2020 Standing IP Committee Leadership Meeting

Mandarin Oriental Hotel
Washington, DC
March 6, 2020
AGENDA
IPO COMMITTEE LEADERSHIP MEETING
Friday, March 6, 2020
7:30a.m. – 12:00p.m. ET

Mandarin Oriental Hotel
Grand Ballroom AB
Washington, DC

7:30a.m. Continental Breakfast
8:30a.m. Welcome Remarks by Daniel Staudt, IPO President
8:35a.m. Remarks by Samantha Aguayo, Deputy Executive Director & Chief Policy Counsel
8:40 a.m. Presentations by the Standing IP Committees (2 mins. each)

I. Business and Professional Division
   a. Corporate IP Management & Operations
   b. Diversity & Inclusion
   c. Next Generation Leaders
   d. Women in IP Law

II. Copyright Division
    a. Copyright Law & Anti-Piracy
    b. Open Source

III. International IP Law and Practice Division
     a. Artificial Intelligence & Other Emerging Technologies
     b. Asian Practice
     c. Canadian Practice
     d. European Practice
     e. International Patent Law & Trade
     f. International Trademark Law & Practice
     g. Latin American Practice
     h. Standards Setting
     i. Trade Secrets

IV. Litigation and Dispute Resolution Division
     a. Damages and Injunctions
     b. Patent Litigation
     c. U.S. International Trade Commission

V. Patent Division
    a. Industrial Designs
    b. Patent Licensing
    c. Patent Search
    d. Pharmaceutical & Biotechnology Issues
    e. Software Related Inventions
    f. U.S. Patent Law
    g. U.S. Patent Office Practice
    h. U.S. Post-Grant Patent Office Practice

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

9:55a.m. Amicus Brief Committee Report (Paul Berghoff and Greg Castanias, Vice Chairs)
10:00a.m. Panel Discussion – How to Execute Your Committee’s 2020 Plan
        Samantha Aguayo (IPO), Moderator
        Ken Corsello (IBM Corp.), Chair, Trade Secrets Committee
        Dan Gajewski (Sterne Kessler), Secretary, Industrial Designs Committee
        Emily Johnson (Amgen), Chair, U.S. Post-Grant Patent Office Practice Committee
        Rachael Rodman (Ulmer & Berne), Vice Chair, Women in IP Law Committee

10:30a.m Networking/Collaboration with Committees of Your Choice
12:00p.m. Adjournment
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Committee Charter

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

Committee Agenda for 2020

1. Develop an actionable toolkit for IP Function Leaders including “Chief IP Counsel in a Box” and “Talking to the C-Suite”


3. Increase committee membership and engagement through benchmarking initiatives, guest speaker sessions, subcommittee highlights and formal mentoring programs
Committee Charter

The committee will maintain organizational focus around and execution of diversity and inclusion programs including:

1. Recommending policy and programs to the IPO Board of Directors consistent with the adopted IPO Membership and Values statement;
2. Overseeing and ensuring IPO speaker panels and leadership appointments are diverse and consistent with the adopted IPO Membership and Values statement;
3. Overseeing and ensuring that IPO Committees incorporate the adopted D&I vision into their activities and recommendations;
4. Creating educational materials including white papers and toolkits to help promote D&I efforts in the IP profession;
5. Overseeing the creation and maintenance of resource groups organized around underserved populations in the membership who self-identify/volunteer as being interested in participating in an IPO Resource Group; and
6. Working with other IPO Committees to create synergistic projects and programs.

Committee Agenda for 2020

The Committee has monthly calls scheduled for all members of the Committee. Each monthly call in 2020 will have at least one guest speaker on various Diversity & Inclusion topics. For example, the February 26, 2020 call will feature a guest speaker from Diversity Lab! The January call featured Krish Gupta (Dell Technologies).

The Committee has the following Resource Groups and Subcommittees for 2020:

- **Resource Groups:**
  - In 2020, each Resource Group will be expected to produce at least one deliverable e.g., a webinar, whitepaper, toolkit, in-person substantive seminar, etc.
  - There are four Resource Groups:
    - Asian IP Professionals (Co-chairs: Hassen Sayeed and TBA);
    - Black IP Professionals (Co-chairs: Eldora Ellison and Serena Farquharson-Torres);
    - Hispanic IP Professionals (Co-chairs: Natalie Gonzales and Gloria Fuentes); and
- Pride and Allies IP Professionals (Chair: DJ Healey).

- **Hiring & Retention subcommittee**
  - Hiring & Retention subcommittee Co-chairs: Carlyn Burton, Shruti Costales, and Rachael Rodman
  - This subcommittee will focus on creating toolkits, practical guides, white papers, presentations, etc., on various topics affecting Diversity & Inclusion – *e.g.*, Implicit Bias, Myth of the Meritocracy, Opportunity Gaps, Pay Gaps, etc.
  - As a first project, this subcommittee will be soft launching a Practical Guide on D&I at the Spring Summit in March 2020!

- **Outreach subcommittee**
  - Outreach subcommittee Chair: Elaine Spector
  - This subcommittee will explore ideas like partnering with the USPTO and talking to kids K-12 to discuss careers in IP and promote STEM education.
  - This subcommittee can focus on engineering students at the college level to inform them of patent law as a career option.
  - This subcommittee will reach out to IPO Education Foundation Board to align on IPO goals and objectives.

- **Short-term temporary** subcommittee
  - The members of this subcommittee can help expand the Women in IP Committee’s Gender Diversity in Innovation toolkit by working directly with the Women in IP Committee.
Committee Charter

The Committee will seek to promote, foster, and engage the next generation of leaders in IP law and enhance the generational diversity of IPO’s membership. The Committee will develop programming and initiatives on topics relevant to these goals and will collaborate with other committees on items of interest to the membership. The Committee will engage and interface across the IP community, including those working in corporations, law firms, universities, and government, to achieve these goals.

Committee Agenda for 2020

The Committee will develop initiatives for the year consistent with the its charter to promote and foster the next generation of leaders in IP law. The Committee will also establish measurable goals to help focus efforts and assess the impact of those efforts.

As an initial matter, the Committee will brainstorm production of tangible material, such as a whitepaper or toolkit, to develop and support the next generation of leaders in IP law. The Committee will also brainstorm a speakers list and possible avenues for programming consistent with the charter.

The Committee will also brainstorm mentoring opportunities, likely in conjunction with other IPO Committees. The Committee anticipates presenting mentoring metrics specific to fostering next generation leaders in IP law to the IPO Board of Directors in 2020, along with recommendations on how to further leverage mentoring within IPO relevant to this demographic.

Finally, to foster increased engagement and connections among members of the Committee, we plan to develop an article/inspirational “Ted Talk”/podcast series and informal Committee gatherings around the IPOwners Spring Summit and IPO Annual Meeting.
Committee Charter

The Committee will seek to promote the representation and advancement of women in IP law and to improve the gender diversity of IPO’s membership. The Committee will develop programming and initiatives on topics relevant to these goals and will collaborate with other committees on items of interest to the membership. The Committee will engage and interface women and men across the IP community, including those working in corporations, law firms, universities, and government, to achieve these goals.

Committee Agenda for 2020

In 2020, the committee will continue many of the initiatives from 2019, as well as focus on additional areas. As an initial matter, the committee will continue its practice of establishing measurable goals to help focus efforts and better assess the impact of those efforts.

The Mentoring Across Borders sub-committee will continue the Group Mentoring program, as well as begin a new round of 1:1 pairs mentoring. The pairs mentoring program is distinct from the newly-initiated IPO Corporate Mentoring program since the pairs can include corporate and private practice members. It is also intended for the pair mentoring to be focused on addressing specific issues of the mentees – which could result in the mentee having multiple mentors to address multiple issues and not necessarily have the relationship last for as long of a period of time or as regular or frequent discussions.

The Women in IP Speakers List Subcommittee will continue to update the speakers list and survey the Women in IP members to discover potential new speakers for the Spring Summit and Annual Meetings.

The Push Forward Subcommittee will continue to build the library of resources available to the IPO community and address other key issues in furtherance of the committee charter, potentially collaborating with the newly formed Diversity & Inclusion Committee on a few topics.
The Women Inventors Subcommittee will continue to gather data to further update the Gender Diversity in Innovation Toolkit. The Subcommittee will also continue working with the USPTO and WIPO and others to promote and advance these issues. Quarterly calls will be held for IPO members to discuss and engage on the Toolkit.

The book club will continue to hold monthly meetings to foster increased engagement and connections among members of the committee.

Finally, the committee will seek to find partnerships and synergies with the Diversity and Inclusion Committee on matters other than white papers.
Copyright Law & Anti-Piracy Committee

Chair: Terry Carroll, IBM Corp.
Vice Chair: Jenevieve Maerker, Foley Hoag LLP
Vice Chair: Joshua Simmons, Kirkland & Ellis LLP
Secretary: Lesley C. Boveri, SAP SE
Board Liaison: Matthew Sarboraria, Oracle Corporation

Committee Charter

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

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

Committee Agenda for 2020

1. Continue to monitor and provide input on potential legislation, regulatory proceedings, and development of secondary sources regarding copyright issues. Advise the IPO Board regarding positions on such activities and draft comments for submission by IPO where appropriate. Currently ongoing processes and issues that the Committee is monitoring include the following:
   a. Copyright Office modernization efforts;
   b. Copyright Office leadership (including the current vacancy in the Register of Copyrights position and advising the Office on desired qualifications for the holder of that position);
   c. The proposed ALI Restatement of Copyright;
   d. Copyright small claims (including the CASE Act of 2019);
   e. Orphan works;
   f. Exemptions to the prohibition against circumvention of technological measures protecting copyrighted works;
   g. Statutory damages;
h. First sale in embedded software;
i. DMCA notice and takedown safe harbor;
j. Other potential copyright legislation;
k. Any Notices of Inquiry issued by the Copyright Office.

2. Continue to monitor relevant activities of the U.S. Executive Branch and international copyright organizations for possible IPO action.

3. Continue to monitor relevant copyright cases and advise the IPO Amicus Committee and IPO Board on potential amicus positions.

4. Plan and propose session topics on copyright law for 2020 IPO Annual Meeting.
Committee Charter

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

Committee Agenda for 2020

Committee’s 2020 goals and planned events and projects:

1. Expand and broaden the audience and membership of the OS committee.
2. Invite speakers with expertise in open source software (“OSS”) licensing, governance, and litigation in order to educate committee members on various issues.
3. Discuss opportunities for collaboration with the Standards Setting Committee.
4. Produce resources for legal professionals, including, for example, latest litigation topics, court decisions around OSS, and best practices and guidelines with respect to OSS compliance.
5. Discuss license interpretation of new open source licenses.
Committee Charter

The Artificial Intelligence and Other Emerging Technologies Committee is responsible for exploring the global landscape of technology and promoting intellectual property protection of artificial intelligence and other emerging technologies (“AI & ET”) that impact industries. The Committee will monitor and track judicial, legislative, and regulatory activity related to AI & ET and will serve as a thought leader concerning the intersection of IP law and AI & ET.

Committee Agenda for 2020

Committee Mission Statement for 2020: The Committee will focus on identifying, monitoring, and studying intellectual property issues raised by artificial intelligence and other emerging technologies (“AI & ET”). AI & ET create new capabilities and allow new applications that may challenge the limits of existing IP law. The Committee will report on these issues to the Board of Directors and to the IPO membership at large with the objective of being a thought leader concerning the intersection of IP law and these rapidly evolving fields. The Committee will also focus on educating IPO members about the potential impacts of these issues on their IP strategies. In appropriate circumstances, the Committee will develop and recommend positions to the Board of Directors and reflect the IPO viewpoint in proposed responses to requests for consultation from U.S. and foreign offices. Given the potentially significant impact of AI & ET on all types of IP law, the Committee will coordinate its efforts with other IPO committees as warranted in developing its recommended positions.

The Committee’s plans for 2020 include:

1. Responding to U.S. and foreign office requests for comment concerning AI & ET and the intersection of IP law;
2. Driving AI & ET-related IP policies worldwide including the preparation of policy position papers to best serve the owners of AI & ET;
3. Supporting IPO activities addressing AI & ET, especially as it relates to driving AI & ET-related policy within the IP5;
4. Educating its committee membership via committee meetings, training sessions, and papers concerning the potential industry and IP impacts of AI & ET by providing (a) timely updates on recent judicial, regulatory, and administrative activity, and (b) best practices and practical, useful guidance concerning IP law and AI & ET; and

5. Contributing proposals for AI & ET IP sessions at the IPO Annual Meeting.
Asian Practice Committee

Chair: Jimmy Cheng, Qualcomm Inc.
Chair: Michelle Shen, Medtronic, Inc.
Chair: Hsin Lin, Exxon Mobil Corp.
Vice Chair: Robert Siminski, Harness, Dickey & Pierce, P.L.C.
Vice Chair: Michael D'Aurelio, Thomas|Horstemeyer, LLP
Vice Chair: Brad Chin, Bracewell LLP
Secretary: Kurtis MacFerrin, Google Inc.
Board Liaison: Thomas Beall, Corning Inc.

Committee Charter

The Committee will identify, monitor, study, and recommend IPO positions regarding intellectual property acquisition, licensing, and enforcement issues in Asian jurisdictions such as China, Japan, Korea, Taiwan, and India. The Committee will also disseminate and exchange information and views among members of IPO regarding intellectual property issues in Asia. Regular activities of the committee will include:

- Organizing IP Innovation Dialogue visits to Asia
- Organizing/conducting/participating in seminars and conferences within the United States and Asia directed to Asian intellectual property rights (IPR)
- Making recommendations to the IPO Board on potential collaborations between IPO and Asian legal/trade associations such as China IP Law Society and PPAC (Patent Protection Association of China)
- Preparing and drafting comments on proposed new IPR legislation, regulations, and policies in Asian jurisdictions on behalf of IPO

Committee Agenda for 2020

- An IP Innovation Dialogue trip to China and a second country tentatively scheduled for late October/early November.
- A CLE track featuring the China IP Law Society, in conjunction with the 2020 IPO Annual Meeting.
- Submission of comments with respect to proposed changes in the patent/trademark laws, antimonopoly laws, and other IP-related laws, rules, and regulations of various Asian jurisdictions.
- Analysis of the impact of IP aspects of the U.S.-China Phase One Trade Deal and developments related to same.
- Monthly conference calls, with occasional guest speakers, on Asian IP topics of interest.
**Committee Charter**

The Canadian Practice Committee seeks to promote a reliable and effective Canadian intellectual property regime through advocacy and education. The Committee identifies, monitors and studies Canadian IP issues, including legislation, judicial decisions, and Canadian Intellectual Property Office (CIPO) activities and recommends an IPO position. The Committee envisions a membership including those located in Canada as well as those whose organizations seek or are interested in IP protection in Canada.

**Committee Agenda for 2020**

1. Trade:
   a. TPP Canada implementation
   b. CETA implementation
   c. Intervention in 2 parallel litigations challenging Amendments to PMPRB Regulations
   d. USMCA implementation
   e. 5G
   f. AI technology
   g. IPO Chat Channel with Recent Update re Canadian Practice/Highlights

   a. Monitor impact of changes (that went into effect on October 2019)

   a. Monitor development of Non-Infringing alternative argument
   b. CIPO Policy on Diagnostic Method Patents (in particular, the refusal of diagnostic claims using the unchallenged “problem/solution” analysis)
   c. Amendments to Patent Rules (CETA implementation)
      o CSPs and the manufacturing “Export” exception
      o Patent enforcement and Section 8
      o Proceedings under PMNOC Regs
      o Patent Register requirements
   d. Monitoring competition issues relating to pharma patents
   e. PMPRB Issues/Amendments
Comment upon and monitor proposed Guidelines, monitor implementation and related changes
Ad Hoc review of decisions
Changing the patentability conditions and/or creating special categories of inventions is not the way to address pharmaceutical pricing
Partner with other committees on this

f. Section 8 and claims after unsuccessful PMNOC proceedings
g. Biosimilar law and policy
h. Price of Pharmaceuticals
i. US drug reimportation and impact on Canadian supply
j. Inadequate patent term restoration

4. Copyright Issues
   a. New border enforcement provisions (addressing counterfeit goods)

5. Trademark Issues
   a. New border enforcement provisions
   b. Issues relating to any new CA Trademarks Act amendments:
      o Removal of “use” requirement for registration of marks
      o Institution of Nice classification system and additional filing and renewal costs
   c. Changes to Trademarks Regulations (in relation to new Act)

6. Other Issues to Monitor
   a. Standard of disclosure for confidential business information (CBI)
   b. Divisional/Double Patenting Practice (Lack of US-Style Terminal Disclaimer Practice)
   c. Test for Obviousness in Canada and Relevant Prior Art (CIBA leave application)
   d. Changes to MOPOP relating to CIPO interpretation of new Act and Rules and new case law
   e. Issues relating to patenting of computer implemented inventions (CIPO’s unchallenged policy of using “problem/solution” approach)
   f. Insufficient injunction relief
   g. The effect of new “standard of review” jurisprudence on administrative action
European Practice Committee

Chair: Manisha A. Desai, UCB Biopharma
Chair: Gautier Engisch, Procter & Gamble Co.
Vice Chair: Matthew Georgiou, Carpmaels & Ransford LLP
Vice Chair: Aloys Hüttermann, Michalski Hüttermann & Partner
Vice Chair: James Signor, Leydig, Voit & Mayer, Ltd.
Secretary: David Black, Schwegman Lundberg & Woessner, P.A.
Board Liaison: Joerg Thomaier, Bayer Intellectual Property GmbH

Committee Charter

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

Committee Agenda for 2020

1. The Committee will continue to hold monthly teleconferences, which continue to include substantive topics on IP practice in Europe.
2. The 9th European Practice Committee Conference will be held in Munich on 28 May 2020, and will include topics of significance to European practitioners, including artificial intelligence, a comparison of amendment procedures in nullity proceedings, green technology, and mandatory injunctions.
3. The Committee is working to organize an inaugural fact-finding trip during the week of 25 May, preceding the European Practice Committee Conference. Plans for the fact-finding trip include meetings with key IP organizations in Munich, such as the European Patent Office, one or more courts, and the Association of Intellectual Property Experts (VPP).
4. The Committee will continue to advocate for positions relevant to IPO members, including new or proposed regulations or legislation, as well as recommending amicus briefs related to key IP matters in pending judicial or administrative actions.
Committee Charter

The Committee will focus on developing and proposing IPO positions (coordinating with other committees and IPO members), awareness (white papers and education), and monitoring developments in:

a) Intellectual property in the context of trade, such as providing comments to the U.S. Trade Representative (USTR) for the annual Special 301 Report, bilateral trade agreements (e.g., USMCA, China Phase 1 Action Plan, US-UK, etc.), and WTO;
b) WIPO and international patent filing including improving the cost efficiency of international patent portfolios;
c) Genetic resources and traditional knowledge to develop legal frameworks for access and benefit sharing that will lead to increased international conservation and to effective and equitable utilization of genetic resources and traditional knowledge; and
d) Global assignment, which is an IP5 Patent Harmonization Experts Panel initiative to streamline recording ownership of patents, utility models, provisional applications, and priority rights around the world.

The Committee will accomplish these multiple foci through its subcommittee structure:

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<td>Bill Warren</td>
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<td>Global Assignment</td>
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<td>WIPO and International Filing</td>
<td>Mark Guetlich</td>
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Committee Agenda for 2020

In 2020, we intend to consolidate the new approach to preparing the Special 301 Report which involves actively reaching out to the other IPO committees, and to expand our engagement with other trade matters such as implementation of the USMCA, China Phase 1 Action Plan, US-UK post-Brexit trade treaties, etc. Additionally, we will support the subcommittee developing a global assignment document. We will also continue our focus on educating membership on current international patent law issues and will assist the IPO regarding its efforts to increase its
international strategic focus. The Committee will develop the subcommittee organization outlined above.
International Trademark Law & Practice Committee
Chair: Matthew G. Owen, Caterpillar Inc.
Vice Chair: Victoria Longshaw, Houlihan² Patent & Trade Mark Attorneys
Secretary: Frances Jagla, Lane Powell PC
Board Liaison: Thomas R. Kingsbury, Bridgestone Americas, Inc

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

Committee Agenda for 2020
The Committee aims to achieve the following in 2020:

• Start preparing a White Paper similar in format and international scope to its 2017 White Paper entitled “Protection of Graphic Logo Trade Marks Around the World – Copyright or Trade Mark Enforcement? An International Survey of Twenty (20) Countries.” The Committee will identify relevant topics for the 2020 White Paper that are of interest to IPO members responsible for managing international trademark portfolios. International surveys will be developed and sent in early 2020 to contributors in various countries. The results of the International surveys will be collated into the proposed White Paper for publication by IPO.

• Continue to develop and submit proposals for IPO Chat Channel presentations similar to its 2019 IPO Chat Channel presentation on “How to Protect Your Brand Internationally Using Graphic Logo Trademarks.”

• Continue to meet monthly via teleconference, monitor the progress of regulations/bills/laws that address international trademark law and practice, provide news items and comments, and reach out to other industry groups, as appropriate.
Committee Charter

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

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

Committee Agenda for 2020

1. Discuss the possibility of organizing and hosting a meeting at a Latin American firm to discuss relevant IP issues affecting the region;
2. Implement initiatives to increase the number of members coming from private companies owning IP rights and outside counsel from countries where we currently do not have any members;
3. Update and enlarge the publication Guideline for Patents and Trademarks in Latin America to encompass additional countries;
4. Monitor and discuss relevant threats and opportunities in the legal environment in the Region, and select one for action by IPO by recommending an action plan and assisting IPO in executing it; and
5. Continue to hold monthly conference calls with our members, preferably with experts or authorities as guest speakers.
Standards Setting Committee
Chair: Matteo Sabattini, Ericsson, Inc.
Chair: Eman Sojoodi, Dell Technologies.
Vice Chair: Valentina Boyet, SAP SE
Secretary: Paul Ragusa, Baker Botts
Board Liaison: Heath Hoglund, Dolby Labs.

Committee Charter

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

Committee Agenda for 2020

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

- Industry practices and market-based dynamics guiding the licensing of SEPs;
- The availability of alternative dispute resolution as a means to resolve SEP licensing disputes, particularly related to a common set of principles or guidelines as well as global remedies and applicability via the New York Convention;
- The relation between technical standards development and software development (Specifically, what is the best long-term software collaboration model that suits standards development and what incentives need to be preserved to motivate research-backed contributions in scientific areas?); and
- The application of competition law.

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

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

Chair: Kenneth R. Corsello, IBM Corp.
Vice Chair: John M. Williamson, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Secretary: Bryan Bortnick, IBM Corp.
Board Liaison: Yen Florczak, 3M Innovative Properties Co.

Committee Charter

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

Committee Agenda for 2020

1. Monitor implementation of the trade secret aspects of the “Economic and Trade Agreement Between the United States of America and the People’s Republic of China,” which was signed January 15, 2020.
   a. Review the Action Plan that China is expected to issue as an outline of structural changes China will take to implement its obligations under this Agreement. Consider proposing comments for submission to China on behalf of the IPO.

2. Actively promote education of the Committee members by inviting Committee members and guest presenters to lead monthly discussions concerning issues related to trade secret misappropriation and protection.
   a. Focus on best practices for managing a corporate trade secret program, such as employee education on trade secret concerns.

3. Actively promote education of IPO members by proposing topics for the IPO Annual Meeting and for the IP Chat Channel™.

4. Continued to monitor domestic and foreign trade secret developments.
   o Monitor legislative developments by EU member states in compliance with the EU Trade Secrets Directive and judicial developments in cases brought under the US Defend Trade Secrets Act.
2020 IPO STANDING IP COMMITTEE LEADERSHIP MEETING  
MANDARIN ORIENTAL HOTEL (WASHINGTON, DC)  
MARCH 6, 2020

Damages and Injunctions Committee  
Chair: Tom Brown, Dell Inc.  
Vice Chair: Jenna Pellecchia, Akin Gump Strauss Hauer & Feld LLP  
Secretary: Julianne M. Hartzell, Marshall Gerstein  
Board Liaison: Laurie Kowalsky, Koninklijke Philips N.V.

Committee Charter

The Damages & Injunctions Committee intends to identify and discuss the various legal and economic theories of intellectual property damages currently accepted by the courts, including the elements necessary to prove damages under those theories. The Committee will strive to examine, compare and contrast the damages and injunctions frameworks in various intellectual property fields. Damages theories discussed will include reasonable royalty, lost profits, price erosion, and any other theory of damages that may be allowed by the courts. The Committee will also discuss the differences between damages and injunctions theories across different venues, such as in district courts, the International Trade Commission, and foreign jurisdictions.

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

Committee Agenda for 2020

1. Continue monthly committee calls, which include discussion of developing law in the areas of damages and injunctive relief, as well as other relevant topics.

2. Continue monitoring Federal Circuit decisions, as well as decisions from the regional Circuits and the Supreme Court, relating to damages and injunctions.

3. Continue working with IPO leadership on appropriate resolutions or reports regarding damages and injunctions. Establish and maintain subcommittees to work on the following projects:
   a. Toolkit Subcommittee: Prepare a toolkit, similar to the Gender Diversity in Innovation Toolkit, to highlight key cases and articles relating to damages and injunctions law.
   b. IP Chat Channel Subcommittee: Propose topics and speakers for IP Chat Channel webinars.
   c. Judicial Education Subcommittee: Identify potential opportunities for judicial education programs, in consultation and coordination with IPO leadership.
4. Work with IPO leadership to develop and promote CLE programing for the Annual Meeting, the Committee, and the broader IPO membership that addresses issues of note to the legal community concerning damages and injunctions.
Committee Charter

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

Committee Agenda for 2020

1. Committee Meetings: The full Committee will conduct conference calls at 3:00 pm Eastern on the third Thursday of the month. The Committee will also conduct ad hoc meetings among Committee or subcommittee members as necessary.

2. Education Sessions: The Committee’s Education Subcommittee will conference calls at 3:00 pm Eastern on the fourth Thursday of the month. The Education Subcommittee develops presentations to be delivered at regular committee meetings, IPO Chat Channel webinars, or the IPO annual meeting.

3. Discovery and Data Security: A subcommittee will explore creating a set of standards that can be used as a resource for parties at the outset of discovery to ensure that party data is treated during discovery in the same or similar manner to how corporate data is treated in the ordinary course.

4. Injunctive Relief: The Committee will continue a joint project between the Litigation Committee and the Damages Committee to review the state of injunctive relief and whether the standard for permanent injunctions in patent infringement cases should be changed.
5. **Interplay Between IPR and District Court Litigation**: The Committee will continue to work with the U.S. Post-Grant Patent Office Practice Committee to track developing guidance concerning the scope of estoppel.

6. **Opinions of Counsel and Avoiding Enhanced Damages**: The Committee will examine the relationship between clearance policies and willfulness including analysis and development of possible best practices in light of prevailing law.
Committee Charter

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

Committee Agenda for 2020

1. Ongoing Activities
   a. The ITC Committee anticipates submitting one or more proposals for an annual meeting breakout session and hopes to work with one or more other committees to submit a proposal jointly.
   b. Continuing previous efforts, the ITC Committee will promote new membership, particularly from the corporate arena. To achieve this goal, the Committee will encourage members to reach out to their networks and encourage contacts with interest in ITC practice to join the IPO and/or the committee.
   c. The ITC Committee will continue to consider and promote topics for the IPO chat channel that substantively address interesting developments and hot topics affecting ITC practice and practitioners.
   d. To increase the depth and breadth of Section 337 practice, the ITC Committee will continue to identify potential topics for white papers and informal “brown-bag lunches,” including, but not limited to:
      o The ITC’s jurisdiction over different types of fact patterns concerning indirect patent infringement as well as other intellectual property rights infringement;
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Prepared for the March 6, 2020 IPO Committee Leadership Meeting
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The scope of the ITC’s remedies and the ITC’s programs regarding dispositive issues and advisory opinions on redesigns, including the interplay with U.S. Customs and Border Protection’s (“CBP”) consideration of redesigns;
The changing landscape of how the economic prong of the domestic industry requirement is fulfilled in Section 337 litigation;
The expected caseload of the Administrative Law Judges and the Commission;
The potential impact of changes in personnel at the Commission on current practice and caseloads;
Recent trends in Section 337 cases;
The effect that new administrative law judges, commissioners, and Federal Circuit judges will have on ITC practice.
e. To build on its work related to the enforcement of Commission-issued exclusion orders, the ITC Committee will continue to examine ways in which such enforcement can be made more effective, including an IPO initiative to increase funding for Customs.
f. In the interest of streamlining proceedings at the ITC and conserving the ITC’s resources, the ITC Committee will continue to seek out initiatives for proposal that could be used to improve ITC procedures and increase efficiency.

2. New Activities
   a. The ITC Committee will review Commission notices and prepare comments when solicited by the Commission for submission by IPO.
   b. In order to accomplish its goals for the year, the ITC Committee will continue to hold regular conference calls. The ITC Committee will use these calls as a way for its members to educate the group collectively on recent cases at the ITC in order to raise awareness of significant legal developments.
   c. The ITC Committee will continue to encourage participation from its corporate members to ensure the committee advocates positions desirable to IP owners.

3. Membership Initiatives
   a. The ITC Committee will continue to promote new membership, particularly from the corporate arena including encouraging past members to continue their involvement and encourage other individuals to join the committee. The ITC Committee will seek opportunities to consult and work with other organizations with interests similar to those of the IPO in order generate cross-membership.
   b. The ITC Committee will specifically target getting more junior law firm members who can contribute to the various group initiatives and who can serve as the next generation of Committee leadership.
Committee Charter

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

Committee Agenda for 2020

- Continue with Customs task force and supporting lobby efforts for Counterfeit Goods Seizure Act of 2019 (CGSA) bill currently pending in Congress, including an IPO Chat Channel webinar on the CGSA;
- Propose and organize a design-focused “mini” track at IPO Annual Meeting;
- Revision of IPO’s Model Design Patent Jury Instructions;
- Follow-up regarding recently-adopted IPO Resolution on Exhaustion and Right to Repair;
- Consider and comment on resolutions that promote design protection;
- Develop CLE sessions (including IPO Chat Channel™ webinar on Ordinary Observer Test research); and
Patent Licensing Committee

Chairs: Jennifer Carnahan, Dow Chemical Co.
Chairs: Andrew Wojnicki, IBM Corporation
Vice Chair: Christopher Smith, Brooks Kushman P.C.
Vice Chair: F. Tyler Morrison, United Technologies Corp.
Vice Chair: Ian Washburn, Irell & Manella LLP
Secretary: Adrian Cyhan, Dinsmore & Shohl LLP
Board Liaison: Bill Krovatin, Merck & Co.

Committee Charter

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

Committee Agenda for 2020

The Committee plans to continue monthly training sessions during 2020. The Committee plans to implement suggestions and initiatives from the Committee’s business meeting at the 2019 IPO Annual meeting, such as considering IPO Chat Channel topics, as well as providing an in-depth review of typical license clauses over the course of several monthly meetings. The Committee will remain prepared to respond to inquiries from the IPO Board, and will actively seek opportunities to collaborate with other Committees, including proposing one or more breakout sessions for the 2020 Annual Meeting. The Committee will continue tracking case law developments via the Licensing Case Law Subcommittee.
Committee Charter

This Committee will examine topics and analytic tools and related resources from different perspectives that enrich the craft of patent information searching and educate IPO members on availability, applicability, and use of such resources. These initiatives will be documented in publications that describe guidelines for different types of searches and reports (e.g., patentability, invalidity, infringement, freedom-to-operate/right to practice, competitive patent landscape, due diligence, patent expiration). In addition, the Committee will seek opportunities to provide feedback to the major patent offices/authorities, including but not limited to the USPTO, EPO, and WIPO, on their call for comments on searching platforms and related products and initiatives. The Committee will also collaborate with other IPO committees on common/shared interests/projects.

Committee Agenda for 2020

1. Commissioning and Reviewing a Patent Landscape Study:
The IPO Patent Search Committee will finish preparation of an IPO bulletin on a comprehensive competitive patent landscape study that may be subsequently adapted to an IPO Chat Channel webinar. The bulletin will provide a use case, as a model, to illustrate: 1) methods for conveying the wealth and diversity of information, 2) contents the requester should anticipate receiving, and 3) approaches for conducting follow-up discussions that benefit the requester and report provider. The purpose of the bulletin will be to educate IPO members regardless of their individual patent landscape study topic. The chair for this Competitive Patent Landscape subcommittee is Steve Sampson of Caterpillar Inc.

2. AI and Prior Art Searching
The IPO Patent Search Committee will investigate artificial intelligence (AI) based patent search and categorization technologies by interviewing major vendor providers. Related computer language modalities, i.e., machine learning and natural language processing will also be reviewed. While the topic of AI-based inventions is outside the scope of the project, this subcommittee will look for overlap opportunities with other IPO committees. The chair for the AI and Prior Art Searching subcommittee is Mark Harper of Burris Law PLLC.
3. **Patent Ownership**
   The IPO Patent Search Committee will investigate the topic of patent ownership with respect to searching and reporting results. Sources for identifying patent ownership information, techniques for evaluating a published patent application’s chain of title, and challenges associated with tracing (re)assignment records (merger, acquisition, divestiture, or joint venture public announcements on a worldwide patent asset basis) will be evaluated. The chair for this subcommittee is Joseph Polimeni of IBM.

4. **Free patent search tools**
   The IPO Patent Search Committee is continuing its efforts to inform IPO members regarding patent search tools that are currently available to the public free of charge. During 2020, the Free Patent Search Tools subcommittee will investigate the recently overhauled version of Espacenet and begin drafting an associated IPO bulletin to help educate IPO members regarding the changes, functions, and uses of the redesigned Espacenet platform. The chair for this subcommittee is Andrew Levitt of Cantor Colburn LLP.
Pharmaceutical & Biotechnology Issues Committee

Chair: Tonya Combs, Eli Lilly & Co.
Chair: Paul Golian, Bristol-Myers Squibb Company
Vice Chair: Beverley Moore, Borden Ladner Gervais LLP
Vice Chair: Kathryn Wade, Kilpatrick Townsend & Stockton LLP
Board Liaison: Cara Coburn, Genentech

Committee Charter

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

Committee Agenda for 2020

The committee has planned the following agenda in 2020. For each topic, we plan to set up a subcommittee of interested committee members to study the issue, prepare written recommendations or white papers, propose a Board resolution and/or take other actions as appropriate. We intend to connect with other interested IPO committees on many of these activities.

1. Closely follow developments related to drug pricing bills and other bills/proposals that could (intentionally or unintentionally) undermine pharmaceutical and biotechnology patents.

2. Monitor developments on subject matter eligibility under section 101, including additional USPTO guidelines and court decisions, and consider proposals for IPO Board of Directors’ consideration, such as additional USPTO comments, amicus briefs and possible legislative action. Work with the U.S. Patent Law Committee, U.S. Patent Office Practice Committee, and Software Related Inventions Committee on areas pertaining to section 101 issues, including consideration of proposed legislation.

3. Propose IPO amicus briefs in cases of key interest, both in the U.S. and internationally.
4. Review and provide comments on any proposed patent reform legislation, including changes in venue, patent eligibility, obviousness-double patenting, PTA calculations, international exhaustion, pleading requirements, discovery procedures, fee-shifting, willfulness, estoppel arising from PGR, claim construction in PGR and IPR proceedings, and other issues.

5. Monitor how PTAB decisions are affecting the pharmaceutical and biotechnology industry.

6. Follow developments in international patent practice and patent office regulations, with a focus on developments that negatively impact the pharmaceutical and biotechnology industries. Ensure IPO Innovation Dialogue participants are educated (via talking points or other means) on the impact the patent system has with respect to pharmaceutical and biotechnology innovation.

7. Review the status of other pending legislation, judicial decisions and regulatory proposals that impact the pharmaceutical and biotechnology industry, including those relating to drug importation, biosimilars, authorized generics and “reverse payment” settlements.

8. Develop CLE Proposals for the IPO Annual Meeting.

9. Consider ways to increase IPO membership and activity by companies and stakeholders interested in IPO’s mission to foster high quality IP rights and effective, harmonized systems to obtain and enforce IP rights, such as smaller pharmaceutical development companies and universities with significant pharmaceutical and biotechnology research interests.
Software Related Inventions Committee

Chair: Deepika Bhayana, Dell Technologies
Chair: Scott Pojunas, Google LLC
Vice Chair: X. Christina Huang, Faegre Drinker
Vice Chair: Eli Mazour, Harrity & Harrity, LLP
Secretary: B. Delano Jordan, Jordan IP Law, LLC
Board Liaison: Brett Alten, Hewlett Packard Enterprise

Committee Charter

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

Committee Agenda for 2020

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

In 2019, the Committee completed its second white paper in as many years. The International Patent Eligibility White Paper project, which reports a global perspective on patent subject matter eligibility and software-related inventions, was published to the IPO Law Journal in November 2019. The white paper describes court cases, legislation and regulations along with practice hints for navigating patent eligibility in Australia, Canada, China, Europe, Japan, Korea and the United States.

Having completed work on the International Patent Eligibility White Paper project, the Committee is focusing on three other projects in 2020. Each project will be conducted by a subcommittee.

First, the Patent Eligibility Subcommittee will update the white paper/spreadsheet tool that the subcommittee published in 2018. Prior Subcommittee Chair Del Jordan has moved into the Secretary role, so Tom Burton of Siemens will be leading the effort. The initial 2018 white paper summarized key Federal Circuit and Supreme Court decisions on the subject matter eligibility (under 35 U.S.C. § 101) of various software related inventions based on inconsistent applications of the Alice/Mayo test. The white paper also provided a helpful mapping of those cases to the types of software/computer technology covered by the applicable patent claims.
This year, the Patent Eligibility subcommittee will update the white paper to include summaries of recent court decisions, relevant PTAB decisions, and revised USPTO Patent Eligibility Examination Guidance, with technology mappings to the software examples provided in the USPTO Guidance. Based on the feedback received on the 2018 white paper, this subcommittee anticipates that the 2020 version will be well-received by patent practitioners and litigators.

Second, the newly formed Software and Medical Device Subcommittee, led by Chris George of Hanley, Flight & Zimmerman, will investigate IP issues at the intersection of medical devices and associated software. Their initial charge will be to investigate two primary areas:

1. Examining the impact of 35 U.S.C. § 101 on software-related medical device patent applications. Much software associated with medical devices involves data analytics, graphical user interface viewing, reporting, etc. These are subject matter areas that tend to have a high rate of rejection under 101. Are there other ways to protect this IP? Are there different claim strategies that can be used to protect software/analytics in conjunction with the device? Is there 101-related case law specific to medical software or software-driven medical devices?

2. Evaluating IP issues and treatment of software as a medical device itself. Some companies are now seeking FDA approval of software itself as a medical device (e.g., that makes a diagnosis, provides treatment, etc.). What are the IP implications of such developments? This would presumably include 101 issues, as well as issues with AI, safety, privacy, etc., and could provide opportunities for interaction with other IPO committees.

Third, the Education Subcommittee, led by Sameer Vadera of Kilpatrick Townsend, plans to continue scheduling speakers to present to Committee members during each monthly Committee meeting. The 25-30 minute presentations aim to educate Committee members on noteworthy topics relating to software-related inventions. The Education Subcommittee plans to reach out to thought leaders in the industry to present via video conference. Previous topics include IP issues arising out of AI inventions, claiming techniques to withstand potential post-grant challenges, trade secret protection, and patent portfolio management and monetization strategies. Future topics may include IP frameworks for AI-created inventions, AI or big data tools for practitioners, and updates on important case law impacting software-related inventions.

Finally, our committee will submit topics for potential breakout sessions at the 2020 Annual Meeting. The committee co-sponsored CLE breakout sessions in 2018 and 2019 and hopes to do so again this year.
Committee Charter:

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

Committee Agenda for 2020:

In January and February, the leadership team developed our strategy for 2020 and decided to maintain three of the four formal subcommittees under the previous year’s committee structure. The following summary details the charter for each of the three retained subcommittees, highlights current projects, and addresses other committee initiatives.

1. Proposed Patent Legislation Subcommittee: This Subcommittee, led by Justin Hendrix, Collins Aerospace, will proactively develop legislative proposals to enhance U.S. patent law. The subcommittee is currently working on the following initiatives:
   a. Lexmark: The Subcommittee will provide advice to the Advocacy Steering Committee on whether any legislative change is warranted in view of either of two holdings in Impression Products Inc. v. Lexmark International
      i. That patent exhaustion applies to domestic sales, even where post-sale restrictions were contractually placed on the purchaser
      ii. That patent exhaustion applies to sales abroad, even where post-sale restrictions were contractually placed on the purchaser
   b. Patent eligibility: The Subcommittee will consider comments and concerns on existing legislation on patent eligibility and consider whether to recommend revised legislation to propose during the next section of Congress.
2. **Pending Patent Legislation Subcommittee**: This subcommittee, led by Laura Donnelly, Johnson & Johnson, will monitor pending legislation, educate the Committee on such legislation, and propose IPO positions on patent law issues in pending legislation. The Subcommittee is currently working on the following initiative:

   a. **Monitor Activity of Congress and Administration**: The Subcommittee is analyzing the positions and activities of the 116th Congress and the presidential administration to identify potential impacts on patent law. We will monitor and evaluate the actions and positions of Director Iancu, who has shown a willingness to interface with IP stakeholders to engage in meaningful reform, and how these actions and positions affect IP owners.

3. **Education Subcommittee**: This Subcommittee, led by Nic Brentlinger, Dinsmore & Shohl LLP, will educate the committee on patent law developments, such as enacted legislation, case law, rules, and USPTO initiatives. The Subcommittee will also be responsible for suggesting topics and organizing panels for IPO conferences.

Taking into account IPO’s newly formed Artificial Intelligence Committee, the previous Artificial Intelligence Joint Subcommittee will be reformed as a liaison role:

4. **Artificial Intelligence Liaison**: This position will interface with the Artificial Intelligence Committee to report back to this Committee on any topics of relevance to U.S. Patent Law and identify initiatives to which this Committee may contribute.

Finally, our leadership team will continue to reach out to leaders from other committees, including the U.S. Patent Office Practice, U.S. Post-Grant Patent Office Practice, Artificial Intelligence, and Litigation Committees, to assist these Committees with their initiatives and to seek assistance and guidance on our initiatives as necessary.
Committee Charter

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

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

Committee Agenda for 2020

1. Review and respond to proposed USPTO rule changes as they are published in the Federal Register and respond to other USPTO requests for stakeholder input.
2. Monitor and comment on USPTO practices and procedures.
3. Monitor executive orders and legislation affecting the USPTO
4. Offer suggested IPO policy positions on patent practice and work closely with other IPO Committees and PPAC on issues of patent office practice, particularly related to patent examination practices under the AIA.
5. Hold at least one in-person meeting with USPTO leadership to discuss patent office practice.
6. Conduct monthly teleconferences to discuss issues and trends affecting patent office practice.
7. Sponsor Annual Meeting topics, participate in panels, and prepare reports and papers.
Committee Charter

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

The Committee plans to continue to study issues raised by the IPO Board of Directors (“Board”), the Director of the United States Patent and Trademark Office (via rulemaking proposals), the Patent Trial and Appeal Board, and the members of the Committee, related to post-grant proceedings in the United States Patent and Trademark Office.

Further, the Committee will continue to consider decisions, legislation, and proposed rule changes concerning formal and substantive issues concerning such proceedings. In addition, the Committee may make recommendations to the Board concerning the fair, balanced, “just, speedy, and inexpensive” administration of post-grant proceedings. After receiving approval from the Board, the Committee will assist in reporting any approved recommendations to the U.S. Patent and Trademark Office, the Trial Division, or the Patent Trial and Appeal Board.

Committee Agenda for 2020

1. Advise on new PTAB precedent and PTO rule changes
2. Advise on the STRONGER Patents Act and other PTAB-related legislation
3. Develop proposed IPO resolutions on PTAB rules to improve fairness and balance of proceedings
4. Develop recommendation to integrate PTO examination and PTAB decisions (consider joint venture with U.S. Patent Office Practice committee)
5. Advise on Supreme Court decisions regarding PTAB issues
6. Prepare and submit proposal(s) for Break-Out Sessions for 2020 Annual Meeting
7. Develop content for IPO conferences, chat channel presentations, and monthly calls
8. Hold monthly Committee teleconferences
9. Encourage participation of Committee member across all generations
Anti-Counterfeiting Committee
Chair: Sanjiv Sarwate, Dell Technologies
Vice Chair: Alex Bistline, Pirkey Barber PLLC
Secretary: Tim Golder, Allens
Board Liaison: Greg Brown, Ford Global Technologies

Committee Charter

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

Committee Accomplishments for 2019

1. Worked with Industrial Designs Committee to draft IPO response to U.S. International Trade Administration’s request for comments on the “State of Counterfeit and Pirated Goods Trafficking and Recommendations.”
2. Worked with Copyright Law Committee to draft IPO response to 2019 Notorious Markets list from U.S. Trade Representative
3. Provided input to panel presentation on online counterfeiting for 2019 Annual Meeting

Committee Agenda for 2020

1. Draft white paper on best practices for mitigating counterfeit risk in procurement/supply chains
2. Work with Deborah Lashley-Johnson (USPTO IP Attaché to World Trade Organization) and IPO Latin American Practice Committee on issue of brand restrictions on product packaging
3. Develop guide to working with Amazon Brand Registry
4. Provide input on IPO comments to U.S. government requests concerning anti-counterfeiting matters
Committee Charter

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

Committee Agenda for 2020

1. The Committee has scheduled monthly conference calls for the third Thursday of the month at 2:00 pm ET.

2. The Committee has formed three working groups to facilitate discussion and address issues in the following subject areas:
   a. Domain Names/UDRP Reform/Social Media
   b. Court Actions/TTAB Monitoring
   c. Legislation Monitoring

3. The Committee anticipates working on the following projects:
   a. Monitoring ICANN’s review of the UDRP and other rights protection mechanisms and considering whether the committee should propose a position reaffirming or advocating expansion thereof;
b. Monitoring the effects of and policies relating to the implementation of the GDPR, particularly with respect to domain name Whois records and advocating for convenient brand owner access;

c. Monitoring the status of legislative efforts to revise the Lanham Act and considering whether IPO should prepare comments; and

d. Suggesting topics for one or more presentations or panels at the IPO Annual Meeting in San Diego in September.

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

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

Committee Agenda for 2020

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

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

In particular, the Committee plans to continue participating in ongoing discussions with senior USPTO officials and the House Committee on the Judiciary regarding proposed amendments to the Trademark Act to address concerns regarding the sharp rise in fraudulent trademark filings and decluttering and clearing deadwood marks from the Trademark Register.

In addition, the Committee aims to approach the USPTO Trademark Trial and Appeal Board regarding the issuance of additional precedential decisions and the topics on which brand owners require further guidance from the Board.

The Committee plans to develop a CLE program for IPO’s IP Chat Channel™ webinars regarding best practices for selecting and clearing trademarks.
The Committee also plans to contribute to the *IPO Daily News™* by reporting on recent precedential decisions of the Trademark Trial and Appeal Board.

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

The Committee will aim to add more members in 2020.
Committee Charter

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

Status Report

- One request currently pending from the Canadian Practice Committee.
- 25 requests were received during the past year. This number includes cases in which certiorari or en banc rehearing was granted, as the Committee reviews all such cases.
- 9 briefs filed in 2019 and 2020 to date:
  - Acorda Therapeutics v. Roxane Labs
    - **Issue:** Whether the Federal Circuit’s extension of the blocking patent concept conflicts with Supreme Court precedent concerning obviousness, especially *Graham v. John Deere*.
    - Filed a brief with Supreme Court in supporting Acorda’s petition for certiorari on May 6, 2019 with assistance from McDonnell Boehnen Hulbert & Berghoff LLP.
  - EPO, Enlarged Board of Appeal in case G 2/19
    - **Issues:** Right to oral proceedings in case of prima facie inadmissible appeal; and right to a hearing at the correct place.
    - Filed a brief with the EPO, Enlarged Board of Appeal on June 28, 2019 with assistance from IPO’s European Practice Committee.
  - Laura Peter v. NantKwest, Inc.
    - **Issue:** Whether the phrase "[a]ll the expenses of the proceedings" in 35 U.S.C. 145 encompasses the personnel expenses the USPTO incurs when its employees, including attorneys, defend the agency in Section 145 litigation.
• Filed a brief with the Supreme Court supporting the respondent on July 22, 2019 with assistance from Jones Day.

  o EPO, Enlarged Board of Appeal in Case G 1/19
    • **Issue:** The patentability of computer simulations and much needed clarity to the scope of the technical character framework used by the EPO
    • Filed a brief with the EPO, Enlarged Board of Appeal on August 29, 2019 with assistance from IPO’s European Practice Committee.

  o Romag Fasteners, Inc. v. Fossil, Inc.
    • **Issue:** Whether, under section 35 of the Lanham Act, 15 U.S.C. § 1117(a), willful infringement is a prerequisite for an award of an infringer's profits for a violation of section 43(a), id. § 1125(a).
    • Filed a brief with the Supreme Court in support of neither party on September 20, 2020 with assistance from McDonnell Boehnen Hulbert & Berghoff LLP.

  o EPO, Enlarged Board of Appeal in Case G 3/19
    • **Issue:** Seeks to answer questions regarding the hierarchy of decisions of the Enlarged Board of Appeal and the Rules of Procedure of the European Patent Convention that have been put to the Enlarged Board of Appeal by President Campinos.
    • Filed a brief with the EPO, Enlarged Board of Appeal on September 30, 2019 with assistance from IPO’s European Practice Committee.

  o Athen Diagnostics, Inc., et al v. Mayo Collaborative Servs.
    • **Issue:** The patent eligibility of medical diagnostic methods under Section 101 of the Patent Act.
    • Filed a brief with Supreme Court supporting Athena’s petition for certiorari on November 1, 2019 with assistance from Goodwin Procter LLP.

  o American Axle Mfg. v. Neapco Holdings LLC
    • **Issue:** The potential for increased confusion regarding the scope and interplay between §§ 101 and 112.
    • Filed a brief with Federal Circuit supporting American Axle’s petition for rehearing en banc on December 2, 2019 with assistance from Goodwin Procter LLP.

  o USPTO v. Booking.com B.V.
    • **Issue:** Whether the addition by an online business of a generic top-level domain (".com") to an otherwise generic term can create a protectable trademark.
    • Filed a brief with Supreme Court supporting respondents on February 19, 2020 with assistance from McDonnell Boehnen Hulbert & Berghoff LLP.

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

IPO Interest as Amicus:

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

Membership:

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

Purpose:

The Amicus Brief Committee will –
1. attempt to identify judicial and contested administrative matters where IPO should participate as amicus,
2. review requests from members of the public, including members of IPO, to determine whether IPO might participate as amicus,
(3) review every IP case in which the U.S. Supreme Court grants a writ of certiorari, to determine whether IPO might participate as amicus,

(4) review every IP case in which the U.S. Court of Appeals for the Federal Circuit grants en banc rehearing, to determine whether IPO might participate as amicus,

(5) report to the IPO Board of Directors on judicial matters where the Amicus Brief Committee recommends that IPO should participate as amicus, proposing positions that should be taken in IPO amicus briefs,

(6) when the IPO Board of Directors approves IPO participation as amicus, develop the submissions to be made as amicus prior to final approval by the IPO Board of Directors, and

(7) on behalf of IPO submit amicus briefs approved by the IPO Board of Directors.

Committee Procedures:

(1) No member of the Committee may participate in any matter before the Committee if the member, or their firm, has a direct interest in the underlying matter before the Committee; this includes a law firm member whose firm represents a party in a matter in non-IP related issues. Members of the Committee who are or represent a party with a direct interest in any matter are required to affirmatively recuse themselves from Committee deliberations.

(2) Committee discussions and positions in expected briefs should be kept confidential.

(3) A request to the Committee to determine whether IPO might act as amicus in a controversy must be submitted to the chair via email. The submission must include, as email attachments, copies of relevant pleadings, motions, decisions, or other papers to reflect the nature of the controversy, the nature of the issue or issues of possible amicus interest, and a short paper (no more than three (3) pages) describing the underlying positions of the litigants. In addition, the party requesting amicus support shall provide notice to lead counsel of all parties involved in the litigation and will provide the Chair with the name and email address of such counsel. Requests for amicus support will be shared with opposing counsel who shall be free to make submissions to the Amicus Committee as well, so long as such submissions are made within three (3) business days from the original request. If the requesting party does not notify opposing counsel, the Chair reserves the right to delay consideration of the request until opposing counsel is so informed of the request for amicus support. Finally, the party requesting amicus support from IPO shall inform the Chair of the names of other organizations from which amicus support has also been requested.

(4) When a request is made that meets the requirements above, and the Chair, the Deputy Chair (if any), and Vice-Chairs believe the merits of the request may warrant further discussion, the Chair will forward the materials received from the requestor to the members of the Committee via email and schedule a teleconference for further discussion among the members of the entire Amicus Brief Committee. IPO reserves the right to file a brief on any issue or position arising from the suit, regardless of whether that position is the one advocated by the initial requester or the opponent.
(5) After a full discussion of the matter, the Committee will undertake a final vote concerning a recommendation to the IPO Board of Directors of the position that IPO should undertake with respect to the amicus request. The Committee will not recommend to the IPO Board of Directors the participation of IPO as an amicus except upon a two-third's vote of the membership of the Committee who are participating in the teleconference.

(5) If the IPO Board of Directors authorizes IPO to participate as amicus in a matter, the chair shall appoint one or more members of the Committee to serve as a drafting committee for any submissions that IPO as amicus might make in connection with the matter. The draft submission will be circulated by the drafting committee to the IPO Board of Directors for approval.

(6) With approval from the IPO President, the IPO Executive Committee may recommend to the IPO Board of Directors that IPO participate as amicus in a case and propose the position(s) to be taken in such a brief, without consulting the Amicus Committee.

IPO Board of Director Approval Procedures:

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

Materials to be Included in a Request for Amicus Support

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

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

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

Requests by an IPO committee must include the following:

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

Submitting Requests:

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

Requests are to be submitted via email to the Chair of the Amicus Brief Committee, Kevin Rhodes, in care of Hannah Denny at hdenny@ipo.org. For more information on procedures, contact Ms. Denny at (202) 507-4498. Also, for more information see the Amicus Brief Committee Procedures at www.ipo.org/index.php/find-a-committee/?division=&CommitteeCode=AB.

Review and Notification

The Amicus Brief Committee will review completed requests. All requests will be acknowledged when received. If the committee favors the request it will be submitted to the IPO Board of Directors for a vote. The requester and opposing counsel will be notified of the action taken on the request.
This manual provides a blueprint for IPO committee operations. It explains how committees are organized and how appointments are made, defines the primary responsibilities of committee leadership, and outlines expectations for committee activities. For questions about IPO committees, contact the IPO office at (202) 507-4500 or committees@ipo.org.

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I. Introduction

IPO Governance

Board of Directors

The Board of Directors is the governing and policy-setting body of the organization and operates in accordance with the association’s vision and principles (https://ipo.org/index.php/about/).

Most members of the Board (https://ipo.org/index.php/board-of-directors/) are corporate chief intellectual property counsel. There are 44 sustaining corporate board members. Sustaining corporate members are elected for two-year terms that may be renewed consecutively. Five board members are regular corporate members of IPO. They are elected for nonrenewable two-year terms. One inventor is elected to the Board for a two-year term that may be renewed. Board members are nominated by the Nominations Committee and elected by the membership during the IPO Annual Meeting.

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

Executive Committee

The nine-member IPO Executive Committee (https://ipo.org/index.php/find-a-committee/?division=Management+Committee&CommitteeCode=EXEC) has the authority to act on behalf of the Board between meetings. Its members are the IPO President, Vice-President, Treasurer, and Immediate Past-President, IPO Education Foundation President, and four at-large members elected from among the Board members for staggered two-year terms.

Officers

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

Strategic Plan

The IPO Board of Directors engages in strategic planning exercises every three years. The next strategic planning exercise will take place in 2020. Committee activities are guided by the strategic plan. Committee leaders may be given assignments by task forces or committees responsible for assisting the staff with implementing the strategic plan.
Standing IP Committees

Standing IP Committees report to the IPO Board of Directors. Currently 29 Standing IP Committees are organized into six divisions (see https://ipo.org/index.php/find-a-committee/) for the current committees and their leadership):

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

The number of committees is subject to change annually. Each committee is devoted to a particular aspect of IP law or business of interest to IP owners. All IPO members are eligible to join a Standing IP Committee, including any employee, partner, or associate in a member company or law firm.

Committees comprise one or more chairs, one or more vice chairs, a secretary, a board liaison, a staff liaison, and the members.

IPO members must submit an application online (www.ipo.org/joinacommittee) for official appointment and to be added to the committee roster. Only IPO members are permitted to join IPO committees. Nonmember participation in standing committees is prohibited, except when invited as a guest speaker.
II. Expectations of Committee Leaders and Members

Committee Chairs and Vice Chairs

Committee chairs and vice chairs are appointed by the IPO President for one-year terms that run from January 1 to December 31. Chairs and vice chairs can be reappointed for additional terms, but reappointments are often limited to give other members leadership opportunities. Chairs are typically selected from corporate members of IPO and vice chairs are typically selected from law firm members, although corporate members sometimes serve as vice chairs. More than one chair or vice chair will be appointed if the committee has a large membership or expected to have a large workload.

Chairs and vice chairs should be in regular communication with their board and staff liaisons for guidance about existing board resolutions and other policy positions, historical information such as rejections of certain recommendations, whether changes in circumstance merit revisiting a position, and projects regarding which the Board is not likely to be receptive. Although the number and scope of projects undertaken by committees will vary, chairs and vice chairs should expect to devote an average of two to three hours a month to committee work.

Committee leaders are strongly encouraged to attend IPO meetings including the Committee Leadership Meeting in March and IPO Annual Meeting in September.

Chairs and vice chairs should update their staff liaison if their contact information changes.

Committee chairs and vice chairs are encouraged to recruit IPO members to their committees and to help identify potential future leaders.

Committee Secretaries

Every committee must have a secretary appointed by the chair(s) and vice chair(s) for a one-year term. The role of the secretary is to handle administrative tasks such as distributing meeting reminders and agendas, taking roll on committee calls, producing the minutes of committee calls, collecting committee votes on proposed resolutions, and assisting the chair(s) and vice chair(s) as needed. Secretaries should open committee calls in the event the staff liaison is unavailable.

Committee Members

Committee members are appointed for two-year terms. Members should expect to devote an average of one to two hours a month to committee work. At the end of the two-year term, IPO will ask committee members to indicate their interest in rejoining and will solicit new members for the committee from the membership at large. At that time committee members can rejoin a committee or join a different committee.
Voting and Non-Voting Members

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

Non-voting members participate in committee calls and receive all communications of the committee but may not vote on proposed resolutions.

Starting in 2020, IPO corporate members are permitted to serve on multiple committees as either voting or non-voting members. All other members, such as law firm and individual members, are permitted to serve on only one committee as a voting member and as a non-voting member on up to three committees.

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

An exception to these policies is that any IPO member can serve as a voting member on any Business and Professional committee, in addition to other committee memberships.

Board Liaisons

A member of the IPO Board of Directors is appointed annually by the IPO President to each Standing IP Committee as a non-voting member. The board liaison acts as a line of communication between the Board and a committee, as a sponsor and advocate for the committee. Board liaisons should participate in committee calls and stay in regular communication with committee leadership. The board liaison should help identify projects for the committee that might be of interest to the Board.

Board liaisons help committees create agendas that are in line with Board views by making sure they are aware of resolutions and other positions the Board has adopted and by encouraging committees to explore changing positions based on changes in circumstance that merit revisiting a position. Board liaisons also help committees avoid spending time on projects to which the Board is not likely to be receptive. Board liaisons are encouraged to highlight significant committee milestones or activities to the IPO Board to occasionally brief and seek direction from the IPO Executive Committee on committee projects.

Staff Liaisons

An IPO staff member is assigned to each Standing IP Committee as a non-voting member. The staff liaison participates on committee calls; advises the committee on the history concerning issues the committee might consider pursuing, including resolutions adopted and rejections of
previous recommendations; contributes substantively concerning legal, legislative, and management issues; answers questions regarding IPO policy and procedure, the 3-year strategic plan, and the organization’s vision, principles, and existing positions; and provides assistance to committee leadership as needed. Staff liaisons work with board liaisons to guide the committee in selecting projects and setting the agenda to be generally in line with Board positions while also giving committees leeway to explore topics of interest to their members. Chairs and vice chairs should communicate with their staff liaison frequently on committee matters.

When necessary, staff liaisons and the IPO Executive Committee might decide to bypass the committee structure to propose resolutions to the IPO Board. In those instances, the staff liaison will try to seek the committee’s view, including asking the committee to vote if time permits.
III. Standing IP Committee Operations

Committee Leader Appointments and First Meetings (January through March)

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

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

Communicating with Committee Members

Chairs and vice chairs should hold monthly conference calls with their members to facilitate sharing information about issues within the committee’s jurisdiction and to collaborate on committee projects. IPO Connect enables communication with committee members—it contains a complete, up-to-date committee roster. Instructions for using IPO Connect are included in Section VI.

Identifying Committee Projects

Committee projects can be initiated in several ways. The IPO Board, Executive Committee, or officers might ask a committee to investigate an issue or develop a recommendation for Board action. (Refer to Section IV for instructions on proposing resolutions and https://ipo.org/wp-content/uploads/2019/06/Template_for_Board_Reports-2-1.doc for a template.)

Chair(s) and vice chair(s) are also encouraged to propose projects to their committee that are within the scope of the committee charter and consistent with IPO’s vision and principles. In addition to recommending positions on legislation and proposed regulations, committees can undertake legal or business research, prepare informational papers to educate IPO members or the Board of Directors about an issue, organize educational sessions to be held during the IPO Annual Meeting or other conferences on request, or work with IPO to develop programs for IPO’s IP Chat Channel™.

Often, IPO staff liaisons ask committees to recommend IPO positions in response to new developments in IP law. All committee leaders should monitor and share information about developments within the committee’s jurisdiction. The IPO Daily News™ reports on late-breaking developments; committees are strongly encouraged to identify and prepare brief news items in their field that will be of interest to the general membership.

Staff liaisons and board liaisons track and report to the Board the status of committee projects.
Spring Committee Leadership Meeting and Developing an Annual Action Plan

Each spring IPO hosts a Committee Leadership Meeting that brings together all committee leaders and the full IPO Board of Directors.

In advance of the meeting, committees are asked to develop an Annual Action Plan. This document describes the committee’s planned activities for the year, which should include 2-3 “deliverables” such as proposing resolutions to the IPO Board, creating white papers to educate the IPO membership about current issues, developing proposals for IP Chat Channel™ webinars, or holding meetings with USPTO or other government officials. In the annual plan, committees should indicate whether they are proposing changes to the committee charter. Any proposed modifications should be indicated in redline and explained for consideration and approval by the IPO President.

Each committee’s annual plan will be distributed to all meeting attendees, and each committee will have an opportunity to make a brief presentation about its work to date and plans for the remainder of the year during the meeting. Time is reserved during the meeting for networking with other committee leaders including via an opening night reception.

IPO Annual Meeting Committee-Organized CLE Sessions

Committees host CLE sessions during the IPO Annual Meeting. A request for proposals will be sent by the IPO staff in the spring. Several of the proposals will be selected for the Annual Meeting program. Committees whose proposals are accepted will be prompted for additional information, such as proposed speakers, by the IPO staff. Speakers for committee sessions should be selected from the committee members and most be approved by IPO leadership.

IPO Chat Channel™ Webinars

Committees are encouraged to develop proposed webinars for the IPO Chat Channel™, which in most cases will be moderated by IPO’s Deputy Executive Director and Chief Policy Counsel. Proposals for one-hour webinars can be submitted directly to Samantha Aguayo at samantha@ipo.org and should include basic information such as a proposed title or topic, a brief description of the issues to be covered, and recommended speakers. Upon approval, the committee will be asked to assist in producing marketing materials and other help in planning the webinar.

Annual Reports

In November, chair(s) and vice chair(s) are responsible for preparing an Annual Report that summarizes committee activities, suggests future activities to aid incoming committee members/leadership, and provides general information about developments on IP issues falling within the committee’s jurisdiction. These reports might also recommend issues IPO should (or should not) continue to address within the committee structure and new issues that might
deserve attention. The IPO staff will send a message in the fall concerning the requirements and deadline for this report.

**Outstanding Committee of the Year Award**

The Outstanding Committee of the Year Award is presented to one or more committees during the IPO Annual Meeting to recognize outstanding service in promoting reliable, effective, and up-to-date intellectual property systems. Winners receive:

- Recognition by the IPO President at the Annual Meeting;
- Plaque for committee chair(s), vice chair(s), secretary, and board liaison;
- Recognition on the IPO website and mention in the *IPO Daily News™*; and
- 25% discount on annual meeting registrations for committee members and leaders.
IV. Guide to Proposing Resolutions for Adoption by the Board

The IPO Board of Directors meets five times per year (see https://ipo.org/index.php/committee-resources/ for the schedule). To propose a resolution for adoption by the Board, a committee must draft the proposed resolution and a brief memo explaining the recommended position and conduct a vote of its members. The general timeline for developing proposed resolutions (subject to change) is below:

- **Eight or more weeks before board meeting:** Identify issue, notify staff liaison, and begin drafting resolution and supporting memo.
- **Five weeks before board meeting:** Complete resolution and supporting memo and circulate to committee for recorded vote.
- **Three weeks before board meeting:** Submit final memo, including record of committee vote, to staff liaison.

Proposed resolutions require a quorum, meaning votes (for, abstain, or against) by a majority of the voting committee members. The Board considers committee votes extremely important to its consideration of proposed resolutions. Given the importance of achieving a quorum, chairs and vice chairs are responsible for encouraging eligible committee members to vote.

The memo supporting the proposed resolution should be brief (generally three to four pages) and include the following sections:

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

When considering whether to include a proposed resolution on the agenda for an upcoming board meeting, the IPO Executive Committee might ask the committee to discuss the recommendation by phone. If the proposed resolution is selected for a board meeting agenda, one or two members of the committee will be asked to present the proposal to the Board in person or by phone during a board meeting. Typically chair(s) or vice chairs(s) attend on the committee’s behalf; occasionally another committee member who contributed extensively to drafting the proposal might be asked to participate. (See https://ipo.org/wp-content/uploads/2019/06/Template_for_Board_Reports-2-1.doc for a template.)
Tips on Presenting Resolutions to the IPO Board

- The IPO staff will notify you when and where to report or to dial in if participating by phone. When you join a board meeting, you will be introduced and board members will be referred to the page in their materials where your memo begins. You will be invited to present the proposed resolution, followed by questions from board members.
- Be concise: Your presentation should be less than five minutes in most instances. The Board receives proposed resolutions two weeks in advance of the meeting, so a high-level overview generally suffices to introduce the proposal.
- Know your audience: The Board comprises leaders from large companies that likely have views on the topics you will address. Some may have advocated to Congress or other governmental body concerning their company’s position. There might be differences in views among board members and potentially among your committee’s members. When possible, it is helpful to identify common ground to help build consensus. Do not emphasize divisive areas that are not material to the recommendation. On the other hand, where there are two strong points of view on an issue, it be useful to provide a point/counterpoint to present the two perspectives.
- Be prepared: During the question period, you might be asked about process and your sense of the committee’s views on alternative approaches to the resolution. Possible modifications may be proposed for your reaction. Being prepared for these possibilities will assist the Board in its deliberations.
- Common concerns/questions raised by the Board:
  - Questions about the choice of specific terms and whether the committee considered alternative wording or approaches. The language of the resolution should be as clear as possible because it will be published, but the supporting memo will not.
  - Timing relative to other IPO Board activities, expected Congressional action on legislation or agency action on rulemaking, and other considerations relevant to the need to adopt a resolution immediately or await potential future events.
- Presentation to the Board should include:
  - Context: Explain why the committee is proposing the resolution, including precipitating events and relevant prior activities.
  - Background: Discuss the important issues raised and addressed by the committee. Explain the process followed at the committee level, including any negotiations on wording. This part of the presentation should be concise.
  - Discuss the resolution: Highlight specific, critical language in the resolution, especially if there was disagreement about how to handle any issues.
  - Committee voting: Discuss the results of the committee vote, including the level of participation (particularly by corporate members) and the reasons expressed by any member who opposed the resolution.
- A resolution should a policy statement that enjoys the broadest possible consensus within the IPO Board. Be aware that proposed resolutions are often amended by the Board before adoption for this reason and are sometimes sent back to a committee to consider the Board’s feedback.
V. Guide to Preparing Letters and Comments

Committees are expected to study requests for comments on proposed U.S. and international regulations and to draft responses for approval by the IPO leadership. In the U.S., requests are typically published in the Federal Register and outline a specific proposed rule or other issues to be addressed by public comments. Other countries have similar mechanisms for requesting public comments on proposed governmental actions.

Committees may also recommend that IPO submit letters to legislative or administrative agencies outside the context of a direct request, for example to comment on legislation or to offer input on an issue that is not currently the subject of proposed rulemaking.

Committees generally identify a small group of members to prepare an initial draft for feedback by the full committee on a phone call or by email. Comments and letters are expected to fairly reflect a consensus on an issue but do not require a committee vote before submission to the staff liaison for obtaining approval by IPO leadership. The staff liaison will provide a template for comments and letters.

Comments and letters are typically signed by IPO’s President or Executive Director and are submitted to the relevant government body by the IPO staff. Committees who participate in preparing comments or letters typically receive recognition in the IPO Daily News™; committee leaders should identify for their staff liaisons those members who actively participated.
VI. Using IPO Connect for Committee Business

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

**How To Login to IPO Connect:**

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

**What Can I Do on IPO Connect?**

*Check your Committee Roster*

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

**To check your roster:**

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

*Send a Message to the Committee*

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

**To send a message:**

1. Sign in to IPO Connect
2. Click the “Committees” navigation item
3. Click on your committee name
4. Click on the “Discussions” tab, and then “+Post New Message” on the right-hand side of the page

5. Give the message a subject

6. After writing your message using the text editor, click “Send” to send immediately or “Attach” if you would like to attach a document (a document can also be an Outlook calendar invitation)

7. When uploading an attachment, be sure to complete steps 1 and 2 on the form

8. When you have your document uploaded, click “Finish” at the bottom of the form to finalize the attachment

Share or Archive a Document

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

To Upload a Document:

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

Send an Outlook Invitation

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

To Create the Invitation:

1. Create an outlook calendar item for your committee’s call as you normally would within Outlook, but instead of saving it to your calendar or inviting attendees, click on “Save As” and save it in iCalendar format to your computer desktop
To Send the Outlook Invitation:

2. Sign in to IPO Connect
3. Click the “Committees” navigation item
4. Click on your committee name
5. Click on the “Discussions” tab, and then “+Post New Message” on the right-hand side of the page
6. Give the message a subject
7. After writing your message using the text editor, click “Attach” to attach the iCalendar file just as you would any other type of file
8. When uploading an attachment, be sure to complete steps 1 and 2 on the form
9. When you have your document uploaded, click “Finish” at the bottom of the form to finalize the attachment
10. Click “Send”
11. When committee members open the attachment, it will save to their personal outlook calendar
12. Alternatively, the committee secretary can download a roster of committee members (by visiting the “Members” section on IPO Connect and using the “Export” function to download an Excel file) and send the Outlook reminder directly to that list. Keep in mind that the committee roster is continuously updated as new members join the committee and when members leave their companies and firms. The secretary should download a new roster and update the recipient list on at least a monthly basis to ensure current committee members receive information about committee calls.

Create a Sub-Committee

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

To Create a Subcommittee:

1. Send an email to your IPO staff liaison.
2. In the email, please include:
   a. The name of your committee
   b. The name of the subcommittee you are requesting
c. Which members of your committee should be on the subcommittee.

3. The IPO staff will enter the data and respond when the subcommittee is in place.
VII. Tips for Committee Chairs and Vice Chairs

Establish Regular Communication

Set a schedule for monthly conference calls for the full committee and send a reminder message and meeting agenda before each call.

- Make sure all committee members are on the official IPO roster.
- Direct individuals interested in signing up for a committee to www.ipo.org/joinacommittee.
- Publish a schedule and attach a calendar invitation to your message to increase participation. Instructions for sending a calendar invitation via IPO Connect or through Outlook are found in Section VI.
- Communicate regularly with committee members about developments of interest to keep members engaged outside of regular committee calls.
- Committee leaders should communicate with each other outside of full committee calls as needed. Many committee leaders have monthly calls to plan the agenda for each call of the full committee.
- Hold an in-person committee business meeting during the IPO Annual Meeting.

Adding Committee Members to Committee Email List

IPO Connect, IPO’s professional networking site, includes a discussion group for every committee. Encourage new committee members to login to IPO Connect to view previous messages and get an overview of the work of the committee. Refer to Section VI for more information about IPO Connect.

Be Aware of Deadlines

Committees are must submit an Annual Action Plan for discussion during the Committee Leadership Meeting and an end-of-year Annual Report; deadlines will be communicated by the IPO staff and published on the IPO website. Proposed resolutions for adoption by the IPO Board must be submitted three weeks before a board meeting (see Section IV). Comments and letters should be submitted to the staff liaison two weeks before the due date for submissions (see Section V).

Please be aware of and strive to meet these deadlines.

Create Subcommittees to Increase Participation

Create ad hoc or standing subcommittees to work on particular projects and report back to the full committee. Subcommittees are particularly useful for large committees. They allow the
committee to pursue multiple projects simultaneously and provide more committee members an opportunity to get more involved with the committee’s work. Committee leaders should check in regularly with each subcommittee to ensure that they are on track and working toward the committee’s goals. Subcommittees are often asked to report to the full committee on their progress during monthly calls. Contact your staff liaison to request that IPO Connect groups be created for subcommittees.
VIII. Frequently Asked Questions

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

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

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

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

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

A: A link to the list of IPO’s Standing IP Committees, including membership listings and charters can be found at https://ipo.org/index.php/find-a-committee/. A list of committee members is also accessible on your committee’s page in IPO Connect.

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

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

Q: Do proposed comments and letters to government agencies require a committee vote before being submitted for IPO leadership approval?

A: If your committee generally has consensus on proposed comments/letters, you need not take a committee vote before submitting them to your staff liaison for approval by IPO leadership.

Q: How does our committee recommend that IPO file an Amicus Brief?

A: Follow the IPO procedure for requesting that the Board file a brief, which is available at https://ipo.org/wp-content/uploads/2019/06/SubmittingAmicusBriefs.pdf. Contact Hannah Denny at hdenny@ipo.org or (202) 507-4498 with questions.

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

A: Generally, two weeks prior to the deadline for submission of letters and comments (see Section V) and three weeks for reports concerning proposed resolutions (see Section IV).
### Anti-Counterfeiting Committee

<table>
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<th>Position</th>
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</tr>
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<tbody>
<tr>
<td>CH</td>
<td>Sanjiv Sarwate</td>
<td>Dell Technologies</td>
<td><a href="mailto:sanjiv.sarwate@dell.com">sanjiv.sarwate@dell.com</a></td>
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### Artificial Intelligence & Other Emerging Technologies Committee

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<tr>
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<td>Yeen C. Tham</td>
<td>IBM Corp.</td>
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### Asian Practice Committee

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<tr>
<td>CH</td>
<td>Michelle Shen</td>
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<td>Michael J. D'Aurelio</td>
<td>Thomas</td>
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<td><a href="mailto:bealltr@corning.com">bealltr@corning.com</a></td>
<td>(607) 974-3921</td>
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### Canadian Practice Committee

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<tr>
<td>CH</td>
<td>Danica Hostettler</td>
<td>Eli Lilly and Co.</td>
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<td>317-276-2958</td>
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<td>CH</td>
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<td>(609) 252-4845</td>
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<td>(732) 524-2771</td>
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### Copyright Law & Anti-Piracy Committee

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<tr>
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<td>Terry Carroll</td>
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<td>(650) 506-1372</td>
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### Corporate IP Management & Operations Committee

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<tr>
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<td>Committee</td>
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### U.S. Post-Grant Patent Office Practice Committee

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### Women in IP Law Committee

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### Expected Attendance

**Committee Leadership Meeting**  
**March 6, 2020**  
**Mandarin Oriental Hotel, Washington, DC**

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<td>Amicus Brief Committee</td>
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<td>McDonnell Boehnen Hulbert &amp; Berghoff LLP</td>
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**Committee Leadership Meeting**

**March 6, 2020**

**Mandarin Oriental Hotel, Washington, DC**

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**March 6, 2020**

**Mandarin Oriental Hotel, Washington, DC**
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