

**The New York Intellectual Property
Law Association, Inc.**

2023-2024
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New York Intellectual Property Law Association

The New York Patent Law Association was formed on March 7, 1922. The Association, presided over by William Houston Kenyon, launched into an ambitious program of activities, including support of the Lehlbach Bill, investigation of post-war revival of the Patent Treaty with Germany, and encouragement of improvements in the quarters of the federal courts in New York City.

The Dinner in Honor of the Federal Judiciary

The first Annual Dinner in Honor of the Federal Judiciary (Judges Dinner) was held on December 6, 1922 at the Waldorf Astoria New York Hotel. It was a rousing success with 258 people in attendance, including Judges Augustus and Learned Hand. The tradition continues tonight with an attendance exceeding 1,400 members and guests, as the New York Intellectual Property Law Association celebrates its One Hundred and Second Annual Dinner in Honor of the Federal Judiciary.

Committees

The Association has over 25 active committees and liaison representatives that together address all aspects of intellectual property.

AI, Cybersecurity & Digital Technologies	<i>Co-chairs:</i>	Jessica Copeland, Mark Doerr
Arbitration, Mediation & Neutrals	<i>Co-chairs:</i>	Hon. Garrett E. Brown (Ret.), Thomas L. Creel, P.J. Murphy
Associate Advisory Council	<i>Co-chairs:</i>	James Breen, Jennifer Deneault, Nicholas E. Forgione, Christine-Marie Lauture, Khalil Nobles
Amicus Briefs	<i>Co-chairs:</i>	Paul Coletti, Jeffrey Price, Irena Royzman
CNIPA of China - US Bar	<i>Delegate:</i>	Wansheng (Jerry) Liu
Copyright Law & Practice	<i>Co-chairs:</i>	Mitchell Stein, Joshua Weigensberg
Corporate	<i>Chair:</i>	Eric Greenwald
Entertainment, Sports & Social Media	<i>Co-chairs:</i>	Aliyah Nelson, Michael Patrick
Fashion Law	<i>Co-chairs:</i>	DyanFinguerra-DuCharme, Douglas A. Miro
Hon. Giles S. Rich Diversity Scholarship	<i>Chair:</i>	Dorothy R. Auth
Hon. William C. Conner Writing Competition ...	<i>Co-chairs:</i>	Timothy Caine, Lauren Hamill
Inventor of the Year Award	<i>Chair:</i>	Ksenia Takhistova
IP Transactions	<i>Co-chairs:</i>	Matthew Makover, Ketan Pastakia
Legislative Action	<i>Co-chairs:</i>	Anthony Lo Cicero, Michael Johnson
Past Presidents'	<i>Co-chairs:</i>	Mark J. Abate, Robert M. Isackson
Patent Law & Practice	<i>Co-chairs:</i>	Joy Goudie, Clint Mehall
Patent Litigation	<i>Co-chairs:</i>	Brett Cooper, Leslie Spencer
Programs	<i>Co-chairs:</i>	David Bomzer, Lynn Russo
PTAB	<i>Co-chairs:</i>	Kenneth R. Adamo, Charles R. Macedo
Publications	<i>Co-chairs:</i>	Giselle Mateus, Brian Doyle
Trademark Law & Practice	<i>Co-chairs:</i>	Deirdre Clarke, Lindsey Utrata
Trade Secrets	<i>Co-chairs:</i>	Laura Chubb, Kevin Ecker
US Bar - European Patent Office Council	<i>Delegates:</i>	Laura Brutman, Jasmine De Cock
US Bar - Japan Patent Office Council	<i>Delegates:</i>	Raymond Farrell, John Pegrarn
Women in IP Law	<i>Co-chairs:</i>	Anne Li, Lindsey Miller
Young Lawyers	<i>Co-chairs:</i>	Stephanie Casino, Jasmine De Cock, Lindsey Fleischman, Alekhya Shastry, Audrey Trace

For further information about the committees, please visit us online at www.nyipla.org.

Continuing Legal Education

Since 2000, the Association has been an accredited CLE provider for a wide variety of IP programs. The Association sponsors educational programs throughout the year, including monthly CLE and networking events. The Association's Annual Meeting & Awards Dinner will be held on May 8, 2024 at The Union League Club.

Our Active Role in the IP Community

The Association continued its strong history of representing its diverse intellectual property constituency before the courts through the activity of its Amicus Briefs Committee, which coordinates the activities of the Association in the preparation and filing of briefs *amicus curiae*.

Since the last Judges' Dinner on March 31, 2023, Amicus Briefs Committee members participated in the preparation and filing of two briefs before the Federal Circuit Court of Appeals. The Committee filed a brief on the merits in support of neither party in *LKQ Corp., et al., v. GM Global Tech. Ops. LLC*, urging the court to adopt a more flexible approach to assessing the patentability of design patents, where the rigid *Rosen* test remains a potential but non-exclusive rationale for finding obviousness. The committee also filed a brief on the merits in support of *en banc* review of the Federal Circuit's decision in *In re Collect*, which concerned the interplay between statutory patent term adjustment and non-statutory obviousness-type double patenting.

The Committee has 36 official members, but additional members of the Association and other committees have participated in our monthly meetings over the past year. Twelve Association members contributed as authors on the amicus briefs discussed above.

During the past year, the Supreme Court ruled on three cases in which the Committee filed briefs at the merits stage, namely *Jack Daniel's Properties, Inc. v. VIP Products LLC* (vacating the 9th Circuit's decision on the basis that the Lanham Act does not shield parody, criticism, or commentary from dilution liability when the diluter uses a mark as its own source identifier."); *Amgen Inc. v. Sanofi* (when a patent claims an entire class, the specification must enable a POSITA to make and use the entire class); and *The Andy Warhol Fdn. For the Visual Arts, Inc. v. Goldsmith* (the first fair use factor considers not only whether the allegedly infringing work is "transformative" but whether the original and derivative works "share substantially the same purpose," so absent another justification, where the original and derivative works are both commercial in nature, the first fair use factor will likely weigh against fair use).

The Association's participation in these cases ensured that the intellectual property community's voice was heard by the courts in their deliberations on these important issues. The Amicus Briefs Committee will continue its commitment to represent the Association's interests in all areas of intellectual property law in the courts in the years to come.

Our Legislative Action Committee

The Legislative Action Committee (LAC) provides a voice on the important issues and challenges facing intellectual property practitioners and stakeholders by communicating the Association's views to Congress and federal agencies, and by interacting with Congress and various Executive agencies on IP-related laws, rules, and regulations. The LAC also provides analysis and guidance on proposed legislation and regulations of interest to NYIPLA members and works closely with American Continental Group (ACG), a public policy advocacy group.

Members of Congress grappling with complex IP concepts need effective, reliable and neutral resources to which they can turn. The LAC proudly serves as such a resource – helping members of Congress and their staffers to understand IP issues, to put those issues in the appropriate perspective, and to better understand the implications that proposed legislation could have on the IP system and on the enforcement and defense of IP rights in the courts and in the patent office. In this way, Congress can, through appropriate legislation, help the IP system foster innovation. This need complements the diversity of the Association, whose members serve as outside and in-house counsel, representing a broad spectrum of interests, and having nationwide and global practices, with the advantage of being able to see all sides of an issue and without bias in favor of any industry.

Highlights of the LAC's work thus far for the 2023-2024 year include the following:

- We have communicated the Association's views on the proposal to expand the reach of government march-in rights under the Bayh-Dole Act.
- We are carefully monitoring and will participate in the efforts to amend the AIA with respect to PTAB procedures (The PREVAIL Act) and to clarify the standards of patent eligibility (PERA).
- We are also supporting the 2024 Presidents' Forum which will feature important government voices relating to regulations and guidance that will impact the intellectual property community.

The LAC will continue to support NYIPLA by analyzing and providing input to the Board and guidance to legislators, their staff, and relevant agencies on these issues and other issues of interest to our members.

NYIPLA Membership

Membership in the NYIPLA brings many benefits, including weekly reports with latest IP news; quarterly issues of The Report, the Green Booklet Association Annual Review, reduced member rates for educational programs and other events, and access to “members-only” portions of the NYIPLA’s website. For further information about the New York Intellectual Property Law Association and its activities, please visit us online at www.nyipla.org.

Diversity Scholarship

The New York Intellectual Property Law Education Foundation (NYIPLEF) is a charitable 501(c)(3) organization that was established in 2015, adopting previous direct scholarship awards from the New York Intellectual Property Law Association (NYIPLA). The Foundation’s Hon. Giles S. Rich Diversity Scholarship supports diverse outstanding law students in the New York area who are interested in pursuing a career in intellectual property law. All net proceeds will benefit the NYIPLEF Diversity Scholarship Fund. To learn more about the Foundation, partners, scholars, or to donate, visit www.nyiplef.org.

NYIPLA *Annual Meeting*

Wednesday, May 8, 2024
Union League Club

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2:15 p.m. – 3:15 p.m.

CLE: The Landscape of Mediation in the Federal Court System

3:30 p.m. – 4:15 p.m.

Committee Meetings

4:30 p.m. – 5:30 p.m.

Annual Meeting of Members

5:30 p.m. - 9 p.m.

Reception & Awards Dinner

From the President



On behalf of the New York Intellectual Property Law Association (NYIPLA), we are extremely excited and pleased to welcome you to the 102nd Annual Dinner in Honor of the Federal Judiciary. Tonight, as with the 101 Dinners that have come before, we celebrate and honor the federal judiciary comprising our Judges, Magistrate Judges, Court Clerks, Law Clerks, Circuit and District Court Executives, and the staff of the Federal Courts. We honor the third co-equal branch of our tripartite system of government as they toil daily to maintain the thread that binds our Great Republic together with fair adjudication of cases and controversies of all manner and type. They grapple with the most perplexing issues and the more mundane with the same goal: the impartial administration of equal justice for all “without fear or favor” in the application and enforcement of our nation’s laws.

We refer to judges as “The Honorable” with good reason. Dictionary definitions of “honorable” include: “deserving of respect or high regard deserving of honor” and “used as a title indicating eminence or distinction, given especially to judges and certain high officials.” All those in attendance tonight have earned that title and we are privileged and grateful for the opportunity to honor them.

While the issues decided by federal judges of the greatest significance for the NYIPLA include the drivers of the U.S. economic prosperity, i.e., patent, trademark, copyright, and trade secret rights, these matters do not present themselves in a vacuum. For example, the confluence of increased attention and activity of all three branches of our government regarding the patent laws and its impact on innovation, individual inventors, entrepreneurs, investors, businesses large and small, and the rebirth of our economy post-pandemic are implicated with every decision rendered in patent litigation. Appreciation and understanding of complex sciences, technologies, and the rapidly evolving social media and information age, likewise applies to issues and areas of law outside of intellectual property disputes (e.g., Artificial Intelligence, Digital Technologies, Crypto, Blockchain, NFTs, Biotechnology, Cybercrime, Cybersecurity, Forensic Sciences, Antitrust, Data Privacy, Social Media Platform Liability, etc.). Similarly, trademark and copyright disputes can include first amendment issues. Trade secret disputes often involve employment, restrictive covenants, and contract law issues. Finally, the actions of the various federal agencies administering or affecting intellectual property rights gives rise to issues of administrative law, international treaties, separation of powers and other constitutional law issues.

We also recognize, honor and celebrate our many other honored guests in attendance tonight: our State Court Judges; former Under Secretaries of Commerce for Intellectual Property and Directors of the United States Patent and Trademark Office (USPTO), other distinguished individuals from the USPTO; the PTAB Administrative Law Judges including Chief PTAB Judge Scott Boalick; Administrative Law Judges; Commissioners of the International Trade Commission; and Congressional staff members from the U.S. Senate Judiciary Committee that are fully committed and engaged in Congress's role in insuring the intellectual property laws achieve the mandate found in the U.S. Constitution Art. I, Sec. 8, Cl. 8., "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries"

As we move farther away from the pandemic, I also want to recognize the efforts of two of my predecessors, Katie McCarthy, and Colman Ragan, for their outstanding leadership through that period of uncertainty and unprecedented challenges. If not for their nimble and decisive actions, the NYIPLA as we know it might not be here tonight.

As part of my mission when I became President of NYIPLA, I felt a responsibility, as a Junior Boomer (as I like to refer to myself), to build a bridge to the new generations of leaders that will follow me. To that end, we have developed new initiatives and Committees to achieve that goal including our video podcast series "The Bridge to the Future Leaders." I have enjoyed the privilege and honor of conversations with most of our thirty-two past presidents and a particularly spectacular conversation with one of NYIPLA's most treasured members, the Honorable Judge Pauline Newman, of the United States Court of Appeals for the Federal Circuit. We have also begun a Membership Drive, that includes unique rewards, in which I encourage all current members to participate.

This evening, we will present the 22nd Outstanding Public Service Award to the Honorable Joseph F. Bianco, United States Circuit Judge for the United States Second Circuit. As you will see in his professional bio on the next page of this booklet, his record of public service, including his time as a law clerk, prosecuting organized crime and terrorists at the U.S. Department of Justice, as a District Court Judge in the Eastern District of New York and currently as a Second Circuit Judge, corresponds to his superior intellect as evidenced by his academic credentials and written decisions. Nevertheless, Judge Bianco's humility knows no bounds. Likewise, his commitment to public service in his other endeavors is also boundless. He has served as a Deacon in the Roman Catholic Church for over 10 years at a Long Island-based parish where he preaches each weekend at Mass, presides at baptisms, weddings, and wakes, and visits parishioners who are homebound and in a local nursing home. In addition to teaching courses at

several law schools, he regularly mentors and teaches high school and middle school students about the law and has founded and oversees “Justice Camp,” a week-long mock trial summer camp hosted by the Eastern District for high school students. He has hosted over 400 field trips for students at the federal courthouse on Long Island since he joined the bench. He has also presided over hundreds of naturalization ceremonies for thousands of new citizens of the United States.

In addition, I and we are truly fortunate to welcome our Keynote Speaker, singer-songwriter, John Ondrasik of Five For Fighting. As a musician and singer-songwriter (which I enjoy in my “spare time”), my goal was to select a singer-songwriter keynote speaker whose music and lyrics spoke to the human condition in ways that touch upon the universal soul. John Ondrasik fits the bill perfectly. As you will see in his professional bio on the second next page of this booklet, he writes “deeply personal songs that include social messages, invoke the human spirit and make an emotional connection.” He will regale us with a presentation about his personal journey as a musician and his experience of business operations challenges serving as the vice president of a third-generation family-owned business, Precision Wire Products, punctuated by performance of some of his popular songs, storytelling, and inspiration.

I would also like to thank Feikje van Rein and her team, Jack, Josephine, and Penelope from RRR Associations, for their hard work not just for organizing this dinner but also for all of the support they give to NYIPLA in administering our programming, meetings, and events.

Next, I thank my colleagues and friends at my firm Greenspoon Marder LLP, for all the support they provide in enabling me to participate in NYIPLA activities, not just as the current President, but also for the committee work that I and others at my firm have been able to undertake in helping the NYIPLA fulfill its mission of education on IP issues.

Last but certainly not least, my deeply heartfelt thanks and gratitude for all the love and support from my wonderful, patient, and amazing wife of 47 years who knows me better than I do, Lorraine, along with my two daughters, Jennifer and Jessica, Sons-in-Law, Rob and Chris, and my absolutely outstanding grandchildren, Brendan, Robert Douglas, Charlotte, and Theodore.

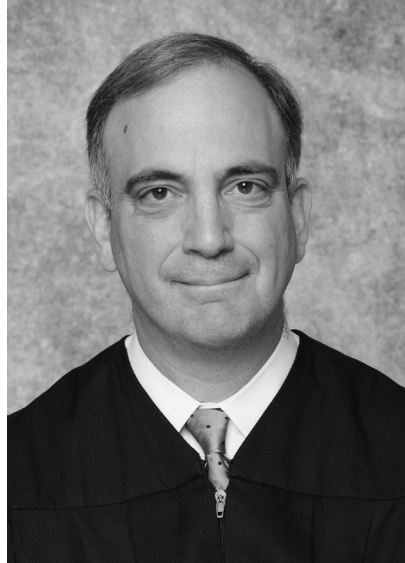
Finally, on behalf of the NYIPLA, I would like to thank all of our attendees. So tonight, please share in the camaraderie that we as NYIPLA members enjoy throughout the year. Visit with friends and former colleagues, find connection with people you meet here for the first time tonight and make new friends. Above all, my wish is that this night will be as memorable for you as I know it will be for me.

Robert J. Rando,
President, NYIPLA

Outstanding Public Service Award

Honorable Joseph F. Bianco

Judge Bianco was appointed as a United States Circuit Judge for the Second Circuit by President Donald J. Trump on May 13, 2019, and entered service on May 17, 2019. Prior to his appointment as a United States Circuit Judge, Judge Bianco served as a United States District Court Judge in the Eastern District of New York. Judge Bianco was appointed as a United States District Judge in the Eastern District of New York by President George W. Bush on January 3, 2006, and entered service on that same date.



Judge Bianco obtained his B.A., *magna cum laude*, at Georgetown University in 1988 and received his law degree in 1991 from Columbia Law School, where he was a Kent Scholar and a member of the Law Review. From 1992-1993, he served as a law clerk for the Honorable Peter K. Leisure, United States District Judge for the Southern District of New York. For a period of time both before and after that clerkship, he worked as a litigation associate at Simpson Thacher & Bartlett LLP.

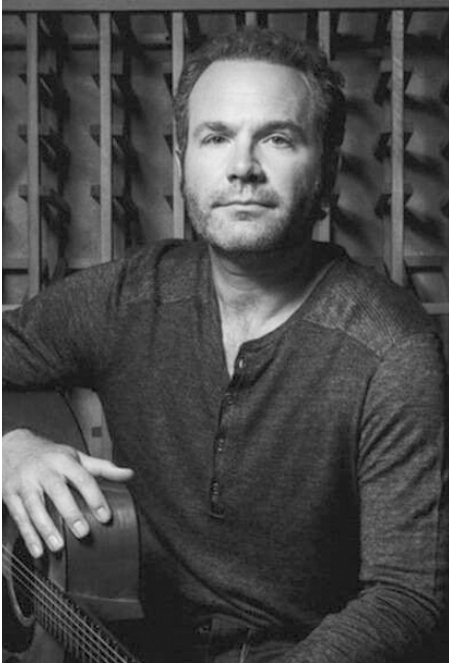
From 1994-2003, Judge Bianco served as an Assistant United States Attorney in the Southern District of New York, where he became Deputy Chief and then Chief of the Organized Crime and Terrorism Unit. In 2003, Judge Bianco left the Department of Justice and became Counsel with Debevoise & Plimpton LLP in its Litigation Department.

In 2004, Judge Bianco returned to the Department of Justice and was appointed as a Deputy Assistant Attorney General in the Criminal Division in Washington, D.C., where he supervised the Counterterrorism Section, the Fraud Section, the Appellate Section, and the Capital Case Unit. He occupied that position until his appointment to the bench.

Judge Bianco has taught courses at Fordham Law School, Hofstra Law School, and Touro Law Center, and St. John's University School of Law. He currently teaches at Columbia Law School.

Dinner Speaker

John Ondrasik *Five for Fighting*



Ondrasik began his journey at three years old. “Johnny,” as he was called back then, could barely span four white keys with his small hands. His mom was a piano teacher and after giving him the basics she allowed him to walk away from formal lessons at thirteen, a freeing moment. From that point on, he was playing because he wanted to play; writing music because he wanted to write.

He exploded onto the music scene with the release of “Superman” in 2000 on “America Town.” Having written those thousands of songs just for fun during first his youth and then his time at UCLA (an Applied Science and Mathematics major), the public adoration of “Superman” stunned his mother -- a way to actually make money writing and playing music! Ondrasik’s father, a rocket scientist, was less surprised. As a businessman himself, he appreciated the long hours of dedication Ondrasik had put into honing his craft (45,000 hours, according to math major Ondrasik’s calculations!).

“Superman” continued to embed itself in the nation’s consciousness with the events of 9/11, as Ondrasik joined other superstar musicians for the fundraiser, “The Concert for New York,” a 2001 event dedicated to first responders affected by the events of September 11th.

Fast-forward three years with Ondrasik still searching for that second No. 1 Billboard hit. Recording in his studio, an 8’ x 4’ closet, and working on his third album, “The Battle for Everything.” His wife, Carla, had been a music publisher before leaving the business to devote her time to their two children, Johnny and Olivia, but he didn’t ordinarily bounce his songs off of her.

This time he did, and he held his breath as she listened and wept. “I immediately knew that I was either onto something, or my career was over.”

Turns out he was onto something, another No. 1 Billboard hit, the now-standard “100 Years.”

Since, Ondrasik has ranged well beyond work in the studio to the world beyond. Ondrasik has compiled five albums to give away to United States troops, with over a million distributed containing hit songs and bits from superstar musicians and comedians, in addition to Five for Fighting music.

“The coolest part of the CD for the Troops project was that everyone from Melissa Etheridge to Brooks and Dunn got on board. It’s been an effort where writers from across the political spectrum have contributed songs to thank our troops.” Ondrasik is an avid hockey fan -- the source of the term for his “band” title, referencing five penalty minutes given to a player guilty of fighting. Further evidence of Ondrasik’s marvelous collision between sports and music is all around: writing for Sports Illustrated and his beloved Los Angeles Kings website, performing at NFL, NHL, NASCAR events, and appearing on ESPN’s flagship show, SportsCenter.

He doesn’t only watch sports, though. As he contemplated “Bookmarks,” he ran a marathon, reconnecting with his musical roots of the ‘70s as he logged hundreds of training miles.

Another major philanthropic contribution came in the spring of 2007 when Ondrasik broke new ground by creating a video charity website – the first of its kind. Fans could participate in creating videos based around the question from his hit, “World,” namely, “What kind of world do you want?” and watch videos to contribute funds to their favorite causes. Through the site, over a quarter of a million dollars was raised for Augie’s Quest, Autism Speaks, Fisher House Foundation, Save the Children, and Operation Homefront.

Raising money and awareness for those organizations plus many others, Ondrasik finds it easy to get involved in worthwhile causes, often quoting his close friend Augie Nieto, who has ALS: “It’s about significance, not success.” In that vein, he’s also lectured at a TEDx event, spoken at colleges and in other motivational settings and still spends time at the family business, Precision Wire Products, where he worked in college as he began his music career and now working with his father in the business founded by his grandfather, toiling together alongside fellow metalworkers. All of them, making a difference. Significance.

“At the end of the day, it really is about doing your part, each one of us. In whatever area we can. What kind of world do you want?”

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PTAB Bar Association

Program

National Anthem

Choir of the Our Lady of Mercy Academy
Syosset, NY

Presiding

Robert J. Rando
President

New York Intellectual Property Law Association

Outstanding Public Service Award

Honorable Joseph F. Bianco
Circuit Judge of the United States Court of Appeals for the Second Circuit

Dinner Service

Dinner Address

John Ondrasik
*Singer and Songwriter,
Five for Fighting*

Dais

John Ondrasik
Dinner Speaker

Robert J. Rando
President

New York Intellectual Property Law Association

Honorable Joseph F. Bianco
Outstanding Public Service Award Recipient

Honorable Debra Ann Livingston
Chief Judge
United States Court of Appeals for the Second Circuit

Patrice Jean
President-Elect
New York Intellectual Property Law Association

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First Vice-President
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Honorable Scott Boalick
Chief Judge for Patent Trial and Appeal Board
United States Patent and Trademark Office

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Cheryl Wang
Secretary
New York Intellectual Property Law Association

MENU

APPLEWOOD SMOKED SALMON FLORET

Shaved Fennel, Vidalia Onion, Vol au Vent

GRILLED Tournedo of Beef

Spinach & Gruyere Potato Souffle, Broccolini, Roasted Cherry Tomatoes, Red Wine Sauce

DESSERT TRIO

Raspberry Milk Chocolate Bar, New York Cheesecake, Kahlua Chocolate Cube

Coffee and Tea

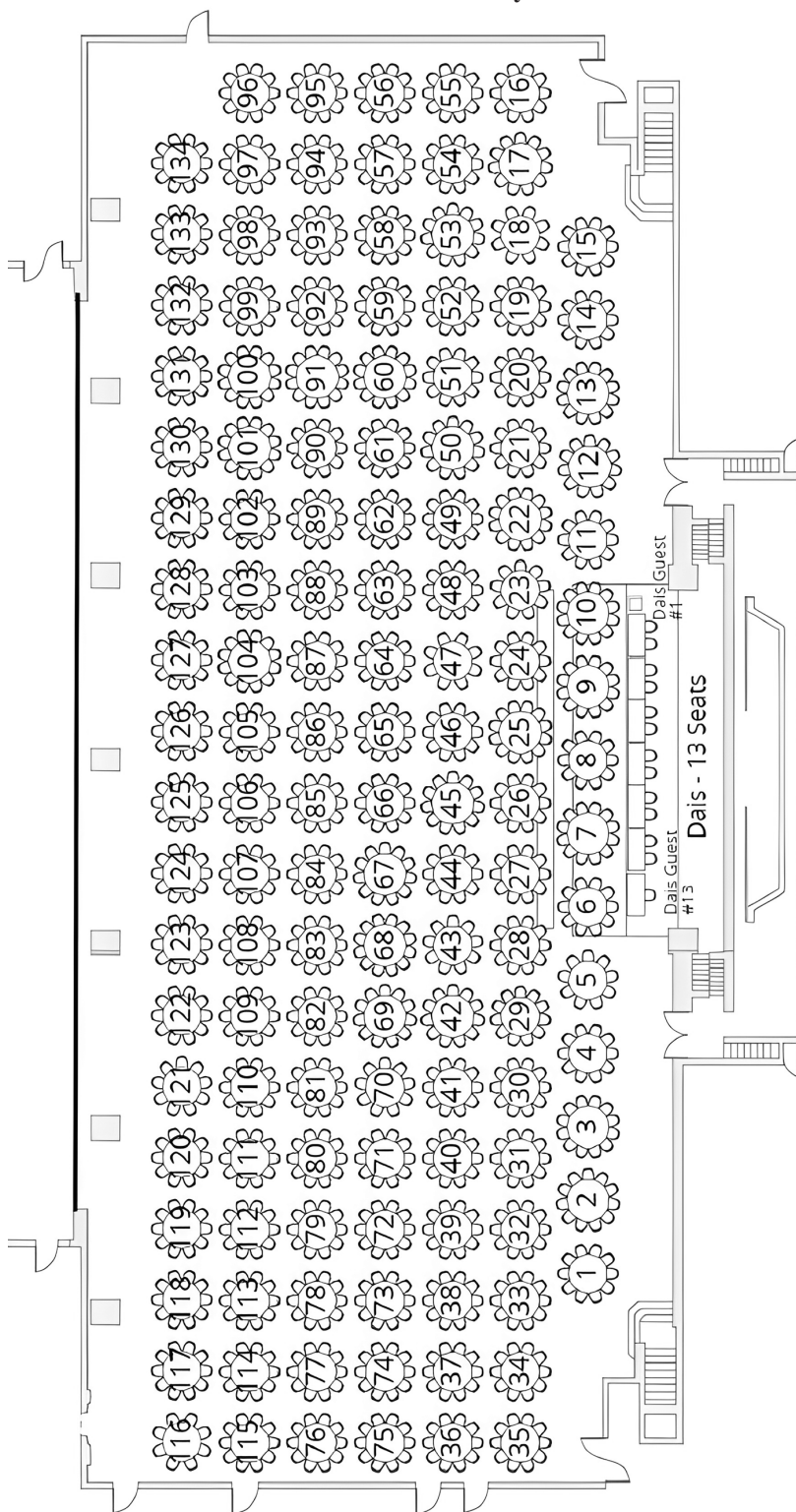
Lenten Dispensation

A dispensation from the Lenten obligation to abstain from meat has been granted by the Archdiocese of New York to all Catholics attending The New York Intellectual Property Law Association's Annual Dinner in Honor of the Federal Judiciary, scheduled for March 22, 2024.

There is a serious obligation for Catholics to observe abstinence from meat on Lenten Fridays in a substantial way. Therefore, those who are dispensed should substitute another fitting penitential practice in its place, especially a work of charity, prayer, or personal sacrifice.

Rev. Msgr. Douglas J. Mathers, JD, JCD
Vice Chancellor

Grand Ballroom & Foyer



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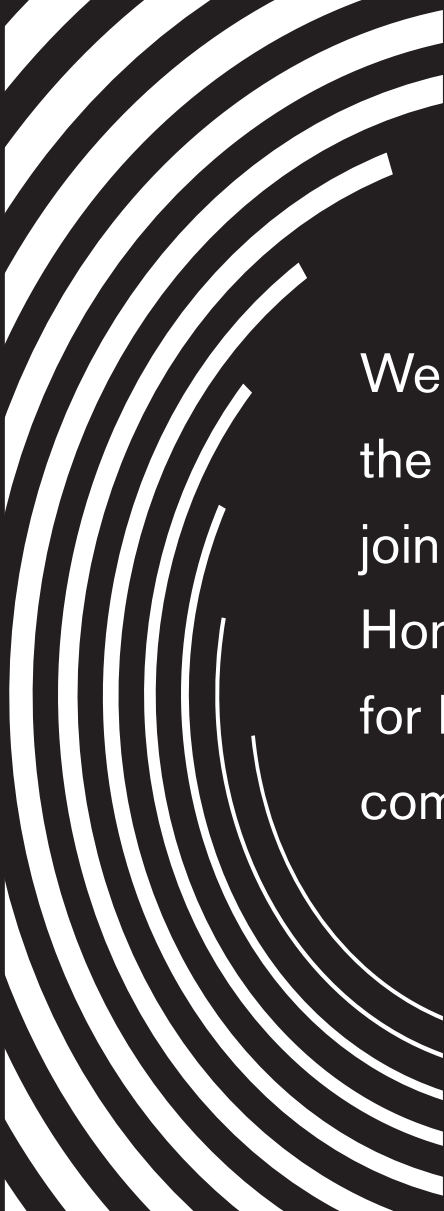
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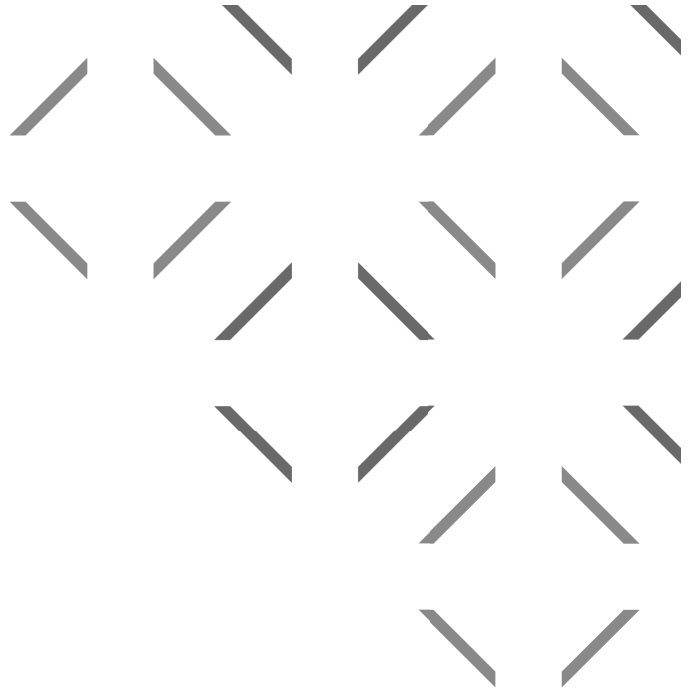
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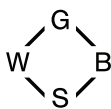
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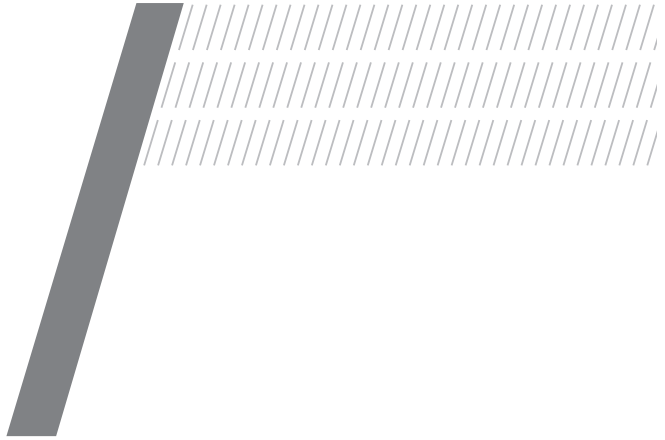
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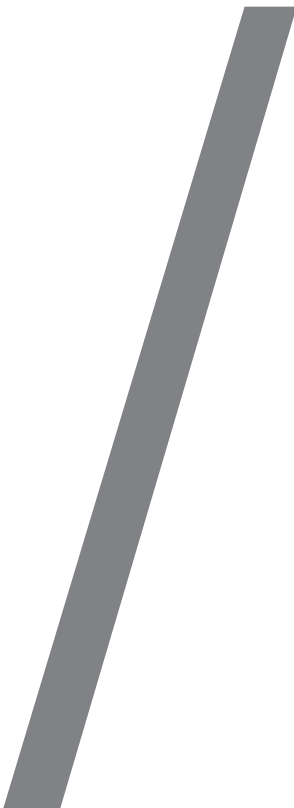


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