



THE BOSTON PATENT LAW ASSOCIATION NEWSLETTER

*Serving the
New England
Intellectual
Property Bar
Since 1924*

October 31, 1999

Volume 30, Issue 3

CHANGES IN TRADEMARK PRACTICE TAKE EFFECT OCTOBER 31, 1999

A number of significant changes in the Federal Trademark law go into effect on October 31, 1999. The amendments to the 1946 Lanham Act (15 USC 1051) were passed by Congress to implement the International Trademark Law Treaty and thereby promote harmonization of the procedural requirements of the signatory countries. Many of the formalities necessary to secure a filing date under US practice that foreign applicants have found most objectionable have now been eliminated.

For example, the requirement that trademark applications be signed by an officer of a corporation or association is eliminated. The PTO will now accept applications signed by non-officers or attorneys. The application now need only include a statement that it is signed and verified by a person properly authorized to sign on behalf of the applicant.

The broader definition of who may sign trademark filings will also apply to the filing of amendments to allege use, statements of use, extensions of time to file statements of use, and post registration filings.

The minimum requirements to get a filing date will be (1) name of applicant, (2) name and address for correspondence, (3) a clear drawing of the mark, (4) a list of goods or services; and (5) filing fee for at least one class.

The requirement that the applicant state the mode or manner in which the mark is used or intended to be used has also been eliminated. Thus, the typical litany that the mark is (or will be) used by "applying it to labels, packaging and other uses customary in the trade" need not be recited.

Foreign applicants relying on an issued foreign trademark registration under section 44(e) will no longer be required to submit a cer-

tified copy of their foreign registration in order to secure a filing date. Instead, the application will be accepted by the PTO and a time period will be set for filing the certification.

More importantly for US practitioners, the amended trademark law requires the submission of a §8 affidavit of continued use every ten years along with a renewal application. The initial §8 affidavit between the fifth and sixth anniversaries of date of registration is still required as well.

The amendments also permit revival of abandoned applications on a showing of "unintentional delay" rather than "unavoidable delay."

And, of course, trademark filing fees are going up, although the new fees had not yet been finalized. See the PTO web site (www.uspto.gov) for a new schedule of fees

NEW HAMPSHIRE LAWYERS CAN NOW GET CLE CREDIT BPLA SEMINARS QUALIFY AS CONTINUING LEGAL EDUCATION

The New Hampshire Minimum Continuing Legal Education (NHMCLE) Board has granted accreditation to the BPLA for selected seminars so that New Hampshire lawyers can fulfill at least some of their CLE requirements by attending the BPLA educational programs.

All lawyers admitted to the bar of New Hampshire must complete 12 hours of continuing legal education annually including two hours in the area of legal ethics, malpractice, client relations or preventing substance abuse.

In response to inquiries from Douglas Verge, of the NH firm of Sheehan, Phinney, Bass and Green, BPLA President Dawson contacted the NHMCLE and completed applications for the Trade Seminar held on May

26, 1999 and the PCT Easy Software Seminar held on June 17, 1999.

The NHMCLE Board approved 4 CLE credits plus a 0.5 ethnic credit for the Trade Secret Seminar and also approved 2.75 CLE

credits for the PCT software seminar.

To obtain a certificate of attendance, contact Mary Dawson, Activities Committee Chair at (978) 452-1971.

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Walter Dawson
Pearson & Pearson

Message from President Dawson

events this year to take a break, put the pen down, close the keyboard, or shut off the tape recorder to get out and mingle with your colleagues and take advantage of the opportunity to meet and listen to Judge Michel. If necessary, make-up the time later in the day. Take an interest in your professional association because you may be surprised to find out that by participating you may take away with you more than you ever expected.

In addition to the election of new officers at the annual meeting and reports from your officers, I will present a new President's Award to certain members in recognition of their contribution to the BPLA this year by organizing a seminar, speaker/luncheon or other event.

For the first time the BPLA seminars were accredited for New Hampshire Continuing Legal Education credits. The seminars receiving accreditation were the Trade Secret Seminar on May 26, 1999 organized by Trade Secret Committee Co-Chairs Stephen Y. Chou and Richard M. Gilb and the PCT Easy Software Seminar organized by International Practice Committee Co-Chairs Timothy A. French and Thomas A Turano.

The Board of Governors have approved a new dues structure for next year 2000. The dues will be \$55.00 for members, \$45.00 for Associate Members and a late fee of \$25.00 if dues are not paid by February 1, 2000. However, as you can see our dues are still lower than many other bar association dues, but the new rates will enable us to meet our ever increasing administration and function expenses. If a non-member attends a couple

of BPLA functions, the higher non-member fees would pay for BPLA membership dues. When you pay your dues for the year 2000, you will receive a new BPLA Membership Card, which can be used at BPLA Seminars and Luncheons to receive lower rates. We are also working on a BPLA Certificate of Membership.

If you see someone wearing a white cap with "Boston Patent Law Association" on the front of the cap, you will know he or she attended the August 9, 1999 BPLA Summer Social on the Spirit of Boston. The white caps were presented to all attendees by your president on behalf of the Association, and everyone had a great time enjoying the food, the musical show put on by the ships crew, and the sun which finally appeared during the boat cruise.

This year 1999 has passed very quickly and the time has arrived for me to appoint the Nominating Committee for the Year 2000 Officers and Board members. Our Immediate Past President and Board member, Timothy French, will be the chair of the Nomination Committee and Jerry Cohen of Perkins, Smith & Cohen and John DuPre, of Hamilton, Brook, Smith & Reynolds, both past presidents of the of the BPLA, have accepted their appointment to this committee. The Committee will submit the Nominating Report to the Secretary, Peter Lando, at least four weeks before the Annual Meeting and a notice of the Annual Meeting will be mailed to the entire membership with the names of the nominees.

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The Boston Patent Law Association
8 Faneuil Hall, Boston MA 02109
Telephone: (617)973-5021

Board of Governors:

President:	Walter Dawson, Pearson & Pearson (978) 452-1971 wfd@pearson-pearson.com
President-Elect:	David Thibodeau, Hamilton, Brook, Smith & Reynolds PC (781) 861-6240 david.thibodeau@hbsr.com
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Board Member:	Doreen Hogle, Hamilton, Brook, Smith & Reynolds PC (781) 861-6240 doreen.hogle@hbsr.com
Board Member:	John Berns, Fish & Richardson PC (617) 542-5070 berns@fr.com

BPLA SUMMER OUTING FEATURES HARBOR CRUISE ON THE SPIRIT OF BOSTON

The Annual BPLA Summer Outing, held on August 8, 1999, was a cruise on the Spirit of Boston.

Despite a threat of rain, faithful members of the association assembled at Pier IV in the Seaport District of South Boston for the embarkment.

The Attendees were treated to a three hour cruise around Boston Harbor and a sumptuous buffet luncheon including Boston clam chowder, chicken, prime rib and seafood newbourg.

Historic sites were described by the crew while the passengers were entertained by a six person professional cast of performers who put on a musical show of singing and dancing.

The summer outing coincided with second annual Seaport Celebration Festival. Northern Avenue at and around the World Trade Center was closed to traffic with activities and entertainment for adults and children on the street. The new Seaport Hotel, located directly across from the Spirit of Boston Dock, provided free parking for the boat cruise and the hotel was also bustling with activity.



L to R: Peter Lando, Michelle Lando, Martha Finnegan, and Ernie Linek

The attendees at the Summer outing were treated to a memento of the occasion by BPLA President Walter Dawson who handed out "official" BPLA baseball caps. The caps turned out to be lucky amulets, warding off the rain that seemed imminent.

The BPLA will be returning to the Seaport District for its Judges Appreciation Dinner next year as well. The dinner (which is scheduled for the spring of 2000) will be held at the new Federal Courthouse on Northern Avenue.

JUDGE MICHEL: A THIRD OF A CENTURY IN GOVERNMENT SERVICE

Judge Paul R. Michel of the Court of Appeals for the Federal Circuit, the speaker at the BPLA Annual Meeting on December 1, 1999, began his career of government service in 1966 as a Deputy District Attorney in Philadelphia. In 1973 he joined the Watergate investigation as an assistant special prosecutor and then served as an assistant counsel for the Senate Intelligence Committee. In 1976 he joined the Justice Department serving in numerous posts including Associate Deputy Attorney General. In the late 1980's he was counsel to Senator Arlen Specter of Pennsylvania. In 1988, he was appointed to CAFC. Since his appointment, he has written over 200 opinions for the Court.

Judge Michel is also an adjunct Professor at the George Washington University National Law Center teaching courses in "Appellate Practice and Procedure" and "International Enforcement of Intellectual Property Rights." He has also taught master classes in "appellate Brief Writing" and "Oral Argument" at the John Marshall Law School and "Patent Trial Advocacy" at the Chicago-Kent College of Law.

He has published articles in numerous journals, including the American University Law Review, The Practical Litigator and Litigation. Two of his more recent articles "Appellate Advocacy - One Judge's View" and "Improving Patent Jury Trials" have appeared in the

Federal Circuit Bar Journal.

Judge Michel has also played a prominent role on the international stage, making presentations to Federation International des Conseil en Propriété Industrielle (FICPI), the World Intellectual Property Organization, and the International Property Organization. He has also addressed meetings of patent law judges in Europe, and taught courses for judges in Russia, Romania, Armenia, Argentina and Norway.

Judge Michel also enjoys tennis, swimming and music. He serves on the Board of Directors of the Beethoven Society of America and the Samaritan Ministry of Greater Washington.

PTO RELEASES RESULTS OF SURVEY: OVERALL USER SATISFACTION IMPROVES

by Richard Roos

Nutter, McClennen & Fish

During 1998, many practitioners received customer satisfaction questionnaires from the PTO. The PTO has tabulated the responses to these questionnaires and has issued its findings in a fourteen-page report. In this report, the PTO asserts that customers are generally satisfied with PTO services and customer relations, and that customers have indicated "significant improvements in some key areas that were previously identified as being important."

The findings of the report are based upon a 42% response rate to the 6,370 patent surveys that were enclosed with some 1998 Patent Official Actions, and a 51% response rate to the 1,004 trademark surveys that were enclosed with some Trademark Official Actions. The report grouped the survey responses into general categories such as "Standards," which includes twelve subcategories pertaining to the treatment of customers by PTO personnel/examiners and the time it takes PTO personnel/examiners to respond to submissions to the PTO, and "Processes," which includes 22 subcategories, each of which discusses the quality of PTO personnel/examiners and of PTO

communications.

The highest level of satisfaction in both the Patent and Trademark "Standards" categories was for the subcategory "does the PTO treat you with courtesy each time you contact us," in which 79.8% of Patent respondents indicated satisfaction, and in which 85.3% of Trademark respondents indicated satisfaction. The lowest level of satisfaction in the Patent "Standards" categories was in response to the question as to whether the PTO "mails correct filing notices for complete, standard applications within 19 days of receipt of application" in which only 30.4% of Patent respondents indicated satisfaction. Among the Trademark "Standards" categories, the lowest satisfaction rate (28.5%) was in response to the question as to whether the PTO "provides a first communication within three months."

Regarding the Patent and Trademark "Processes" categories, the highest level of Patent customer satisfaction (70.9%) was in response to the question as to whether customers felt that PTO instructions are clear, while the highest level of Trademark customer satisfaction (80.2%) was in response to the question regarding customer satisfaction with the "effort needed to

prepare required information." The lowest level of both Patent customer satisfaction (15.2%) and Trademark customer satisfaction (18.5%) in the "Processes" categories was in response to the question regarding the PTO's "handling of delays."

The report also indicated that 51.9% of patent customers have an "overall satisfaction" with the patent process, while 63.3% of the Trademark customers have an "overall satisfaction" with the Trademark process. The "overall satisfaction" percentages of Patent customers were lower than 51.9% in the areas of (1) Biotechnology and Organic Chemistry, and (2) Communications and Information Processing, were approximately equal to 51.9% in the areas of (1) Chemical and Mechanical Engineering, (2) Mechanical Engineering, Manufacturing, and Products, and (3) Physics, Optics, Semiconductors and Electrical Engineering, and exceeded the 51.9% figure in the areas of (1) Designs, and (2) Transportation, Construction, Agriculture, and Security.

No information is provided in the report on how to obtain a copy of the report, however, the report is entitled "1998 Customer Satisfaction Report," and was distributed by the U.S.P.T.O. Center for Quality Services (PK1-812), 2011 Crystal Drive, Washington, DC 20231. The Center for Quality Services can be contacted by phone at (703) 305-4217 or by fax at (703) 305-8002.

NOTICE OF MEMBERSHIP EXPIRATION

Pursuant to BPLA By-Laws, notice is hereby given of the expiration of memberships granted to the following individuals for failure to pay the 1999 dues. Unless these dues are paid by December 31, 1999, the following individuals will need to reapply for membership:

Albert, Michael A.	Carpenter, Jr., Alan P.
Anderson, Mary E.	Casey, Mark J.
Anderson, Holmes W.	Cavanaugh, David L.
Ariniello, Pamela	Cezeaux, Andrea M.
Bellon, Christine P.	Chelo, Kimberly B.
Bisbee, Chester A.	Cianciolo,
Bohan, David L.	Christopher J.
Bonis, Eva M.	Clark, Paul T.
Borrelli, Damon J.	Collier, Stanton E.
Breslau, Maxwell	Cook, Paul J.
Brown, Scott A.	Coryea, Paul
Brown, Karen	Craig, Anne I.
Butler, Gregory B.	Darden, Loletta, L.
Call, Charles G.	DeFranco, Denise E.

Demsher, Ronald R.	Kaplan, Warren A.
Diener, Michael A.	Kelly, James P.
Doherty, Jodi	Kilponen, Ronald R.
Douglas, Paul I.	Klein, Christopher A.
Elandijian, Lucy	Kostrubanic, Linda D.
Fay, Douglas C.	Kriz, Paul P.
Feher, Eugene A.	Krockmalmic, Gabriela
Fitzpatrick, Anne E.	Kumar, Kaplesh
Fraser, Janis K.	Kurisko, Mark A.
Gelling, Ralph D.	LaMarche, Patricia A.
Gish, Jason C.	Lavoie, Marylou J.
Grover, James H.	Lazar, Steven R.
Hayes, Paul J.	Livingston, Jr., James J.
Hilton, William E.	Lorusso, Anthony M.
Hormann, Karl	Lowry, David D.
Hoskins, Hartley	Mah, Stanley C.
Johnson, Cynthia E.	Martland, Theresa A.
Johnson, David E.	Matham, Lawrence A.
Johnson, Sidney	Matzuk, Steven G.
Johnson, David J.	Meinert, Maureen C.
Jordan, Richard A.	Mello, David M.
Kapinos, Ellen L.	Meyer, Jerald

Michaelis, Brian L.	Rotondo, David J.
Michaelson, Leonard	Scahill Jr., Edward J.
Miller, Jeffrey J.	Scio, John C.
Miller, Jennifer T.	Scuder, Stephen P.
Miller, Henry S.	Seaver, David E.
Muirhead, Donald W.	Shea II, Timothy J.
Murray, Kittie	Sollecito, Joseph M.
Mysliwiec, Richard A.	Sousa, Danielle
Neuner, Kathleen	Stocckler, Hans A.
Pappas, Joanne N.	Stretch, Maureen
Parker, Bruce R.	Strimbeck, Lee A.
Passler, Mark D.	Taggart, Jennifer M.
Peck, Sarah C.	Tegfeldt, Jennifer A.
Pikering, Lulu	Trepanier, Richard J.
Pittman, James E.	Van Eyl, Diderico
Porter, Mary E.	Vincent, Matthew P.
Potts, Jeannette	Vock, Curtis A.
Powsner, David J.	Walpert, Gary A.
Puzella, Carolyn	Weinzimmer, Russell
Reynolds, Thomas A.	Weissburg, Steven J.
Ricci, Christopher P.	Workman, Ted
Rothbart, Donna	Xiarhos, Louis G.

SUFFOLK LAW STUDENTS TAKE SECOND PLACE IN NATIONAL IP MOOT COURT



l. to r. Thomas Johnson, Judge Rich and Ali Alavi-Nassab

Local law students Ali Alavi-Nassab and Thomas Johnson of Suffolk University Law School finished second in the 26th Annual Giles Sutherland Rich Moot Court Competition held in Washington on April 14-16 of this year. For their efforts, the Suffolk team received the Irving Marcus Award and \$300 each from the American Intellectual Property Association (AIPLA).

The Suffolk team had placed second in the East Regional Championship held in March in Boston which was sponsored jointly by the AIPLA and the BPLA. The eastern regional championship was won by a team from the University of Pittsburgh.

The teams that advanced from the regional competitions in addition to the Suffolk and Pittsburgh teams were from University of Houston, Loyola Law School (Los Angeles), University of Texas - Austin, University of California - Hastings, University of Wisconsin, and Kent College of Law.

After the quarter finals on April 14th, Suffolk, Hastings, Kent College and Loyola were left in the competition. By Thursday, April 15, the field was narrowed to Suffolk and Loyola, who advanced to the final round.

The Final Round was held on Friday, April 16th before a tribunal of Judges Newman,

Bryson and Rich, all of the Court of Appeals for the Federal Circuit. The teams made their closing arguments in Courtroom 2 of the National Courts Building in Washington, D.C.

After the oral arguments, the Judges announced that Laura Burson and Richard Frenkel of Loyola Law School had won but commended both teams for excellent presentations. After presenting the Dean and Margaret Lawrence award and \$1,000 each to the Loyola students, and the Marcus award and \$300 each to the Suffolk students, a reception was held at the Tayloe House.

This year's competition, in addition to marking over a quarter century of annual competition, was particularly poignant because it was the last time that the recently deceased Judge Rich participated.

The BPLA-sponsored regional competition was organized by John Berns and Merton Thomson of Fish & Richardson. Next year's coordinator will be Chris Centurelli, also of Fish & Richardson.

The overall national competition and finals in Washington were directed by the AIPLA's Dori Johnson Hines with assistance from Nancy Haley and Jackie Carbé.

PRESIDENT'S MESSAGE

Continued from page 2

John Berns, a member of the Board of Governors this year and formerly of Fish and Richardson, has left the area returning to his home state of Minnesota. We wish to thank John for his services to the BPLA and in particular his work as co-chair with Merton E. Thomson of the AIPLA Moot Court Competition.

During 1999 we have had programs on Software Patent Prosecution, Licensing the Corporate IP Portfolio, new Copyright Laws, Patenting Methods of Gene Therapy, Trade Secrets, PCT Easy Software, Computational Chemistry, new Trademark Laws, and Advanced PCT Practice in addition to the AIPLA Moot Court Competition, the Judge's Dinner and the Boat Cruise. We are planning two new programs on patent litigation and patent practice which will soon be announced. If you have an idea for a Seminar or Speaker, please let us know and we will make the arrangements.

See you at the Annual Meeting and Luncheon on Dec. 1, 1999.

NH CLE CREDITS

Continued from page 1

The BPLA is also in the process of applying for accreditation for the Advanced PCT Seminar held on October 15 -16 at the Swissotel in Boston but, for the present, does not plan to seek accreditation for every seminar that is presented. Members of the New Hampshire bar are encouraged to contact Mary Dawson at (978) 452-1971 or the chair of the sponsoring committee prior to, or immediately after, attending a seminar if CLE credits are desired. The BPLA must apply for accreditation for each individual seminar and must submit its request for accreditation within thirty days after the seminar takes place.

FOR SALE

JPTOS 1964-97; LES NOVELLES 1986-95;
AIPLA BULLETIN 1969-99;
AIPLA QUARTERLY 1972-99; MPEP; TMEP;
and ASSORTED IP LAW BOOKS
Best Offer. Contact Jack Young 781-893-3827

BPLA COMMITTEES

To switch committees (or to join another committee), members are encouraged to contact the committee chairpersons listed below to have their names added to committee rosters. Most committee chairpersons can be contacted through the BPLA web site:

www.bpla.org (For committees that have co-chairs, please contact the person marked by the asterisk.)

Activities and Public Relations

Committee e-mail - activities@bpla.org

*Mary J. Dawson - (978) 452-1971

Mark Solomon - (781) 861-6240

The annual BPLA Summer Outing was held on August 8 on the Spirit of Boston and coincided with the Annual Seaport Celebration Festival near the Seaport Hotel. Early rain did not dampen spirits and by the time the cruise began, the sun was shining brightly, which put the BPLA hat given to attendees to good use.

The BPLA Annual Meeting and Luncheon is scheduled for 11:30 AM Wednesday December 1 at the Seaport Hotel on Northern Avenue. The Honorable Paul M. Michel of the U.S. Court of Appeals for the Federal Circuit will be the Guest Speaker. Judge Michel is an Adjunct Professor for Appellate Procedure at the George Washington University Law Center and was honored earlier in 1999 by receiving the Jefferson Medal from the New Jersey IPLA. Please reserve your spot early at the Meeting by calling Mary Dawson.

Also at the meeting, President Walter Dawson is planning to recognize BPLA Committee co-chairs who have been especially active this year with awards.

AIPLA Moot Court

Committee e-mail - mootcourt@bpla.org

Christopher Centurelli (617) 542-5070

The 27th Annual Giles Sutherland Rich Moot Court Northeastern Regional Competition will be held in Boston from Thursday, March 17 through Saturday, March 19, 2000. Law students from throughout the northeast and Washington D.C. are expected to attend. The competition is usually a lively affair with outstanding performances by the students. The occasion also provides an excellent opportunity for members of the bar to meet and interact with students who plan to become a part of our IP law community.

Last year Michelle Mehok and Julia Tedjeske of the University of Pittsburgh came in first in the northeast region. The Suffolk University Law School team of Thomas

Johnston and Ali Alavi-Nassab took runner-up honors and won the Best Appellee Brief award. The final rounds held at the National Courts Building in Washington D.C. Richard Frenkel and Laura Burson of Loyola Law School won were awarded the Dean and Margaret Lawrence Award, \$1000 each. The Suffolk team took runner-up honors and received the Irving Marcus Award, \$300 each.

This year the oral arguments will be held at Suffolk University Law School. The schedule is as follows (times approximate):

Thursday, March 17, 6-9 p.m.;

Friday, March 18, 10:00 a.m. - 3:30 p.m.;

Saturday, March 19, 10:00 a.m. - 1:00 p.m.

The Regional Competition relies upon members of the local intellectual property community to volunteer to grade student briefs and to judge oral arguments. It is anticipated that 10 to 12 teams of students will compete this year, making it necessary to assemble a large number of volunteers. Each brief grader and judge will receive a copy of the problem and a bench memorandum on which arguments for each side of the issue will be based. In mid-February, student briefs and grading forms will be provided to the volunteer brief graders, who will be asked to read and grade the briefs. Each volunteer judge will sit on a panel of three judges; each round of arguments should take about an hour. Thereafter, the judge panel will grade the participants and provide their comments. Anyone who is interested in being a volunteer, either by evaluating briefs or by serving as a judge during the oral arguments, should contact: Christopher Centurelli at Fish & Richardson P.C. (direct dial: 617-956-5911; fax 617-542-8906); by February 4, 2000.

Antitrust Law

Committee e-mail - antitrust@bpla.org

*Paul R. Gupta - (617) 338-2482

Martin O'Donnell - (617) 951-2500

Biotechnology

Committee e-mail - biotechnology@bpla.org

*Patricia A. McDaniels - (603) 437-8790

Doreen M. Hogle - (781) 861-6240

We are planning a seminar/panel for spring 2000 on the topic of diligence opinions.

The seminar/panel will address such issues as: Are they different for an IPO compared to a technology acquisition? How much does the amount the client wants to pay determine the scope of the review? Is it necessary to evaluate the competitor's portfolio to give an accurate assessment? How much searching is done and/or is justified? Is it always necessary to go through file histories? What kind of opinion is generated? If the

transaction falls through, should there be an opinion nonetheless? Is it possible to place a value on a portfolio? Is it worth trying to discover a written diligence opinion (or is such an opinion even discoverable)?

We will be inviting senior people from law firms and corporations, and someone from the financial side of diligence activities to attend (volunteers should contact Pat/Doreen).

This fall the BPLA will be represented at the Biotechnology Customer Partnership Meeting on November 9, in DC. And, we are still planning to host a Biotechnology Customer Partnership Meeting in Boston, at a future date to be determined with the PTO.

Careers in IP Law

Committee e-mail - careers@bpla.org

The BPLA is currently seeking volunteers to chair or co-chair this committee.

Chemical Practice

Committee e-mail - chemical@bpla.org

*Peter F. Corless - (617) 523-3400

Maggie Kanter - (508) 872-8400

Community Service

Committee e-mail - community@bpla.org

David J. Powsner - (617) 248-5000

Computer Law

Committee e-mail - computer@bpla.org

*Edward W. Porter - (617) 494-1722

Lee Carl Bromberg - (617) 443-9292

Copyright Law

Committee e-mail - copyright@bpla.org

*Charles ("Buz") Gagnebin - (617) 542-2290

Thomas M. Saunders - (617) 227-0700

Corporate Practice

Committee e-mail - corporate@bpla.org

*Walter F. Dawson - (978) 452-1971

Faith F. Driscoll - (978) 294-6165

International Practice

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*Timothy A. French - (617) 542-5070

Thomas A. Turano - (617) 248-7378

On October 15th-16th, the Committee sponsored an educational seminar at the Swissotel Boston which was attended by 50-60 individuals who sought (and most certainly received) an indepth understanding of the Patent Cooperation Treaty (PCT).

Speakers/Instructors were Louis O. Maassel, Consultant to the PCT Legal Division for the World Intellectual Property Organization, and Carol Bidwell, Supervisor of the PCT Special Programs Office at the U.S. Patent and Trademark Office.

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PTO MOVE IS UNDER ATTACK

The PTO's recently publicized plan to move to a new site in Alexandria, Virginia has come under fire from Republican and conservative critics.

In addition to the legal challenges from the usual sources – real estate moguls who lost out in the bidding process and neighborhood residents who oppose anything in their backyards—Senator John McCain of Arizona and Phyllis Schlafly have joined forces to turn the PTO's quest for a new home into a political issue.

McCain, the Republican Presidential aspirant, and Schlafly, the head of the archconservative Eagle Forum, have attacked the move primarily because of its price tag. The new office complex in Virginia will be built by a private syndicate and leased to the PTO for twenty years at a cost of \$1.3 billion.

McCain and Schlafly have dubbed the project a "Taj Mahal" and have sniped at the PTO for renting rather than buying.

McCain's criticisms seem particularly disingenuous since it was Congress that passed the law barring the PTO from purchasing its own quarters.

This summer McCain introduced legislation to have the GSA survey alternatives, a move widely seen as an attempt to derail the project.

Schlafly, the former champion of the antiabortion movement, has attacked the new PTO plans because they include child care facilities for federal workers. Among other things, she has criticized the provision of cribs in a planned day care unit as an extravagance.

The PTO presently occupies 18 buildings in the Crystal City. At present rates, the move is likely to save the government at least \$70 million, according to Acting Commissioner Dickinson. "Somehow our opponents think that we lease our space here free. The irony is that if we stay put, we'll spend \$1.4 billion to lease over the next twenty years."

BPLA COMMITTEE REPORTS (cont'd)

Law Students

Committee e-mail - students@bpla.org

Committee Co-Chairpersons:

Thomas M. Johnston - (781) 769-9450

Co-Chair Open - please contact David

Thibodeau if you are interested in serving.

Licensing

Committee e-mail - N/A

Gregory B. Butler -

P.C. Lall - (401) 841-4736 (x24221)

Litigation

Committee e-mail - litigation@bpla.org

**Susan Glowsky - (781) 861-6240*

Steven M. Bauer - (617) 248-7594

Patent Law

Committee e-mail - patents@bpla.org

Leslie Meyer-Leon - (617) 542-6000

Patent Office Practice

Committee e-mail - patentpractice@hbsr.com

Grant Houston - (781) 861-6240

David Conlin - (617) 523-3400

We are currently planning a late afternoon seminar, including dinner, for December or early next year. It will address "Selected Topics in PatentPractice". Please contact us with any thoughts on speakers.

Trade Secrets

Committee e-mail - tradesecrets@bpla.org

**Stephen Y. Chow - (617) 854-4000*

Richard M. Gelb - (617) 345-0010

Trademarks & Unfair Competition

Committee e-mail - trademarks@bpla.org

**Michael A. Albert - (617) 832-1175*

Donna M. Weinstein - (617) 542-5070

Young Lawyers

Committee e-mail - younglawyers@bpla.org

Aaron Bullwinkle - (617) 345-0010

Co-Chair Open - please contact David

Thibodeau if you are interested in serving.

Nominations Committee

Timothy A. French

John L. DuPre

Jerry Cohen

Pursuant to Article VII, Section 1 of the our By-Laws, the BPLA nominating committee nominates the following persons for the offices of the Association:

President: David Thibodeau (by succession)

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ANNOUNCING THE 2000 WRITING COMPETITION sponsored by the BPLA

1st Prize: \$300

2nd Prize: \$200

will be awarded to the author of the best article on a subject relating to the protection of intellectual property written or published between Aug. 1, 1999 and July 31, 2000

CONTEST RULES

To be eligible for consideration, the 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 Circuit, or prepared in connection with a course at a law school situated in the First Circuit. The article must be submitted to the Boston Patent Law Association on or before July 31, 2000.

Papers should be no more than the equivalent of 10 law review pages including footnotes (30-40 pages typed copy). Submission of 5 copies is required. Submissions must include the submitter's name, current address, current telephone number, law school and present employment, if applicable. Judges will consider the merits of the article as a contribution to the knowledge respecting intellectual property.

**Send papers to:
The BPLA Writing Competition
c/o Attorney Doreen Hogle
Hamilton, Brook, Smith & Reynolds
One Militia Drive
Lexington, MA 01776**

Notice to All BPLA members who have not yet paid their 1999 dues:

The annual BPLA membership fee of \$40.00 was due by February 1, 1999. A \$25.00 late fee is now due for renewals.

Membership renewal forms can be obtained from BPLA Treasurer William G. Gosz at (617) 720-3500 or via the internet from our web site www.BPLA.org

UPCOMING EVENTS

December 1 - BPLA Annual Meeting

The BPLA Annual Meeting and Luncheon will be held December 1st at the new Seaport Hotel. Judge Paul R. Michel of the CAFRC will speak to the Association.

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. The placement of an ad costs \$100.00 per issue for approximately one hundred words of space in the newsletter.

If you wish to submit an advertisement for publication in the next issue, please send a copy of the proposed ad by e-mail and a check (made payable to Boston Patent Law Association, Taxpayer ID# 04-2667161) for \$100.00 by regular mail to Tom Engellenner: E-mail: tje@nutter.com; Mail: Tom Engellenner, Nutter, McClellenn & Fish, LLP, One International Place Boston, MA 02110-2699

NUTTER, McCLENNEN & FISH, LLP is seeking experienced patent attorneys and agents for patent prosecution, litigation, technology licensing and client counseling. Persuasive advocacy skills and excellent writing ability essential. Particular needs include attorneys (or patent agents) with two or more years of biotechnology experience. Contact Sandra Griffith, Legal Hiring Manager at (617) 439-2351 or via e-mail at sog@nutter.com.

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a growing IP law firm located in suburban Westborough, MA, just West of Boston at the intersection of Routes 495, 9 and the Mass Pike seeks patent attorneys and/or agents. Candidates must possess (1) a computer science, electrical engineering or related degree, (2) industry work experience in computers, software, electronics or a related area, and (3) at least one year of experience. Send resume in strict and complete confidence to BPLA Job Listing, Chapin & Huang, LLC, Westborough Office Park, 1700 West Park Drive, Westborough, MA 01581. Alternatively, resumes may be sent via e-mail to Patents@techpat.com or faxed to 508-616-9805. Applicants only, no recruiters please.

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 2000 (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.

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

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