

**BOSTON PATENT LAW ASSOCIATION**  
**MINUTES OF THE 2016 ANNUAL MEETING**

**InterContinental Hotel Boston, Boston, MA**

**December 7, 2016**

**I. Call to Order**

President Erik Paul Belt called the meeting to order at approximately 12:05 PM and welcomed those present. Individuals on the dais included:

Hon. Judge Jacqueline Wright Bonilla, Patent Trial and Appeal Board (PTAB), United States Patent & Trademark Office (USPTO), Honored Guest

Sang Young Brodie, Executive Counsel, IP Litigation at General Electric Company (GE), Honored Guest

Monica M. Grewal, President-Elect

Rory P. Pheiffer, Vice President

Deirdre E. Sanders, Treasurer

Michael Bergman, Secretary

Gregory Sieczkiewicz, Immediate Past President

Daniel W. Young, Board Member;

Nikhil Patel, Board Member; and

Michael McGurk, Board Member.

**II. Welcome to General Electric**

President-Elect Monica M. Grewal welcomed GE to Boston and introduced Mr. Brodie, who provided opening remarks. Mr. Brodie thanked the BPLA community for its welcome. Mr. Brodie explained that GE's move to Boston is a reflection of its commitment to evolving from its industrial roots to be a more digital company that promotes collaboration, an open environment, and entrepreneurial culture. Moving to Boston provides greater access to leading academic centers and allows ease of interactions with universities and recruitment of talent. On the digital side, Mr. Brodie envisions for GE a future that may not be so patent heavy (particularly in view of *Alice* issues that may guide away from patents) and that may be more focused on protecting trade secrets, source code, and managing large volumes of data. Still, according to Mr. Brodie, there will be a need to continue to be ready for patent litigation. Mr. Brodie also remarked that patents will continue to be part of monetization strategies and have a significant role in the more industrial side of the business.

**III. President's Report**

President Belt noted various events and achievements of the Association during the membership year and commented generally on the strength of the Association. He thanked membership for its support and expressed optimism regarding the Association's future.

#### **IV. Writing Competition**

Board Member McGurk introduced the winners of the writing competition, noting the exceptional quality of the papers received, describing the review of those papers by a panel of judges, and complimenting those of the winners. Awarded first place was Ashley Tarokh Brzezinski, whose article is entitled *Visual Artists Rights Act (VARA) and the Protection of Digital Embodiments of Artworks*. Ms. Brzezinski was presented a prize of \$1000. In second place was Amelia Pennington of New England School of Law, whose article is entitled *Implied In Ink?: How Tattoo Artists Can Claim and Protect Their Copyrights Against an Implied License Defense*. Ms. Pennington received a prize of \$500.

#### **V. Secretary's Report**

Secretary Bergman delivered the Report of the Secretary, noting that the minutes of the 2015 Annual Meeting had been published in the [Fall 2016 BPLA newsletter \(Volume 47, Issue 4\)](#) on October 24th, 2016 (and distributed to the membership via e-mail). Secretary Bergman moved to waive reading of the minutes and accept the minutes as published, and the motion carried. Accordingly, the minutes of the 2015 Annual Meeting were entered into the record.

#### **VI. Treasurer's Report**

Treasurer Sanders delivered the Report of the Treasurer, noting that the Association had a very successful year. Treasurer Sanders noted that since the last Annual Meeting, the BPLA hosted, sponsored or co-sponsored over 35 events. Treasurer Sanders noted there had been a number of other successful events, including an IP roundtable with Chief Judge Saris, the Judges' Dinner, and the present Annual Meeting. Treasurer Sanders noted that the Association has 930 active members comprising 658 attorney members, 156 non-attorney members, 53 student members, and 63 lifetime members. Overall, the Association's total income was \$230,527, and total expenses were \$ 234,471, nearly breaking even, with a total net loss of \$3,994. Ms. Sanders moved to waive reading of the balance of the Report of the Treasurer and accept the Report. The motion carried and, accordingly, the Report of the Treasurer was entered into the record.

#### **VII. Keynote Speech – Remarks of Judge Jacqueline Wright Bonilla**

President Belt introduced Hon. Judge Bonilla, who serves as Lead Administrative Patent Judge of the PTAB at the USPTO.

In her remarks, Judge Bonilla provided detailed America Invents Act (AIA) trial statistics for *inter partes* review (IPR), post grant review (PGR), and covered business method (CBM) proceedings. Judge Bonilla noted that there had been 5811 AIA petitions filed as of October 31, 2016 (including 5292 IPRs, 481 CBMs, and 38 PGRs). Judge Bonilla discussed statistics of filings per year, per month, and across different technology areas. Judge Bonilla also discussed institution statistics and provided a breakdown of IPR and CBM dispositions through October

31, 2016. Judge Bonilla then shared lessons learned, focusing on petitions, claim construction, experts, obviousness, preliminary responses, joinder, motions to amend oral hearings, and settlements/termination.

Judge Jacqueline Wright Bonilla's slides and commentary have been posted to the BPLA website at the following link: <http://www.bpla.org/news/321548/Hon.-Jacqueline-Wright-Bonillas-Keynote-Presentation-BPLA-2016-Annual-Meeting.htm/>.

### **VIII. Nominating Committee's Report**

Immediate Past President Sieczkiewicz noted Ms. Grewal's automatic elevation, according to the rules of the Association, to the role of President. He presented the slate of nominees as follows:

President-Elect: Rory P. Pheiffer, Esq.

Vice President: Deirdre E. Sanders, Esq.

Treasurer: Michael Bergman, Esq.

Secretary: Daniel W. Young, Esq.

Board Member: Nikhil Patel, Esq.

Board Member: Michael McGurk, Esq.; and

Board Member: Jennifer Zarutskie Sieczkiewicz, Esq.

Immediate Past President Sieczkiewicz also noted President Belt's automatic placement on the Board of Governors as Immediate Past President. Immediate Past President Sieczkiewicz then moved for acceptance of the nominations and election of the nominees. The motion was seconded and carried. Accordingly, the 2017 Board of Governors of the BPLA were duly elected.

Outgoing President Belt passed the BPLA presidential gavel to incoming President Grewal.

### **IX. Amendments to the Bylaws**

Secretary Bergman presented Amendments to the Bylaws regarding the conditions for admission of government employees to membership in the BPLA. Secretary Bergman noted that the proposed amendment had been published on the website of the BPLA on November 1, 2016 (and distributed to the membership via e-mail on the following day, also provided in Appendix A herein). Secretary Bergman moved for acceptance of the proposed Amendments, and the motion carried. Accordingly, the [bylaws of the BPLA are duly amended effective December 7, 2016](#).

### **X. Remarks of the Incoming President**

President Grewal thanked the BPLA for the opportunity to serve as President and acknowledged with further thanks her past mentors, including Don Steinberg, Past President Leslie Meyer-Leon, Past President Lee Bromberg, and Past President Belt. President Grewal delivered remarks urging the BPLA and its 930 members to serve as a pathway between Boston and the

USPTO and PTAB. President Grewal encouraged further involvement of the in-house membership, noting the service of Board Member Sieczkiewicz on the Board and the In-House Committee, and other members who serve in in-house capacities and serve as BPLA Committee chairs. President Grewal urged the membership, in keeping with its mission, to look outwardly for opportunities to educate the public and to go further to educate undergraduates and high school students to consider patent law as a career path, and particularly those students who may be classified as minorities based on gender and ethnicity, among other categories.

#### **XI. Motion to Adjourn**

President Grewal moved to adjourn at approximately 2:00 PM and the motion carried, concluding the 2016 Annual Meeting.

## APPENDIX A

### Amended Membership By-Laws

The Boston Patent Law Association Board of Governors recommends the following amendment to the membership provision of the [BPLA's by-laws](#), Article III. The amendment adds a fourth class of membership, namely, government employees, such as judges, judicial law clerks, patent examiners, TTAB and PTAB judges, trademark examining attorneys, and other government employees with an interest in intellectual property law. The purpose of this amendment is to encourage and enable such government employees to become BPLA members and to attend BPLA sponsored programs at reduced rates. The Board will establish appropriate, discounted rates for government employees in accordance with its power under Article VIII, Section 2, of the by-laws to establish dues. The proposed amendment, which the Board will present to the membership for a vote at the [2016 BPLA Annual Meeting](#) on December 7, 2016, is shown in redline below:

#### ARTICLE III: MEMBERSHIP

The membership of this Association shall consist of four classes of membership: Attorney, Non-Attorney, Government Employee, and Life.

(A) ATTORNEY MEMBERS. Attorneys at law who are in good standing in any court of record in the United States, or any of the States or territories thereof, and engaged in the practice of patent, trademark, copyright, or other intellectual property law shall be eligible for election to Attorney membership. Attorney Members shall have the right to vote. Only Attorney Members who reside or have a principal office in the First Federal Judicial Circuit shall have the right to hold office.

(B) NON-ATTORNEY MEMBERS. Non-Attorney Members shall have the powers, privileges, and obligations of Attorney Members of the Association except those of voting and holding office. The following categories of persons who do not qualify for Attorney Membership and who reside or have a principle place of business in the First Federal Judicial Circuit may be eligible for election to Non-Attorney Membership, subject to the discretion of the Board of Governors:

- (1) patent agents registered in the United States Patent and Trademark Office;
- (2) students who are enrolled and in good standing in an accredited law school;
- (3) paralegals and technical specialists who are employed by, or provide services to, a firm or company engaged in the practice of patent, trademark, copyright, or other intellectual property law;
- (4) inventors, engineers, scientists, researchers, technicians, authors, and artists;
- (5) academics and university students (a) in any science, engineering, or technical

field recognized by the United States Patent and Trademark Office or (b) who have demonstrated a verifiable interest in intellectual property issues;

(6) subject matter consultants and experts who regularly advise or provide services to intellectual property lawyers and their law firms; provided, however, that are not seeking membership merely as a means to gain access to sales and business opportunities;

(7) others who have demonstrated a verifiable interest in intellectual property issues and who are not seeking membership merely as a means to gain access to sales and business opportunities.

In exercising its discretion to admit or deny admission to Non-Attorney Members, the Board of Governors may delegate its authority to the Secretary of the Board of Governors. The Board of Governors reserves the right to revoke membership of any person deemed by the Board of Governors to be marketing products or services to other members to the detriment of the Association.

**(C) GOVERNMENT EMPLOYEE MEMBERS.** Government Employee Members shall have the powers, privileges, and obligations of Attorney Members of the Association except those of voting and holding office. Subject to the discretion of the Board of Governors, the following categories of persons who reside or have an office in the First Federal Judicial Circuit may be eligible for election to Government Employee Membership, even if they would otherwise qualify for Attorney Membership:

(1) federal and state court judges, including magistrate judges, who sit in any federal or state court located within the First Federal Judicial Circuit;

(2) any judge of the Court of Appeals for the Federal Circuit and any justice of the United States Supreme Court;

(3) Law clerks for any judge included in Sections C(1) and (2) above;

(4) Employees of the United States Patent and Trademark Office, including the Trademark Trial and Appeal Board and the Patent Trial and Appeal Board;

(5) other employees of the federal government who have an official interest in, or official responsibility for, establishing, overseeing, or implementing intellectual property policy and practice; and

(6) other government employees of states or territories within the First Federal Judicial Circuit who have an official interest in, or official responsibility for, establishing, overseeing, or implementing intellectual property policy and practice

In exercising its discretion to admit or deny admission to Government Employee Members, the Board of Governors may delegate its authority to the Secretary of the Board of Governors.

(D) LIFE MEMBERS. All Attorney and Non-Attorney Members upon reaching the age of seventy shall automatically become Life Members of the Association. Life Members shall continue to have all the powers, privileges and obligations they had prior to becoming Life Members except that they shall be exempt from the payment of dues.