



Intellectual[®]
Property
Owners
Association

2018 Standing IP Committee Leadership Meeting

The Renaissance Hotel
Washington, D.C.
9 March 2018

Intellectual Property Owners Association
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AGENDA

IPO COMMITTEE LEADERSHIP MEETING

Friday, 9 March 2018
8:30 a.m. – 12:00 p.m.

The Renaissance Hotel, Mount Vernon Square Room
WASHINGTON, DC
(CONTINENTAL BREAKFAST AVAILABLE AT 7:30 A.M.)

- 8:30 a.m. Welcome Remarks by Henry Hadad, IPO President
- 8:35 a.m. Remarks by Mark Lauroesch, IPO Executive Director
- 8:40 a.m. Presentations from the Standing IP Committees (2 mins. each)

I. Business Issues Division

- a. Corporate IP Management
- b. IP Licensing
- c. Trade Secrets

II. Copyright Law Division

- a. Copyright Law and Anti-Piracy
- b. Open Source

III. International IP Law and Practice Division

- a. Asian Practice
- b. Canadian Practice
- c. European Practice
- d. Genetic Resources and Traditional Knowledge
- e. International Patent Law and Trade
- f. International Trademark Law and Practice
- g. Latin American Practice

IV. Litigation and Dispute Resolution Division

- a. Damages and Injunctions
- b. Litigation
- c. U.S. International Trade Commission

V. Patent Division

- a. Emerging Technologies
- b. Industrial Designs
- c. Patent Search
- d. Pharmaceutical and Biotechnology Issues
- e. Software Related Inventions
- f. Standards Setting
- g. U.S. Patent Law
- h. U.S. Patent Office Practice
- i. U.S. Post-Grant Patent Office Practice

VI. Professional Division

- a. Women in IP Law

VII. Trademark Division

- a. Anti-Counterfeiting
- b. U.S. Trademark Law
- c. U.S. Trademark Office Practice

- 10:30 a.m. Coffee Break
- 10:45 a.m. IPO's Amicus Brief Committee Report
- 11:00 a.m. Networking/Collaboration Discussion with Committees of Your Choice
- 12:00 p.m. Adjournment

TABLE OF CONTENTS

Business Issues Division

Corporate IP Management Committee	1
IP Licensing Committee	2
Trade Secrets Committee	3

Copyright Division

Copyright Law & Anti-Piracy Committee.....	4
Open Source Committee	5

International IP Law & Practice Division

Asian Practice Committee.....	6
Canadian Practice Committee	7
European Practice Committee	9
Genetic Resources & Traditional Knowledge Committee.....	11
International Patent Law & Trade Committee.....	12
International Trademark Law & Practice Committee	13
Latin American Practice Committee	14

Litigation and Dispute Resolution Division

Damages & Injunctions Committee	16
Litigation Committee	17
U.S. International Trade Commission Committee	19

Patent Division

Emerging Technologies Committee.....	22
Industrial Designs Committee	24
Patent Search Committee.....	25
Pharmaceutical & Biotechnology Issues Committee	27
Software Related Inventions Committee	29
Standards Setting Committee	31
U.S. Patent Law Committee.....	33
U.S. Patent Office Practice Committee.....	35
U.S. Post-Grant Patent Office Practice Committee	37

Professional Division

Women in IP Law Committee	38
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Trademark Division

Anti-Counterfeiting Committee.....	39
U.S. Trademark Law Committee	40
U.S. Trademark Office Practice Committee.....	42

Amicus Brief Committee Report

IPO Amicus Brief Procedures	
“Submitting Requests for an Amicus Brief to IPO”	

Appendices

2018 Standing IP Committees Policy Manual	
2018 IPO Standing Committee Leadership – by Committee	
Expected Attendance	

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Corporate IP Management Committee

Chair: Shawn Foster, ExxonMobil

Vice Chair: Neil Kardos, Harrity & Harrity, LLP

Vice Chair: Jason Houser, Allison Transmission, Inc.

Secretary: Scott Weingust, Stout Risius Ross

Board Liaison: Daniel Enebo, Cargill, Incorporated

Staff Liaison: Jessica K. Landacre, IPO

Committee Charter:

The committee will review new tools, techniques, and approaches for the management of corporate IP portfolios, including the strategic creation of new IP assets, the extraction of value from the existing IP portfolio, and the benchmarking and the cost-effective operation of the corporate IP function.

Committee Agenda for 2018:

1. Expand existing Corporate IP Management Best Practices information
 - a. The committee produced a white paper on best practices in 2016/2017
 - b. In 2018, we will gather anecdotal information via interviews and round table discussions with in-house IP management leaders
 - c. Each round of interviews/table discussion will be on a specific subject
 - i. Patent examiner analytics
 - ii. Competitor analytics
 - iii. Analyzing your own patent portfolio
 - iv. Prior art searching, including outsourcing
 - v. Docketing software and services
 - vi. Patent quality analysis
 - vii. Automating IP processes
 - d. 1-2 page summaries of the subject matter discussions will be prepared and available to IPO members
2. Investigate interest in broader presentation (possibly at Annual Meeting) regarding patent analytics and available software tools in that space

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

IP Licensing Committee

Chair: Andrew Wojnicki, IBM Corporation

Vice Chair: Christopher Smith, Brooks Kushman P.C.

Secretary: Jennifer Carnahan, Dow Chemical Co.

Board Liaison: Bill Krovatin, Merck

Committee Charter:

The IP Licensing Committee focuses on (including discussion, review and analysis of) intellectual property licensing and related matters and issues. This can include topics or issues associated with patent, technology/trade secret, software/copyright and trademark licensing; cross and joint licensing; government contracts; licensing for income or other business value; industry and market trends; best practices; agreements and agreement provisions; impact or relevance of bankruptcy, anti-trust, standards, compulsory licensing, etc. on licensing; and associated legal and business aspects and issues. Prior topics addressed have included: Developing a Reasonable and Non-Discriminatory (RAND) Patent License; Maximizing the Value of Technology & IPR Through Licensing; and Post-Expiration Royalty Considerations. The Committee interfaces, when applicable, with other committees on issues pertaining to standards, anti-trust, and other areas of mutual interest.

Committee Agenda for 2018:

Key Accomplishments:

The Committee continued to provide topical presentations at its monthly meetings, from guest speakers as well as Committee members, spanning a range of topics and skill levels. The Committee provided a breakout session at the 2017 IPO Annual meeting titled "All Bark, No Bite: An Analysis of IP Contractual Terms That Are Unenforceable or Result in Unintended Consequences." The committee also delivered this presentation during two monthly meetings, including members of the Corporate IP Management Committee. The Committee formed a licensing case law sub-committee, which provided one of the monthly presentations.

Recommendations for Committee Activities in 2018:

The Committee plans to continue monthly training sessions during 2018. Based on feedback from the Committee's business meeting at the 2017 IPO Annual meeting, the Committee plans to look for opportunities to increase communication and participation with other IPO committees, while maintaining monthly presentations with broad coverage of topics and skill levels. The Committee will remain prepared to respond to inquiries from the IPO Board, and will actively seek opportunities to collaborate with other Committees, including proposing one or more breakout sessions for the 2018 Annual Meeting. The Committee will continue to encourage tracking of case law developments via the licensing case law sub-committee.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Trade Secrets Committee

Chair: Kenneth Corsello, IBM Corporation

Vice Chair: Victoria Cundiff, Paul Hastings LLP

Board Liaison: Buckmaster de Wolf, General Electric Co.

Secretary: Bryan Bortnick, IBM Corporation

Committee Charter:

The Committee will focus on providing practical education to IPO membership and the public on the topic of trade secrets. Such education may include presentations at IPO meetings, white papers, form documents for posting to www.ipo.org, etc.

Committee Agenda for 2018:

1. Continued to monitor domestic and foreign trade secret developments.
 - a. Monitor legislative developments by EU member states in compliance with the EU Trade Secrets Directive, which requires member states to be compliant by June of 2018.
 - b. Monitor judicial developments in cases brought under the Defend Trade Secrets Act.
2. Propose resolution, for consideration by the IPO Board, supporting amendment of 28 U.S.C. § 1782, which relates to discovery assistance by U.S. courts to foreign tribunals. This amendment would achieve international evidence parity and provide protection of trade secrets of U.S. companies subject to a petition under § 1782.
3. Actively promote education of the Committee members by inviting Committee members and guest presenters to lead monthly discussions concerning issues related to trade secret misappropriation and protection.
4. Educate IPO members about developments in trade secrets law, trade secret litigation, and corporate trade secret management programs, such as industry practices for identifying and cataloging trade secrets.
 - a. On January 30, 2018, vice chair Vicky Cundiff was a panelist on IPO Chat Channel webinar on "Settling Trade Secret Disputes."
 - b. Explore use by IPO members of a survey offered by CREATE.org that measures the maturity of a company's approach to the people, process and technology related to trade secret protection.
5. Work with the IPO Copyrights and Software Committees on considering the rules for protecting the trade secrets contained in software deposits at the Copyright Office.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Copyright Law & Anti-Piracy Committee

Chair: *Jenevieve J. Maerker, Foley Hoag LLP*

Vice Chair(s): *Katherine C. Spelman, Lane Powell PC*

Secretary: *Lesley C. Boveri, SAP SE*

Board Liaison: *Matthew Sarboraria, Oracle Corporation*

Staff Liaison: *Thomas S. Valente, IPO*

Committee Charter:

The Committee will focus on determining what issues and topics regarding copyright law and practice are of greatest concern to the IPO membership and establish positions on those issues and topics that would most benefit IPO members. The Committee will be following significant bills in the U.S.'s Congress on copyright law and procedure, and taking positions where appropriate and consistent with the interests of IPO members. The Committee will also follow U.S. Copyright Office rule-making efforts of interest to intellectual property owners, and consider recommendations for involvement in the rule-making process where appropriate. The Committee will also follow initiatives in international groups such as WIPO and important cases relating to copyright as they occur. The Committee will attempt to consider the interests of both content owners and content users among the IPO community to develop balanced positions. The Committee will also work toward developing practice-oriented tools relating to copyright issues.

Because of the subject matter overlap between this committee and several other committees, when selecting topics, the Committee will consult and coordinate with the leadership of our sister committees. The Committee will also address such issues as the IPO Board of Directors asks this committee to consider.

Committee Agenda for 2018:

- a. Continue to monitor and provide input on potential legislation and regulatory proceedings regarding copyright issues, including but not limited to Copyright Office modernization, Copyright Office leadership, orphan works, small claims, exemptions to the prohibition against circumvention of technological measures protecting copyrighted works, statutory damages, first sale in embedded software, DMCA notice and takedown safe harbor and other potential copyright legislation, and advise the IPO Board regarding positions on any such proposed legislation or regulations.
- b. Plan and propose session topics on copyright law for 2018 IPO Annual Meeting.
- c. Continue to monitor relevant copyright cases, legislation, U.S. Copyright Office policies, and activities of the U.S. Executive Branch and international copyright organizations for possible IPO action.
- d. Advise the IPO Amicus Committee and IPO Board on potential amicus positions.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Open Source Committee

Chair: Deepika Bhayana, Dell Technologies

Vice Chair(s): Karla Kristina Padilla, Qualcomm Incorporated

Board Liaison: Ronald A. Antush, Nokia USA Inc.

Committee Charter:

The Committee studies and, when appropriate, reports on issues relating to open source licensing, governance, and litigation. Development and distribution of software and other technologies under open source (sometimes called “free”) licenses has become a multibillion dollar industry. There are a wide variety of open source licenses available (many, but not all, of which can be found at the Open Source Initiative’s website: www.opensource.org), ranging from “academic” or “permissive” licenses like the Berkeley Systems Distribution (BSD) license to “copyleft” licenses like the GNU General Public Licenses (GPL). All of these licenses raise legal, business, and policy issues and have different requirements with respect to copyright, patent, and other intellectual property to which the licensor gives fairly unrestricted rights. Some of the ramifications of these various licenses are yet to be fully interpreted by courts or administrative bodies, and as a result there are a variety of opinions on how these licenses would be enforced. Open source licenses raise many as-yet-unresolved issues involving IP ownership, licensing, control, integration, business model, divestiture and merger/acquisition, among others. The Committee’s primary purposes will be to invite guest speakers, to monitor, discuss, and possibly participate (under Board direction) in legal developments associated with open source licensing, to participate (under Board direction) in formulating any agreed-upon IPO policies relating to open source licensing, and to inform the IPO Board, and membership about current issues and practices relevant to open source licensing.

Committee Agenda for 2018:

1. Invite speakers with expertise in Open Source licensing, governance, and litigation in order to create educate committee members of various issues.
2. Discuss with Standards Committee chair the plans for the joint paper that was started last year in collaboration with the Standards Committee
3. Guidelines on OSS compliance or compiling resources for OSS legal professionals - Andrew Wilson volunteered last year but need to discuss if this is something others in the committee wants to work on.
4. Potential speaking engagements for 2018 (List from last year)
 - a. Community Data License Agreement from the Linux Foundation - speaker Mike Dolan (Occurred in January, 2018)
 - b. GPL compliance update - potential speaker Mishi Choudhary
 - c. Update on OpenChain with an example of a company that is conforming to the spec
 - d. Update on McHardy cases
 - e. Update on the state of OSS from Blackduck on what they are seeing

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Asian Practice Committee

Chairs: Jimmy Cheng, Qualcomm Inc.; Michelle Shen, Medtronic

Vice Chairs: Robert Siminski, Harness, Dickey & Pierce, P.L.C.; Michael D'Aurelio, Thomas|Horstemeyer, LLP; Ann Chen, Eli Lilly and Company

Secretary: Brad Chin, Bracewell LLP

Board Liaison: Edward Blocker, Koninklijke Philips Electronics N.V.

Committee Charter:

The Committee will identify, monitor, study, and recommend IPO positions regarding intellectual property acquisition, licensing, and enforcement issues in Asian countries such as Japan, China, India, Korea and Taiwan. The Committee will also disseminate and exchange information and views among members of IPO regarding intellectual property problems in Asia. The Committee will also study and report on issues relating to Asian antitrust and competition laws impacting intellectual property owners and seek to educate IPO members about these issues. Regular activities of the committee will include:

- Organizing IP Innovation Dialogue visits to Asia
- Organizing/conducting/participating in seminars and conferences within the United States and Asia directed to Asian IPR
- Making recommendations to the IPO Board on potential collaborations between IPO and Asian trade associations such as PPAC
- Preparing and drafting comments on proposed legislation, regulations, and policies for inter partes proceedings in Asian jurisdictions on behalf of IPO

Committee Agenda for 2018:

1. An IP Innovation Dialogue (formerly Fact Finding) trip to China and Japan tentatively scheduled for the week of October 28 through November 2.
2. Monthly conference calls, with occasional guest speakers on Asian IP topics of interest.
3. Submission of comments with respect to proposed changes in the patent laws, antimonopoly laws, and other IP laws, rules, and regulations of various Asian jurisdictions including China, Japan, Korea, India Taiwan, and/or others as appropriate.
4. A CLE breakout session during the IPO Annual Meeting directed to a review of the IP landscape of one or more Asian jurisdictions such as China, Japan, Korea, India, and Taiwan.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Canadian Practice Committee

Co-Chairs: *Arvie Anderson, Eli Lilly and Co.; Brian Walsh, Bristol Myers Squibb*

Vice Chairs: *Santosh Chari, Blake, Cassels & Graydon LLP;
Beverley Moore, Borden Ladner Gervais LLP*

Secretary: *Diane Yee, Johnson and Johnson*

Board Liaison: *Robert DeBerardine, Chief Patent Counsel, Johnson and Johnson*

Committee Charter:

The Canadian Practice Committee seeks to promote a reliable and effective Canadian intellectual property regime through advocacy and education. The Committee will identify, monitor and study Canadian IP issues, including legislation, judicial decisions, and Canadian Intellectual Property Office (CIPO) activities and recommend an IPO position. This committee will also study and report on issues relating to Canadian antitrust and competition laws impacting intellectual property owners and seek to educate IPO members about these issues. The Committee envisions a membership including those located in Canada as well as those whose organizations seek or are interested in IP protection in Canada.

Committee Agenda for 2018:

Monthly committee call

September 23-25th: Annual Meeting (Chicago)

- We plan to partner with another IPO Committee to propose programming at the Annual Meeting involving Canadian IP.

Key Initiatives:

1. Trade:
 - a. NAFTA Negotiation and Implementation
 - b. TPP Canada Implementation
2. Pharmaceutical Patent Issues:
 - a. CIPO Policy on Diagnostic Method Patents
 - b. Amendments to Patent Rules (CETA Implementation)
 - i. CSPs and the manufacturing "Export" exception
 - ii. Patent enforcement and Section 8
 - c. Monitoring competition issues relating to pharm patents
 - d. PMPRB Issues
 - i. Comment upon and monitor proposed Guidelines
 - ii. *Ad Hoc* review of decisions
 - iii. changing the patentability conditions and/or creating special categories of inventions is not the way to address pharmaceutical pricing
 - iv. partner with other committees on this
 - e. Section 8 and claims after unsuccessful PMNOC proceedings
 - f. Biosimilar law and policy
 - g. Price of Pharmaceuticals

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

3. Copyright Issues:
 - a. New border enforcement provisions (addressing counterfeiting goods)
4. Trademark Issues:
 - a. New border enforcement provisions
 - b. Issues relating to any new CA Trademarks Act amendments coming into force in 2018:
 - i. Removal of “use” requirement for registration of marks
 - ii. Institution of Nice classification system
 - c. Changes to Trademarks Regulations (in relation to new Act)
- e. Other Issues to Monitor:
 - a. Standard of disclosure for confidential business information (CBI)
 - b. Divisional/Double Patenting Practice (Lack of US-Style Terminal Disclaimer Practice)
 - c. Test for Obviousness in Canada and Relevant Prior Art (CIBA leave application)
 - d. Changes to MOPOP relating to CIPO interpretation of new Act and Rules and new case law
 - e. Difficulty in patenting software
 - f. Unavailability of Injunctions
 - g. Monitor for legislation on the set-up of a “College” to regulate patent and trademark professionals and its rules
 - h. Divisional/Double Patenting Practice (Lack of US style terminal disclaimers)

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

European Practice Committee

Chair: Robert B. Furr, Jr. INVISTA S. à r. l.

*Vice Chairs: Aloys Hüttermann, Michalski · Hüttermann & Partner
James Signor, Leydig, Voit & Mayer Ltd.*

Matthew Georgiou, Carpmaels & Ransford LLP

Secretary: David Black, Schwegman Lundberg & Woessner

Board Liaison: Thomas Smith, GlaxoSmithKline

Committee Charter:

The European Practice Committee is the Voice of Europe within the global organization of IPO and a voice of IPO with respect to European institutions. The European Practice Committee envisions a balanced representation of committee members appointed by the IPO President from all industry sectors and other categories of IPO members, with a substantial number of committee members physically located in Europe. The Committee will identify, monitor, study and recommend an IPO position on European-wide Intellectual Property Rights issues. Furthermore, the Committee has the objective to disseminate and exchange information and views within global IPO regarding intellectual property issues in Europe, and to make recommendations to the IPO Board of Directors on possible harmonization of patent, trademark and copyright laws among Europe, Asia, the United States, and other regions. This committee will also study and report on issues relating to European antitrust and competition laws impacting intellectual property owners and seek to educate IPO members about these issues.

Committee Agenda for 2018:

Meetings:

1. We will continue our monthly Committee calls, including 20-minute updates on recent developments in IP law and procedure.
2. Our annual May conference is scheduled for Thursday, 3 May 2018 at the Intercontinental Hotel in Amsterdam. Our hosts this year are Geert Thews and Willem Hoyng of the Hoyng Rokh Monegier firm. With thanks Oscar Wilde, the theme of this year's conference is "The Very Essence of Romance is Uncertainty." We have invited our colleagues in the Vereinigung von Fachleuten des Gewerblichen Rechtsschutzes (VPP) to attend, and they have agreed to advertise the conference to their membership in Europe. Dr. Aloys Hüttermann chairs the Spring Meeting subcommittee. Panels will include:
 - a. Current legislative and juridical trends in the US;
 - b. Trade secrets in Europe and the US;
 - c. UPC update; and
 - d. Legal Tech (with a focus on Artificial Intelligence).
3. For the Annual Meeting, we have invited committee members to submit proposals for break-out sessions.
4. EPO and the IPO Education Foundation sponsored the first IPO/EPO Day. Under the joint IPO leadership of Gautier Engisch and Megan Griggs, this program received highly favourable feedback from the attendees. Our Committee would welcome the opportunity to help organize and present future EPO/IPO Day programs.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Advocacy Activities:

1. In early 2018, our Committee will provide comments on revisions to the EPO Boards of Appeal Rules of Procedure (RPBA).
2. Additionally, we have participated in a stakeholder consultation with the EPO, on its proposal to allow applicants to request postponement of examination. The EPO has proposed this measure as a counter-balance to the broader “early certainty” program in which the EPO now aims for examination to be completed in 12 months for all applications. Vice Chair Matthew Georgiou attended the consultation event on behalf of IPO.

Continued Recruitment Activities:

1. We continue to seek new membership with European companies and European law firms and plan to appeal directly to IPO Board members to encourage corporate IP attorneys to participate in committee activities.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Genetic Resources and Traditional Knowledge Committee

Chair: Manisha A. Desai, Eli Lilly and Company

Vice Chair(s): William L. Warren, Eversheds Sutherland

Secretary: Open Position

Board Liaison: D. Michael Young, Roche Diagnostics

Committee Charter:

The IPO Genetic Resources & Traditional Knowledge (GR/TK) Committee will focus on developing IPO positions relating to the intersection of genetic resource and traditional knowledge issues and intellectual property law. The goal is to develop legal frameworks for access and benefit sharing that will lead to increased international conservation and to effective and equitable utilization of genetic resources and traditional knowledge.

The Committee will advise the Board of Directors of IPO and its membership about proposed legal frameworks for access and benefit sharing, including the use of form material transfer agreements and the impact of special patent disclosure requirements. The Committee will monitor and study proposals from and provide input to other organizations, including the CBD, WIPO, WTO, USPTO, EPO, JPO and Non-Governmental Organizations (NGOs).

Committee Agenda for 2018:

1. As the mandate for WIPO's Intergovernmental Committee on GR, TK, and TCEs (IGC) will continue through 2019, the Committee will monitor the work of the IGC and seek to ensure discussions are fact-based and reflect the concerns of the innovator community.
2. The Committee will continue to follow implementation of the Nagoya Protocol in member countries, as well as discussions regarding inclusion of genetic sequence data (digital sequence information) under the Protocol, and ongoing discussions of a global multilateral benefit-sharing mechanism. The GR/TK Committee will influence such discussions where possible, and will seek to do so in coordination with other IPO committees.
3. The Committee will continue to compile information and examples of instances in which IPO members have been required to submit information about use of GR/TK to patent offices, regulatory or other agencies, in satisfaction of the Nagoya Protocol or other national laws. The Committee will prepare a survey that can be shared with IPO members in an effort to compile information about the requirements and associated burdens. We believe this will assist IPO in contributing to more fact-based discussions with the USPTO, as well as in WIPO, the CBD/Nagoya Protocol, and other UN organizations.
4. The Committee will endeavor to conduct conference calls at least quarterly, as well as an in-person Committee meeting at the next IPO Annual Meeting.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

International Patent Law and Trade Committee

Chairs: *Stephen W. Bauer, Medtronic, Inc.; Anouk Boon, Shell International B.V.*

Vice Chairs: *Janet Cord, Ladas & Parry LLP;*

Mark Guetlich, Thomas|Horstemeyer, LLP; Ognian V. Shentov, Jones Day

Secretary: *Mark W. Croll, Leydig, Voit & Mayer, Ltd.*

Board Liaison: *Todd N. Spalding, Alexion Pharmaceuticals*

Committee Charter:

The Committee will focus on proposing IPO positions for policies addressing international IP laws, especially regarding the acquisition and enforcement of patents. The ultimate goal is to obtain a system that provides uniform, objective, predictable, and cost-effective prosecution and enforcement of patents globally. Specifically, the Committee will study proposals from WIPO, national and regional patent offices, and Non-Governmental Organizations (NGOs). The Committee will monitor IP-related developments at WIPO to educate its members.

The Committee will continue work and discussions related to improving the cost efficiency of international patent portfolios. In addition, the Committee will disseminate and exchange information and views within the IPO on the above developments, especially on the effects of these developments on an international patent portfolio.

This Committee's responsibilities will include coordinating contributions to IPO's Special 301 comments to the U.S. Trade Representative. The Committee's primary responsibility will be identifying issues for potential inclusion in the comments, and synthesizing the feedback of relevant IPO committees into a cohesive statement of IPO's views.

Committee Agenda for 2018:

Key Accomplishments in 2017:

We held monthly conference calls and met at the IPO Annual Meeting. During the meetings, we had guest speakers from Business Europe, the USPTO and WIPO. The Committee was selected to give a presentation at the Annual Meeting on International Filing Strategy and Cost Management.

Committee Activities in 2018:

In 2018, we intend to continue to focus on the key areas mentioned above. We will also continue our focus on educating membership on current international patent law issues and will assist the IPO regarding its efforts to increase its international strategic focus. We intend to further develop the educational program on cost effective international filing strategies.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

International Trademark Law & Practice Committee

Chair: Matthew G. Owen, Caterpillar Inc.

Vice Chair: Elizabeth E. Houlihan, Houlihan² Patent & Trade Mark Attorneys

Secretary: Frances Jagla, Lane Powell PC

Board Liaison: Thomas R. Kingsbury, Bridgestone Americas, Inc.

Committee Charter:

This committee will evaluate the effects of newly implemented international trademark and trade dress related treaties and national laws on international trademark/dress protection, prosecution, and enforcement. The Committee will evaluate the need for legislative and regulatory action to address such concerns. The Committee will also focus on developing policies and educating IPO members, the judiciary, and other stakeholders regarding the value of trademark rights, the impact of relevant changes in the legal landscape of each of the various jurisdictions, and any new proactive measures owners and practitioners should take to maximize the potential benefits from international trademark rights.

Committee Agenda for 2018:

Members of the Committee meet monthly and have already conducted two teleconferences in the First Quarter of 2018 to develop goals for 2018.

In 2017, the Committee prepared a White Paper titled “Protection of Graphic Logo Trade Marks Around the World – Copyright or Trade Mark Enforcement? An International Survey of Twenty (20) Countries.” This paper is similar in format and international scope to the White Paper on Shape Trade Marks published in 2015 and presented at the 2015 IPO Annual Meeting and to the White Papers and Annual Meeting Presentations on Bad Faith Filings (in 2013), Famous Marks (in 2011) and Colour Marks (in 2009). Given the importance and continued relevance of the topic, we will again be submitting a proposal to present highlights from the White Paper at the Annual Meeting in 2018 and are exploring other venues to raise awareness of this topic.

The Committee is identifying topics for a 2019 white paper similar in format and international scope for which international surveys would be developed and sent in 2018.

Building on our 2013 White Paper on Bad Faith Filings, the Committee will work with the International Patent Law and Trade Committee to provide analysis of issues related to the grant and continued validity of trademarks filed in bad faith in India, China, and other significant markets with an eye towards inclusion in next year’s Special 301 Report.

In 2017, the Committee assessed and provided general comments on 1) the IP-related Productivity Report out of Australia and 2) the Anti Competition Law Amendments out of China. The Committee will continue to monitor the progress of regulations/bills/laws that address international trademark law and practice, provide comment, and reach out to other industry groups, as appropriate.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Latin American Practice Committee

Chair: Roberto Ribeiro, Sanofi

Vice Chair: Ricardo Nunes, Daniel Legal & IP Strategy

Secretary: Maria Isabel Giacchetti, Sanofi

Board Liaison: Thomas P. McBride, Monsanto Co.

Committee Charter:

To identify, monitor, study and recommend IPO positions regarding intellectual property acquisition, licensing and enforcement issues in Latin America with initial emphasis on Mexico, Brazil, Columbia, and Argentina. To also disseminate and exchange information and views among corporate members of IPO regarding intellectual property problems in Latin America. This committee will also study and report on issues relating to Latin American antitrust and competition laws impacting intellectual property owners and seek to educate IPO members about these issues. Regular activities of the committee will include:

1. Organizing fact finding visits to Latin America;
2. Participate in seminars and conferences within the United States and Latin America directed to Latin American IPR;
3. Develop white papers addressing acquisition, licensing and enforcement aspects of Latin American IPR; and
4. Make recommendations to the IPO Board on potential collaborations between IPO and Latin American trade associations.

Committee Agenda for 2018:

Key Accomplishments of 2017:

1. Held monthly conference calls with our members;
2. Provided our members with updates on important developments in Latin America, monitoring important lawsuits and pending bills;
3. Updated the guideline on patent and trademark prosecution and litigation, delivered at the Annual Meeting last year, including new countries;
4. Collaborated with the group in charge of assisting IPO with the preparation of the comments to be submitted to the USTR "Special 301 Report";
5. Prepared and filed comments on behalf of IPO to the Brazilian PTO draft examination guidelines, which were available for public comments.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Recommendations for Committee Activities in 2018:

1. Planning, submitting for approval, and preparing a fact-finding trip to one country relevant to IPO in Latin America (likely Brazil in 2019);
2. Implement initiatives to increase the number of members coming from private companies owning IP rights;
3. Update and enlarge the publication Guideline for Patents and Trademarks in Latin America to encompass additional countries;
4. Monitor and discuss relevant threats and opportunities in the legal environment in the Region; and
5. Continue to hold monthly conference calls with our members.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Damages & Injunctions Committee

Chair: Tom Brown, Dell Inc.

Vice Chair: Karen Weil, Knobbe, Martens, Olson & Bear, LLP

Secretary: Jenna Pellicchia, Akin Gump Strauss Hauer & Feld LLP

Board Liaison: Ted Naccarella, InterDigital

Committee Charter:

The Damages & Injunctions Committee intends to identify and discuss the various legal and economic theories of intellectual property damages currently accepted by the courts, including the elements necessary to prove damages under those theories. The Committee will strive to examine, compare and contrast the damages frameworks in various intellectual property fields. Damages theories discussed will include reasonable royalty, lost profits, price erosion, and any other theory of damages that may be allowed by the courts.

In addition, the Committee will consider trends in intellectual property law, including ongoing and proposed changes to the law, and evaluate the effect or expected effect of those changes on damages theory. Where appropriate, recommendations will be made to the board to formally suggest modifications to existing laws.

Committee Agenda for 2018:

1. Continue monthly committee calls, which include discussion of developing law in the areas of damages and injunctive relief, as well as other relevant topics.
2. Share insights of our expert committee members by assigning members to be in charge of leading monthly discussions or inviting speakers for meetings.
3. Continue monitoring Federal Circuit decisions, as well as decisions from the regional Circuits, that are likely to significantly impact intellectual property litigation.
4. Continue to work with IPO leadership on appropriate resolutions regarding damages and injunctions.
5. Work with IPO leadership to develop and promote CLE programming for the Annual Meeting, the Committee and the broader IPO membership that addresses issues of note to the legal community concerning damages and injunctions.
6. Together with the Litigation Committee, the committee will evaluate whether to propose that the IPO take a position with respect to the questions at issue in *Mentor Graphics v. EVE-USA, Inc.*, 870 F.3d 1298 if the Supreme Court grants certiorari.
7. Consider relevant issues in damages and injunctive relief law for possible white paper topics.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Litigation Committee

Chair: Laurie Gathman Kowalsky, Koninklijke Philips N.V.

*Vice Chairs: Eley O. Thompson, Foley & Lardner; Gary Ropski, Brinks Gilson & Lione;
Brian Horne, Knobbe Martens*

Secretary: Michael Kahn, Akin Gump Strauss Hauer & Feld

Board Liaison: Peter Lee, Thermo Fisher Scientific, Inc.

Committee Charter:

It is very important to intellectual property owners that litigation involving their intellectual property rights be conducted fairly, efficiently and expeditiously. The committee will investigate ways to achieve those objectives and recommend actions to achieve positive change in patent litigation and related proceedings in the US. Areas of potential focus include: (a) judicial practices and procedures; (b) emerging case law; (c) litigation management and best practices for in-house counsel; and (d) relevant statistical assessment of cost effective patent litigation. In addition to focusing on paths to improving the litigation process, the committee scope includes developing information resources for intellectual property owners and their management regarding the complexity, cost and risks of intellectual property litigation.

Committee Agenda for 2018:

1. **Committee Meetings:** The full Committee will conduct telephonic meetings, generally at 3:00 pm Eastern on the third Thursday of the month. The Committee will also conduct meetings among Committee or subcommittee members as necessary.
2. **Model Rules:** The Committee will continue to study model patent rules from several prominent districts and consider developing a set of model rules for districts that lack local patent rules.
3. **Education Sessions:** The Committee's Education sub-committee will conduct telephonic meeting, generally at 3:00 pm Eastern on the fourth Thursday of the month. The Education Committee will develop presentations to be delivered at regular committee meetings, IPO Chat Channel webinars, or the IPO annual meeting.
4. **Interplay Between IPR and District Court Litigation:** The Committee will continue to work with the U.S. Post-Grant Patent Office Practice Committee, including in connection with monitoring the Supreme Court's decision in *Oil States*, and tracking the developing guidance concerning the scope of estoppel.
5. **Damages apportionment:** Jointly with the Damages Committee, the Committee will monitor the Supreme Court review of *EVE-USA, Inc. v. Mentor Graphics Corp.* in which the questions presented include "whether the U.S. Court of Appeals for the Federal Circuit erred in holding that proof of but-for causation, without more, satisfies the requirement that damages be apportioned between patented and un-patented features."
6. **Lost Profits:** The Committee will monitor the Supreme Court review of *WesternGeco LLC v. ION Geophysical Corp.*, which will address whether lost profits arising from prohibited combinations occurring outside of the United States are categorically unavailable when infringement is proven under 35 U.S.C. § 271(f).

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

7. Opinions of counsel and avoiding enhanced damages: The Committee will examine the relationship between clearance policies and willfulness including analysis and development of possible best practices in light of prevailing law.
8. Venue: The Committee will examine a possible resolution for the Board's consideration in light of the Supreme Court's decision in TC Heartland, LLC v. Kraft Foods Group Brands, LLC, including, for example, how to deal with venue over foreign companies doing business in the United States.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

U.S. International Trade Commission Committee

Chair: *Brett Bachtell, Qualcomm Incorporated*

Vice Chair: *Sarah Hamblin; Elizabeth A. Niemeyer, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP*

Secretary: *Dan Valencia, Covington and Burling, LLP*

Board Liaison: *Scott Barker, Micron Technology, Inc.*

Committee Charter:

The U.S. International Trade Commission Committee will develop materials and programs to educate intellectual property owners about the opportunities, costs, challenges, and best practices for using Section 337 to enforce intellectual property rights through the U.S. International Trade Commission. It will review changes in Section 337 law and practice affecting the rights of intellectual property owners and will inform IPO members about those changes. It will also seek to identify opportunities for improvement in the current statutory, procedural, and enforcement framework and to respond to, recommend and promote changes that would enhance its value for intellectual property owners through, e.g., submission of comments and educating the public about ongoing developments. Examples of topics to be considered include establishing domestic industry under a variety of business models, the comparative costs and benefits of Section 337 actions, the benefits and restrictions of protective orders, the scope of discovery, the scope of the Commission's jurisdiction, and the requirement of proof of injury in actions arising under the common law. The Committee will interface with other IPO committees and appropriate external organizations.

Committee Agenda for 2018:

Ongoing Activities for 2018:

1. The ITC Committee anticipates submitting a proposal for an annual meeting breakout session and hopes to work with one or more other committees to submit a proposal jointly.
2. Continuing previous efforts, the ITC Committee will promote new membership, particularly from the corporate arena. To achieve this goal, the Committee will make extra effort to seek out opportunities to consult and work with other organizations with interests similar to those of the IPO in order generate cross-membership.
3. The ITC Committee will continue to consider and promote topics for the IPO chat channel that substantively address interesting developments and hot topics affecting ITC practice and practitioners.
4. The ITC Committee will consider planning/presenting a seminar and/or CLE program addressing the major areas of ITC practice that have evolved in the last year. Given the rapidly evolving landscape of ITC litigation, it is anticipated that within the span of a year sufficient new developments will have occurred to warrant additional seminars/presentations.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

5. In an effort to increase the depth and breadth of Section 337 practice, the ITC Committee will continue to identify potential topics for white papers and seminars, including, but not limited to:
 - a. expected new rules from the Commission, which were previously the subject of a notice of proposed rule making;
 - b. the ITC's pilot programs regarding dispositive issues and advisory opinions on redesigns, including the interplay with U.S. Customs and Border Protection's ("CBP") consideration of redesigns;
 - c. the pending rulemaking by the CBP Intellectual Property Rights Branch regarding *inter partes* proceedings, a project that has been percolating for a few years;
 - d. the changing landscape of how the economic prong of the domestic industry requirement is fulfilled in Section 337 litigation;
 - e. the expected caseload of the Administrative Law Judges and the Commission;
 - f. the potential impact of various proceedings on Section 337 investigations, including hearings and oral arguments before the Commission;
 - g. the effect that new adjudicators at the Administrative Law Judge, Commission, and Federal Circuit levels will have on ITC practice.
6. To build on its work related to the enforcement of Commission-issued exclusion orders, the ITC Committee will continue to examine ways in which such enforcement can be made more effective, including an IPO initiative to increase funding for Customs.
7. In the interest of streamlining proceedings at the ITC and conserving the ITC's resources, the ITC Committee will continue to seek out initiatives for proposal that could be used to improve ITC procedures and increase efficiency.

New Activities for 2018:

1. The ITC Committee will review Commission notices and potentially submit comments when solicited by the Commission and approved by IPO.
2. In order to accomplish its goals for the year, the ITC Committee will continue to hold regular conference calls.
3. The ITC Committee will continue to encourage participation from its corporate members to ensure the committee advocates positions desirable to IP owners.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Membership Initiatives for 2018:

1. The ITC Committee will continue to promote new membership, particularly from the corporate arena including encouraging past members to continue their involvement and encourage other individuals to join the committee. The ITC Committee will seek opportunities to consult and work with other organizations with interests similar to those of the IPO in order generate cross-membership.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Emerging Technologies Committee

Chair: *Daniel A. Staley, Caterpillar Inc.*

Vice Chair: *Bryan J. Vogel, Robins Kaplan LLP*

Vice Chair: *Ronald G. Embry, Jr., Patterson + Sheridan LLP*

Secretary: *Jeff Gordon, Borden Ladner Gervais LLP*

Board Liaison: *Micky Minhas, Microsoft*

Committee Charter:

The Committee has been developed to explore intellectual property issues relating to emerging technologies in the global IP community. The Committee will monitor the changing landscape relevant to emerging technologies, particularly artificial intelligence, additive manufacturing, the internet of things, and gene therapies, and will seek to positively influence global policy positions on behalf of the IPO relevant to this important area. The Committee will promote strong incentives for the discovery, development, use, and intellectual property protection of emerging technologies. The Committee will specifically monitor judicial, legislative, and regulatory activity in this area as well as other proposals and initiatives from various organizations and governments having the potential to impact emerging technologies, all on a global scale.

Committee Agenda for 2018:

Key Accomplishments:

1. Formed artificial intelligence subcommittee, which closely monitors IP related developments in this space.
2. Maintained additive manufacturing subcommittee, which closely monitors IP related developments in this space.
3. Guest speaker series: Stephan Thomas, Co-Founder of Identity3D.
4. Contributed several proposals for sessions at the IPO Annual Meeting.
5. Big Data Seminar in May 2017 in collaboration with other IPO Committees, which explored IP protection of big data analytics, including country-specific issues and challenges.
6. Provided submissions and testimony to the U.S. government on trade related issues, including Special 301.
7. Monitored developments in international fora with potential impact on IP rights with targeted engagement.
8. IP and trade advocacy efforts before political bodies in the U.S. and abroad, and initiatives related to clean technology, additive manufacturing and big data analytics.

Recommendations for Committee Activities in 2018:

1. Prepare a brief, high-level summary of key emerging technologies and issues (e.g., artificial intelligence, big data, the internet of things, gene therapies) that might

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

necessitate the need for new or updated IP laws and policies to best serve the owners of those new technologies, along with a projected timeline of expected developments.

2. Prepare White Papers on the potential industry and IP impacts of artificial intelligence and the internet of things.
3. Organize a series of discussion and guest speakers on emerging technologies, including artificial intelligence and the internet of things.
4. Contribute proposals for sessions at the IPO Annual Meeting.
5. Support IPO activities addressing emerging technologies.
6. Continue to grow agendas of the additive manufacturing and artificial intelligence subcommittees and speaker series.
7. Explore the formation of additional subcommittees to address emerging technologies.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Industrial Designs Committee

Chair: Thibault Fayette, *Nike Inc.*

Vice Chairs: Elizabeth D. Ferrill, *Finnegan LLP*;
Anthony Prenol, *Blake, Cassels & Graydon LLP*

Secretary: Daniel A. Gajewski, *Sterne, Kessler, Goldstein & Fox*

Board Liaison: William Coughlin, *Ford Global Technologies, LLC*

Committee Charter:

The IPO Industrial Designs Committee will focus its work on identifying challenges in industrial design intellectual property (IDIP) ownership. The Committee will also focus on educating IPO members, the judiciary and other stakeholders regarding the value of IDIP ownership, the impact of relevant changes in the legal landscape of each of the various jurisdictions, and any new proactive measures owners and practitioners should take to maximize the potential benefits from IDIP ownership. In doing so, the Committee will monitor and review United States and foreign legislation, case law, and rule changes, and will proactively submit comments and recommendations for protecting IDIP in various jurisdictions, particularly the United States, Europe, Japan and China. Further, the Committee will coordinate its activities with other relevant IPO Committees.

Committee Agenda for 2018:

Key Accomplishments:

1. IPO Annual Meeting - Co-sponsored CLE break-out presentation at 2017 Annual Meeting with Copyright Law & Anti-Piracy committees
2. USPTO Design Day - Co-planned and executed in April 2017 (w/ AIPLA, ABA IP, and IDSA).
3. USPTO Design Partnership - Organized/executed in-person meetings at the USPTO in April and November 2017 to discuss design issues with USPTO leadership and TC2900 representatives.
4. In-depth investigation of committee member's considerations regarding the proposed test for article of manufacture under 35 U.S.C. § 289.

Recommendations for Committee Activities in 2018:

Activities should include continued planning of Design Day, assessing/acting with respect to USPTO proposals/rules (included expected written description guidelines for designs), submitting resolutions that promote design protection, developing CLE sessions, and conducting subcommittee-level projects considering design specific issues in depth for presentation to the committee and larger IPO if appropriate.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Patent Search Committee

Chair: Steve Sampson, Caterpillar Inc.

Vice Chair: Ford Khorsandian, Technology & Patent Research International, Inc

Secretary: Mark Harper, Dinsmore & Shohl LLP

Board Liaison: Elizabeth Ann Lester, Equifax, Inc.

Committee Charter:

This Committee will examine topics and be a resource for information related to patent searching. It will define and publish different category guidelines related to patent searching (e.g., patentability, validity, infringement, right to practice), analyze techniques and sources for doing such searches, and outline best practices related to patent searching. The Committee will provide feedback on major patent offices' initiatives related to public availability of patent data as well as new patent examination search methodologies. It will examine search related matters, in cooperation with other IPO committees when appropriate. In addition, the Committee will review the availability of search-related information from patent information suppliers and foreign countries to foster dialog about subjects related to patent searching. The Committee will propose ways, through published documents, to educate IPO members about subjects related to patent searching.

Committee Agenda for 2018:

1. Commissioning and reviewing a patent search: The IPO Patent Search Committee will continue the preparation of a two (2) part bulletin, or hosting an IPO webinar, that will recommend (part 1) the basic information to be included in a patent search request, the method for conveying this information, and the benefit of follow-up discussions followed by (part 2) what a patent search requestor should look for when reviewing a patent search report and the benefit of follow-up discussions. The purpose of the bulletin will be to educate IP owners regardless of their individual patent search experience. The chair for this subcommittee is Steve Sampson, of Caterpillar Inc.
2. Commissioning and reviewing a patent landscape study: The IPO Patent Search Committee will continue the preparation of a two (2) part bulletin, or hosting an IPO webinar, that will recommend (part 1) the basic information to be included in a patent landscape study request, the method for conveying this information, and the benefit of follow-up discussions followed by (part 2) what a patent search landscape requestor should look for when reviewing a patent landscape report and the benefit of follow-up discussions. The purpose of the bulletin will be to educate IP owners regardless of their individual patent landscape study experience. The chair for this subcommittee is Steve Sampson, of Caterpillar Inc.
3. Using patent search results: The IPO Patent Search Committee will continue creating a bulletin, or hosting an IPO webinar, that recommends basic considerations for applying patent search results in various contexts such as maximizing the value of search results when making maintenance and/or office action response decisions and preparing opinions of counsel. The purpose of the bulletin will be to educate patent practitioners and IP owners regardless of their individual patent search experience. The chair for this subcommittee is Jason Rockman, of Rockman IP Law.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

4. Global Dossier: The IPO Patent Search Committee prepared two (2) draft bulletins during 2017 for the purpose updating IPO members on the status of the IP5 Global Dossier initiative. These bulletins explain how Global Dossier may be used by IPO members, or their outside counsel, when preparing office action responses or investigating patent family citations or patent application legal status. Both bulletins were completed on February 12, 2018 and submitted to the IPO Board for distribution approval. The chair for this subcommittee was Steve Sampson, of Caterpillar Inc.
5. Free patent search tools: The IPO Patent Search Committee prepared and published a bulletin during 2017 that identifies several patent search tools that are currently available to the public free of charge. The 2017 bulletin described the benefits and limitations of several free patent search tools including patent office based systems, such as Espacenet, and patent office independent search tools, such as Google Patents. Because the resources presented in 2017 have changed dramatically, the Free Patent Search Tools subcommittee will revise the earlier bulletin to present new features and update information. The chair for this subcommittee is Ellen Krabbe, of Fresco Services.
6. Accessing and using public patent data: The IPO Patent Search Committee will investigate the topic of publicly available patent application data and prepare a bulletin describing how to access and use this data. Publicly available patent datasets make it possible for smaller organizations or individuals to access patent information which until recently has only been available through paid services. A bulletin will be prepared that discusses two (2) current data sources (Google Patents Public Datasets and EPO Patstats) and will describe how these data sources can be queried and the types of information that can be obtained. The chair for this subcommittee is Ellen Krabbe, of Fresco Services.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Pharmaceutical & Biotechnology Issues Committee

Chair: *Paul Golian, Bristol-Myers Squibb*

Vice Chair(s): *Grant Drutchas, McDonnell Boehnen;*

Jack Griem, Carter Ledyard

Secretary: *Kathryn Wade, Kilpatrick Townsend & Stockton*

Board Liaison: *Roy Waldron, Pfizer*

Committee Charter:

The Committee will advise the IPO Board of Directors regarding legislative changes, patent office policies, regulatory issues and judicial decisions affecting the pharmaceutical and biotechnology industry. This includes pharmaceuticals subject to the Drug Price Competition and Patent Term Restoration Act (the Hatch-Waxman Act), the Biologics Price Competition and Innovation Act (the BPCIA Act), and non-U.S. counterpart laws and regulations. The committee will identify amicus opportunities in the U.S., Europe, and elsewhere on key matters impacting the pharmaceutical and biotechnology industry. The committee's primary goal is to review proposed legislative and regulatory initiatives and proactively submit comments and recommendations to the Board that reflect the proper balance between generic drug/biosimilar entry and maintaining strong incentives for the discovery, development and protection of new pharmaceutical products. A secondary goal of the committee is to monitor and comment upon judicial decisions and proposed patent practice changes for the education and benefit of IPO members.

Committee Agenda for 2018:

The Committee has planned the following agenda in 2018. For each topic, we plan to set up a subcommittee of interested Committee members to study the issue, prepare written recommendations or white papers, propose a Board resolution and/or take other actions as appropriate. We intend to connect with other interested IPO Committees on many of these activities.

1. Closely follow developments on subject matter eligibility under section 101, including additional USPTO guidelines and court decisions, and consider proposals for IPO Board of Directors' consideration, such as additional USPTO comments, amicus briefs and possible legislative action. Work with the U.S. Patent Practice Committee, the U.S. Patent Law Committee and the Software Related Inventions Committee on areas pertaining to section 101 issues, including consideration of proposed legislation.
2. Review the status of other pending legislation, judicial decisions and regulatory proposals that impact the pharmaceutical and biotechnology industry, including those relating to drug importation, biosimilars, authorized generics and "reverse payment" settlements.
3. Propose IPO amicus briefs in cases of key interest, both in the U.S. and internationally.
4. Review and provide comments on draft patent reform legislation, including changes in venue, patent eligibility, international exhaustion, pleading requirements, discovery procedures, fee-shifting, willfulness, estoppel arising from PGR, claim construction in PGR and IPR proceedings, and PTA calculation, obviousness double patenting and other issues.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

5. Monitor how PTAB decisions are affecting the pharmaceutical and biotechnology industry.
6. Follow developments in international patent practice and patent office regulations, with a focus on patent and regulatory legislation that negatively impacts the pharmaceutical and biotechnology industries. Ensure IPO fact finding participants are educated (via talking points or other means) on the impact the patent system has with respect to pharmaceutical and biotechnology innovation.
7. Develop CLE Proposals for the IPO Annual Meeting.
8. Consider ways to increase IPO membership and activity by companies and stakeholders in the biotechnology and pharmaceuticals industry who are interested in IPO's mission to foster high quality IP rights and effective, harmonized systems to obtain and enforce IP rights, such as smaller pharmaceutical development companies and universities with significant pharmaceutical and biotechnology research interests.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Software Related Inventions Committee

Chair: Scott Pojunas, Google Inc.

Vice Chair(s): Joshua L. Simmons, Kirkland & Ellis, LLP

Secretary: Eli Mazour, Harrity & Harrity, LLP

Board Liaison: Brett Alten, Hewlett Packard Enterprise

Committee Charter:

The Committee will advise IPO's President, Executive Director, and Board of Directors with regard to legal issues relating to software, business method, and other computer-implemented inventions. The Committee's focus will include judicial decisions, proposed legislation, and regulatory practices in the United States, Europe and other countries and geographies. The Committee will take a holistic view, partnering as appropriate with other committees, to study and recommend changes to the laws governing software.

Committee Agenda for 2018:

We are excited to start the new IPO year. As reflected in the Committee's proposed revisions to its charter, the Committee is hoping to maintain its past focus on USPTO practices for software-related inventions, while simultaneously broadening that focus to take a holistic view of the protections available to and the potential uses of software.

The Committee is focusing on three initial projects for the year. First, the Committee will study how Section 101 of the Patent Act has been interpreted with regard to software. It will generate a report synthesizing the cases, indicating trends, and providing an index of decisions based on type of technology. It also will provide updates to its members as new decisions are issued by the courts.

Second, the Committee will consider non-patent intellectual property protection for software, including copyright and trade secret law. Among other projects, committee members will be assigned to join other IPO committees (including the Copyright & Anti Piracy, Open Source, and Trade Secrets committees) as non-voting members to ensure close coordination between this Committee and others.

Third, the Committee will create educational programming for its members and IPO more generally. Among the topics that the Committee may have presenters on in 2018 are:

- Artificial intelligence;
- Computer Fraud and Abuse Act;
- Copyright issues related to software;
- Data sciences;
- Patent eligibility for software-related inventions;
- Protection available for user interfaces;
- Section 112's application to software-related inventions;
- Trade secret issues related to software;
- Use of software in medical and biology contexts; and
- Other policy issues

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING
RENAISSANCE HOTEL (WASHINGTON, DC)
9 MARCH 2018

The Committee also intends to propose a CLE breakout at the IPO Annual Meeting.

The Committee intends to form subcommittees to work on each of these projects. It also is working to identify divisive policy issues that may warrant additional consideration from the Committee and IPO. It will form additional subcommittees to study those issues as appropriate.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Standards Setting Committee

Chair: Amy Marasco, Microsoft

*Vice Chair(s): Jonathan Retsky, Winston & Strawn;
David Long, Essential Patent LLC*

Secretary: Valentina Boyet, SAP

Board Liaison: Timothy Loomis, Qualcomm

Committee Charter:

The Committee will monitor and analyze significant developments in legislation, case law and policies affecting intellectual property rights in relation to industry standard setting. The Committee will serve as a forum for education and the expression of opinions and recommendations concerning such legislation, case law and policies, as well as the role of intellectual property rights in the standards setting process. The Committee will work closely with the IPO Board to identify and make recommendations on those matters of particular concern to intellectual property owners. In addition, the Committee will seek to define the principles for achieving balance between the rights of intellectual property owners and other industry standard stakeholders.

Committee Agenda for 2018

In accordance with its charter, the Standard Setting Committee also will continue to review and discuss ongoing developments in connection with the global debates regarding many issues associated with standard-essential patents (SEPs), including (but not limited to):

- the effect of a commitment to license SEPs on fair, reasonable and non-discriminatory (FRAND/RAND) terms and conditions (including licensing terms and the availability of injunctive relief),
- the application of competition law, and
- proposals that SSOs seek greater transparency regarding SEPs through arguably greater disclosure obligations.

Last year the Committee prepared a background white paper for the IPO Board to illustrate the differing views of Committee members on several of the SEPs-related issues and thereby explain why a related IPO consensus position often was not possible to formulate. We believe that the Committee members see value in the Committee's efforts to monitor and share SEPs-related information regarding activities at prominent SSOs, as well as recent court decisions and government policy statements on a global basis. There also have been some SEP-related issues in the past when the Committee has been able to develop a proposed IPO position, and it is open to doing so in the future when consensus is possible.

The Standards Setting Committee also will continue to make efforts to coordinate with other Committees on the SEPs-related and other issues as appropriate. For example, the Standards Setting Committee has been tracking a number of standards-related policy issues in China and Japan and has been able to synch with the Asian Practice Committee on topics of mutual interest.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

The Standards Setting Committee also has been interested in the efforts by some formal standards-setting organizations to leverage open source software (OSS) in connection with their deliverables. This interaction between formal standards and OSS may raise related IPR issues, including whether these organizations' policies and procedures (including those related to patents and copyrights) sufficiently address any related issues. The Committee intends to coordinate with the Open Source Committee in this regard. If both Committees agree, they may jointly work to develop an educational white paper on this topic for the IPO Board and others in the broader IPO community.

Finally, the Committee will continue to monitor other standards-related issues that are of interest to the Committee and prepare proposed IPO positions as needed.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

U.S. Patent Law Committee

Chair: Marian Underweiser, IBM Corp.

*Vice Chair(s): Andreas Baltatzis, Kramer & Amado, P.C.;
Shaun Zhang, McAndrews, Held & Malloy, Ltd.*

Secretary: Paul Parins, Kagan Binder, PLLC

Board Liaison: Gary Ganzi, Evoqua Water Technologies LLC

Committee Charter:

The committee will advise the President, the Executive Director and the Board of Directors of IPO regarding legislative changes to United States patent law. The committee will review proposed legislative initiatives and proactively submit recommendations for legislative changes that would enhance United States patent law. The committee will educate IPO members regarding the provisions of enacted legislation.

Committee Agenda for 2018:

In January and February, the leadership team developed our strategy for 2018 and decided to maintain our existing committee structure, including three formal subcommittees and a number of other task forces and work groups. The following summary details the charter for each of the subcommittees, highlights current projects, and addresses other committee initiatives.

1. Proposed Patent Legislation Subcommittee: This subcommittee, led by Larry Williams, Jr., Thompson Hine LLP, will proactively develop legislative proposals to enhance U.S. patent law. The subcommittee is currently working on the following initiatives:
 - a. Inequitable Conduct: The subcommittee is continuing to explore whether to codify the judicially created inequitable conduct doctrine.
 - b. § 101 Resolution: Last year the Board of Directors passed a resolution in favor of amending § 101 based on the work of the § 101 Task Force. Members of our committee actively participated, including Marian Underweiser, who served as Chair of the Task Force. This year, the Task Force will be maintained for work on new eligibility issues, and new projects or requests from the Board or IPO leadership in this active area of the law.
2. Pending Patent Legislation Subcommittee: This subcommittee, led by Heather Brady, Johnson & Johnson, will monitor pending legislation, educate the committee on such legislation, and propose IPO positions on patent law issues in pending legislation. The subcommittee is currently working on the following initiative:
 - a. Monitor Activity of New Congress and Administration: The subcommittee is analyzing the positions and activities of the 115th Congress and new presidential administration to identify potential impacts on patent law. We will monitor and evaluate the actions and positions of the new USPTO Director, and how they affect IP owners.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

3. Education Subcommittee: This subcommittee, led by Dan Roth, McCracken & Gillen LLC, will educate the committee on patent law developments, such as enacted legislation, case law, rules, and USPTO initiatives. The subcommittee will also be responsible for suggesting topics and organizing panels for IPO conferences.
4. Artificial Intelligence Joint Subcommittee: This subcommittee, led by Kyle Trout of Koninklijke Philips N.V., will proactively monitor legal developments involving AI and educate the committee of such developments. Also, this subcommittee may develop legislative proposals involving AI and intellectual property.
5. Collaboration with Other Committees: Our leadership team will continue to reach out to leaders from other committees, including the U.S. Patent Office Practice, U.S. Post-Grant Patent Office Practice, Emerging Technologies, and Litigation committees, to assist these committees with their initiatives.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

U.S. Patent Office Practice Committee

Chair: *Kaveh Rashidi-Yazd, Siemens Corporation*

Vice Chairs: *Courtenay C. Brinckerhoff, Foley & Lardner LLP;*
Sunjeev S. Sikand RatnerPrestia; Roland McAndrews, Bookoff McAndrews

Secretary: *Aamir Haq, Hewlett Packard Enterprise*

Board Liaison: *Manny W. Schechter, IBM Corp.*

Committee Charter:

The Committee will work to improve patent prosecution practice in the USPTO. To that end, the Committee will:

1. Study and report on changes in patent practice proposed by the USPTO, with special attention to pre-grant practice. When appropriate, the Committee will propose comments on suggested changes in patent practice.
2. Survey the Committee membership for feedback on and changes to patent practice that can be recommended to the USPTO for implementation; collect, analyze, and report to appropriate USPTO officials feedback including suggestions and proposals for changes to patent practice and develop recommendations for changes in the Patent Act. The Committee will identify the most important changes and support IPO's government relations team where appropriate as they work with relevant government officials and the legislature to have such changes implemented.
3. Foster additional dialog between IPO and the USPTO by holding periodic meetings with the Commissioner for Patents and other executives.
4. Work with other Patent Division Committees to conform U.S. patent practice to international standards, and to coordinate other activities relevant to this Committee's charter with those Division Committees
5. Organize, sponsor and co-sponsor educational sessions on patent practice, including assisting in planning IPO's Spring Summit and Annual Meeting.

Committee Agenda for 2018:

1. Work closely and establish good rapport with incoming USPTO leadership, and use appropriate opportunities to communicate IPO's interests.
2. Hold at least one in-person meeting with USPTO leadership to discuss patent office practice.
3. Review and respond to proposed USPTO rule changes as they are published in the Federal Register, and respond to other USPTO requests for stakeholder input.
4. Monitor and comment on USPTO patent quality initiatives, effects on appeal and pendency, and the key role played by Supervisory Patent Examiners.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

5. Offer suggested IPO policy positions on patent practice, and work closely with other IPO Committees and PPAC on issues of patent office practice, particularly related to examination practices under the AIA.
6. Sponsor IPO Annual Meeting topics, participate in web-based seminar panels, and prepare reports and papers.
7. Monitor executive orders and legislation affecting the USPTO

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

U.S. Post-Grant Patent Office Practice Committee

Chair: *Emily Johnson, Amgen Inc.*

Vice Chairs: *Eric Cohen, Brinks Gilson & Lione*

Eleanor Yost, Carlton Fields

Secretary: *Chris Comiskey, United Technologies Corporation*

Board Liaison: *Brian Suffredini, United Technologies Corporation*

Committee Charter:

The Committee's areas of responsibility include all aspects of post-grant patent practice in the U.S., including post-grant review, inter partes review, inter partes reexamination, ex parte reexamination, supplemental examination, interferences, derivation proceedings, transitional program for covered business method patents, and reissue proceedings.

The Committee plans to continue to study issues raised by the IPO Board of Directors ("Board"), the USPTO Director (via rulemaking proposals), the Patent Trial and Appeal Board, and the members of the Committee related to USPTO post-grant proceedings.

The Committee also will continue to consider decisions, legislation, and proposed rule changes concerning formal and substantive issues concerning such proceedings. The Committee may make propose recommendations to IPO Board of Directors concerning the fair, balanced, "just, speedy, and inexpensive" administration of post-grant proceedings.

Committee Agenda for 2018:

1. Prepare and submit proposal(s) for Break-Out Sessions for 2018 Annual Meeting
2. Monitor and advise on PTAB rule changes
3. Monitor and advise on PTAB fee changes
4. Advise on Supreme Court decisions in *Oil States* and *SAS Institute*
5. Monitor and advise on legislation
6. Monitor and advise on other federal register notices and important cases
7. Develop content for IPO conferences
8. Hold monthly Committee teleconferences

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Women in IP Law Committee

Chair: *Shruti Costales, HP Inc.*

Chair: *Laura Sheridan, Google LLC*

Vice Chair: *Mercedes Meyer, Drinker, Biddle & Reath, LLP*

Secretary: *Krista Kostiew, Cantor Colburn LLP*

Board Liaison: *Henry Hadad, Bristol-Myers Squibb Company*

Committee Charter:

The committee will seek to promote the advancement of women in IP law and to increase the diversity of IPO's membership. The committee will develop programming and initiatives on topics relevant to this goal, and will engage with other standing committees to collaborate on items of interest to the membership at large. The committee will interface with women in IP law across the community, including women working in corporations, law firms, universities, and government.

Committee Agenda for 2018:

New for 2018, the committee is setting quarterly, measurable goals. For Q1, the committee seeks to promote diversity by increasing the percentage of male membership to 10%. A project team has been assembled to tackle this. The committee is also focusing on several other initiatives through its sub-committees, one of which is Mentoring Across Borders. In this sub-committee, members seeking a mentor are paired with another member. The sub-committee will be circulating a survey to assess the prior mentoring cycle before launching another. Additionally, the sub-committee plans to establish "travel connections" in which participating members are connected with other members when attending meetings in these members' cities.

The Women Inventors sub-committee is focusing on giving a presentation at the AUTM conference in Phoenix, Arizona on Tools, Tricks, & Thoughts on Improving Gender Parity in Invention. The sub-committee will thereafter focus on sharing the presentation to the members of the Women in IP Committee as well as discuss how to work with corporations at improving gender parity in their inventions. To promote the inclusion of women on IPO panels, the Speakers List sub-committee has updated and circulated its survey for use in the IPO Spring Summit planning.

The hard work of the Push Forward subcommittee continues. The main goals for the subcommittee in 2018 include completing a new white paper on work-life-balance issues; drafting and completing a white paper on pay gaps; creating modules on each existing toolkit for vague feedback, speaking with influence, work-life balance issues, and implicit bias; adding new videos to all toolkits; offering presentations on toolkit topics in-person and/or via webinar; and working with other organizations such as the ABA to encourage the retention of women in the profession.

The committee has continued its practice of featuring speakers during its monthly committee meetings, with upcoming speakers on business plan drafting and engaging diverse outside counsel.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Anti-Counterfeiting Committee

Chair: *Sanjiv Sarwate, Dell Inc.*

Vice Chair: *Monica Riva Talley, Sterne Kessler Goldstein & Fox, PLLC*

Secretary: *Aslam G. Mohamed, Partner, RNA, IP Attorneys*

Board Liaison: *Douglas K. Norman, Eli Lilly & Co.*

Committee Charter:

The Anti-Counterfeiting Committee will focus its work on identifying global challenges and enforcement opportunities in anti-counterfeiting. The Committee will also focus on educating IPO members, practitioners, and other stakeholders regarding the costs (reputational, safety, etc.) of counterfeiting, and developing policies and proactive measure to support key issues in global anti-counterfeiting

Committee Agenda for 2018:

Committee Accomplishments in 2017:

1. The committee prepared and presented a resolution on plain packaging to the Board
2. Our committee members took key roles in the trademark program of the Annual Meeting this year:
 - a. Online Brand Policing and Enforcement (moderator)
 - b. Plain Packaging: Trends, Concerns, and Anti-Counterfeiting Considerations (moderator & speaker)
 - c. Strategic Partnering with In-House Trademark Counsel (speaker)
 - d. International Trademark Issues (planning)

Committee Agenda for 2018:

1. Finalize Board resolution on plain packaging legislation based on Board feedback;
2. Development of resource guide on best practices and strategies for anti-counterfeiting enforcement on online marketplace sites;
3. Research and draft white paper on anti-counterfeiting enforcement via customs authorities

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

U.S. Trademark Law Committee

Chairs: Jake Feldman, Johnson & Johnson; Valerie Verret, Exxon Mobil Corporation

Vice Chair: Joshua S. Jarvis, Foley Hoag LLP; Wendy C. Larson, Pirkey Barber PLLC

Secretary: Alicia Morris Groos, Norton Rose Fulbright;

Anne E. Naffziger, Leydig, Voit & Mayer, Ltd.

Board Liaison: Steven W. Miller, Procter & Gamble Co.

Committee Charter:

The Committee will identify and comment upon federal and state legislative activities that would or are likely to significantly affect U.S. trademark law and practice. The Committee will investigate issues and take action to further the interests of IPO members with respect to domain names, including monitoring and providing feedback on the activities of the International Corporation for Assigned Names and Numbers (ICANN) and participating in relevant stakeholder groups. The Committee will also work in cooperation with the Amicus Brief Committee to identify opportunities for the IPO to consider filing amicus briefs in trademark cases. The Committee will monitor developments related to the use of marks as domain names and social media usernames, and will review procedures for resolving disputes related to online ownership and use. More generally, the Committee will explore miscellaneous issues of concern to trademark owners in the online arena, including those related to trademark best practices and enforcement in the online and social media space. Where appropriate, the Committee will recommend positions that the IPO executive leadership may choose to advocate. The Committee will poll its membership on topics to be considered and will coordinate its efforts with other committees as appropriate.

Committee Agenda for 2018:

1. The Committee has scheduled monthly conference calls for the third Thursday of the month at 3:00 pm ET. The Committee has had two calls so far in 2018.
2. The Committee is drafting a resolution recommending that the Board support the consistent application of the nominative fair use defense and the adoption of a test to be used in its application.
3. The Committee has formed working groups to evaluate the following new projects:
 - a. Draft a position paper on UDRP reform.
 - b. Review and comment on House Office of Law Revision Counsel's proposal to re-codify the Lanham Act by removing it from Title 15 of the US Code, rewriting the statute, and placing the law into Title 35.
 - c. Monitor and comment on proposed changes to the FRCP regarding email service of process.
 - d. Create a rapid response team to consider and opine on requests from the Amicus Committee.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

4. In addition, the Committee anticipates working on the following projects:
 - a. Continue formulating a position on whether an infringer's profits should be awarded absent willful infringement;
 - b. Drafting a paper summarizing the relevant case law on the extraterritorial reach of the Lanham Act;
 - c. Collaborating with the Anti-Counterfeiting Committee on addressing the challenges of combating gray market goods;
 - d. Surveying parody cases and reporting on new developments on monthly committee calls as appropriate; and
 - e. Suggesting topics for a 90 minute presentation or panel at the IPO Annual Meeting in Chicago in September.

It is anticipated that there will be numerous occasions during the year for the Committee to collaborate with other IPO Committees, including the U.S. Trademark Office Practice, Anti-Counterfeiting, and International Trademark Law and Practice committees. The Committee Chairs and Vice-Chairs expect to reach out to the leadership of those committees to coordinate on areas of interest to the various committees.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

U.S. Trademark Office Practice Committee

Chair: Jenny Greisman, IBM Corporation

Vice Chairs: Allison Strickland Ricketts, Fross Zelnick Lehrman & Zissu, PC

Secretary: Lauriel Dalier, Sterne, Kessler, Goldstein & Fox P.L.L.C.

Board Liaison: Lorie Ann Morgan, Gilead Sciences, Inc.

Committee Charter:

The Committee will study and report on issues relating to the quality, timeliness, budget and efficiency of the U.S. Patent and Trademark Office. The Committee plans to continue to explore ways to streamline and improve trademark registrations and will make recommendations for appropriate legislation, practice and rules changes to effect such registration improvement. Among other things, the committee will look at the USPTO funding process, will monitor the USPTO Trademark Public Advisory Committee and will track pertinent U.S. legislation. The Committee may look at foreign legislation and processes in evaluating recommendations for legislative, rules and practices changes. The Committee plans to address additional topics as they are raised and agreed upon by its members. The Committee will coordinate its work with appropriate committees.

Committee Agenda for 2018:

The Committee will continue to assist the U.S. Trademark Office with projects for which they seek public input by participating in focus groups or roundtable discussions as well as submitting comments to Federal Register Notices, Proposals and Requests for comment when appropriate.

The Committee will send representatives to participate in a face to face meeting with the Commissioner of Trademarks in June.

The Committee will collaborate with appropriate IPO committees (e.g., the U.S. Trademark Law Committee and the International Trademark Law Committee) on trademark policy projects.

The Committee will aim to add more members in 2018.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

Amicus Brief Committee

Chair: Steven W. Miller, Procter & Gamble Co.

Vice Chairs: Paul H. Berghoff, McDonnell Boehnen Hulbert & Berghoff LLP;
Gregory Castanias, Jones Day

Committee Charter:

The IPO Amicus Brief Committee shall assist the Board of Directors in determining whether the organization should file an amicus brief related to an important intellectual property issue pending in a judicial or administrative matter. In general, the committee will first decide whether an issue significantly impacts the value of intellectual property rights or the ability of owners of intellectual property to enforce such rights. In making its recommendation to the Board, the committee will not only consider the interests of owners of intellectual property, but also the rights of the public. If the committee recommends IPO participation in a matter, and the Board approves, the committee shall then ensure that an appropriate brief is drafted, approved, and submitted to the court or administrative agency.

Committee Agenda for 2018:

- Currently pending:
 - *WesternGECO LLC v. Ion Geophysical Corp.*
- 26 requests were received during the past year. This number includes cases in which certiorari or en banc rehearing was granted, as the Committee reviews all such cases.
- 8 briefs filed in 2017 and 2018 to date:
 - *Impression Products, Inc. v. Lexmark Int'l, Inc.*
Issues:
 1. Whether a “conditional sale” of a patented item avoids application of the patent exhaustion doctrine and permits enforcement of post-sale restrictions through the patent law’s infringement remedy.
 2. Whether a foreign sale of a patented article by the U.S. patentee exhausts U.S. patent rights in that article.Filed a brief with the Supreme Court in support of Lexmark on 22 February 2017 with assistance from Venable LLP
 - *Wi-Fi One, LLC v. Broadcom Corp.*
Issue:
 1. Whether judicial review is available challenging the timeliness of a petition for *inter partes* review?Filed a brief with the Federal Circuit in support of neither party on 22 February 2017 with assistance from Jones Day

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

- *In re Silver*
Issue:
 1. Whether privilege for the communications in connection with legal services provided by patent agents to their clients as established in the federal courts should be recognized by the Texas Supreme Court. Filed a brief with the Supreme Court of Texas supporting Houston Intellectual Property Law Association's amicus brief in support of the Relator on 27 February 2017 with assistance from Boulware & Valoir.
- *European Patent Office, Enlarged Board of Appeal G1/16*
Issue:
 1. Three questions were posed related to the allowability of undisclosed disclaimers in light of conflicting guidance given in cases G1/03 and G2/10
Filed a letter with the EPO recommending no change to the current regime on 28 February 2017 with assistance from Michalski Hüttermann & Partner.
- *Helsinn Healthcare S.A. v. Teva Pharmaceuticals USA, Inc.*
Issue:
 1. Whether the Federal Circuit erred in finding that "[A]fter the AIA, if the existence of the sale is public, the details of the invention need not be publically disclosed in the terms of the sale" for the on-sale bar to apply.
Filed a brief with the Federal Circuit supporting Helsinn's petition for *en banc* rehearing on 11 July 2017 with assistance from Venable LLP.
- *SAS Institute Inv. v. Joseph Matal*
Issue:
 1. Does 35 U.S.C. §318(a), which provides that the Patent Trial and Appeal Board in an inter partes review "shall issue a final written decision with respect to the patentability of any patent claim challenged by the petitioner," require that the Board issue a final written decision as to every claim challenged by the petitioner, or does it allow the Board to issue a final written decision with respect to the patentability of only some of the patent claims challenged by the petitioner, as the Federal Circuit held?
Filed a brief supporting SAS Institute at the Supreme Court on 20 July 2017 with assistance from Fish & Richardson P.C.
- *Oil States Energy Services, LLC v. Greene's Energy Group LLC*
Issue:
 1. Whether inter partes review, an adversarial process used by the Patent and Trademark Office to analyze the validity of existing patents, violates the constitution by extinguishing private property rights through a non-Article III forum without a jury.
Filed a brief supporting neither party at the Supreme Court on 31 August 2017 with assistance from McDonnell Boehnen Hulbert & Berghoff LLP.

2018 IPO STANDING IP COMMITTEE LEADERSHIP MEETING

RENAISSANCE HOTEL (WASHINGTON, DC)

9 MARCH 2018

- o *NantKwest, Inc. v. Matal*

Issue:

1. Whether 35 U.S.C. § 145's "[a]ll the expenses of the proceedings" provision authorizes an award of the USPTO's attorneys' fees.

Filed a brief supporting NantKwest at the Supreme Court on 16 January 2018 with assistance from Jones Day.

Please see attached amicus committee procedures and instructions on submitting a request for an amicus brief.



Intellectual[®]
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Submitting Requests for an Amicus Brief to Intellectual Property Owners Association (IPO)

Materials to be Included in a Request for Amicus Support

Requests by a party in a case must include the following:

- A short paper (no more than three (3) pages) describing the underlying position of the litigants,
- Copies of relevant pleadings, motions, decisions, or other papers to reflect the nature of the controversy,
- The name and email addresses of lead counsel of all parties involved in the litigation, and
- The names of other organizations from which amicus support has also been requested.

THE PARTY REQUESTING AMICUS SUPPORT SHALL SEND A COPY OF THE REQUEST TO LEAD COUNSEL OF ALL OTHER PARTIES INVOLVED IN THE LITIGATION AND INFORM THEM THAT THEY ARE FREE TO MAKE SUBMISSIONS TO IPO WITHIN THREE (3) BUSINESS DAYS OF THE ORIGINAL REQUEST.

Requests by an IPO committee must include the following:

- A short paper (no more than three (3) pages) describing the underlying position of the litigants, the reasons for which the Committee believes IPO should participate as amicus and the position the Committee recommends IPO take in the case,
- Copies of relevant pleadings, motions, decisions, or other papers to reflect the nature of the controversy,
- The name and email addresses of lead counsel of all parties involved in the litigation, and
- If the case is not in an American court, the request should include the name of the relevant court and due dates for amicus briefs.

Submitting Requests:

Please note that the committee needs at least 30 days to review the request and draft and print a brief. Requests submitted within that 30-day period will have a significantly decreased chance of being fulfilled.

Requests are to be submitted via email to the Chair of the Amicus Brief Committee, Steven Miller, in care of Robin Muthig at RMuthig@ipo.org. For more information on procedures, contact Ms. Muthig at (202) 507-4514. Also, for more information see the Amicus Brief Committee Procedures at www.ipo.org/Amicus.

Review and Notification

The Amicus Brief Committee will review completed requests. All requests will be acknowledged when received. If the committee favors the request it will be submitted to the IPO Board of Directors for a vote. The requester and opposing counsel will be notified of the action taken on the request.

3 January 2018

IPO Amicus Brief Committee

IPO Interest as Amicus:

To assist IPO in executing its stated policies and positions, the IPO Board of Directors has established an Amicus Brief Committee to oversee how IPO might respond to certain intellectual property disputes moving through the courts. The Committee shall determine IPO's interest as amicus in a matter by making a threshold determination that the matter presented raises a significant issue affecting the value of ownership that attaches to an intellectual property right or the ability of owners of intellectual property rights to effectively and efficiently obtain redress for infringements or threatened infringements on those rights. In general, the Committee shall make recommendations concerning the position IPO should take as amicus in a matter based on the interests of owners of intellectual property rights and adequate and effective protection for such rights, consistent with the rights of the public to freely enjoy public domain subject matter. The Committee shall focus its efforts on those intellectual property and legal issues that broadly impact the ownership of intellectual property, and therefore the Committee will not recommend that IPO act as an amicus in disputes that are narrowly drawn to the interests of the litigants.

Membership:

The Amicus Brief Committee will consist of not more than 20 members. Fifty percent of the members must be members of the IPO Board of Directors. The Chair of the Committee will be a corporate member who is affiliated with a sustaining member of the IPO Board of Directors. If the Committee has a Deputy Chair, the Deputy Chair will be from an IPO corporate member. The Committee shall have two Vice-Chairs, who shall be law firm members of IPO with extensive experience in IP litigation matters. The remaining members of the Committee will be members of the IPO Board of Directors or partners or of counsel in law firm members of IPO. The members of the Committee will serve one calendar-year terms. The IPO President will appoint members to the Amicus Brief Committee. The chair of the Committee may, from time-to-time, recommend members for appointment to the Committee. The membership will reflect a diversity of areas of IP specialization.

Purpose:

The Amicus Brief Committee will:

- (1) attempt to identify judicial and contested administrative matters where IPO should participate as amicus,
- (2) review requests from members of the public, including members of IPO, to determine whether IPO might participate as amicus,

- (3) review every IP case in which the U.S. Supreme Court grants a writ of certiorari, to determine whether IPO might participate as amicus,
- (4) review every IP case in which the U.S. Court of Appeals for the Federal Circuit grants en banc rehearing, to determine whether IPO might participate as amicus,
- (5) report to the IPO Board of Directors on judicial matters where the Amicus Brief Committee recommends that IPO should participate as amicus, proposing positions that should be taken in IPO amicus briefs,
- (6) when the IPO Board of Directors approves IPO participation as amicus, develop the submissions to be made as amicus prior to final approval by the IPO Board of Directors, and
- (7) on behalf of IPO submit amicus briefs approved by the IPO Board of Directors.

Committee Procedures:

- (1) No member of the Committee may participate in any matter before the Committee if the member, or their firm, has a direct interest in the underlying matter before the Committee; this includes a law firm member whose firm represents a party in a matter in non-IP related issues. Members of the Committee who are or represent a party with a direct interest in any matter are required to affirmatively recuse themselves from Committee deliberations.
- (2) Committee discussions and positions in expected briefs should be kept confidential.
- (3) A request to the Committee to determine whether IPO might act as amicus in a controversy must be submitted to the chair via email. The submission must include, as email attachments, copies of relevant pleadings, motions, decisions, or other papers to reflect the nature of the controversy, the nature of the issue or issues of possible amicus interest, and a short paper (no more than three (3) pages) describing the underlying positions of the litigants. In addition, the party requesting amicus support shall provide notice to lead counsel of all parties involved in the litigation and will provide the Chair with the name and email address of such counsel. Requests for amicus support will be shared with opposing counsel who shall be free to make submissions to the Amicus Brief Committee as well, so long as such submissions are made within three (3) business days from the original request. If the requesting party does not notify opposing counsel, the Chair reserves the right to delay consideration of the request until opposing counsel is so informed of the request for amicus support. Finally, the party requesting amicus support from IPO shall inform the Chair of the names of other organizations from which amicus support has also been requested.
- (4) When a request is made that meets the requirements above, and the Chair, the Deputy Chair (if any), and Vice-Chairs believe the merits of the request might warrant further discussion, the Chair will forward the materials received from

the requestor to the committee members via email and schedule a teleconference for further discussion among the members of the entire Amicus Brief Committee. IPO reserves the right to file a brief on any issue or position arising from the suit, regardless of whether that position is the one advocated by the initial requester or the opponent.

- (5) After a full discussion of the matter, the Committee will undertake a final vote concerning a recommendation to the IPO Board of Directors of the position that IPO should undertake with respect to the amicus request. The Committee will not recommend to the IPO Board of Directors the participation of IPO as an amicus except upon a two-third's vote of the membership of the Committee who are participating in the teleconference.
- (5) If the IPO Board of Directors authorizes IPO to participate as amicus in a matter, the Chair shall appoint one or more members of the Committee to serve as a drafting committee for any submissions that IPO as amicus might make in connection with the matter. The draft submission will be circulated by the drafting committee to the IPO Board of Directors for approval. The Chair may have a non-committee member draft submissions when there is not a committee member available to do so.
- (6) With approval from the IPO President, the IPO Executive Committee may recommend to the IPO Board of Directors that IPO participate as amicus in a case and propose the position(s) to be taken in such a brief, without consulting the Amicus Brief Committee.

IPO Board of Director Approval Procedures

If the Amicus Brief Committee determines that it would support the filing of an Amicus Brief, the Committee will provide a clear, written explanation of why the filing of a brief is in the general interest of IPO. The IPO Board of Directors shall receive recommendations from the IPO Amicus Brief Committee for participation of IPO as amicus and submit these recommendations to the Board for approval when the Board determines that the recommendation properly reflects IPO's potential interest as amicus and the matter is of sufficient interest to merit amicus participation by IPO. A two-thirds vote of the Board is required for approval.

January 2018



IPO Standing IP Committee Policy Manual

IPO President

Henry Hadad

Executive Director

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Deputy Executive Director

Jessica K. Landacre

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TABLE OF CONTENTS

This manual provides a blueprint for IPO committee operations during the calendar year. It explains how committees are organized and how appointments are made, defines the role of the different types of committee members, highlights the primary responsibilities of committee leadership and outlines the schedule of committee activities and deadlines for the year. For questions about IPO committees, contact the IPO office at (202) 507-4500 or committees@ipo.org.

I. Introduction	3
II. Expectations for Committee Leaders and Members	6
III. Standing IP Committee Operations	9
IV. Frequently Asked Questions	12
V. Guide to Developing Board Reports	13
VI. Using IPO Connect for Committee Business	15
VII. Tips for Committee Chairs and Vice Chairs	18



I. Introduction

IPO Governance

Directors

Most members of the Board of Directors (<http://www.ipo.org/index.php/about-ipo/board-of-directors/>) are chief intellectual property counsel for their company. There are 44 sustaining corporate board members. Sustaining corporate members are elected for two-year terms which may be renewed for a second consecutive term. Five members of the Board are regular corporate members of IPO. They are elected for two-year terms, which may not be renewed. There is one inventor member of the Board. This individual is elected for a two-year term which may be renewed. Board members are nominated by the Nominations Committee and elected by the IPO membership at the Annual Meeting.

Officers

Officers include the IPO President, Vice-President, Treasurer, and Secretary. The President, Vice-President, and Treasurer are elected by the IPO Board of Directors. The Executive Director serves as the Secretary.

Executive Committee

The IPO Executive Committee (<http://www.ipo.org/index.php/about-ipo/committees/executive-committee/>) is a nine-member committee, which has the authority to act on behalf of the Board in between meetings of the Board. It is comprised of the IPO President, Vice-President, Treasurer, immediate past-President, IPO Education Foundation President, and four members elected to the Executive Committee from among the board members. The four elected members of the committee serve two year terms, which are staggered.

Strategic Plan

The IPO Board of Directors engages in strategic planning exercises every three years. The plan can be executed by various means including task forces.

Nonprofit Status IRC § 501(c)(6)

IPO is a 501(c)(6) nonprofit organization. Internal Revenue Code § 501(c)(6) provides for exemption of business leagues, chambers of commerce, real estate boards, boards of trade, and professional football leagues (whether or not administering a pension fund for football players), which are not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual. The regulations define a business league as an association of persons having a common business interest, whose purpose is to promote the



common business interest and not to engage in a regular business of a kind ordinarily carried on for profit. Its activities are directed to the improvement of business conditions of one or more lines of business rather than the performance of particular services for individual persons. 26 C.F.R. § 1.501(c)(6)-I; see <http://www.irs.gov/pub/irs-tege/eotopick03.pdf>.

Board Meetings

The IPO Board meets five times per year: 1) in January; 2) in conjunction with the IPO Committee Leadership meeting, usually in March (Washington, DC); 3) in May or June (Washington, DC); 4) at the IPO Annual Meeting, in September; and 5) in conjunction with the IPO Education Foundation Awards Dinner, in December (Washington, DC).

Standing Committees

IPO Committees report to the IPO Board of Directors, which is the governing and policy-setting body of the organization and operates under a certain vision and principles (<http://www.ipo.org/index.php/about-ipo/>).

IPO has a number of standing IP committees (subject to change on a yearly basis), organized in eight divisions (see <http://www.ipo.org/index.php/about-ipo/committees/standing-ip-committees-listing/> for the current committees and their leadership):

- Antitrust and Competition Law
- Business Issues
- Copyright
- International IP Law and Practice
- Litigation and Dispute Resolution
- Patents
- Trademarks
- Professional

Each standing IP committee is devoted to some aspect of IP law or business of interest to IP owners. All IPO members are eligible to be appointed to a standing IP committee including any employee, partner, or associate in a member company or law firm. Appointments to committees are made by the IPO President.

Committees are made up of chair(s), vice chair(s), a secretary, members, a board liaison, and a staff liaison.

The IPO President appoints chair(s) and vice chair(s) to each standing IP committee along with a board liaison selected from the IPO Board of Directors. Committee chairs are appointed from IPO's corporate members, and vice chairs are typically selected from IPO's law firm members,



but may include corporate members. The committee secretary is selected by the chair(s) and vice chair(s).

Requests to add individuals to a committee must be submitted to the IPO office (www.ipo.org/committeesignup) for official appointment and to ensure that the member is added to the committee roster. Only IPO members can join an IPO committee. Nonmember participation on an IPO committee is prohibited, except when invited as a special guest speaker.

IPO also maintains a number of board-level Management Committees. Appointment to these committees is usually limited to IPO Board of Directors and is made by invitation only.



II. Expectations for Committee Leaders and Members

Committee Chairs and Vice Chairs

Committee chairs and vice chairs are appointed by the IPO President for one-year terms. Chairs and vice chairs are sometimes reappointed for additional terms, but the number of reappointments may be limited to give other members an opportunity to serve as chairs and vice chairs. The current terms end in December. Chairs are selected from corporate members of IPO and vice chairs are generally selected from law firm members, though corporate members may also serve as vice chairs. More than one chair or vice chair may be appointed if the committee has a large membership or significant need due to anticipated project volume.

Chairs and vice chairs should communicate regularly with their board and staff liaisons for guidance regarding existing board resolutions and other positions, past board rejections of certain recommendations, whether changes in circumstance merit revisiting a position, and projects to which the Board is not likely to be receptive. Although the number and scope of projects undertaken by a given committee will vary, chairs and vice chairs should expect to devote an average of two - three hours a month working with their committee. Committee leaders are strongly encouraged to attend IPO meetings held throughout the year, including the March Committee Leadership Meeting and September IPO Annual Meeting. Chairs and vice chairs should update IPO staff with any changes to contact information during their term.

Committee chairs and vice chairs are encouraged to recruit IPO members to join their committee. Chairs and vice chairs are also responsible for helping to identify potential future leaders on committees.

Committee Secretaries

Committees are required to appoint a committee secretary. Committee secretaries are appointed for one-year terms by the chair(s) and vice chair(s). The role of the secretary is to send out reminders and agendas, take roll, produce the minutes of all committee calls, count and summarize committee votes, and assist committee leadership as directed by the chair(s) and vice chair(s). Secretaries can dial-in to committee calls as the host in the event the staff liaison is not able to open the call.

Committee Members

Committee members are appointed for two-year terms ending in December 2019. Members typically should expect to devote an average of one - two hours a month to work on a standing IP committee. At the end of each two-year period, IPO will ask the committee members to renew their interest as well as solicit new members. Individuals can apply for reappointment to



the same committee or appointment to a different committee. Like chair and vice chair appointments, members are appointed by the IPO President.

IPO members can serve as a voting member on one committee. Voting members are expected to participate substantively in discussions, draft letters and resolutions, vote on proposed resolutions and reports, and to dial in to as many calls of the committee as possible. It is the discretion of the chair(s), vice chair(s), and staff liaison to assess if voting members have been actively participating and to reclassify a member as non-voting if active participation is not maintained.

IPO members can serve as a non-voting member on up to three committees. Non-voting members participate in committee calls and receive all communications of the committee, but do not vote on reports and proposed resolutions going to the IPO Board of Directors.

No more than three members of an IPO member company or firm can serve as a voting member on a given committee. In making committee appointments, consideration is given to achieving balance in the number of corporate, law firm, and other member classes on a given committee, as well as achieving industry diversity.

Board Liaisons

Board liaisons are members of the IPO Board of Directors who are assigned annually to each standing IP committee as non-voting members. The board liaison acts as a line of communication between the Board and a committee, acting a sponsor and advocate for the committee. Board liaisons should regularly participate in committee calls and communicate with committee leadership. The board liaison should help identify projects for the committee that might be of interest to the Board.

Board liaisons are expected to help committees set their agendas to be generally in line with Board views, by keeping committees aware of existing Board resolutions and other positions, and encouraging committees to only explore changes in position where a change in circumstance merits revisiting the position. Board liaisons also help committees avoid devoting time to projects to which the Board is not likely to be receptive. Board liaisons are encouraged to highlight significant committee milestones or activities at IPO Board meetings. Upon request by IPO staff, the board liaison will brief the IPO Executive Committee on the status of standing IP committee work and projects on calls to occur on an ad hoc basis.

Staff Liaisons

Members of the IPO staff are assigned to each of the standing IP committees as non-voting members. The staff liaison participates on committee calls; advises the committee on IPO history on issues the committee might consider pursuing, including prior resolutions or rejections of certain recommendations; contributes substantively on legal, legislative, and management issues; answers questions regarding IPO policy and procedure, strategic plan, vision, principles, and existing positions; and provides assistance to committee leadership as



needed. Staff liaisons are expected to work with board liaisons to guide the committee in selecting projects and setting the agenda to be generally in line with the Board view while also providing leeway to explore topics of interest to the committee's members. Staff liaisons will attempt to arrange for a substitute from the IPO staff to join committee calls when the staff liaison is not available. Chairs and vice chairs should communicate with their staff liaison frequently on committee matters.

When necessary staff liaisons and Executive Committee may bypass the committee structure to develop board resolutions. In those instances, the staff liaison will try to seek the committee's view on the staff resolution if time permits, and if possible will ask for a committee vote.



III. Standing IP Committee Operations

Committee Leader Appointments and First Meetings (January through March)

At the beginning of each calendar year, the IPO President appoints committee chairs and vice chairs. In the event of a delay in appointments, committee leaders from the previous calendar year should continue to lead their committee until new leaders are announced. As in previous years, the expectation for committee leaders is to work together to coordinate committee activities and facilitate committee discussion on a regular and consistent schedule. Throughout the year, committee leaders work closely with the IPO staff liaisons to develop issues to present to the IPO Board of Directors.

In the first few weeks of committee operations, committee chairs and vice chairs should identify committee secretaries and inform their staff liaison of their selection.

In advance of the annual Committee Leadership Meeting, chairs and vice chairs should contact their committee members to determine whether to propose changes to the committee charter and to develop a list of planned activities for the year. Leaders should inform IPO staff of any proposed edits to the charter and submit them to the Executive Director for consideration.

Communicating with Committee Members

Chairs and vice chairs should schedule regular conference calls with their members and share information about issues within the committee's jurisdiction with members. IPO Connect should be used to regularly communicate with committee members because it contains the most accurate, up-to-date roster (and is also the easiest way for members to communicate with each other). Instructions for using this software can be found in Section VI.

Identifying Committee Projects

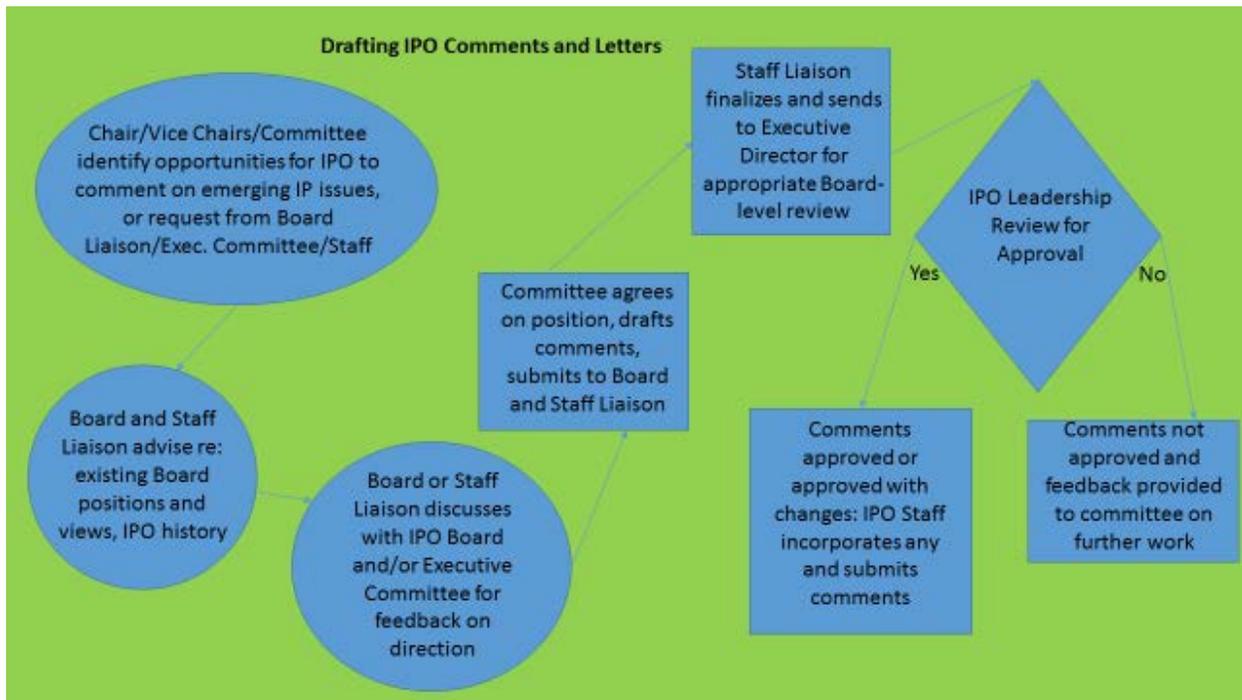
Committee projects are initiated in several ways. The IPO Board of Directors or Officers might ask a committee to investigate issues or develop recommendations for Board action. Refer to Section V for instructions on developing board reports and http://www.ipo.org/wp-content/uploads/2016/03/Template_for_Board_Reports.docx for the template for these reports.

The chair(s) and vice chair(s) of a committee are also encouraged to propose projects of interest to their members and within their committee charter. Such projects should be consistent with IPO principles and vision. In addition to recommending positions regarding legislation and administrative rulemaking, committees might, for example, undertake legal or business research, prepare informational reports for distribution to the Board of Directors or the IPO membership, organize educational programs to be held during the IPO Annual Meeting or during committee-organized conferences, or propose topics for IPO's IP Chat Channel.

Frequently, IPO staff liaisons ask a committee to react to new developments in IP law. The IPO staff liaison might forward information it receives to committee leadership. Chairs and vice chairs should also monitor developments in the field of the committee’s charter. The *IPO Daily News™* often reports on many late-breaking developments.

IPO staff liaisons and board liaisons track and report to the Board the status of committee projects.

The process for drafting IPO comments and letters is depicted below.



Committee Leadership Meeting in Washington, DC

In the spring each year, IPO hosts its annual Committee Leadership Meeting. At this meeting committee chairs and vice chairs will meet with the Board of Directors in Washington, D.C. Committee reports will be distributed to all meeting attendees. Committee chairs or vice chairs will discuss their committee’s work to date and plans for the remainder of the year.

Committee-Organized CLE Programs

Committees have the opportunity to propose and host CLE programs at the IPO Annual Meeting. A call for proposals will be sent out from the IPO office to all committees in the spring. Speakers for these programs are generally selected from the committee members.



Committee Annual Reports

In November, chair(s) and vice chair(s) are responsible for preparing an Annual Report detailing committee activities. Annual reports should summarize committee activities, suggest future activities to aid incoming members/leadership, and provide general information regarding any developments on IP issues falling within the committee's jurisdiction. These reports are important to highlight which issues IPO should (or should not) continue to focus on within the committee structure and to highlight new issues that might deserve the attention of the Board and the IPO membership. Reports should be submitted to the IPO office by 9 November.

Outstanding Committee of the Year Award

This award is presented during the IPO Annual Meeting. The Committee of the Year Award is given in recognition of outstanding service in promoting reliable, effective, and up-to-date intellectual property systems. Winners of the Committee of the Year Award receive the following:

- Recognition by the IPO President at the Annual Meeting.
- A plaque for the chair(s), vice chair(s), secretary, and board liaison – each leader receives a plaque;
- Recognition on the IPO website and mention in the *IPO Daily News™*; and
- 25% off annual meeting registrations for the committee members and leaders.



IV. Frequently Asked Questions

Q: I was contacted by an IPO member who would like to serve on a committee. What do they do to sign up?

A: Direct that member to sign up online at www.ipo.org/committeesignup. Applications are generally processed weekly. Applicants receive confirmation of appointment in about a week.

Q: Someone applied for my committee, but they aren't showing up in IPO Connect. What do I do?

A: It can take up to 10 business days for a member's application for a committee to be approved. If it has been longer than that or they received a confirmation email but are not receiving committee emails, please contact the IPO office at (202) 507-4500 or committees@ipo.org.

Q: Where can I find my committee's charter and the names of members on my committee?

A: A link to the list of IPO's Standing IP Committees, including membership listings and charters can be found at www.ipo.org/committeelist. A list of committee members is also accessible in IPO Connect on your committee's page.

Q: What do I do if I change companies/firms?

A: Please email committees@ipo.org explaining your change including your new information. It will be determined if your new company/firm is an IPO member. If it is, we will update our records. If it is not, you will be referred to IPO's membership department.

Q: When does my committee need to submit a document for approval prior to its deadline?

A: Generally two weeks prior to the deadline for submission of letters and comments and three weeks for final board reports concerning proposed resolutions. For more on board reports, see Section V.

V. Guide to Developing Board Reports

IPO Board of Directors meetings are scheduled approximately five times per year (see www.ipo.org/committees for the schedule). If a committee develops a recommendation for the Board of Directors to consider, that committee must prepare a written report in advance of the board meeting and conduct a vote of its members. Estimated timeline for developing board reports (subject to change):

Eight or more weeks before the board meeting: The issue should be identified, your staff liaison should be notified, and work on the report should begin.

Five weeks before the board meeting: Committee reports with resolutions should be completed and circulated to the committee for a recorded vote.

Three weeks before the board meeting: Final committee reports, including the record of the committee vote, must be submitted to the IPO office.

Committee reports with resolutions to be presented to the Board should be circulated to committee members in advance of submission to the IPO office and should include the votes (for, abstain, against) of a majority of the committee members.

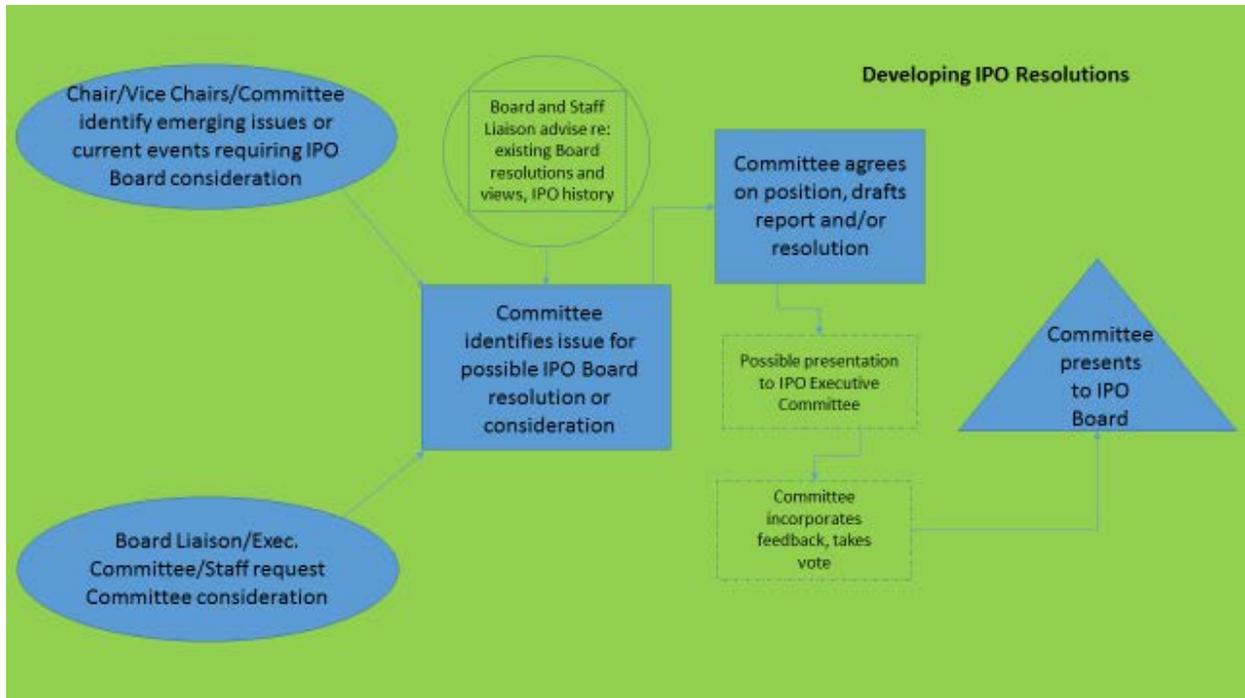
Such reports should be concise (usually no more than three - four pages) and include the following sections:

- **Issue**
- **Resolution(s)**
- **Past Actions**
- **Background & Proposal**
- **Committee Votes For and Against**

In some instances, before a committee recommendation is placed on the board agenda, the board liaison or chair of the committee might be invited to give an oral presentation on a call with the Executive Committee of the IPO Board. The chair or vice chair is also often invited to give an oral presentation of their report at a board meeting. Occasionally the IPO Board may consider resolutions that have not originated in an IPO committee.

See http://www.ipo.org/wp-content/uploads/2016/03/Template_for_Board_Reports.docx for the Board Report Template.

The process for developing an IPO resolution for consideration by the board is depicted below.





VI. Using IPO Connect for Committee Business

IPO Standing IP Committee members can easily communicate with their entire committee using this area of the IPO Website.

How To Login to IPO Connect:

1. Open a web browser and go to <http://connect.ipo.org>
2. Click on “Login to view members only content”
3. Login using the same User and Password you would use for IPO.org
4. If you cannot remember your password, you can request a new one at <http://www.ipo.org/password> (If you are still experiencing problems logging in, please email webmaster@ipo.org to get your password reset)

What Can I Do on IPO Connect?

Check your Committee Roster

IPO Connect is regularly synced with the IPO database. It should be your first stop if you need to see who is currently on your committee.

To check your roster:

1. Sign in to IPO Connect
2. Click the “Committees” link in the top navigation area
3. Click on the committee name to view recent activity
4. To view the full roster, click on the “Members” tab

Send a Message to the Committee

Messages sent through IPO Connect are delivered in real time to the email address we have on file for each committee member.

To send a message:

1. Sign in to IPO Connect
2. Click the “Committees” navigation item
3. Click on your committee name

4. Click on the “Discussions” tab, and then “+Post New Message” on the right-hand side of the page
5. Give the message a subject
6. After writing your message using the text editor, click “Send” to send immediately or “Attach” if you would like to attach a document (a document can also be an Outlook calendar invitation)
7. When uploading an attachment, be sure to complete steps 1 and 2 on the form
8. When you have your document uploaded, click “Finish” at the bottom of the form to finalize the attachment

Share or Archive a Document

Occasionally, you might want to upload a document to share later with your committee or save it for archival purposes.

To Upload a Document:

1. Sign in to IPO Connect
2. Click the “Committees” navigation item
3. Click on your committee name
4. Click on “Add Document” under “Latest Shared Files” in the bottom left-hand corner of the page
5. Fill out a Title and Description for the document
6. Select your committee from the “Library” list
7. After you upload your document in step 2, be sure to click “Next” at the bottom of the form to add your document

Send an Outlook Invitation

To ensure high attendance at your monthly calls, we encourage you to send an Outlook iCalendar attachment to your call announcement messages.

To Create the Invitation:



1. Create an outlook calendar item for your committee's call as you normally would within Outlook, but instead of saving it to your calendar or inviting attendees, click on "Save As" and save it in iCalendar format to your computer desktop

To Send the Outlook Invitation:

2. Sign in to IPO Connect
3. Click the "Committees" navigation item
4. Click on your committee name
5. Click on the "Discussions" tab, and then "+Post New Message" on the right-hand side of the page
6. Give the message a subject
7. After writing your message using the text editor, click "Attach" to attach the iCalendar file just as you would any other type of file
8. When uploading an attachment, be sure to complete steps 1 and 2 on the form
9. When you have your document uploaded, click "Finish" at the bottom of the form to finalize the attachment
10. Click "Send"
11. When committee members open the attachment, it will save to their personal outlook calendar

Create a Sub-Committee

On occasion, it can be helpful to create a sub-committee to work on a specific project. Once created, a sub-committee will have all the functionalities of the parent committee.

To Create a Sub-Committee:

1. Send an email to your IPO staff liaison.
2. In the email, please include:
 - a. The name of your committee
 - b. The name of the sub-committee you are requesting
 - c. Which members of your committee should be on the sub-committee.
3. The IPO staff will enter the data and respond when the sub-committee is in place.

VII. Tips for Committee Chairs and Vice Chairs

Establish Regular Communication

Set a schedule for monthly conference calls of your full committee and send reminder messages with a meeting agenda shortly before the calls.

- Make sure all committee members are on the official IPO roster. Direct individuals who inquire about signing up for your committee to www.ipo.org/committeesignup
- Publish a schedule and attach a calendar invitation to your message. This helps to increase participation. Instructions for sending a calendar invitation via IPO Connect are found in the section “Using IPO Connect for Committee Business.”
- Send out messages with items of interest to committee members somewhat regularly to keep members engaged outside of regular committee calls
- Committee leaders should communicate outside of full committee calls as needed
- Hold an in-person committee business meeting during the IPO Annual Meeting

Adding Committee Members to Committee Email List

IPO’s professional networking site, IPO Connect, includes a discussion group for every committee.

Encourage new committee members to login to IPO Connect to view previous messages and get up to speed with the work of the committee. Refer to the “Using IPO Connect for Committee Business” section in this manual for more information about using IPO Connect.

Be Aware of IPO Report Deadlines

Committees are asked to submit reports two times during the year (for the Committee Leadership Meeting and an Annual Report). Please make sure you are aware of these deadlines so you can timely meet them. Reports to the IPO Board must be submitted three weeks before a board meeting. See Section V.

Organize Subcommittees

Organize sub-committees to work on particular projects and report back to the full committee. This is particularly useful for very large committees and can allow the committee to complete multiple projects and provides active committee members a greater opportunity to get involved in IPO. Chairs should check-in regularly with each sub-committee to ensure that they are on track and working toward the committee’s goals. Contact your staff liaison to request that IPO Connect groups be created for your sub-committees.



Keep in Touch with Your Staff and Board Liaisons

Each committee has a liaison to the IPO Board of Directors to aid the committee in preparing reports and recommendations to the Board and highlight significant milestones in the committee's work. Each committee will also have a staff liaison. Staff liaisons serve as a resource and chairs should endeavor to keep them up-to-date on all committee activities.



IPO Standing IP Committee Leaders

Legend: BDL= Board Liaison CH= Chair SEC= Secretary VC= Vice Chair

Anti-Counterfeiting Committee

BDL	Douglas K. Norman	Eli Lilly and Co.	norman_douglas@lilly.com	(317) 276-2958
CH	Sanjiv Sarwate	Dell Technologies	sanjiv.sarwate@dell.com	508-293-7255
SEC	Aslam G. Mohamed, Partner	RNA, IP Attorneys	aslam@rnaip.com	+1 646 243 9857
VC	Monica Riva Talley	Sterne, Kessler, Goldstein & Fox, PLLC	mtalley@skgf.com	(202) 772-8688

Asian Practice Committee

BDL	Edward Blocker	Koninklijke Philips N.V.	Edward.blocker@philips.com	(914) 495-9509
CH	Michelle Shen	Medtronic, Inc.	michelle.h.shen@medtronic.com	(763) 505-3234
CH	Jimmy Cheng	Qualcomm Incorporated	chengj@qualcomm.com	858-658-2271
SEC	Brad Yee Chin	Bracewell LLP	brad.chin@bracewell.com	(713) 221-1569
VC	Robert M. Siminski	Harness, Dickey & Pierce, P.L.C.	rmsiminski@HDP.com	(248) 641-1234
VC	Michael J. D'Aurelio	Thomas Horstemeyer, LLP	mike.daurelio@thomashorstemeyer.com	770-738-2393
VC	Ann Whei Chen	Eli Lilly and Co.	chen_an_hui@lilly.com	+86-21-2302-1399

Canadian Practice Committee

BDL	Robert DeBerardine	Johnson & Johnson	RDebera1@ITS.JNJ.com	(732) 524-2771
CH	Arvie Anderson	Eli Lilly and Co.	Anderson_Arvie@lilly.com	(317) 276-2958
CH	Brian Walsh	Bristol-Myers Squibb Company	brian.walsh@bms.com	(609) 252-4845
SEC	Diane Yee	Johnson & Johnson - Janssen Pharmaceuticals, Inc.	dyee@its.jnj.com	(416) 382-4864
VC	Santosh K. Chari	Blake, Cassels & Graydon LLP	santosh.chari@blakes.com	(416) 863-3166
VC	Beverly Moore	Borden Ladner Gervais, LLP	bmoore@blg.com	(613) 369-4784

Copyright Law & Anti-Piracy Committee

BDL	Matthew Sarboraria	Oracle Corporation	matthew.sarboraria@oracle.com	(650) 506-1372
CH	Terry J. Ilardi	IBM Corp.	ilardi@us.ibm.com	914-765-4387
SEC	Lesley Coulson Boveri	SAP SE	lesley.boveri@sap.com	(650) 320-3183
VC	Jenevieve J. Maerker	Foley Hoag LLP	jmaerker@foleyhoag.com	617-832-3031

Corporate IP Management Committee

BDL	Daniel Enebo	Cargill, Incorporated	daniel_enebo@cargill.com	(952) 742-4185
CH	Shawn Hayden Foster	Exxon Mobil Corp.	shawn.h.foster@exxonmobil.com	(832) 625-3784
SEC	Scott Weingust	Stout Risius Ross	sweingust@srr.com	(312) 857-9000
VC	Jason Houser	Allison Transmission, Inc.	Jason.Houser@allisontransmission.com	317-242-3387

VC	Neil Kardos	Harrity & Harrity, LLP	nkardos@harrityllp.com	(571) 432-0800
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Damages and Injunctions Committee

BDL	Ted Naccarella	InterDigital Holdings, Inc.	theodore.naccarella@interdigital.com	(302) 281-3670
CH	Thomas A. Brown	Dell Technologies	Tom.Brown@dell.com	(508) 249-2913
SEC	Jenna Pellecchia	Akin Gump Strauss Hauer & Feld LLP	jpellecchia@akingump.com	(215) 965-1230
VC	Karen Vogel Weil	Knobbe, Martens, Olson & Bear, LLP	karen.weil@knobbe.com	(310) 407-3460

Emerging Technologies Committee

BDL	Micky Minhas	Microsoft Corp.	sminhas@microsoft.com	(425) 703-7887
CH	Daniel A. Staley	Caterpillar Inc.	Staley_Daniel_A@cat.com	(309) 675-4452
SEC	Jeff Gordon	Borden Ladner Gervais, LLP	kgordon@blg.com	(416) 367-6498
VC	Ronald Embry, Jr.	Patterson & Sheridan, LLP	rembry@pattersonsheridan.com	(713) 577-4817
VC	Bryan J. Vogel	Robins Kaplan LLP	bvogel@robinskaplan.com	(212) 980-7400

European Practice Committee

BDL	Thomas Smith	GlaxoSmithKline	thomas.d.smith@gsk.com	610-270-4800
CH	Robert B. Furr, Jr.	INVISTA S.À.R.L.	Robert.B.Furr@invista.com	(302) 683-3316
SEC	David Black	Schwegman, Lundberg & Woessner, P.A.	dblack@slwip.com	612-373-6911
VC	Aloys Hüttermann	Michalski Hüttermann & Partner	huettermann@mhpatent.de	+49 211 159 249 0
VC	James Signor	Leydig, Voit & Mayer, Ltd.	jsignor@leydig.com	312-616-5600
VC	Matthew Georgiou	Carpmaels & Ransford LLP	mxg@carpmaels.com	+442072428692

Genetic Resources & Traditional Knowledge Committee

BDL	Mike Young	Roche, Inc.	mike.young@roche.com	(317) 521-7340
CH	Manisha A. Desai	Eli Lilly and Co.	madesai@lilly.com	(317) 433-5333
VC	Bill Warren	Eversheds Sutherland (US) LLP	billwarren@eversheds-sutherland.com	404-853-8081

Industrial Designs Committee

BDL	William J. Coughlin	Ford Global Technologies LLC	wcoughli@ford.com	(313) 322-7726
CH	Thibault Fayette	Nike, Inc.	thibault.fayette@nike.com	(503) 671-2664
SEC	Daniel A. Gajewski	Sterne, Kessler, Goldstein & Fox, PLLC	dgajewsk@skgf.com	
VC	Anthony Michael Prenol	Blake, Cassels & Graydon LLP	ap@blakes.com	416.863.4292
VC	Elizabeth Diane Ferrill	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP	elizabeth.ferrill@finnegan.com	202-408-4445

International Patent Law and Practice Committee

BDL	Todd N. Spalding	Alexion Pharmaceuticals	todd.spalding@alexion.com	(475) 230-3372
CH	Anouk Boon	Shell International B.V.	anouk.boon@shell.com	
CH	Stephen W. Bauer	Medtronic, Inc.	steve.bauer@medtronic.com	(763) 526-0939
SEC	Mark W. Croll	Leydig, Voit & Mayer, Ltd.	mark.croll@delegateip.com	312-616-5600
VC	Janet Cord	Ladas & Parry LLP	JCORD@LADAS.COM	212-708-1935
VC	Mark Guetlich	Thomas Horstemeyer, LLP	mark.guetlich@thomashorstemeyer.com	+1 425 417-9674
VC	Ognian V. Shentov	Jones Day	ovshentov@jonesday.com	(212) 326-3939

International Trademark Law & Practice Committee

BDL	Thomas R. Kingsbury	Bridgestone Americas, Inc.	kingsburytom@bfusa.com	(330) 379-6178
CH	Matthew G. Owen	Caterpillar Inc.	Owen_Matthew_G@cat.com	(309) 636-1843
SEC	Frances Jagla	Lane Powell PC	jaglaf@lanepowell.com	(206) 223-7749
VC	Elizabeth E. Houlihan	Houlihan ² Patent & Trade Mark Attorneys	elizabeth@houlihan2.com	+61-3-9851-6016

IP Licensing Committee

BDL	William Krovatin	Merck & Co Inc.	william_krovatin@merck.com	(732) 594-0221
CH	Andrew Wojnicki	IBM Corp.	a12ajw@us.ibm.com	(914) 765-4263
SEC	Jennifer Adamson Carnahan	Dow Chemical Co.	jcarnahan@dow.com	979-238-7316
VC	Christopher C. Smith	Brooks Kushman P.C.	csmith@brookskushman.com	(248) 226-2780

Latin American Practice Committee

BDL	Thomas P. McBride	Monsanto Co.	thomas.p.mcbride@monsanto.com	(314) 694-7105
CH	Roberto Ribeiro	Sanofi	Roberto.Ribeiro@sanofi.com	+55 11 3759.6722
SEC	Isabel Giacchetti De Moraes	Sanofi	mariaisabel.giacchetti@sanofi.com	+55 11 3759.6724
VC	Ricardo Dutra Nunes	Daniel Legal & IP Strategy	administrativo@daniel-ip.com	(021) 2102-4302

Litigation Committee

BDL	Peter Y. Lee	Thermo Fisher Scientific Inc.	plee@thermo.com	(781) 622-1192
CH	Laurie Gathman Kowalsky	Koninklijke Philips N.V.	Laurie.gathman@philips.com	(914) 333-9604
SEC	Michael Kahn	Akin Gump Strauss Hauer & Feld LLP	mkahn@akingump.com	(212) 872-1082
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