

BOSTON PATENT LAW ASSOCIATION NEWSLETTER



Serving the
New England
Intellectual
Property Bar
Since 1924

May 2003

EDUCATION, SERVICE, COMMUNITY

Volume 34, Issue 2

President's Message

Spring is finally here! With it, the promise of new life, beautiful colors and warmer temperatures – let's hope so. Locally, of course, the Red Sox season has begun with early-season hopes for success and the Big Dig project is showing signs that the end is near!

Even closer to home for all of us, the world of intellectual property continues to grow. To address these changes, the BPLA continues to provide a wide variety of services and programs for our members.

This year, the BPLA has an aggressive schedule of programs and functions. Since our last report, the organization has hosted a presentation by Bryan Benoit and David Spieler from Standard & Poor's on "Valuation of IP Assets and New Financial Accounting Standards 141/142"; a presentation by Cathy Minehan, President of the Boston Federal Reserve Bank on the "New England Economic Outlook"; and a presentation on "IP Strategies" with Kevin Rivette (co-author of "Rembrandt's in the Attic") of the Boston Consulting Group, and Harry Gwinnell, Vice-President, Chief Intellectual Property Counsel, Cargill, Inc. (Summaries of these events are provided in this Newsletter.)

On May 7, there will be a program on Alternative Dispute Resolution with Maria Walsh and Jerry Cohen from JAMS, a leading ADR firm. Both speakers are experienced practitioners, authors, and lecturers, in resolving complex technology and intellectual property disputes. This program will focus on mediation strategies in resolving IP disputes while introducing "hot topics" in this area. Another planned event is a presentation on the new European design scheduled for June 17 (more details to follow as we get closer).

Our organization's committees will be offering other programs this year covering the latest happenings from the USPTO in chemical and biotech matters, the Madrid Protocol, licensing and litigation topics, interferences, and international patent practice issues including the annual PCT practice seminar (which is scheduled for October 16 – 17). Keep an eye out for these and other events in upcoming Newsletters, our website (www.bpla.org), and e-mail announcements.

In addition to these programs, the BPLA – through our Pro Bono Committee – has become a new organization member of the Volunteer Lawyers for the Arts, which offers legal assistance to artists,

musicians, and others in the arts community. We are excited about this opportunity to help those in need of our services. If you are interested in learning more about the VLA, please contact our Pro Bono Committee through our website.

The BPLA has also starting planning and hosting social events to offer opportunities for our members to get to know one another better and share experiences as a community. Our first event was a private evening for friends and family at the New England Aquarium on February 28. All in attendance had a terrific time – especially the children! Other events are planned for later this year. If you have thoughts for other venues of interest, please contact Neil Ferraro (this year's Activities Chair) or the BPLA Board directly.

I would also like to ask that you make plans to attend this year's Judges Dinner, which will be held on Friday, May 16 at the Boston Harbor Hotel's Wharf Room. We are very fortunate to have Benjamin Zander, Conductor of the Boston Philharmonic Orchestra and co-author of "The Art of Possibility," as this year's speaker. Ben Zander will be speaking to us on personal and organizational leader-

continued on p. 6

IN THIS ISSUE

U.S. Patent and Trademark Office Fee Modernization Act of 2003	Page 2	Valuation of Intellectual Property Seminar	Page 6
Is the USPTO Sprouting More Anticipation by Inherency Rejections?	Page 3	U.S. District Court Notice	Page 6
Intellectual Property Strategies Seminar	Page 3	N.E. Aquarium Event	Page 6
Benjamin Zander at Judge's Dinner	Page 4	Upcoming Events	Page 7
Likelihood of Dilution at the TTAB: Answers and Questions	Page 5	Positions Available	Page 7
New England Economic Outlook Seminar	Page 5	2003 Writing Competition	Page 7
		Committees	Page 8

UNITED STATES PATENT AND TRADEMARK FEE MODERNIZATION ACT OF 2003

On April 2, 2003, a new bill, H.R. 1561, was introduced to the House to amend Title 35 United States Code with respect to patent and trademark fees. James E. Rogan, Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office, commented on the bill before the Subcommittee on Courts, the Internal and Intellectual Property Committee on the Judiciary, U.S. House of Representatives. Mr. Rogan stated that changes to the USPTO fee structure are needed to implement the 21st Century Strategic Plan for the USPTO. This five-year strategic plan was designed to enhance the quality of patent and trademark application examinations; reduce application pendency; hire almost 3,000 new patent examiners and transition from paper to e-processing for trademarks by November 2003.

Fees for patent and trademark services will change in order to provide additional funds to implement the Plan. Some proposed fee changes are as follows:

Patent Filing Fees:

Utility application:	\$300
Provisional application:	\$200
Excess page charge over 100 sheets):	\$250 per additional 50 sheets

Excess claim fees:	\$200 for each independent claim in excess of 3 \$50 for each claim in excess of 20
---------------------------	--

Examination Fees:

Utility patent application:	\$200
Plant patent application:	\$160
U.S. national stage application:	\$200

Issue Fees:

Utility application:	\$1,400
----------------------	---------

Appeal Fees:

Filing an appeal:	\$500
Filing brief on appeal:	\$500
Request for oral hearing:	\$1,000

Search Fees:

Utility patent application	\$500
Plant patent application	\$300
U.S. national stage application	\$500

Trademark Filing Fees:

Electronic filing:	\$325
Paper filing:	\$375

The full text of Mr. Rogan's statement and H.R. 1561 can be found at: www.news@uspto.gov April 3, 2003.

Board of Governors

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

President Elect Peter F. Corless, Edwards & Angell, LLP, 101 Federal Street, Boston, MA, ph (617) 439-4444, fax (617) 439-4170, pcorless@ealaw.com

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

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

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

Board

William G. Gosz, Ropes & Gray, One International Place, Boston, MA, ph (617) 951-7000, fax: (617) 951-7050, wgosz@ropesgray.com

Mark B. Solomon, Hamilton, Brook, Smith & Reynolds, PC, PO Box 9133, Concord, MA, ph (978) 341-0036, fax: (978) 341-0136, mark.solomon@hbsr.com

Leslie Meyer-Leon, IP Legal Strategies Group, PC, PO Box 1210, Centerville, MA, ph (508) 790-9299, fax (508) 790-1955, LMeyer-leon@iplegalstrategies.com

Lisa J. Michaud, Nutter, McClennen & Fish, LLP, World Trade Center West, 155 Seaport Boulevard, Boston, MA, ph (617) 439-2000, fax (617) 973-9748, lmichaud@nutter.com

IS THE USPTO SPROUTING MORE ANTICIPATION BY INHERENCY REJECTIONS?

By Paul G. Alloway, Hamilton, Brook, Smith & Reynolds, P.C.

Are you seeing more § 102(b) anticipation by inherency rejections from the USPTO patent examiners? Federal Circuit decisions emphasize that an anticipatory inherent feature or result disclosed in a prior art reference must be consistent, necessary and inevitable, not merely possible or probable. However, inconsistent C.A.F.C. case law makes it somewhat unclear whether a person of ordinary skill in the art must recognize the existence of an inherent feature of a prior art product or result. Two recent C.A.F.C. decisions do nothing to clarify the situation. In In re Cruciferous Sprout Litigation, 301 F.3d 1343; 64 U.S.P.Q.2d 1202 (Fed. Cir. 2002) Brassica Protection Products LLC and Johns Hopkins University brought several actions against numerous parties in various states for infringement of three Johns Hopkins patents relating to the production and consumption of cruciferous sprouts (e.g., broccoli sprouts) with previously unrecognized but naturally occurring cancer fighting substances. The cases were consolidated in the multi-district litigation docket and assigned to Judge Nickerson of the U.S. District Court for the District of Maryland. After construing the claims, Judge Nickerson granted the defendant's motion for summary judgment that certain of the claims of the Johns Hopkins patents were invalid for anticipation.

The U.S. Court of Appeals for the Federal Circuit (C.A.F.C.) affirmed the District Court's summary judgment of inval-

idity, holding that the broad method claims were inherently anticipated by the prior art. Specifically, the C.A.F.C. found that the cancer-fighting properties of the sprouts are inherent characteristics that have existed as long as the sprouts themselves. While the C.A.F.C. disagreed with the District Court, and held that the specification and prosecution history indicate that the preamble phrases "rich in glucosinolates" and "high Phase 2 enzyme-inducing potential" are limitations of the claims, the C.A.F.C. nevertheless held that these limitations were not sufficient to distinguish over the prior art. As stated by Judge Prost, "Brassica does not claim to have invented a new kind of sprout, or a new way of growing or harvesting sprouts... [but instead has] recognized that some sprouts are rich in glucosinolates and high in Phase 2 enzyme-inducing activity while other sprouts are not." It is immaterial that such inherent properties were not recognized by those of ordinary skill in the art prior to the disclosure in the Johns Hopkins patents.

The C.A.F.C. further discounted Brassica's argument that the claims are not anticipated because the prior art fails to disclose selection of the particular seeds that will germinate to produce sprouts rich in glucosinolates. All of the appropriate cultivars are in the public domain and it is unnecessary for purposes of anticipation that the persons sprouting such cultivars have realized their inherent properties. As

stated by Judge Prost, "[w]hile Brassica may have recognized something quite interesting about those sprouts, it simply has not invented anything new."

One week later, the C.A.F.C. decided Elan Pharmaceuticals, Inc. v. Mayo Foundation for Medical Education and Research 304 F.3d 1221; 64 USPQ2d 1292 (Fed. Cir. 2002)). In Elan, the issue was whether a patented transgenic mouse carrying a particular mutation (Swedish mutation which makes one susceptible to Alzheimer's disease) in a gene related to Alzheimer's disease was inherently anticipated by a prior patent identifying the nature and location of the mutation and generally teaching the production of a transgenic mouse carrying that mutation. The District Court found that the prior patent inherently anticipated Elan claims and, therefore, the Elan patents were invalid. On appeal to the C.A.F.C., the District Court decision was reversed, but Judge Dyk wrote a strong dissenting opinion which supported the District Courts' finding of anticipation by inherency. Following the C.A.F.C. decision, Mayo filed a petition for panel rehearing en banc. The Court denied the request for rehearing but granted Mayo's request for an en banc review. The Federal Circuit, acting en banc, vacated the panel's judgment and original opinion in the case, and we are awaiting further action.

INTELLECTUAL PROPERTY STRATEGIES

Guest speakers Kevin Rivette (co-author of "Rembrandts in the Attic") and Harry Gwinnell (Vice President, Intellectual Property, Cargill) presented their views to maximizing value of intellectual property portfolios. Companies' intellectual property portfolios may often be underutilized or mis-utilized. In today's competitive markets, an active asset management plan is crucial for maintaining a

competitive edge and maximizing shareholder value. Mr. Gwinnell described the challenges of implementing an intellectual property capital management plan for a well-established company with a worldwide product market, and provided helpful hints on how to bring everyone in the company "on board", from upper management to department heads to the rank and file workers.

Mr. Rivette described strategies for evaluating a company's own patent portfolio as well as identifying competitors for potential licensing or acquisition opportunities. Mr. Rivette also demonstrated how to analyze trends in technology areas and how to use that information to maintain or grow your business.



Camp invention is a program of Inventure Place, which is housed at the National Inventor's Hall of Fame. Inventure Place's mission is to research and develop artistic expression and entrepreneurship in an effort to keep our nation at the technological forefront. One way they strive to meet that mission is through programs like Camp Invention, a one-week educational enrichment experience designed for girls and boys entering grades 2 through 6. Schools throughout the country host this unique program during summer and other vacation periods. Camp Invention provides every child with the opportunity to think the unthinkable, create new possibilities and dis-

cover innovative solutions through hands-on learning. This exciting program invites children to let their imaginations run wild through encouraged teamwork, creative problem solving and inventive thinking. Camp Invention was developed by the National Inventors Hall of Fame and has developed into a nationally recognized program of this non-profit organization. The U.S. Patent and Trademark Office is a partner in this program. Camp Invention is widely praised throughout the educational community as a valuable supplement to traditional classroom activities. For teachers, the program provides a unique professional training environment not available

through traditional workshops. For high school and college students hired as counselors, Camp Invention offers a wonderful introduction to teaching and provides unlimited opportunities for self-esteem and leadership skills. For the elementary students, a week at camp enhances their innate skills, providing teamwork and problem-solving skills through five activity-based modules with a strong emphasis on math and science. More information and a list of the Massachusetts locations and dates can be found at www.campinvention.org.

BENJAMIN ZANDER WILL BE THE GUEST SPEAKER AT THE JUDGES DINNER ON MAY 16TH

World renowned teacher, author, and conductor of the Boston Philharmonic Orchestra, Benjamin Zander, will serve as this year's Annual Judges Dinner keynote presenter. This tireless communicator is a speaker to organizations all over the world using the metaphor of the orchestra and a life-time of experience conducting, coaching and teaching musicians. His presentation takes an audience on a journey that offers a startling new perspective to overcome the barriers of leadership. Through stories, music, and concepts, Zander's presentation causes a radical shift in perception, sourcing fundamental changes in organizations through passion, creativity, and the desire to contribute.

Zander has been the conductor of the Boston Philharmonic Orchestra since its formation twenty-three years ago. Over the last decade, he has launched an extensive international career. Zander guest conducts all over the world, appearing frequently with London's Philharmonia Or-

chestra in regular subscription concerts at the Royal Festival.

He also conducts the New England Conservatory Youth Philharmonic Orchestra, which, over the past thirty-one



years of his tenure as Music Director, he has taken on twelve international tours. He regularly conducts the orchestras at the New England Conservatory. Seventeen

years ago he became the Artistic Director of the joint program between NEC and Walnut Hill, a boarding high school for the Performing Arts in Natick, Mass.

Zander co-authored a best-selling book, *The Art of Possibility*, with his partner, leading psychotherapist Rosamund Zander, and containing his stories and philosophy of life and teaching.

Zander's recordings are international best sellers. His latest recording is currently the best selling classical CD in America. His recording of Mahler's 9th with London's leading orchestra was nominated for a Grammy. He has been profiled on "60 Minutes," the BBC, The Wall Street Journal, Washington Post, and the New York Times. He was awarded the 2002 "Caring Citizen of the Humanities" Award by the International Council for Caring Communities at the United Nations.

LIKELIHOOD OF DILUTION AT THE TTAB: ANSWERS AND QUESTIONS

By John L. Welch, Foley Hoag, LLP

In *Moseley v. V Secret Catalogue, Inc.*, 65 USPQ2d 1801 (2003), the Supreme Court ruled that one seeking relief in a civil action under the Federal Trademark Dilution Act (FTDA), 15 U.S.C. §1125(c), must prove actual dilution. Actual loss of sales or profits need not be shown, but a mere “likelihood of dilution” is insufficient. How does *Moseley* affect the TTAB, where many oppositions concern applications based on intent-to-use – in which actual dilution cannot be shown?

The TTAB considered the “likelihood of dilution” issue in its seminal dilution decision, *Toro Co. v. ToroHead, Inc.*, 61 USPQ2d 1164 (TTAB 2001); the opposed application for the mark ToroMR & design was based on intent-to-use (and the mark had not been put into use). The Board showed no hesitation in concluding that Congress empowered it to hear dilution claims involving ITU applications.

In reaching its conclusion, the Board looked to the legislative history of the Trademark Amendments Act of 1999 (TAA) (Public Law 106-43) – enacted four years after passage of the FTDA – by which Congress amended Sections 13(a), 14, and 24 of the Lanham Act to provide that opposition and cancellation proceedings may be based on claims of dilution. The Board noted that denying it jurisdiction over dilu-

tion claims brought against ITU applications would frustrate the intent of Congress in enacting the TAA: to provide for the “[r]esolution of the dilution issue before the Board, as opposed to Federal District Court, [and thereby] result in more timely, economical, and expeditious decisions.” H.R. REP. No. 106-250, at 5 (1999).

Recognizing the split in the circuits as to whether actual dilution must be shown to establish a dilution claim in a district court action, the Board found that disagreement irrelevant to the Board’s mission: “If we interpreted the TAA in a wooden manner, most owners of famous marks would not be able to bring dilution claims at the Board against an application based on an intent to use or even limited actual use. * * * Such an interpretation would render the TAA virtually meaningless.” *Toro*, 61 USPQ2d at 1174, n. 7.

Not only does the House Report support the Board’s view (see H.R. Rep. No. 106-250, at 5-6 (1999)), but so does the language added to Section 2 of the Lanham Act by the TAA (indicating that dilution is not a basis for a refusal to register during the examination stage):

A mark which when used would cause dilution under Section 43(c) may be refused registration only pursuant to a proceeding brought

under section 13. [Emphasis supplied].

The phrase “when used would cause dilution” contemplates an opposition against an application for a mark that has not yet been used, and thus a “likelihood of dilution” standard would surely seem to apply.

This leaves open the question of the standard to be applied in an opposition against an application for a mark that is in use: does an actual dilution standard apply? What if the mark has been put into use, but only on a limited basis? Or imagine a civil action that includes a claim for dilution under Section 43(c) coupled with a Section 37 claim for cancellation of a registration for the diluting mark. Would the court apply an “actual dilution” standard to the claim for damages and/or injunctive relief under Section 43(c), but a “likelihood of dilution” standard to the cancellation claim under Section 37?

In any event, in light of the Board’s *Toro* decision, we may certainly expect the TTAB to continue to entertain claims based on likelihood of dilution. Whether it applies that likelihood of dilution standard in all dilution-based proceedings remains to be seen.

L BPLA DUES REMINDER

This is a notification that dues for the 2003 calendar year were due February 1, 2003. If you have not already submitted your dues, you are now subject to the late fee. Please download the membership renewal form from the website, and remit with your dues payment and late fee to the BPLA Secretary, Lee Bromberg, in order to remain an active BPLA member. Thank you for your cooperation.

NEW ENGLAND ECONOMIC OUTLOOK

By Doreen M. Hogle, Hamilton, Brook, Smith & Reynolds, P.C.

Ms. Cathy E. Minehan, President and Chief Executive Officer of the Federal Reserve Bank of Boston, was the guest speaker at a BPLA luncheon on March 28, 2003 held at the Federal Reserve Bank in Boston. In 1994, Ms. Minehan was the first woman to be named as president of the Boston Federal Reserve Bank. Her expertise and insight in the New England economy provided attendees with a broad overview of the struggles of both the local and US economy and contrasted the

pace of recovery from the recession in Massachusetts as compared to the rest of the country. While Massachusetts lags behind in recovery at the moment, there are some encouraging indicators. Ms. Minehan also discussed issues that were unique to Massachusetts because of the heavy concentration of high technology in the area.

VALUATION OF INTELLECTUAL PROPERTY ASSETS AND THE NEW FINANCIAL ACCOUNTING STANDARDS

On March 7, 2003, at Le Meridien Hotel, the BPLA hosted Bryan Benoit, CPA and Managing Director of Standard & Poor's Corporate Value Consulting practice in Houston, TX and David Spieler, CFA and Managing Director of Standard & Poor's Corporate Value Consulting practice in Boston, MA. The true value of R&D is very difficult to quantify, but more and more investors are demanding accurate measurement. In the current climate of full disclosure, in annual reports and financial statements, the Financial Accounting Standards Board and the Secu-

rities and Exchange Commission announce two new Statement of Financial Accounting Standards: SFAS No. 141 covers intangible asset identification upon acquisition and SFAS No. 142 covers annual intangible asset valuation measurement. Under the new standards, intellectual property attorneys were cautioned to remember that intangible assets can include trademarks, service marks, tradenames, domain names, non-compete agreements, licensing agreements, employment contracts, customer lists and order backlogs, as well as the more traditional technology-based

assets such as patents and software and databases. Theories of valuation were discussed, as well as the type of documents required to support the valuation. The speakers suggested that not just the company CFO/comptroller be involved with IP valuation but that IP counsel legal counsel and tax counsel should be consulted. IP valuation statements can have serious consequences, such as estimating damages in IP litigation. Be sure to fully consider all implications in preparing valuation documents and to get expert advice if there are any questions.

NOTICE TO ALL MEMBERS OF THE BAR OF THE UNITED STATES DISTRICT COURT, DISTRICT OF MASSACHUSETTS *** REQUIRED ATTORNEY ADMISSIONS RE-REGISTRATION***

As part of the preparation for the implementation of electronic case filing scheduled for 2003, the Court is in the process of updating its computerized attorney database. In order to update its roll of admitted attorneys, the Court had directed that public notice be given of the requirement that all admitted members of the Bar of this Court complete and submit the re-registration form to the Clerk of Court within ten (10) days of receipt of this notice. A \$25.00 re-registration fee is required for all attorneys admitted prior to January 1, 2001.¹ Notices will be mailed to admitted attorneys in the database by the end of April 2003. After that date the forms will be available on the website at www.mad.uscourts.gov for any admitted attorney who has not received the forms.

The court intends to implement its new Case Management/Electronic Case Files

(CM/ECF) system for court staff in mid April 2003. Electronic case filing for attorneys will be added in the Fall of 2003 with training for attorneys and their staff prior to September. Attorneys are not required to register for CM/ECF at this time. If they choose to do so now, however, they may obtain electronic notice of orders and decisions generated by the court after April 14 and be provided with access to file documents electronically when that feature becomes available for attorneys.

All members of the Federal Bar who submit the re-registration form and their fee will thereafter be included on the roll of active attorneys admitted to practice in the District of Massachusetts. Counsel who have not submitted this form and who seek to practice before this Court will be required either to (1) file proof of previous admission to this Court and their good standing

with the Massachusetts Supreme Judicial Court, along with the \$25.00 fee, or (2) re-apply for general admission in accordance with Rule 83.5.1 of the Local Rules of the District of Massachusetts.

An attorney who fails to file the required registration form and pay the renewal fee will be removed from the list of members in good standing and will remain as inactive status.

Tony Anastas
Clerk of Court

¹ In addition to attorneys admitted to this Court after January 1, 2001, the fee is waived for attorneys representing the United States or any agency of the United States and current employees of the United States District Court for the District of Massachusetts.

PRESIDENT'S MESSAGE

(cont. from page 1)

ship and management. (More on Ben Zander is provided in this Newsletter.)

Finally, if you haven't already done so, please send in your annual membership dues at your earliest convenience. Also, please review your personal entry on the BPLA website to include your e-mail address so that future event announcements, or committee happenings can be more efficiently delivered.

Thanks – I look forward to seeing and meeting you at an upcoming

EVENING AT THE NEW ENGLAND AQUARIUM

On Friday evening, February 28th, about forty BPLA members and their families enjoyed food, drinks and unlimited access to the Aquarium for four hours. A purely social event, the evening provided an opportunity to meet colleagues and their families, get up close and personal with the penguins and stroll up and down the ramp alongside the Giant Ocean Tank.

Small candle lit tables set up among the fish tanks, provided comfortable spots to sip a glass of wine and added to the sense of mystery and magical wonders of ocean life.



UPCOMING EVENTS

Alternative Dispute Resolution. May 7, 2003. Maria Walsh of JAMS will host a panel discussion regarding the benefits and issues surrounding alternatives to litigation. Every day, more individuals and companies are realizing the benefits of alternative dispute resolution (ADR). It can save time, effort, aggravation, stress and money. This equitable process gives participants greater control over the case and how it will be resolved. It also provides a confidential forum for resolving disputes among a few parties, or among many.

These features are especially beneficial in the realm of intellectual property disputes. The parties efficiently resolve the intellectual property rights remaining in dispute.

Join us for an informative presentation and panel discussion on:

- * ADR topics, with particular focus on mediation strategies in resolving IP disputes
- * Positioning your case prior to and during mediation
- * Hot topics to consider
- * Other types of ADR available

Judges Dinner. May 16, 2003. The Boston Patent Law Association will honor the judges of the Federal Court. This year's event will take place at the Boston Harbor Hotel Wharf Room and will feature Benjamin Zander, conductor of the Boston Philharmonic. To learn more about Zander and the Boston Philharmonic, visit www.bostonphil.org. Details will follow - see www.bpla.org.

Computer Law. May 28, 2003. The Computer Law Committee will host a presentation regarding hot issues surrounding the practice of computer law. Details will follow.

New European Design Law. June 17, 2003. The International Practice Committee will host a presentation on the new

European Design Law. This event will take place at the Hampshire House. Details will follow. - see www.bpla.org.

POSITIONS AVAILABLE

* * * *

EMC²

Intellectual Property Counsel

EMC Corporation of Hopkinton, MA, has an immediate need for an Intellectual Property Counsel. Emphasis on patent protection of EMC's data storage hardware and software products and include all aspects of intellectual property law practice, including prosecution, infringement/invalidity studies and opinion work. Must have Juris Doctorate from an accredited law school and BSEE or BSCS, along with admission to U.S. Patent Office. 3-5 years experience preferable. Mass. Bar a plus. For more information, please contact: Lauren Greenhow
508-898-7472
or email Greenhow_lauren@emc.com

* * * *

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 cost \$100.00 per issue. If you wish to submit an advertisement for publication in the next issue, please forward ad copy to : doreen.hogle@hbsr.com. Please send check (made payable to Boston Patent Law Association, Taxpayer ID #04-2667161) to Doreen M. Hogle, Hamilton, Brook, Smith & Reynolds, P.C., P.O. Box 9133, Concord, MA 01742.

WRITING COMPETITION

Sponsored by the
Boston Patent Law Association
1st Prize: \$750
2nd Prize: \$250

The BPLA is once again holding its annual Writing Competition. Law students are encouraged to submit papers on a subject relating to intellectual property law, written or published between August 1, 2002, and July 31, 2003.

CONTEST RULES:

- Articles must have been written solely by a student or students either in full-time attendance at a law school (day or evening) within the jurisdiction of the First Federal Judiciary Circuit or prepared in connection with a course at a law school situated in the First Circuit.
 - Articles must be submitted to the Boston Patent Law Association on or before July 31, 2003.
 - Papers should be no more than the equivalent of ten (10) law review pages including footnotes (30-40 pages typed copy).
 - Submission of five (5) copies is required.
 - Submissions must include the submitter's name, current address, current telephone number, law school and employment information, if applicable.
- Judges will consider the merits of the article as a contribution to the knowledge respecting intellectual property law and the extent to which it displays original and creative thought or information not previously published or available.

Send articles to:

Boston Patent Law Association
Mark B. Solomon, Esq.
Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road P.O. Box 9133
Concord, MA 01742-9133
Phone: 978-341-0036
Fax: 978-341-0136
Email: mark.solomon@hbsr.com

BPLA COMMITTEES

ACTIVITIES AND PUBLIC RELATIONS

activities@bpla.org
Neil P. Ferraro (617) 720-3500

AIPLA MOOT COURT

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

ANTITRUST LAW

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

BIOTECHNOLOGY

biotechnology@bpla.org
Doreen M. Hogle (978) 341-0036
Leslie Levine (617) 650-5849

CHEMICAL PRACTICE

chemical@bpla.org
Peter F. Corless (617) 439-4444
Maggie Kanter (617) 252-7500

COMPUTER LAW

computer@bpla.org
Edward W. Porter (617) 494-1722
John Stickevers (617) 443-9292

COPYRIGHT LAW

copyright@bpla.org
Charles Gagnebin (617) 542-2290
Thomas M. Saunders (617) 856-8284

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
Deirdre E. Sanders (978) 341-0036

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) 439-4444

PRO BONO

probono@bpla.org
Lisa J. Michaud (617) 439-2550
Lisa Winsor (617) 720-3500

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
Hathaway Russell (617) 227-7400
Kevin Cronin (617) 439-2194

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 2003 (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: Doreen M. Hogle

Contributors:
Paul G. Alloway
John L. Welch

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

BPLA Newsletter
c/o Doreen M. Hogle
Hamilton, Brook, Smith & Reynolds
P.O. Box 9133, Concord, MA 01742 or
via e-mail at doreen.hogle@hbsr.com

©2003 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.