comments to the Legislative Action Committee regarding the NYIPLA analysis of and response to proposed Patent Reform. Committee members have been updated on the activities of the Amicus Brief Committee, and members provide comments where appropriate. And finally, the Committee is working with the Programs Committee to plan at least one panel in which Corporate Committee members can participate. The Committee remains focused on finding opportunities to share in-house perspectives with members outside the Corporate Committee. We look forward to continuing our activity in the year ahead.

Finally, we thank Kevin Ecker for his support as Board Liaison for 2014-15 and welcome Colman Ragan as the Board Liaison for 2015-16.

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.

Co-Chairs: Karen Bromberg and Kevin Moss

Board Liaison: Jeanna Wacker

Members: Andrew Allen, James Bikoff, Lindsey Canning, Duane Cranston, David Einhorn, Victoria Ger, Shannon Hedvat, Keith McWha, Jonathan Moskin, Peter Sullivan, William Tabler, James Williams and George Wukoson

On April 23, 2015, the Internet & Privacy Law Committee co-hosted a Twitter Panel with Bloomberg BNA – the NYIPLA's first event of this kind – to address the topic of whether the EU's Right to Be Forgotten Ruling should be extended to the United States. The panel included Bloomberg Sr. Legal Editor Don Aplin, data privacy specialist Jef Ausloos, and Committee Co-Chairs Kevin Moss and Karen Bromberg. The panel was moderated by noted Internet privacy expert Omer Tene. The combined Twitter following of the panelists and moderator amounted to just under 3,000 people, and the hashtags used to drive the conversations, #R2BF and #NYIPLA, averaged 1.6 million impressions. Additionally, the success of the panel resulted in a request from Bloomberg BNA for Kevin and Karen to lead a webinar/CLE on the topic.

The Committee has also put together a panel for a webinar on "Drones and Privacy Law Implications." The webinar has not yet been scheduled.

Finally, the Committee is working on co-hosting a webinar with the Young Lawyers Committee entitled, "A Day in the Life of a Privacy Professional." This webinar is scheduled for the Fall, 2015.

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: Raymond Farrell

Members: Randy Eisensmith, Joseph Pieroni, Allen Rubenstein and Walter Scott

The 2015 Inventor of the Year Award Committee reviewed a number of submissions for the Inventor of the Year award and presented its top two (2) choices to the Board for discussion and approval. The Board agreed with the Committee's recommendation. At the NYIPLA Annual Meeting on May 19, 2015, the Association honored the 2015 Inventor of the Year Award Winner Dr. Brian D'Andrade. Dr. D'Andrade was recognized for his numerous disclosures relating to the field of technologies and materials for organic light emitting diodes (OLEDs). These disclosures have addressed many of the main challenges in fundamental OLED science and in making OLEDs a viable commercial product: efficiency, longevity, stability, control of emission color, and electronic transport properties, to name a few. Major manufacturers have licensed these OLED technologies from Dr. D'Andrade for use in the newest mobile phones, TVs, digital cameras, tablets, car audio systems, and other consumer electronics. Looking forward, OLED technologies are enabling lighter, flexible, and more energy efficient next-generation applications, such as wearable electronics and "green" lighting OLEDs, in large part due to Dr. D'Andrade's inventions.

The Committee has also updated its compilation of useful FAQ's on the NYIPLA website to provide information to potential nominators and candidates for the award. We would like to recognize the entire Committee for their excellent work researching, reviewing, and ranking the submissions this year. We also want to thank our Board liaison, Raymond Farrell, for his help navigating the process for the 2015 award.

LAW FIRM MANAGEMENT

Scope of the Committee: To consider aspects of law firm management, particularly as they pertain to law firms and practice groups practicing intellectual property, and to publish and present as appropriate on such topics with respect thereto to the Board of Directors.

Co-Chairs: Richard Goldstein and Scott Stimpson

Board Liaison: Walter Hanley

Members: Karl Rackette and Pricilla Saraf

The NYIPLA Law Firm Management Committee had an exciting first year, highlighted by multiple presentations and meetings. The first planning conference for the Committee was held in late May 2014. At this meeting, numerous topics related to firm management were discussed to kick off the planning and focus of this new Committee. Such topics included economics and profitability approaches and analyses, marketing, management structures and procedures, conflicts of interest, and compensation approaches.

Consistent with these areas of focus, the Committee held related programs. In November, the Committee presented to an overflow crowd on "The Nuts and Bolts of Running a Law Practice." The event was filled to capacity within hours of registration opening, and had a waiting list. The interactive conversation engaged the entire room. In March 2015, the Committee presented a well-attended panel CLE program on Alternative Fee Agreements, including perspectives from outside counsel, in-house counsel, and a litigation-funding entity. Various types of alternative fee arrangements for representation of both plaintiffs and defendants were explored, with specific discussions of common and optional provisions, and profitability issues including procedures law firms may take to achieve and maximize profitability of AFAs. The Committee is planning to hold its next presentation on law firm marketing in the early Fall.

LEGISLATIVE ACTION

Scope of the Committee: To evaluate proposed federal and state legislation and rules, including PTO and Court rules, that may impact patent and other intellectual property issues; to develop positions and recommendations on the proposed legislation and rules for consideration by the NYIPLA Board of Directors; and to communicate the NYIPLA's positions and recommendations to the legislative and rule-making bodies, as approved by the Board.

Co-Chairs: Julia Kim and Denise Loring

Board Liaison: Annemarie Hassett

Members: Michael Bullerman, Bindu Donovan, Brian Doyle, Terri Gillis, Robert Rando and Philip Wadsworth

The Legislative Action Committee's (LAC's) first year was a successful one by any measure. The goals of the LAC are to communicate Association members' views on proposed legislation and rules of interest to our members; to increase the visibility of the Association, particularly to those outside the legal profession and the Judiciary; and to add value to an NYIPLA membership. To accomplish these goals, the LAC recommended, and the Board approved, retention of the American Continental Group (ACG), a pre-eminent public policy group with expertise on IP issues. In addition to giving the Association a voice on the Hill, ACG keeps Association members apprised of relevant developments on the Hill through weekly reports, which are posted on the Association website.

Working with ACG and other Association Committees, the LAC prepared, and the Board approved, a white paper reflecting Association members' views on patent litigation reform legislation pending in Congress. The purpose of the paper was to point out unintended consequences of the legislation in a neutral manner, rather than to advocate positions of any particular stakeholder group. The paper was provided to key members of the House and Senate Judiciary Committees and to the USPTO during ACG-arranged meetings in February this year among NYIPLA Officers and the staff of key legislators and the USPTO, including Michelle Lee, Under Secretary of Commerce and Director of the PTO. Following the meetings, the Association submitted the white paper as written testimony in connection with House Judiciary Committee hearings on the legislation and provided the staffers and the PTO with a mark-up of H.R. 9, the House bill.

In the coming year, the LAC will continue to weigh in on this important legislation, and other matters of interest to our members, and to engage ACG in ways that will benefit our members. We are very grateful to our Committee members for the generous commitment to the important work of the LAC, and to Annemarie Hassett, the Board liaison to the LAC, for her tireless effort and commitment to the LAC.

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: Frank DeLucia and Brian Rothery

Board Liaison: Peter Thurlow

Members: Ian Ball, Jennifer Chheda, Richard Crandall, Robert Drolet, Robert Feinland, TaeRa Franklin, Daniel Goldman, Blaine Hackman, Shahar Harel, Samson Helfgott, Geoffrey Hu, Syed Kabir, Sarfraz Keshwani, Chul-Woo Lee, Mord Lewis, Edward Meilman, Jennifer Moore, Charles Ruggiero, Alan Sack, Michael Scarpatti, Barry Schindler, Walter Scott, John Sepulveda, Rod Turner, John White and Wei Zhang

The Patent Law & Practice Committee undertook a number of diverse activities including (i) regularly reviewing the Federal Registry notices effecting patent practice; (ii) transmitting, digesting and discussing such Federal Registry notices; (iii) hosting monthly meetings discussing a host of topics; (iv) preparing comments for submission to the PTO; (v) preparing articles for publication in the NYIPLA Bulletin; and (vi) assisting the Programs Committee. More specifically, the Committee discussed during the year the PTO Rule changes and/or Requests for comments on: AIA trials; the Glossary Pilot Program; the Preliminary Guidance by the PTO on *Alice*; patent pendency; CPA practice changes to design patents; changes to Prioritized Examination; PTO Interim Guidance on Patent Subject Matter Eligibility; and Patent Quality. In light of the Committee's and the Association's more proactive stance in guiding policy and practice, upon digesting the PTO rules notices, the Committee prepared comments on behalf of the NYIPLA that

were submitted to the PTO on AIA trial practice, and the Interim Guidance on Subject Matter Eligibility promulgated by the PTO. The Committee is also in the process of preparing, on behalf of the NYIPLA, a response to the PTO request for comments on Patent Quality.

Our monthly meetings covered a diverse range of topics and we heard presentations on the Supreme Court decisions in both the *Nautilus* and *Alice* cases, claim drafting implications in light of the Supreme Court *Akamai* decision, claim drafting implications in light of the Federal Circuit damages decision in *Virnetx v. Cisco*, the Glossary Pilot program, the PTO preliminary response letter to *Alice*, the PTO Interim Guidance on Patent Subject Matter Eligibility, changes to prioritized examination, changes to CPA practice for design patents, PTO disclosure rules since the *Therasense* decision, means plus function claiming, After Final Continuation practice, and post-*Alice* decisions. The Committee, through the work of its members, also prepared an article for the Bulletin on the Glossary Pilot Program and participated in the One-Day Patent CLE Seminar in November by presenting on Prior Art Disclosure Rules and Avoiding Charges of Inequitable Conduct.

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 William McCabe

Board Liaison: Walter Hanley

Members: Kenneth Adamo, Will Autz, James Barabas, Jeremy Boczko, Richard Brown, Marla Butler, Donald Cameron, Kenneth Canfield, Gregory Carbo, Joseph Casino, Stacey Cohen, David Conca, Joseph Drayton, Randy Eisensmith, Thomas Fleming, Mark Francis, Aaron Frankel, James Gould, Philip Hirschhorn, Robert Isackson, Jesse Jenner, Michael Kahn, Dewey Kang, David Kaplan, Robert Katz, Delphine Knight Brown, David Leichtman, Robert Maier, Richard Mandaro, Dennis McMahon, Daniel Melman, Theodore Mlynar, Kyle Mooney, Douglas Nemec, Christopher Noyes, Gerald Padian, Marc Pensabene, Aaron Pereira, Charles Phipps, Benoit Quarmby, Alan Ratliff, Debra Resnick, Elias Schilowitz, Pooja Shah, Ognian Shentov, Kyung Shin, Jack Slobod, Milton Springut, John Stellabotte, Ksenia Takhistova, Alan Tenenbaum, Tara Thieme, Colleen Tracy, Ron Vogel, Robert Wasnofski, Joshua Whitehill and Aaron Zakem

With 58 active members, we have grown even bigger this year, solidifying our position as the largest committee of the Association. To promote networking and to encourage active participation of its members, the Committee continued to emphasize in-person meetings, held every other month. As in the past, we began the year with a survey seeking ideas for activities of interest that would be appropriate for the Committee. The survey received strong responses, and directed much of the Committee's work.

Due to popular demand, the Committee held its Second Annual Former Clerks Panel in October. In January 2015, the Committee put together a panel of PTAB judges and practitioners to discuss tips and strategies for PTAB Trials. The PTAB panel received a record attendance and generated interest in future panels, a project that the Committee intends to continue in the coming year. In addition, Committee members contributed to various CLE programs, including putting together a litigation panel for the November 20 One-Day Patent CLE Seminar, published numerous articles, monitored and commented on patent reform bills, contributed to the Association's Legislative Action Committee, and monitored important Federal Circuit and Supreme Court cases.

PROGRAMS

Scope of the Committee: To formulate and present a series of monthly continuing legal educational programs 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, Colman Ragan and Robert Rando

Board Liaison: Richard Parke

Members: Andrew Berks, Mark Bloomberg, T. David Bomzer, Kurt Briscoe, Ronald Coleman, Natasha Daughtrey, Raymond Farrell, Richard Goldstein, Irene Hudson, Patrice Jean, Michael Johnson, Omar Khan, Wan Chieh Lee, Ira Levy, Jamie Lucia, Lawrence Perry, Susan Proffoff, John Resek, Heather Schneider, Cindy Shu, William Thomashower and Christine Willgoos

This year the CLE Committee and the Meeting & Forums Committee combined to form a single Programs Committee. In addition to providing the programs that each of its predecessor committees provided, the Programs Committee expanded its roster of programs to include an annual moot court program before the Second Circuit, a joint program with the NJIPLA, and a full-day program at RPI in Troy, New York, along with several programs presented jointly with other committees. The new Programs Committee had a very successful year. The Committee continued its service to NYIPLA members by providing high quality programs, informative presentations, and distinguished keynote speakers.

The key programs that carried over from the old CLE Committee are (1) the One-Day Patent CLE Seminar in November, where the Honorable Jerome B. Simandle, Chief Judge of the United States District Court for the District of New Jersey, was the keynote speaker; (2) the Half-Day Trademark Program in July, at which Dr. John Tantillo, author, branding and marketing consultant and frequent guest in the national media, was the keynote speaker; and (3) the Day of the Dinner CLE Luncheon in March on "*The Changing Patent Landscape: Issues Affecting Practice in the District Courts and the Patent Office*," featuring a distinguished panel including the Honorable Leonard P. Stark, Chief Judge of the United States District Court for the District of Delaware; the Honorable Barbara M.G. Lynn, District Court Judge of the United States District Court for the Northern District of Texas; and the Honorable James D. Smith, Chief Administrative Patent Judge of the United States Patent and Trademark Office's Patent Trial and Appeal Board. In addition, Director Michelle Lee, who was recently confirmed as Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, delivered opening remarks describing USPTO initiatives that are in progress or planned.

The Programs Committee also hosted, and assisted other NYIPLA committees in hosting, a number of CLE events, including (1) the NJIPLA Program in September; (2) a program at St. John's on Diverse Careers in October; (3) a Law Clerks' Panel in October; (4) the Conversation with a Judge program in December; and (5) a Diverse Careers Program at Quinnipiac University School of Law in April. The Committee has also been working closely with the USPTO to participate in, and to facilitate, programs sponsored by the USPTO, for example a program concerning the role of the patent attorney given at Columbia University.

In addition, the Programs Committee has initiated new programs, including the annual summer associates moot court argument program presided over by Second Circuit Judges at the U.S. Thurgood Marshall Courthouse and a full-day program at RPI in Troy, New York on "*The Rapidly Changing Patent Law Landscape: What Entrepreneurs, Investors, Inventors, Lawyers and Judges Need To Know*."

The success of the Committee's programs could not have been achieved without the hard work and dedication of all of the members of the Committee and the NYIPLA administrative office to whom we are grateful.

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: Stephen Quigley

Members: Poopak Banky, Jayson Cohen, William Dippert, TaeRa Franklin, Alexandra Gil, Dominique Hussey, Keith McWha and Joshua Whitehill

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. For the second year in a row, a themed issue was published as the February/March issue—its focus was on post-grant proceedings. Articles of note included highlights from the second year of post-issuance proceedings administered by the Patent Trial and Appeal Board, strategy for challenging validity in the USPTO and EPO, post-grant patent review from the Canadian perspective, inconsistent judgments from federal courts and the PTO in Hatch-Waxman litigation, and the relationship between reissue proceedings and post-grant review.

Articles in other issues of the Bulletin this year covered a wide range of topics. In the beginning of the year, the Bulletin continued its practice of publishing the first and second place Hon. William C. Conner Writing Competition winners' articles, which discussed digital rights of citizen journalists in social media newsgathering and the role of registrars in cybersquatting in view of the expansion of online registration of new generic top-level domain names. There were articles on a variety of intellectual property law topics, including the Glossary Pilot Program, GATT patent term, the Federal Circuit standard of review for Patent Trial and Appeal Board decisions, recent developments in biosimilars case law, prior art estoppel of non-IPR petitioners in district court stay requests, the standard of review applicable to claim construction when a patent expires during post-grant review, profit apportionment in IP damages in design patent cases, product configuration trade dress, and reflections on one woman's legal career and the critical role of mentors. Throughout the year there were other articles discussing Supreme Court and Federal Circuit decisions regarding unauthorized public performance under copyright law, the preclusive effect of TTAB decisions, opinions of counsel as a defense to induced infringement, trademark registration, determining standing to bring a patent suit, the amicus brief filed in the Supreme Court by the NYIPLA in *B&B Hardware v. Hargis Industries, Inc.*, and pending legislation affecting trademarks.

Many of the articles published in the Bulletin come from members of other NYIPLA Committees, such as the Patent Litigation 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), IP Media Links, and the following features that appear in each edition of the Bulletin: the President's Corner, the Historian's Corner, 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.

The Publications Committee is saddened by the passing of its Board Liaison, prior Committee member and chair, and regular Bulletin contributor Stephen Quigley. We will greatly miss his thoughtful guidance on Bulletin issues and his insightful analysis of notable Trademark Trial and Appeal Board decisions.

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 Dyan Finguerra-DuCharme

Board Liaison: Jessica Copeland

Members: Magdalena Berger, Joan Burger Flores, Michael Cannata, Alexandra Cordero, Dickerson Downing, Anthony Fletcher, David Goldberg, Lynn Hsieh, Benjamin Humphreys, Noel Humphreys, Lindsay Korotkin, Paul Llewellyn, Arielle Matza, Kathleen McCarthy, Rayna McKenzie, Kaydi Osowski, Joel Schmidt, David Weild and Keith Weltsch

The Trademark Law & Practice Committee (“Committee”) had 28 active members this year. The Committee has corresponded extensively, had several conference calls and two in-person meetings, one of which was followed by a Winter CLE event.

The Committee held an after-work networking event in October 2014 in NYC to meet with its members.

Co-Chair Dyan Finguerra-Ducharme prepared a SCOTUS amicus brief in the case of *B&B Hardware v. Hargis Industries, Inc.*, on behalf of the Committee, which was filed on October 31, 2014.

On January 7, 2015, we had an in-person meeting at the offices of Pryor Cashman LLC followed by a CLE-presentation on “Native Advertising & the FTC’s Updated Guides in Digital Advertising,” presented by Robert deBrauwere.

The Committee is presently planning the Half-Day Trademark, Copyright & Design CLE program, which will be held on July 15, 2015. The Committee has developed a list of current topics of interest and confirmed several dynamic speakers for the program, including a professor, in-house counsel and a government representative. The keynote address will be given by Chief Judge Gerard Rogers of the Trademark Trial and Appeal Board and will discuss the recent Supreme Court decision of *B&B Hardware, Inc. v. Hargis Industries, Inc.*, and proposed changes at the TTAB following the decision.

The Committee is currently helping to coordinate a workshop for the annual meeting on May 19, 2015, which will be comprised of a panel of speakers discussing 3D printing and IP issues.

In addition, several Committee members have contributed articles to the NYIPLA Bulletin throughout the year and member James Bikoff is liaising with the Legislative Action Committee to provide comments when necessary on proposed and pending legislation affecting trademarks.

The Committee plans on working with other committees to organize a trademark-related luncheon program or after-work function in the Fall.

The Committee continues to welcome any and all comments, requests and recommendations regarding the role and programs of the Committee. In addition, the Committee will continue to accept members for the 2015-2016 year for those still interested in participating.

WOMEN IN IP LAW

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

Co-Chairs: Sona De, Wan Chieh (Jenny) Lee and Krista Rycroft

Board Liaison: Dorothy Auth

Members: Alexandra Awai, Leora Ben-Ami, Jennifer BianRosa, Pina Campagna, Alyssa Harvey Dawson, Nidhi Garg, Chloe Jiang, Kathryn Jones, Miriam Kavalerschik, Abigail Langsam, Mery Pimentel, Susan Progoff, Aparnaa Saini, Diana Santos and Julia Weis

The NYIPLA Women in IP Law Committee has spent this past year planning and conducting meetings with the Committee members, CLE events and networking events. The Committee held its annual CLE in December 2014, hosted by Willkie Farr & Gallagher LLP and organized with the help of Committee members Alexandra Awai, Abigail Langsam, and Aparnaa Saini. The event began with a CLE on storytelling for lawyers to better persuade the jury. The panel discussion was followed by a wine networking event. The Committee continued to hold informal membership meetings with events in July and October 2014 and April 2015 where constructive ideas were shared, all relating to potential CLE events as well as mentorship and the growth and development of our Committee.

The Committee successfully added new members this year, and remains committed to expanding membership from not only law firms, but area companies and law schools alike. The Committee joined forces with the NYIPLA Legislative Action Committee this year to have members provide comments and input regarding important patent reform issues. The Committee also worked with the AIPLA to include our Committee members in that organization's events, including the AIPLA's Annual Women Working in IP Networking event scheduled for May 2015. The Committee plans to continue to meet several times a year for informal mentoring and sharing of useful practice points/success stories and plans to organize another formal CLE event later this Fall. Overall, the Women in IP Law Committee had a productive year with various ideas shared in order to further develop this Committee and enable it to best serve its members and the NYIPLA community.

The Committee also would like to thank departing Co-Chair, Sona De, for her valuable contributions to the Committee since 2011. Current Co-Chairs Jenny Lee and Krista Rycroft look forward to continuing to work with the Committee to facilitate its growth, 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 Gary Yen

Board Liaison: Annemarie Hassett

Members: Steven Bernstein, Preetha Chakrabarti, Isaac Chao, Alice Cheng, Srikant Cheruvu, David Draper, Vicki Franks, John Geager, David Hubbard, Lindsay Korotkin, Eric Lin, Tracy Montenegro, Jacqueline Niedbala, Khalil Nobles, Loren Pani, Brian Reddy, Michael Sebba, Edward Tulin and George Zalepa

The Young Lawyers Committee completed another eventful year for the NYIPLA in 2014-2015. The Committee continued its successful series of Roundtable discussions, where young IP attorneys can discuss practice tips with experienced IP practitioners. On October 7, 2014, the Committee held a Roundtable at Kenyon & Kenyon LLP entitled, "Taking and Defending Depositions." Michelle Mancino Marsh (Kenyon & Kenyon LLP) led the discussion. On March 5, 2015, the Committee held a popular Roundtable at Fox Horan & Camerini LLP entitled, "IP Transactional Practice." This discussion was led by Claudine Meredith-Goujon (Paul, Weiss, Rifkin, Wharton & Garrison LLP) and Andrew Chien (Cadwalader, Wickersham & Taft LLP).

The Young Lawyers Committee also co-hosted the first Second Circuit Moot Court event in July 2014 with the Programs Committee. Attorneys from Fish & Richardson; Fitzpatrick, Cella, Harper & Scinto; Goodwin Procter LLP; and Willkie Farr & Gallagher LLP argued in front of federal judges and later discussed the arguments with the judges. The Committee also hosted a Happy Hour in February 2015 to encourage networking among young attorneys. In April 2015, the Committee sponsored a panel at Quinnipiac University School of Law entitled, "Diverse Careers in IP Law and Strategies for Achieving Success." NYIPLA Past President Dale Carlson moderated the discussion. Speakers on the panel included T. David Bomzer (Pratt & Whitney), Alexandra B. Frisbie (UTC Building & Industrial Systems), and Bryan D. Zerhusen (Locke Lord LLP).

The Committee would like to thank Board Liaison Annemarie Hassett for all her help throughout the year. The Committee also thanks everyone that attended its events this year, and looks forward to continuing its active schedule through the next year.

Annual Report of the Treasurer 2014-2015
The New York Intellectual Property Law Association, Inc.
Statements of Financial Position – Cash Basis
For the years ended April 30

	<u>2015</u>	<u>2014</u>
Revenues		
Judges Dinner - event fees	\$ 1,320,295	\$ 1,378,360
Continuing Legal Education (CLE) revenue	115,890	96,596
Membership dues	289,120	296,108
Other programs and events	18,306	32,647
Interest income	<u>1,667</u>	<u>1,229</u>
Total revenues	<u>1,745,278</u>	<u>1,804,940</u>
Expenses		
Judges Dinner	902,796	813,427
Continuing Legal Education (CLE)	54,298	38,294
Other programs and events	127,851	94,097
Scholarships, awards and donations	14,570	19,980
Professional fees	381,972	323,832
Postage and mailing	8,377	9,344
Printing and publications	67,697	78,796
Office expense	18,055	18,771
Telephone	954	1,987
Insurance	11,275	8,358
Miscellaneous	<u>2,434</u>	<u>558</u>
Total expenses (Note 3)	<u>1,590,279</u>	<u>1,407,444</u>
Change in unrestricted net assets (Exhibit C)	154,999	397,496
Net assets - unrestricted - beginning of year	<u>1,900,950</u>	<u>1,503,454</u>
Net assets - unrestricted - end of year (Exhibit A)	<u><u>\$ 2,055,949</u></u>	<u><u>\$ 1,900,950</u></u>

See independent auditor's report.

The accompanying notes are an integral part of these statements.

Annual Report of the Treasurer 2014-2015
The New York Intellectual Property Law Association, Inc.
Statements of Activities & Changes in Net Assets – Cash Basis
For the years ended April 30

	<u>2015</u>	<u>2014</u>
Cash flows from operating activities		
Change in net assets (Exhibit B)	\$ 154,999	\$ 397,496
Adjustments to reconcile change in net assets to net cash provided by operating activities		
Decrease (increase) in assets		
Prepaid expenses and other assets	27,908	(36,232)
Increase (decrease) in liabilities		
Accounts payable and accrued expenses	38,398	10,707
Deferred revenue	<u>10,705</u>	<u>(715)</u>
Net cash provided by operating activities	<u>232,010</u>	<u>371,256</u>
Net change in cash and cash equivalents	232,010	371,256
Cash and cash equivalents - beginning of year	<u>1,901,937</u>	<u>1,530,681</u>
Cash and cash equivalents - end of year	<u>\$ 2,133,947</u>	<u>\$ 1,901,937</u>

See independent auditor's report.

The accompanying notes are an integral part of these statements.

93rd Annual Dinner in Honor of the Federal Judiciary

The New York Intellectual Property Law Association held its 93rd Annual Dinner in Honor of the Federal Judiciary on March 27, 2015 at the Waldorf Astoria New York Hotel. President Anthony F. Lo Cicero welcomed the honored guests, members of the NYIPLA, and their guests. Joseph Bartning, Amy Buckley and Malena Dayen opened the evening's events with a magnificent rendition of the National Anthem. The Association's Thirteenth Annual Outstanding Public Service Award was presented to the Honorable James D. Smith, Chief Administrative Patent Judge of the United States Patent and Trademark Office. The Keynote Address was given by Dr. Madeleine K. Albright, former United States Secretary of State (1997-2001).



Standing: Kevin C. Ecker, Hon. Janet C. Hall, Hon. Leonard E. Davis, Denise Loring, Hon. William M. Skretny, Annemarie Hassett, Hon. Richard W. Roberts, Hon. Joy Flowers Conti, Hon. Leonard Stark

Sitting: Hon. Carol Bagley Amon, Walter E. Hanley Jr., Hon. Sharon Prost, Anthony F. Lo Cicero, Dr. Madeleine K. Albright, Hon. James D. Smith, Dorothy R. Auth, Hon. Ruben Castillo, Hon. Loretta A. Preska



THE
WALDORF ASTORIA
NEW YORK HOTEL

MARCH 27, 2015

THE
NEW YORK
INTELLECTUAL PROPERTY
LAW ASSOCIATION

In conjunction with
THE NYIPLA 93RD ANNUAL DINNER IN HONOR OF THE FEDERAL JUDICIARY
presents

DAY OF THE DINNER CLE LUNCHEON

*The Changing Patent Landscape:
Issues Affecting Practice in the
District Courts and the Patent Office*



PANELISTS

HONORABLE LEONARD P. STARK
CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HONORABLE BARBARA M.G. LYNN
DISTRICT JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

HONORABLE JAMES D. SMITH
CHIEF ADMINISTRATIVE PATENT JUDGE OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

PRESENTER

MICHELLE K. LEE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR FOR THE UNITED STATES PATENT AND TRADEMARK OFFICE

MODERATOR

CHARLES R. HOFFMANN
NYIPLA IMMEDIATE PAST PRESIDENT

*Hosted by the
NYIPLA Programs Committee*

REGISTRATION &
RECEPTION
10:45 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 NY/NJ CLE
PROFESSIONAL
CREDITS FOR BOTH
NEWLY ADMITTED
AND EXPERIENCED
ATTORNEYS







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

Thursday, July 17, 2014 • The Princeton Club, 15 West 43rd Street, New York
EARN 3.5 NY/NJ CLE CREDITS • FOR BOTH NEWLY ADMITTED & EXPERIENCED ATTORNEYS



- 12:00 - 12:30 PM Registration
- 12:30 - 1:00 PM Lunch
- 1:00 - 1:10 PM Welcome Remarks
- 1:10 - 1:40 PM Protecting Brands in Social Media Today:
What to do when "tweets and things" go wrong **Dr. John Tantillo**
- 1:40 - 2:10 PM Advising Clients on Handling TM Issues in China and the New Chinese TM Law Update
Demi Wang, NTD Intellectual Property Attorneys, China
- 2:10 - 2:40 PM Homeland Security Investigations – Criminal Enforcement of Intellectual Property Rights
Violations **Erin Keegan** and **Jordan Brafman**, Department of Homeland Security
- 2:40 - 2:55 PM Refreshment Break
- 2:55 - 3:25 PM To me, or not to me? Performing artists and the Right of Publicity
Anthony B. Corleto, Wilson Elser Moskowitz Edelman & Dicker
- 3:25 - 3:55 PM Privacy Law Update **Boris Segalis**, Info Law Group
- 3:55 - 4:25 PM FTC-Proofing Marketing Campaigns: What to Include and What to Avoid **Lesley Fair**, FTC
- 4:25 - 4:55 PM Copyright: Fair Use Update **Thomas Kjellberg**, Cowan Liebowitz & Latman
- 4:55 - 5:00 PM Closing Remarks

Hosted by the
Trademark Law & Practice Committee
Co-Chairs Pina Campagna, Dyan Finguerra-DuCharme & Kathleen McCarthy,
in conjunction with the
Programs Committee
Co-Chairs Mark Bloomberg and Robert Rando

One-Day Patent CLE Seminar

November 20, 2014

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

AGENDA

8:15 AM - 9:00 AM Continental Breakfast

9:00 AM - 9:05 AM Welcome Remarks

9:05 AM - 10:25 AM Panel 1 Corporate:

Indemnification Issues

Anna Erenburg, Fuse, Valerie Boccadoro, Amex, Betty Ryberg, Novartis Services

Coordination Of Multi-forum Litigation, And Challenges Of Personnel Changes

Colman Ragan, Actavis, George Romanik, Chemtura, Frank Sedlarcik, IBM Corporate Litigation

Moderator: *David Bomzer, Pratt & Whitney*

10:25 AM - 10:40 AM Refreshment Break

10:40 AM - 12:00 PM Panel 2: Litigation

Strategies Dealing With Inconsistent Judgments From Different Forums *Philip Hirschhorn, Buchanan Ingersoll & Rooney*

Practical Issues Of Litigation Holds *Thomas Fleming, Kirkland & Ellis*

Rule 12 Issues *David Leichtman, Robins, Kaplan, Miller & Ciresi*

Moderator: *Mark Bloomberg, Zuber Lawler & Del Duca*

12:00 PM - 12:30 PM Keynote Speech Chief Judge Jerome B. Simandle, United States District Court for the District of New Jersey

12:30 PM - 1:15 PM Lunch

1:15 PM - 2:10 PM Interactive Post-Lunch Panel On Social Media

Patrice Jean, Kenyon & Kenyon, Ira Jay Levy, Goodwin Procter

2:10 PM - 3:30 PM Panel 3: Legal Update

Supreme Court *Robert Isackson, Orrick*

Federal Circuit *Eugene Chang, Willkie Farr & Gallagher*

PTAB *Janice Christensen, Jellins Christensen*

Moderator: *Robert Rando, The Rando Law Firm*

3:30 PM - 3:45 PM Refreshment Break

3:45 PM - 5:05 PM Panel 4 Prosecution

Writing Claims To Win Litigation *Andrew Reibman, K&L Gates*

Disclosure Requirements *Brian Rotherby, Stroock & Stroock & Lavan*

Strategies For Using Various Post-Grant Procedures *Larry Coury, Regeneron Pharmaceutical*

Moderator: *John Resek, Resek, Liang & Frank*

5:05 PM - 5:10 PM Closing Remarks

Hosted by the Programs Committee

One-Day Patent CLE Seminar



Events

Second Circuit Moot Court Argument

July 24, 2014

Panelists: Honorable Debra A. Livingston,
Honorable Gerard E. Lynch, and
Honorable Vernon S. Broderick

Hosted by the Programs Committee

Co-Chairs: Steve Lendaris, Colman Ragan, and Robert Rando

Subcommittee Chair: Heather Schneider

and the Young Lawyers Committee

Co-Chairs: Jonathan Auerbach, Michael Bullerman, and Gary Yen



Diverse Careers in IP Law and Strategies for Achieving Success at St. John's University School of Law

October 2, 2014

Panelists: Jonathan Auerbach, Jamie Lucia,
Colman Ragan, and Robert Rando

Hosted by the Programs Committee

Co-Chairs: Steve Lendaris, Colman Ragan, and Robert Rando

Young Lawyers Roundtable: Taking and Defending Depositions

October 7, 2014

Panelist: Michelle Mancino Marsh

Hosted by the Young Lawyers Committee

Co-Chairs: Jonathan Auerbach, Michael Bullerman, and Gary Yen

Recent U.S. Supreme Court Decisions on Patent Law and the Influence on Current Patent Practice and Potential U.S. Patent Law Reform

September 18, 2014

Panelists: Honorable Garrett Brown Jr., Charles Macedo,
William Jay, and Erik Belt

Hosted by NJIPLA and NYIPLA



Patent Litigation From The Law Clerk's Perspective—Insights on New Patent Rules and Successful Litigation Strategies

October 15, 2014

Panelists: Jane Du, Randy Eisensmith, John Erbach,
Jenna Gillingham, and Ebony Johnson

Hosted by the Patent Litigation Committee

Co-Chairs: Victor Cole and William McCabe



Events

In-House Council Happy Hour

October 28, 2014

*Hosted by the Corporate Committee
Co-Chairs: Betty Ryberg and Frank Sedlarcik*

The Nuts and Bolts of Starting and Running an IP Practice

November 13, 2014

Panelists: Andrew Berks, Richard Goldstein, and Jamie Lucia

*Hosted by the Law Firm Management Committee
Co-Chairs: Richard Goldstein and Scott Stimpson*



Conversations With Judges: A Luncheon CLE Program

December 11, 2014

*Panelists: Honorable Michael Tierney and
Honorable Leonard D. Wexler*

*Hosted by the Programs Committee
Co-Chairs: Mark Bloomberg, Colman Ragan,
and Robert Rando*



Understanding the FTC's Updated Guides in Digital Advertising

January 7, 2015

Panelist: Robert deBrauwere

*Hosted by the Trademark Law & Practice Committee
Co-Chairs: Pina Campagna and Dyan Finguerra-DuCharme*



Storytelling for Lawyers

December 3, 2014

Panelists: Jeff Isler, Jo Ellen Livingston, and Aparnaa B. Saini

*Hosted by the Women in IP Law Committee
Members: Alexandra Awai, Abigail Langsam, and Aparnaa Saini*

Events

PTAB Trials: Tips and Strategies

January 29, 2015

Panelists: Honorable Thomas L. Giannetti,
Honorable Grace K. Obermann,
Kenneth R. Adamo, Mathias Samuel, and Laura A. Sheridan

*Hosted by the Patent Litigation Committee
and the Networking Reception hosted by Kirkland & Ellis LLP
Co-Chairs: Victor Cole and William McCabe*



Intellectual Property Protection in China from A-Z

February 12, 2015

Panelists: Honorable Randall Rader, Honorable F. Scott Kieff,
Mark Abate, Dorothy Auth, Matthew Bassiur,
Jon Chiodo, Mark Cohen, Alan Zhiyong Fan, Dean Garner,
Alexander J. Hadjis, David Kappos, Heather Lin, Tim Smith,
Dax Terrill, Peter Thurlow, Dick Thurston, Ben Wang,
Lisa Wang, Duncan Willson, and Alex Yip

Hosted by NJIPLA and NYIPLA



Happy Hour! Young Lawyers Committee

February 24, 2015

*Hosted by the Young Lawyers Committee
Co-Chairs: Jonathan Auerbach, Michael Bullerman,
and Gary Yen*

Events

Young Lawyers Roundtable: IP Transactional Practice

March 5, 2015

Panelists: Andrew C. Chien and Claudine K. Meredith-Goujon

Hosted by the Young Lawyers Committee

Co-Chairs: Jonathan Auerbach, Michael Bullerman, and Gary Yen

Keeping It Profitable: Creating and Managing Alternative Fee Agreements in IP Cases

March 10, 2015

Panelists: Jim Batson

Marla Butler, Jeff Gold, and Scott Stimpson

Hosted by the Law Firm Management Committee

Co-Chairs: Richard Goldstein and Scott Stimpson

Diverse Careers in IP Law and Strategies for Achieving Success at Quinnipiac University School of Law

April 13, 2015

Panelists: T. David Bomzer, Alexandra B. Frisbie,
and Bryan D. Zerhusen

Moderator: Dale L. Carlson

Hosted by the Young Lawyers Committee

Co-Chairs: Jonathan Auerbach, Michael Bullerman, and Gary Yen



The Rapidly Changing Patent Law Landscape: What Entrepreneurs, Investors, Inventors, Lawyers and Judges Need to Know

April 15, 2015

Panelists: Honorable Arthur Gajarsa, Mark Bloomberg,
Benjamin Charkow, Dr. Daniele Gallardo,
Annemarie Hassett, Michael Hickey, Charles Hoffmann,
Michael Johnson, Matt Kinnier, Anthony Lo Cicero,
Robert Maier, Nicholas Mesiti, Colman Ragan,
Robert Rando, Martin Ricciardi, Alan Sack,
Heather Schneider, James Spencer Jr., Peter Thurlow,
Esther Vargas, and Neil Zipkin

Hosted by NYIPLA and RPI

Should the EU's Right to Be Forgotten Ruling Be Extended to the US?

April 23, 2015

Panelists: Don Aplin, Jef Ausloos, Karen H. Bromberg,
Kevin M. Moss, and Omer Tene

*Co-Hosted by the Internet & Privacy Law Committee
and Bloomberg BNA*

Co-Chairs: Karen Bromberg and Kevin Moss

Nineteen Hundred and Twenty-two

NYIPLA

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