

BOSTON PATENT LAW ASSOCIATION NEWSLETTER



Serving the
New England
Intellectual
Property Bar
Since 1924

February 2002

Volume 33, Issue 1

President's Message



William G. Gasz

First of all, I would like to thank the membership for entrusting me with the privilege and responsibility for presiding over the Boston Patent Law Association this year, and I am looking forward to an active and productive year. The turnout at the Annual Meeting was excellent (about 230 attendees), and we were treated to an informative talk regarding the current and future plans of the Trademark Office by the Commissioner for Trademarks, Anne Chasser.

Even though the new year is just beginning, we are off to a brisk start. We have just completed two very successful seminars, and three more are under various stages of planning and preparation. On January 25, we held a seminar on current developments in the European Patent Office at the Omni Parker House in Boston. The speakers at this seminar were officials from the European Patent Office, and included Pantelis Kyriakides, the Vice President of Directorate-General 2 in Munich. The EPO officials addressed a range of subjects including recent developments at the EPO, changes in EPO and PCT examination and search practice, and plans for a single community patent. We thank

President-Elect Peter Lando of Wolf, Greenfield for bringing this opportunity to our attention.

Then on February 6, 2002, Walter Dawson and Faith Driscoll, cochairs of the Corporate Practice Committee, hosted a seminar at Anthony's Pier 4 restaurant on the applicability of the attorney-client and work product privileges to in-house counsel. We are grateful to Bill Belanger of Mintz, Levin for taking the time to prepare an excellent and well received presentation.

We have several seminars planned for March and April which will be of interest to many of our members. On March 26, the International and Foreign Practice Committee has scheduled a full day seminar at the Swissotel in Boston devoted exclusively to PCT practice. Our featured speakers will be Louis Maassel, a consultant at WIPO, Charles Pearson, Director of the PCT office at the USPTO, and David Reed, a senior patent advisor at Proctor and Gamble. Also in March, the Patent Practice Committee is planning to hold a seminar on electronic filing of patent applications. The committee has invited Deputy Assistant Commissioner for Patents Edward M. Kazenske to Boston to speak to us on this important and timely development. In addition, the Patent Law Committee has scheduled a meeting in April on the subject of obviousness.

Looking ahead, we have made tentative plans to hold our traditional Judges Dinner on May 3 at the Federal Courthouse in Boston. Last year, we had approximately 250 attendees at this event, and we are looking forward to a well-attended event this year as well. For those members who have not attended the Judges Dinner in the past, I highly recommend it. It is a great opportunity to mingle with the judiciary of the First Circuit in a relaxed and congenial environment.

Speaking of the Federal Courthouse, we extend our congratulations to Magistrate Judge

Marianne B. Bowler on her elevation to Chief Magistrate Judge on January 25. Judge Bowler is a good friend of the Intellectual Property Community in Boston, a co-President of the Boston College Intellectual Property Inn of Court, a frequent speaker at our seminars, and an honorary member of our organization. We wish her all the best in her new assignment.

Our committees are the backbone of our organization, and we are fortunate to have so many dedicated and active committee chairs. Several new committee chairs were announced last year, and I would like to congratulate these new chairs on their appointments. As announced at the Annual Meeting, the Antitrust Committee will be chaired by Professor Mark Patterson and Ernie Linek; Maria Eliseeva will be the new cochair for the International and Foreign Practice Committee;

Continued on Page 5

INSIDE THIS ISSUE

European Patent Office	2
Stanely Sacks	2
Festo	3
In-House Patent Counsel	3
Prosecution Laches	4
US Trademark Office	4
Board of Governors	6
Committee Reports	6
Upcoming Events	7
Positions Available	7
American Bar Association	7
Committees	8

What's New in the European Patent Office?

*By Doreen M. Hogle, Esq.
Hamilton, Brook, Smith & Reynolds*

On January 25, 2002 at the Omni Parker House in Boston, the Boston Patent Law Association held a seminar titled "What's New in the European Patent Office? The three guest speakers were officers of the European Patent Office: Mr. Pantelis Kyriakides, the Vice-President of Directorate-General 2 in Search, Examination and Opposition; Mr. Gareth Lord, assistant to Mr. Kyriakides; and Mr. Axel Haefeker, the Director of Directorate 2.3.02, Civil Engineering. After lunch, Mr. William Gosz, the president of the BPLA, introduced the speakers.

Mr. Kyriakides began the presentation with an overview of the organization of the European Patent Office. It was explained that the number of PCT applications filed in the EPO has increased dramatically since 1995, going from about 10,000 to about 40,000. Because of this significant increase in PCT applications, the EPO was not able to adequately examine the EPO applications, and, consequently it was necessary to implement some interim changes in the PCT application process. Mr. Lord discussed how some of the changes in PCT examination would affect U.S. applicants who file PCT applications and Mr. Haefeker reviewed the EPO patent application examination process and opposition pro-

"...the number of PCT applications filed in the EPO has increased dramatically since 1995..."

ceedings.

The following changes were discussed in detail. Article 22 PCT has been revised to allow entry into the national/regional phase of prosecution at 30 months after the priority date, eliminating the requirement of filing a Demand and having a Chapter II examination in order to gain the extra 10 months of time.

Effective March 1, 2002, the EPO will not carry out international searches for PCT applications originating in the U.S. for the fields of bio-

technology or business methods. For international applications originating in the U.S. with a Demand filed on or after March 1, 2002, the EPO will not carry out international examination in the fields of biotechnology, business methods or telecommunications. A definition of these categories can be found on the EPO website.

The PCT examination process will also be streamlined to combine search and examination, with a stricter approach to these procedures. The Examiner doing the search will also do the examination. No further examination will be done unless a submission (for example, an Amendment to address issues raised in the International Search Report) is filed upon Chapter II entry. No longer will multiple independent (American-style) claims be searched. The Written Opinion and IPER will focus on novelty and inventive step, the "core issues" which affect patentability. "Oral hearings" in the PCT will only be held by telephone and only after a Reply to the Written Opinion in writing is filed.

More information on the new procedures can be found at www.epo.org. ■

Mourning the Loss of Our Dear Friend Stanley Sacks



We mourn the loss of our dear friend, colleague and partner, Stanley Sacks, who died January 22, 2002, at the age of 68. Stanley practiced with Wolf, Greenfield & Sacks, P.C. for

nearly 40 years, and he served as Managing Partner of the firm from 1984 to 1987. Although he retired as a partner in December of 1998, he remained as Of Counsel with

the firm and continued to serve a number of clients.

Stanley represented clients ranging from individual inventors to major corporations in patent and trademark prosecution, licensing, and litigation work in the areas of organic and physical chemistry, polymers, pharmaceuticals, medical devices, and biotechnology.

Stanley was born in New York City and attended Queens College, where he received a degree in Biology and Chemistry. While attending George Washington University Law School in Washington DC, he served as an Examiner in the U.S. Patent Office. After receiving his law degree in 1959, he briefly worked in the legal department of Foster Grant before joining us in 1962.

Stanley lived in Wayland, MA for the past 13 years with his wife, Roberta. He and Roberta were members of Temple Isaiah

in Wayland, and Stanley was also involved in fundraising for Combined Jewish Philanthropies. He was also survived by his three children, Robert Sacks, Naomi Sacks, and Laura Sacks, and three stepchildren: Judybeth Greene, David Greene, and Deborah Greene.

Expressions of sympathy may be made in memory of Stanley to the following organizations:

Leukemia Research Fund

New England Medical Center

750 Washington Street

Boston, MA 02111

American Heart Association

20 Speen Street

Framingham, MA 01701

Combined Jewish Philanthropies

126 High Street

Boston, MA 02110

Supreme Court Hears Oral Argument in Festo

by Christopher P. Silva
Edwards & Angell, LLP

On January 8, 2002, the Supreme Court of the United States heard argument in *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., et al.* While it would be reckless to attempt to predict the Court's decision based on oral argument, an outline of the topics explored by the bench may reveal the issues that the justices intend to address in their opinion.

Potential Tests for Whether to Bar the Doctrine of Equivalents.

- The Court acknowledged the benefits of a predictable test but asked why the present Warner-Jenkinson framework was insufficient.
- The bench considered how patentees would react to a system wherein they were required to claim all foreseeable equivalents or lose the right to them. It also expressed concern that every equivalence claim would be accompanied by a claim of unforeseeability.

"...elimination of the doctrine of equivalents would resolve many of the parties' concerns"

- The Court briefly inquired whether elimination of the doctrine of equivalents would resolve many of the parties' concerns. It also queried whether the PTO could enact rules to do so without Congressional authorization.

Claim Amendments that would Trigger the Bar.

- Acknowledging its use of the term "related to patentability" in precedent, the Court pressed counsel for their impressions of the intended meaning of the term.

- The justices inquired whether one could "tell at a glance" whether an amendment was intended to comply with section 103 or with section 111 or 112.
- The Court also considered whether "all narrowing changes" more accurately described the kind of amendments that trigger the bar but questioned how one would identify such a change.
- The bench, suggesting that any claim clarification could be viewed as a narrowing of the claim, sought examples of clarifications that would not trigger the bar.

The Impact of a Change.

- The justices inquired whether the CAFC was changing the rules or if it was merely resolving its own inconsistent lines of authority.
- The bench suggested that an absolute bar would shift litigation from the courts to the PTO and would result in longer application processing times. ■

How Does the In-House Patent Counsel Protect Communications with Inventors

February Corporate Patent Committee Meeting
Co-Chairs Walter F. Dawson & Faith F. Driscoll

On February 6, 2002 the Corporate Patent Committee held a luncheon meeting at Anthony's Pier 4, which featured Attorney William D. Belanger of Mintz, Levin, Cohen, Ferris, Glovsky and Popeo, PC. Mr. Belanger spoke on "How Does The In-House Patent Counsel Protect Communications with Inventors." The speaker also provided a helpful handout summarizing the points that he covered.

Up until recently, Corporate Patent counsel was required to produce during discovery, copies of an invention disclosure record pertaining to the particular patent litigated. As Corporate Patent counsel knows, an opponent finds the disclosure record most desirable in that the document may contain admissions or evidence that may contradict positions that the patent holder has taken at trial. For example, the may state in the invention disclosure form that the inventor conceived the invention on a certain date. Such a statement may have been done without a full understanding of the meaning of conception in patent law or of its importance. And, the inventor's actual conception date may be earlier than the date stated in the form and contradicts the date being asserted at trial. Unfortunately,

(Continued on page 6)

The CAFC Recognizes Prosecution Laches in Lemelson

by Christopher P. Silva
Edwards & Angell, LLP

On January 24, 2002, the United States Court of Appeals for the Federal Circuit issued its opinion in Symbol Technologies, Inc., et al. v. Lemelson Medical, Education & Research Foundation, Limited Partnership, No. 00-1583, which held that the claims of a patentee who complied with all applicable statutes and regulations may be rendered unenforceable via the equitable doctrine of laches if the patentee unreasonably delayed in the prosecution of his application.

The CAFC began by tracing the origins of the defense of prosecution laches to *Woodbridge v. United States*, 263 U.S. 50 (1923), and *Webster Electric Co. v. Splitdorf Electrical Co.*, 264 U.S. 463 (1924). The court held that both cases demonstrated the validity of prosecution laches despite the efforts of Judge Newman, who issued a dissenting opinion, to distinguish them on their facts. The CAFC also cited two 1938 Supreme Court cases that ratified the defense of prosecution laches. Lemelson contended that the application of *Webster* was limited to interference cases, a view that the court readily dismissed.

Lemelson also argued that the Patent Act of 1952, in creating 35 U.S.C. §§ 120 and 121, foreclosed prosecution laches. The court disagreed, finding that the Patent Act merely codified the existing common law procedures relating to continuing application

practice. The CAFC cited *Webster* and *Crown Cork & Seal Co. v. Ferdinand Gutmann Co.*, 304 U.S. 159 (1938), as examples of cases where the concepts of prosecution laches and continuing application practice coexisted. In addition, the court set forth legislative history of the Act demonstrating the drafters' intent to preserve "equitable defenses such as laches, estoppel and unclean hands." Judge Newman, in her dissent, acknowledged the legislative history, but interpreted it as preserving laches as an equitable defense to claims of infringement, not a means of completely invalidating a patent.

Finally, the court dealt with Lemelson's argument that the CAFC was bound to reject prosecution laches because of two of its own unpublished nonprecedential opinions. The court first voiced its rejection of *Anastasoff v. United States*, 223 F.3d 898

(8th Cir. 2000) (holding rule barring citation to unpublished decisions to violate Article III of the Constitution). The CAFC then endorsed Judge Kozinski's opinion in *Hart v. Massanari*, 266 F.3d 1155 (9th Cir. 2001), and summarized the logic cited therein in support of its holding that it need not be bound by the unpublished opinions cited by Lemelson. Judge Newman's dissent conceded that unpublished cases did not bind the court, but suggested that the persuasive impact of the CAFC cases cited by Lemelson and other district court cases should not have been completely disregarded by the panel.

Judge Newman's dissent also voiced concern about the potential for "satellite litigation of unforeseen scope" that would flow from the CAFC's recognition of prosecution laches. ■



BPLA President Tom Engellenner presents Anne Chasser with the BPLA Patriots Plate

As Commissioner for Trademarks, Anne Chasser, serves as Chief Operating Officer of the United States Patent and Trademark Office. She is responsible for oversight of the examination and registration of trademarks, proposing policy and programmatic changes in the trademark system, advocating increased protection for the trademark rights of U.S. citizens throughout the world. One of her top priorities as Commissioner is to transform

The US Trademark Office Transforms Itself into an e-Government Model

by Andrea Jacobs
Edwards & Angell, LLP

the Trademark Office into a model e-Government operation which will improve the speed and efficiency of the Trademark Examining Operation.

Ms. Chasser's talk focused on the Trademark Office's efforts to transform into the model e-Government operation, while still providing world-class customer service and quality in the processing of applications for the registration of trademarks. By opening TEAS on October, 1998, the Trademark Office became one of the first national intellectual property offices in the world to offer an electronic filing system for trademarks. To date, the Trademark Office has received almost 130,000 electronically-filed applications, with TEAS filings

doubling in its second year of operation, to account for approximately 25% of all trademark filings. The Trademark Office's goal is to increase electronic filing to 50% in 2002 and further increase to 80% in 2003. Ms Chasser pointed out the many benefits of e-filing, including, increase in the speed with which applications can be filed; the ability to file virtually 24 hours a day, seven days a week, making it possible to receive a filing date on the days the USPTO is officially closed; almost instantaneous provision of a filing receipt and serial number for an initial application via email; more accurate filing receipt information because it is transferred directly from the

Continued on the next page

President's Message Continued from page 1

Cindy Johnson and Andrea Jacobs will be chairing the Trademarks and Unfair Competition Committee; Ron Cahill and Matt Lowrie will be cochairing our Litigation Committee; and the Young Lawyers Committee will be coaired by outgoing activities chairperson Lisa Michaud. In addition, we welcome John Prince to the Patent Law Committee as its cochair with Board member Leslie Myer-Leon. Finally, Martina Rozumberkova will be assisting me as the new activities chair.

As the year progresses, we will be announcing further changes to our committees. I would personally like to encourage any interested members, and particularly our newer members, to become active in our committee activities this year. Please feel free to contact

Trademarks Continued from page 4

database cotaining the information entered by the applicant and does not have to be re-entered manually at the USPTO; saving money on express mail postage and fax charges and/or courier costs; more efficient review of applications because the are in a standard format recommended by the USPTO; and the TEAS automated validation function confirms whether all mandatory application fields have been entered, which helps customers satisfy application-filing requirements and improves the quality of the application data.

In addition to the benefits to the trademark customers, Ann highlighted several additional reasons for the Trademark Office's push toward a total e-Government environment, the primary being that it is consistent with President Bush's commitmenbt to make the government more citizen centric by making government services accessible to al U.S. citizens. Furthermore, the e-Government initiative has proven to lower the pendency of processing time and eliminate lost and/or mishandled files.

In closing Ms. Chasser mentioned the focus of the Trademark Office's overall goal, the introduction of a complete electronic file management system, known as TIS. By 2004 the Trademark Office hopes to have all of their in-house electronic system up and running and structured in a way that improves communication. ■

me or the committee cochairs directly at the email addresses listed on our web site to offer any suggestions you would care to make, or to volunteer to help organize or speak at a committee event.

We are also in the process of considering changes to our web site at www.bpla.org, including redesigning the site and we will keep you posted on our progress as the year progresses. It is vital to the success of our organization for all members to ensure that the contact information in the membership directory on the web site is current and complete. It is particularly important to include accurate email information, since this information is used to broadcast email messages to the membership. Please take a moment to review and correct this information. If you have forgotten your username and password, please contact us at info@bpla.org.

Finally, we are saddened by the loss of two longstanding members of our organization. Stanley Sacks of Wolf, Greenfield passed away on the morning of February 22. Stan was a bedrock of the IP community in Boston for a generation. Those of us who were fortunate enough to know and work with Stan, will remember him as a man of compassion and integrity, and we will miss him. Robert Gammons, who had been with Dike, Bronstein for over 50 years before his retirement in 1989, also passed away on February 10. We send our condolences and sympathies to their families. ■

BOARD OF GOVERNORS

President

William Gosz
Ropes & Gray
One International Place
Boston, MA 02110
ph. (617) 951-7000
fax (617) 951-7500
wgosz@ropesgray.com

President-Elect

Peter C. Lando
Wolf, Greenfield & Sacks, PC
600 Atlantic Ave
Boston, MA 02210-2204
ph (617) 720-3500
fax (617) 720-2441
plando@wgsllaw.com

Vice President

Peter F. Corless
Edwards & Angell, LLP
101 Federal Street
Boston, MA 02110
ph (617) 951-5557
fax (617) 439-4170
pcorless@ealaw.com

Treasurer

Doreen M. Hogle
Hamilton, Brook, Smith & Reynolds, PC
530 Virginia Road, PO Box 9133
Concord, MA 01742-9133
ph (978) 341-0036
fax (978) 341-0136
doreen.hogle@hbsr.com

Secretary

Ingrid A. Beattie
Mintz, Levin, Cohn, Ferris,
Glovsky & Popeo, PC
One Financial Center
Boston, MA 02111
ph (617) 542-6000
fax (617) 542-2241
ibeattie@mintz.com

Board

Thomas J. Engellenner
Nutter, McClennen & Fish, LLP
One International Place
Boston, MA 02110-2699
ph (617) 439-2000
fax (617) 973-9748
tje@nuttter.com

Mark Solomon

Hamilton, Brook, Smith & Reynolds, PC
530 Virginia Road, PO Box 9133
Concord, MA 01742-9433
ph (978) 341-0036
fax (978) 341-0136
mark.solomon@hbsr.com

Lee Carl Bromberg

Bromberg & Sunstein, LLP
125 Summer Street
Boston, MA 02110
ph (617) 443-9292
fax (617) 973-9748
lbromberg@bromsun.com

Leslie Meyer-Leon

IP Legal Strategies Group, PC
901 Main Street, PO Box 280
Osterville, MA 02655-0280
ph (508) 428-4000
fax (508) 428-1900
LMeyer-Leon@plegalstrategies.com

BPLA COMMITTEE REPORTS

The **Patent Office Practice Committee** is currently organizing a seminar on the Electronic Filing System for March 7, 2002. Deputy Assistant Commissioner Edward Kazenske will provide an overview of EFS, its importance to the Office, and its future. He will also give us an update concerning how things are going in Washington. Maria Eliseeva from Brown Rudnick will give the practitioner's perspective, including how to e-file, why electronic filing enhances your practice, and when e-filing is mandatory. The seminar will also provide an update on electronic filing of PCT applications.

The **BPLA Young Lawyer's Committee** is planning a Patent Basic Training Seminar to be held in September, 2002.

The **Computer Law Committee** is concerned with aspects of intellectual property law which concern computer, software, and Internet related inventions, products, properties, and services. The Committee is planning to present a late spring seminar on the intersection of computer law and copyright law in light of recent court rulings. The Committee expects that the seminar will include a panel of experts discussing, for example, the current state of the law on such issues as the protection of source code and

digital content, the use of contracts to protect copyrighted software, cases involving the intersection of copyright law and the internet, and the Digital Copyright Millennium Act.

The **BPLA Trademarks and Unfair Competition Committee** is planning an event for fall 2002. The Committee expects that the event will include a panel of foreign trademark practitioners, as well as a representative from the U.S. PTO, to address many aspects of trademark prosecution abroad and the implications of the Madrid Protocol.

The **International Committee** of the BPLA is finishing putting together a PCT seminar on March 26.

The **Biotechnology Committee** presents seminars during the year covering topics relevant to the practice of biotechnology law. This Spring we have a seminar planned to discuss the FDA, Waxman-Hatch Act and other regulatory issues in biotechnology. For the Fall, we plan to host a group of European Patent Office Examiners to discuss the recent changes in EPO and PCT search and examination process.

We are always interested in new ideas for seminars and meetings. We also welcome suggestions for topics of discussion at the PTO Biotechnology Customer Partnership meetings. Please feel free to contact either of the co chairs listed on page 8.

Patent Counsel Continued from page 3

Corporate Patent counsel has been unable to avoid handing over this type of document to an opponent because such documents have historically been characterized as technical documents and not widely protected by attorney-client privilege.

As the speaker explained, in a case of first impression, the United States Court of Appeals for the Federal Circuit on February 11, 2000 examined the question of whether a patent holder may refuse, on the basis of attorney-client privilege, to produce an invention disclosure record in response to a discovery request. The court, in *re Spalding Sports Worldwide, Inc* USPQ 2d 1747, (203 F.3d 800) held that an invention disclosure record prepared and submitted to an in-house corporate patent attorney primarily for the purpose of obtaining legal advice on patentability and legal services in preparing a patent application may be withheld on the basis of attorney-client privilege. The speaker went on to outline what steps and strategies Corporate Patent counsel can use to maximize protection of invention disclosure records in view of the Spalding decision. Also, the speaker discussed open issues following the Spalding decision. The

attendees found attorney Belanger's presentation quite informative and found it to provide an excellent opportunity to participate in a dialogue with the speaker on approaches in protecting invention disclosure records. A number of suggestions came to mind in view of the Spalding decision. They included: setting up procedures to direct invention disclosures to counsel (inside or outside counsel) including establishing a policy that sets out the functions of patent committees, patent engineers operating under the direction of counsel in processing invention disclosures; labeling invention disclosure forms as "Attorney Client Privileged Communication" to provide evidence of seeking to protect such forms from disclosure (form could be formatted as a confidential privileged memorandum from the inventor to the legal department or patent attorney); setting out in the instructions printed on or provided with an invention disclosure form language telling the person filling out the form that the primary purpose of the form is for the patentability without making harmful assertions; if communication to non-attorneys regarding commercial viability of an invention is necessary, creating a second form eliciting such information in such a way that would not produce answers potentially damaging to the validity or enforceability of a patent on the invention to the extent practical; taking steps to cause patent committees that may consider the invention disclosure under the umbrella of inside or outside counsel (e.g. as agents) to maintain the privilege rather than having them viewed as business advice only (circulate the form only to those with a need to know the specific information contained in it); and, deleting from the invention disclosure form questions that may have impact on the initial evaluation of patentability but that may have substantial impact on litigation if the answers are written down by the inventor without guidance (characterizations of the prior art should be avoided and such art should be simply listed). Of course, the adoption of these suggestions depends on balancing them against the time demands required for implementation.

The Corporate Patent Committee plans to hold luncheon meetings with featured speakers discussing topics of particular interest to patent counsel. The Committee thanks Attorney Belanger for being the speaker, and member James Cullem, IP Counsel at Cell Signaling Technology in Beverly, for recommending this topic and speaker. Other members are encouraged to notify the committee Co-chairs with topics of particular interest. ■

Upcoming Events

March 7th

Patent Practice Committee
Electronic Filing

March 26th

Advanced PCT Seminar
Swiss Hotel

May 3rd

Annual Judge's Dinner
Federal Court House

American Bar Association Boston Spring Meeting

The American Bar Association is holding its Annual Meeting in Boston this spring, from April 24 to April 27 at the Westin Copley Plaza Hotel. Lee Bromberg, of the BPLA Board of Governors serves on the Host Committee for the ABA Litigation Section Annual Meeting. Local Meeting Co-chairs Ned Leibensperger, Joan Ann Lukey and Jim Masterman of the Host Committee are leading the effort to welcome the section to our city. It is expected that over 1,000 trial lawyers from across the United States will attend. The Annual Meeting kicks off with a Celebrating Diversity Networking Reception at 5 pm on Wednesday, April 24, followed by a general Welcome Reception from 6 to 7:30 pm. Thursday features a full day of CLE Programs on insurance coverage, cross-examination and other topics of interest to litigation specialists. The Friday Program includes a re-enactment of the trial of the British officer in charge of the troops who fired the fatal shots in the Boston Massacre, with outstanding trial attorneys providing representation and Chief Justice Margaret Marshall of the Supreme Judicial Court presiding. Other programs on Friday include what makes juries listen, the use of genetic testing in litigation, electronic evidence and other trial topics. A gala Dinner Dance will be held at

the John Joseph Moakley Federal Courthouse on Friday night, April 26. The Annual Meeting concludes on Saturday morning, April 27, with programs on the Big Dig and on reevaluation of the Scottsboro Trial. BPLA members are encouraged to attend and network with litigation colleagues from around the country. Details can be found at the ABA's web site at www.abanet.org/litigation/annual

Positions Available

Subject to the availability of space, the BPLA publishes "Positions Available" advertisements by its members (and their firms or employers) for availability of employment positions. Ads of approximately 100 words or less costs 100.00 per issue. If you wish to submit an advertisement for publication in the next issue, please forward ad copy to pcorless@ealaw.com. Please send check, (made payable to Boston Patent Law Association, Taxpayer ID# 04-2667161) to Peter Corless, Edwards & Angell, LLP, 101 Federal Street, Boston, MA 02210.

Experienced IP Litigator- Join a dynamic litigation team working with a prestigious client base in one of the most successful IP specialty firms in the country. We work hard and achieve outstanding results for our clients, nationwide. If you would like to step out of the pack and into a highly visible role on our litigation team with direct client responsibilities, please contact us to discuss this opportunity.

You should have a minimum of five years of experience in all aspects of litigation with the ability to handle complex technical matters. A collaborative spirit and willingness to contribute to business development are required. To learn more about our firm, visit our web site at www.hbsr.com. Please forward all qualifications to Susan G. L. Glovsky, Esq. at Hamilton, Brook, Smith & Reynolds, P.C., 530 Virginia Road, P.O. Box 9133, Concord, MA 01742-9133.

Bromberg & Sunstein LLP, an established Boston law firm with a focus on intellectual property, seeks an experienced patent

attorney to manage our growing practice in biotechnology and the chemical arts. Ideal candidate should have ten years experience prosecuting patents and mentoring associates. Strong academic credentials and writing skills a must. Ph.D. in molecular biology or related sciences preferred. We represent innovative and important companies in the pharmaceutical, life science, and medical device industries. Please mail or e-mail your resume and writing samples to: Recruitment Coordinator, Bromberg & Sunstein LLP, 125 Summer Street, Boston, MA 02110; employment@bromsun.com.

Edwards & Angell, LLP Dike Bronstein, Roberts & Cushman Intellectual Property Law Group

Edwards & Angell, LLP, a national law firm with a strong emphasis in all aspects of general practice, including corporate, litigation and venture capital, offers unique opportunities to practice intellectual property law in a general practice environment.

The Dike, Bronstein, Roberts & Cushman Intellectual Property Law Group of Edwards & Angell was created in July 2000. Prior to this time, DBRC was an independent IP boutique, tracing its roots back to early in the 1860's, and is recognized worldwide for its excellence in all aspects of IP law.

Our firm provides a casual and friendly environment in which to practice law. We offer the atmosphere of a small firm in a large firm setting. Our Boston office is seeking patent attorneys, patent agents and technical specialists for our rapidly expanding IP practice in the biotechnical/biochemical, chemical, electrical, computer and business fields.

Please visit our website at www.ealaw.com and send your resume in confidence to sfishman@ealaw.com. We offer competitive salaries in addition to a comprehensive benefits package. No phone calls please. Edwards & Angell, LLP, 101 Federal Street, Boston, MA 02110. An Equal Opportunity Employer.

BPLA COMMITTEES

ACTIVITIES AND PUBLIC RELATIONS

activities@bpla.org
Martina Rozumbervoka (617) 951-7000

AIPLA MOOT COURT

mootcourt@bpla.org
Christopher Centurelli (617) 542-5070
Merton E. Thompson (617) 542-5070

ANTITRUST LAW

antitrust@bpla.org
Ernie Linek (617) 227-7111
Mark Patterson (508) 457-5050

BIOTECHNOLOGY

biotechnology@bpla.org
Kerry A. Flynn (617) 679-3583
Doreen M. Hogle (978) 341-0036

CAREERS IN IP LAW

careers@bpla.org

CHEMICAL PRACTICE

chemical@bpla.org
Peter F. Corless (617) 523-3400
Maggie Kanter (617) 252-7500

COMMUNITY SERVICE

community@bpla.org
James Cullem (978) 867-2311

COMPUTER LAW

computer@bpla.org
Edward W. Porter (617) 494-1722
Karen A. Buchanan (617) 443-9292

COPYRIGHT LAW

copyright@bpla.org
Charles Gagnebin (617) 542-2290
Thomas M. Saunders (617) 227-0700

CORPORATE PRACTICE

corporate@bpla.org
Walter F. Dawson (978) 452-1971
Faith Driscoll (781) 326-6645

ETHICS AND GRIEVANCES

ethics@bpla.org
Timothy French (617) 542-5070

INTERNATIONAL AND FOREIGN PRACTICE

international@bpla.org
Maria M. Eliseeva (617) 856-8340
Thomas A. Turano (617) 248-7378

LAW STUDENTS

students@bpla.org

LICENSING

licensing@bpla.org
William G. Gosz (617) 951-7000
Karl F. Jorda (603) 228-1541

LITIGATION

litigation@bpla.org
Ronald E. Cahill (617) 439-2782
Matthew Lowrie (617) 720-3500

PATENT LAW

patents@bpla.org
Leslie Meyer-Leon (978) 443-9411
John Prince (617) 535-4000

PATENT OFFICE PRACTICE

patentpractice@bpla.org
Grant Houston (978) 262-0049
David Conlin (617) 523-3400

TRADE SECRETS

tradesecrets@bpla.org
Stephen Y. Chow (617) 854-4000
Richard M. Gelb (617) 345-0010

TRADEMARKS & UNFAIR COMPETITION

trademarks@bpla.org
Cindy Johnson (617) 573-7840
Andrea Jacobs (617) 439-4444

YOUNG LAWYERS & LAW STUDENTS

younglawyers@bpla.org
Lisa Michaud (617) 439-2550
Lesley Hamlin (978) 657-1168

The **Boston Patent Law Association** (BPLA) is an association of intellectual property professionals, providing educational programs and a forum for the interchange of ideas and information concerning patent, trademark, and copyright laws. Through a volunteer Board of Governors and committees, it organizes and hosts educational seminars, social events, and conventions, and comments on rules and legislation impacting the profession. Visit the BPLA at www.bpla.org.

Membership in the BPLA is available to attorneys and other professionals practicing intellectual property law within the Federal First Judicial Circuit (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut). Applications for membership can be obtained from our web site at www.bpla.org. Full membership for 2001 (available only for attorneys practicing within the First Circuit) costs \$55.00. Associate membership (available to non-attorney intellectual property professionals) costs \$45.00. Mailing list-only affiliation costs \$25.00.

The BPLA Newsletter is published four times a year by the Boston Patent Law Association. Articles appearing in the newsletter represent the views of the authors and do not necessarily carry the endorsement of the BPLA.

Editor: Peter Corless

Graphics: Kristen Weller

Contributors: Christopher P. Silva, Andrea Jacobs, Doreen M. Hogle, Walter F. Dawson, Faith F. Driscoll

Letters to the editors and articles are encouraged. Mail all correspondence to:

BPLA Newsletter
c/o Peter Corless
Edwards & Angell, LLP
101 Federal Street, Boston, MA 02110 or
via e-mail at pcorless@ealaw.com

©2002 BPLA - All rights reserved

Boston Patent Law Association
8 Faneuil Hall
Boston MA 02109
Telephone: (617) 973-5021
www.bpla.org

Interested in joining a committee?

Please contact the committee chair if you are interested in joining or switching a committee.