



**2021 Standing IP Committee
Leadership Meeting**

**Virtual Meeting
February 18, 2021**



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AGENDA
IPO COMMITTEE LEADERSHIP MEETING

Thursday, February 18, 2021
11:00a.m. – 1:00p.m. ET

1. Opening Remarks - Samantha Aguayo, Deputy Executive Director & Chief Policy Counsel (11:00-11:05a.m.)
2. Presentations by the Standing IP Committees (11:05-11:35a.m.)

Business and Professional Division

Corporate IP Management & Operations
Diversity & Inclusion
Next Generation Leaders
Women in IP Law

IP Law & Practice Division

Anti-Counterfeiting & Anti-Piracy
Artificial Intelligence & Other Emerging Technologies
Asian Practice
Canadian Practice
Copyright & Related Rights
Damages & Injunctions
European Practice
Industrial Designs
IP Licensing & Related Issues
International Patent Law & Trade

3. Networking (11:35a.m.-12:00p.m.)
4. Presentations by the Standing IP Committees (12:00-12:30p.m.)

IP Law & Practice Division (cont.)

International Trademark Law & Practice
Latin American Practice
Patent Litigation
Patent Search
Pharmaceutical & Biotechnology Issues
Software Related Inventions
Standards Setting
Trade Secrets
U.S. International Trade Commission
U.S. Patent Law
U.S. Patent Office Practice
U.S. Post-Grant Patent Office Practice
U.S. Trademark Law
U.S. Trademark Office Practice

5. Networking (12:30 – 1:00p.m.)
6. Closing Remarks - Jessica Landacre, Executive Director (1:00p.m.)

CORPORATE IP MANAGEMENT & OPERATIONS COMMITTEE

Chair: Arvie Anderson, Eli Lilly and Co.

Chair: Laura Caponi, Bristol-Myers Squibb

Vice Chair: Brian J. Hubbard, Condo Roccia Koptiw LLP

Secretary: Erik W. Perez, Shell International B.V.

Board Liaison: Elizabeth Lester, Equifax

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 the cost-effective operation of the corporate IP function.

Committee Agenda for 2021

1. **Digital Transformation Roadmap:** In 2021 the Committee will provide programming (panels, Chat-channels, etc.) in the arena of digital transformation. Within both corporations and law firms, organizations seek to digitize their operations toward better decision-making and greater efficiency. The CIPM Committee will provide tools and practical insights on how to progress these transformation goals within IP operations.
2. **Insights on Remote IP Practice:** The pandemic has impacted patent practice in many ways. As our society transitions away from more exclusively remote work environments, we will find that some elements of IP practice and operations remain as-is while some will transition to hybrid-models. The CIPM Committee will explore and provide insights on how this transition impacts patent practice.
3. **Metrics and Dashboarding in IP Practice:** Dashboarding of IP operational metrics is an emerging strategic tool for operations management. In 2021, the CIPM Committee will provide best practices, tools and other insights on how organizations can best manage metrics in order to enable powerful management tools such as dashboards.
4. **IPO Initiatives:** The CIPM Committee will also remain opportunistic in addressing emerging issues or strategic priorities of IPO (for example the annual survey)

DIVERSITY & INCLUSION COMMITTEE

Chair: *Shruti S. Costales, HP Inc.*

Vice Chair: *Carlyn Burton, Osha Bergman Watanabe & Burton LLP*

Vice Chair: *Serena Farquharson-Torres, Bristol Myers Squibb*

Vice Chair: *Elaine Spector, Harrity & Harrity LLP*

Secretary: *Claudia Stangle, Leydig, Voit & Mayer, Ltd.*

Board Liaison: *Darryl Frickey, Dow Chemical*

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 2021

The Diversity & Inclusion Committee (“Committee”) had its first monthly call on January 20, 2021 with Shruti Costales leading and introducing RGs. Shruti presented PDF slides and went over the leadership updates, NCEAI/ USPTO Project in collaboration with the Women in IP Committee, as well as the Resource Group and Subcommittee updates. The Committee has monthly calls scheduled, which will often have one guest speaker on various D&I topics.

- **Resource Groups:**
 - In 2021, 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 five Resource Groups:
 - NEW – Resource Group for IP Professionals with Disabilities – currently looking for leaders, a formal RG name, and program ideas
 - Asian IP Professionals - Co-chairs: Chi Chang (Apple) & Ritu Singh (Dinsmore);
 - Black IP Professionals - Co-chairs: Eldora Ellison (Sterne Kessler) and Richard Watkins (Medtronic);
 - Hispanic IP Professionals - Co-chairs: Natalie Gonzales, Gloria Fuentes);
 - Pride and Allies IP Professionals - Co-chairs: DJ Healey (Fish & Richardson), Brian Brookey (Tucker Ellis).
- **Hiring & Retention** subcommittee - Co-chairs: Shruti Costales, Carlyn Burton and Rachael Rodman (Ulmer Berne).

- This subcommittee will host a three-part webinar series on allyship. The first webinar took place on January 28. This discussion came out as part of the Practical Guide that was released in 2020. The second seminar takes place in 2/25 and the third will take place in March.
- This subcommittee will also plan to have a 3-4-part webinar series in 2021 to talk about the Practical Guide and walk through specific sections to help the members follow along.
- **Outreach** subcommittee - Co-chairs: Elaine Spector, Mareesa Frederick (Finnegan), and Leanthony Edwards (Dinsmore).
 - This subcommittee is looking for law firms in different cities that would host events for kids (middle/ elementary school students) to promote careers in IP.
 - This subcommittee will continue working with IPO Education Foundation (IPOEF) Board on webinars about careers in IP.
 - Outreach, IPOEF, Hispanic RG and USPTO are partnering on a booth for the Noche de Ciencias (Night of Science) event on 2/25. The planning is underway for a great booth for the IPO. Brianna Hinojosa of YUM! Brands and Gloria will be sharing their journeys with the students, we will have an intro by the IPO President, and Natalie will be moderating and attending for questions.
 - This subcommittee will present the webinar series ‘Starting your path to a successful career in IP.
 - This subcommittee wants to launch mentorship aspect to help underrepresented communities.
 - The subcommittee is working on different webinars/ events for all special months.
- **In-reach** subcommittee (Claudia Stangle and Carlyn Burton).
 - This subcommittee has been working with the EU Committee on diversity in IP professionals in Europe and is also looking at diversity in inventorship in Europe.
 - This subcommittee is working with Women in IP committee on a white paper on intersectionality.

The Resource Groups and Subcommittees are planning the following events for 2021 with exact dates to be determined:

- Black IP Professionals Resource Group- BLACK HISTORY MONTH - February 24 - 5p-6p ET
- Women in IP- WOMEN'S HISTORY MONTH - March TBD - 5p-6p ET
- WORLD IP DAY - April 26 – TBD
- Asian IP Professionals Resource Group - ASIAN HISTORY MONTH - May TBD - 5p-6p ET
- Pride and Allies Resource Group - PRIDE MONTH - June TBD - 5p-6p ET
- Outreach Committee- Careers in innovation & IP - TBD
- Hispanic IP Professionals Resource Group- HISPANIC HISTORY MONTH - October TBD - 5-6p ET

NEXT GENERATION LEADERS COMMITTEE

Chair: Sarah Hooson, Merck & Co. Inc.

Chair: Kaveh Rashidi-Yazd, Siemens Energy, Inc.

Vice Chair: Kirsten Donaldson, The Donaldson Law Group

Vice Chair: Tina Dorr, Cantor Colburn LLP

Secretary: Rory P. Pheiffer, Nutter McClennen & Fish LLP

Board Liaison: Louis Foreman, Enventys

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 2021

The Committee will continue developing its initiatives for the year consistent with the Committee 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.

One focus of the Committee will be to increase membership, meeting attendance, and overall engagement by the members. To that end, the Committee seeks to double both its mailing list and its number of regular attendees at its monthly meetings. Efforts to achieve this goal will include encouraging Committee members to invite their contacts interested in leadership to a Committee meeting, encouraging Board members to nominate one or more persons from their organizations to join the Committee, and other public outreach that will occur by virtue of the Committee raising its profile as it becomes more established in the fabric of IPO.

The Committee will revisit the idea of producing tangible material, such as a whitepaper or toolkit, to provide to emerging leaders in IP law to help develop and support their leadership goals. The goal will be to outline such a whitepaper or toolkit in the first half of the Committee year and then make production plans from there.

The Committee will also continue to populate its speakers list and possible avenues for programming for each of: (1) its monthly Committee meetings; (2) the IPO Owners Spring Summit; and (3) the IPO Annual Meeting, consistent with the Committee Charter. This may include the "Ted Talk"/podcast series that started in 2020 as part of Committee meetings. The speakers list will be continually updated and should have a combination of at least 10 speakers or topic ideas listed across the three identified meeting types at any time.

The Committee will work with the IPO Mentoring Committee to help place its eligible Committee members in helpful mentoring relationships and possibly facilitate programming related to the same. Goals for this effort will be set in conjunction with the IPO Mentoring Committee.

Finally, to foster increased engagement and connections among members of the Committee, in addition to the “Ted Talk”/podcast series it has been using during its Committee meetings, the Committee is launching a book club focused on topics that have ties to being an effective leader. The goal is to host a book club meeting quarterly.

WOMEN IN IP LAW COMMITTEE

Chair: Krista Kostiew, Unilever

Chair: Michelle Bugbee, Eastman Chemical Co.

Chair: Sandra Nowak, 3M Innovative Properties Co.

Vice Chair: Rachael Rodman, Ulmer & Berne LLP

Vice Chair: Erika Arner, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Vice Chair: Andrew Currier, Perry + Currier, Inc.

Secretary: Heather Barnes, Tucker Ellis LLP

Board Liaison: Gillian Thakray, Thermo Fisher Scientific Inc.

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 2021

In 2021, the committee will continue many of the initiatives from 2020, 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.

Mentoring Across Borders: The Mentoring Across Borders sub-committee will continue the Group Mentoring program, as well as continuing to support 1:1 pairs mentoring. The pairs mentoring program is distinct from the 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 sub-committee welcomes members to join the Group Mentoring program, be a mentor, or requesting to be paired with a mentor throughout the year.

Speakers List: The Women in IP Speakers List sub-committee will continue to update the speakers list and survey our members to discover potential new speakers for IPO. Recent updates to the speaker list survey includes space for members to propose topics, and future efforts will involve a more targeted approach of providing a topic and suggesting specific panelists for that topic. Additionally, the Speakers List sub-committee plans to offer a three-part workshop to help our members develop their speaking skills, and provide opportunities to use these skills through committee presentations. The hope is that the workshop will improve the skill set of our members who want to do more speaking, give them hands-on experience, and build their confidence so they are able to take advantage of speaking opportunities at IPO and elsewhere.

Push Forward: The Push Forward sub-committee will continue to build the library of resources available to the IPO community and address other key issues in furtherance of the committee charter, including white papers on family leave and on the impact of stereotypes, and will collaborate with the Diversity and Inclusion Committee on a white paper on intersectionality.

Diverse Inventors: The Diverse Inventors sub-committee will continue to update the Toolkit for Gender Diversity in Innovation, including (1) launching an updated version of the Law Firm Toolkit in the first half of 2021 and (2) launching an updated version of the Toolkit that addresses increasing inclusion innovation ecosphere of all underrepresented groups and renaming the toolkit the Toolkit for Diversity in Innovation. The sub-committee will also continue to partner with other committees within IPO on the issue of diversity in innovation including (1) working with the D&I committee to draft and submit formal comments from IPO in response to the request from the NCEAI in Q1, 2021 and (2) working with the IPOEF on a panel of diverse inventors for the Women's History Month event celebrations for Q2, 2021. The sub-committee will also continue to work with the USPTO and WIPO on this issue, and the sub-committee has created a sub-sub-committee looking at the issue of diversity in innovation in Europe. Lastly, the sub-committee will again conduct quarterly calls/webinars for the full IPO membership to discuss and engage on the issue of diversity in innovation.

Book Club: The book club will continue to hold monthly meetings to foster increased engagement and connections among members of the committee. We are keen to welcome more members to the group and to take suggestions as to book selections.

Finally, the committee will seek to find partnerships and synergies with the Diversity and Inclusion Committee on matters other than white papers.

ANTI-COUNTERFEITING & ANTI-PIRACY COMMITTEE

Chair: *Colette Durst, 3M Innovative Properties Co.*

Vice Chair: *Monica Talley, Sterne, Kessler, Goldstein & Fox, PLLC*

Secretary: *Tim Golder, Allens*

Board Liaison: *Tanuja Garde, Raytheon 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 Agenda for 2021

1. Work with the USPTO on a national consumer awareness program to combat counterfeit goods.
2. Draft white paper on best practices for engaging law enforcement globally to combat the sale and manufacture of counterfeit goods.
3. Provide input on state and federal legislation to protect consumers from the sale of counterfeit goods on ecommerce platforms and social media sites.
4. Provide input on IPO comments to U.S. government requests concerning anti-counterfeiting matters

ARTIFICIAL INTELLIGENCE & OTHER EMERGING TECHNOLOGIES COMMITTEE

Chair: Hugh Pasika, Thermo Fisher Scientific Inc.

Chair: Caroline S. Pinkston, Hewlett Packard Enterprise

Vice Chair: Jonathan P. Osha, Osha Bergman Watanabe & Burton LLP

Secretary: Alex Bridge, Hewlett Packard Enterprise

Board Liaison: Brett Alten, Hewlett Packard Enterprise

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 Mission Statement for 2021

The Committee will focus on identifying, monitoring, and studying intellectual property issues raised by artificial intelligence and other emerging technologies (“AI & ET”). 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.

While addressing forward-looking issues relating to AI generally, the Committee will also focus more narrowly on providing guidance on machine-learning (“ML”) issues that arise today and on educating IPO members about the potential impacts of these machine-learning IP issues and best practice IP strategies for such technology.

In appropriate circumstances, the Committee will develop and recommend positions to the Board of Directors and reflect the IPO viewpoint in 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.

Committee Agenda for 2021

The Committee’s plans for 2021 include:

1. Develop and propose IPO policy positions relating to ML.
2. The 2020 survey results indicate that membership perspectives on AI policy vary some by technology areas. As well, seeing as AI systems have a strong learning from data component, aspects of data ownership have been identified as an important consideration. In order to provide some industry-specific nuance to policy guidance and tackle important sub-topics such as “data rights”, the committee plans to implement sub-committees and increase member participation.
3. Educate IPO membership on ML issues via committee meetings, subject-focused training sessions, and informational articles. The sub-committees will be tasked with leading the discussions in the areas within their purview. The sub-committees will provide: (a) timely

updates on recent judicial, regulatory, and administrative activity; and (b) best practices and practical, useful guidance.

4. Increase cross-committee collaborations among various IPO Committees including, *inter alia*, the Software-Related Inventions Committee and the Corporate Management Committee. One deliverable from these cross-committee collaborations will include a best-practice guide to aid IP practitioners in protecting AI-related inventions.
5. Respond to requests for comment from GOs and NGOs concerning AI & ET and the intersection of IP law.

ASIAN PRACTICE COMMITTEE

Chair: Jimmy Cheng, Qualcomm 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 2021

- A virtual IP Innovation Dialogue trip to China and potentially a second country, with periodic meetings throughout the year.
- Submission of comments in response to proposed changes in various IP laws, rules, and regulations from Asian jurisdictions, such as those arising from the IP aspects of the U.S.-China Phase One Trade Deal, and occasional meetings with the USPTO's China Team to exchange insights when requested.
- CLE proposals for the 2021 IPO Annual Meeting and Webinars.
- Monthly conference calls, with occasional guest speakers, on IP topics of interest in Asia.

CANADIAN PRACTICE COMMITTEE

Chair: Danica Hostettler, Eli Lilly and Company
Chair: Brian Walsh, Bristol Myers Squibb
Vice Chair: Santosh K. Chari, CPST Intellectual Property
Secretary: Andrew Shaughnessy, Torys LLP
Board Liaison: Robert DeBerardine, Johnson & Johnson

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 2021

Pillar One: Monitoring protection for Pharma/Tech in Canada

1. Amendments to Patent Rules (CETA implementation)
 - a. CSPs and the manufacturing “Export” exception
 - b. Data Exclusivity/Protection
 - c. Patent enforcement and Section 8
 - d. Proceedings under PMNOC Regs
 - e. Patent Register requirements
2. Monitoring competition issues relating to pharma patents
3. PMPRB Issues/Amendments
 - a. Comment upon and monitor proposed Guidelines, monitor implementation and related changes
 - b. *Ad Hoc* review of decisions
 - c. changing the patentability conditions and/or creating special categories of inventions is not the way to address pharmaceutical pricing
 - d. partner with other committees on this
4. Section 8 and claims after unsuccessful PMNOC proceedings
5. Biosimilar law and policy
6. CIPO Policy on refusing claims to Diagnostic Methods

Pillar Two: maintaining vigilance in patent, tm and copyright laws

1. Monitor impact of Patent Act and Patent Rules changes (that went into effect on October 2019)
2. New border enforcement provisions
3. Issues relating to any new CA Trademarks Act amendments and changes to Trademarks Regulations (in relation to new Act)
4. Removal of “use” requirement for registration of marks
5. Institution of Nice classification system and additional filing and renewal costs
6. TPP Canada implementation

7. CETA implementation
8. USMCA implementation
9. Canada-United Kingdom Trade Continuity Agreement
10. Standard of disclosure for confidential business information (CBI)
11. Test for Obviousness in Canada and Relevant Prior Art (CIBA leave application)
12. CIPO policy on refusing claims relating to patenting of computer implemented inventions
13. 5G and AI technology

Pillar Three: Challenges/Shortcomings/Advocacy

1. Make recommendations re USTR Special 301 Watch List and related issues (e.g. PMPRB, CSP, PM(NOC), etc.)
2. Recommend *amicus* briefs:
 - a. Quebec PMPRB challenge (appeal filed January 25; decision in early February)
 - b. Federal Court PMPRB challenges (FCA and Guidelines case)
3. Insufficient injunction Relief
4. The effect of new “standard of review” jurisprudence on administrative action.

Pillar Four: enhanced collaboration within IPO

1. Creating content for IPO bulletins and publications
2. Regular coordination with other committees
 - a. e.g., compulsory licensing subcommittee
3. Increase presence in and adhesion to IPO programming (e.g., AGM etc.)

COPYRIGHT LAW & RELATED RIGHTS COMMITTEE

Chair: Lesley C. Boveri, SAP SE

Vice Chair: Jenevieve Maerker, Foley Hoag LLP;

Vice Chair: Joshua Simmons, Kirkland & Ellis LLP

Board Liaison: Matthew Sarboraria, Oracle Corporation

Committee Charter

The Committee will focus on issues and topics regarding copyright law and practice, as well as related issues, including both economic and moral rights. It also will consider rights that are conferred on persons who contribute to making works available to the public or who produce subject matter that may not qualify as a copyrighted work in all countries, such as those conferred on performers, sound recording creators, and broadcasters. In analyzing these issues, the Committee may consider additional related issues, such as circumvention of technological protection measures, the right of publicity, and Section 230 of the Communications Decency Act.

The Committee's attention will remain on matters that are of greatest concern to the IPO membership, and the Committee will establish positions on those issues and topics that would most benefit IPO members. It will be following significant bills in the U.S.'s Congress on copyright law and procedure, considering state legislation concerning related rights, 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 2021

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. Digital Copyright Act of 2021 (including proposed provisions on such issues as notice-and-takedown safe harbor, orphan works, and simplifying registration of software copyrights)
 - b. Copyright Office modernization efforts;
 - c. The proposed ALI Restatement of Copyright;
 - d. Creation and operation of copyright small claims tribunal following recent passage of the CASE Act;
 - e. Exemptions to the prohibition against circumvention of technological measures protecting copyrighted works;
 - f. Critical Medical Infrastructure Right-to-Repair Act (or subsequent iterations thereof);
 - g. Other potential copyright legislation;
 - h. Legislative and executive proposals to amend or study Section 230 of the Communications Decency Act;
 - i. 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 and related rights for 2021 IPO Annual Meeting and for IPO Chat Channel presentations.

DAMAGES & INJUNCTIONS COMMITTEE

Chair: Tom Brown, Dell Technologies

Vice Chair: Julianne Hartzell, Marshall, Gerstein & Borun

Secretary: Shannon Bjorklund, Dorsey & Whitney

Board Liaison: Isabella Fu, Microsoft Corp.

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 2021

- Prepare a publication premised on the 2020 monthly meeting presentation “IP Apportionment Issues.”
- Continue monthly committee calls, which include discussion of developing law in the areas of damages and injunctive relief, as well as other relevant topics.
- Continue monitoring Federal Circuit decisions, as well as decisions from the regional Circuits and the Supreme Court, that are likely to significantly impact intellectual property litigation.
- Prepare a toolkit similar to the Gender Diversity in Intellectual Property Toolkit directed to highlighting the key cases and articles relating to damages and injunctions law.
- If approved by IPO, the committee will seek opportunities to provide training related to IP damages and injunctions at judicial education programs.
- Identify topics for Chat Channel presentations or webinars and identify committee members to present.
- Identify opportunity for education regarding the Trademark Modernization Act presumption of irreparable harm
- Work through subcommittees directed to the toolkit, chat channel programming, trademark modernization act, judicial education, and virtual summit.
- Continue to work with IPO leadership on appropriate resolutions regarding damages and injunctions.

- 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.
- Work with IPO leadership to plan an educational summit that would be a hybrid of the previous Damages summits and the ITC Committee's "Advanced Litigation Class."
- Continue to evaluate relevant issues in damages and injunctions law and consider drafting white papers on such issues.

EUROPEAN PRACTICE COMMITTEE

Chair: Bettina Wanner, Bayer GmbH

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.

Vice Chair: Daniela Gill-Carey, UCB

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 appointed by the IPO President 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 to 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 2021

1. The Committee will continue to hold monthly teleconferences, with at least the following standing agenda items : 1) A “meet the members” section where committee members introduce themselves; 2) a 20-30 min talk, delivered by a selected speaker from the committee, or a guest; 3) a “news” section where EPO, USPTO, IPO news are covered.
2. In view of the pandemic it is unlikely that the Committee will be able to organize its annual conference as it did in the past, but we will remain open to the idea, should the circumstances improve. We are also considering organizing a Virtual Conference, if a suitable topic/theme can be identified, such as the UPC, if the German proceedings evolve favorably.
3. The Committee will endeavor to be a very active contributor to the “IPO Daily News” and the “IPO Chat Channel,” and we will seek opportunities for collaborating with other Committees on adequate topics.
4. The Committee will plan to collaborate with other IPO committees on joint projects or to prepare proposal(s) for potential break-out sessions for the IPO Annual Meeting, and to conduct a business meeting at the IPO Annual Meeting, even if conducted virtually.

5. 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.

INDUSTRIAL DESIGNS COMMITTEE

Chair: Bart Fisher, Caterpillar Inc

Chair: Mina Stricklin, Nike, Inc.

Vice Chair: Elizabeth D. Ferrill, Finnegan LLP

Vice Chair: Anthony Prenol, CPST Intellectual Property

Vice Chair: Daniel Gajewski, Sterne, Kessler, Goldstein & Fox PLLC

Secretary: Andy O'Brien, Lee & Hayes, PC

Board Liaison: John Cheek, Tenneco Inc.

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 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 2021

- Influence Substantive Legal Policy and Doctrine
 - Continue to monitor China's implementation of amended design regulations, including partial designs protection
 - Continue to monitor USPTO's investigation of issues related to article of manufacture requirement for virtual reality, augmented reality, and projected designs
 - Continue Customs task force, supporting the Counterfeit Goods Seizure Act of 2019 (relating to the US Customs and Border Patrol enforcement of design patents)
 - Convene a task force to consider resolutions related to design patents and replacement parts, including exhaustion, right to repair, and aesthetic functionality
 - Review and revise IPO's Model Design Patent Jury Instructions
 - Continue to monitor design protection issues and prepare comments and resolutions that promote design protection

- Design Focused Education
 - Organize a design-focused "mini" track for the 2021 IPO Annual Meeting
 - Organize CLE sessions (including IPO Chat Channel webinars) and support the USPTO Design Day 2021

INTERNATIONAL PATENT LAW & TRADE COMMITTEE

Chair: *Dean M. Harts, 3M Innovative Properties Co.*

Chair: *Sharon Reiche, Pfizer Inc.*

Vice Chair: *Wayne C. Jaeschke, Johnson & Johnson*

Vice Chair: *Bill Warren, Eversheds Sutherland (US) LLP*

Secretary: *Philip Soo, 3M Innovative Properties Co.*

Board Liaison: *John Stewart, Intellectual Ventures Management, LLC*

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, trade agreements 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;
- d) global assignment, which is a proposed IP5 Patent Harmonization Experts Panel initiative to streamline recording ownership of patents, utility models, provisional applications, and priority rights around the world;
- e) compulsory licensing, to develop and execute on a proactive strategy to counter efforts to undermine the patent system; and
- f) trends regarding the use of anti-suit injunctions.

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

Subcommittee	Chair(s)
Genetic Resources and Traditional Knowledge	Bill Warren
Global Assignment	Phil Soo
Trade	Steve Bauer and Sharon Reiche
WIPO and International Filing	Mark Guetlich
Compulsory Licensing	Sharon Reiche
Anti-suit injunctions	<i>To be determined</i>

Committee Agenda for 2021

In 2021, we intend to further improve IPO’s approach to preparing the Special 301 Report and National Trade Estimate Report submissions, which involve actively reaching out to the other IPO committees, and to expand our engagement with other trade matters such as implementation of the China Phase 1 Action Plan, US-UK post-Brexit trade negotiations, WTO Trade Policy Reviews, etc. Additionally, we will support the sub-committee in

advocating for acceptance of global assignment forms by global IP offices and will develop a proactive advocacy strategy to counter compulsory licensing threats. We will continue our focus on educating membership on current international patent law issues, such as anti-suit injunctions, 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 from international trademark rights.

Committee Agenda for 2021

The Committee aims to achieve the following in 2021:

- Continue to meet monthly via video conference.
- Present two IPO Chat Channel webinar:
 - February 11 - Overview of the Madrid System for International Registration of Trade Marks.
 - Submit proposal for subsequent Madrid System deep dive.
- Provide input to the International Patent Law and Trade Committee for the 2021 Special 301 Report.
- Support deeper collaboration between IPO and the TM5 through regular attendance at TM5 events and subsequent report outs to relevant IPO committees.
- 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.

IP LICENSING & RELATED ISSUES COMMITTEE

Chair: Brian Adams, Qualcomm Incorporated

Chair: Jennifer Carnahan, Dow Chemical Co.

Chair: Chuck Katz, Thermo Fisher Scientific Inc.

Vice Chair: Adrian Cyhan, Dinsmore & Shohl LLP

Vice Chair: Daisy Darvall, Kirkland & Ellis, LLP

Vice Chair: Christopher C. Smith, Brooks Kushman P.C.

Secretary: Teddi Josephson, Kirkland & Ellis, LLP

Board Liaison: William Krovatin, Merck & Co Inc.

Committee Charter

The 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; government contracts; 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; open source licenses; 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; and, Post-Expiration Royalty Considerations. The Committee interfaces, when applicable, with other committees on issues pertaining to areas of mutual interest.

Committee Agenda for 2021

The Committee plans to continue monthly training sessions during 2021. The Committee plans to implement suggestions and initiatives from the Committee's business meeting during the 2020 IPO Annual meeting, such as considering IPO Chat Channel topics, providing submissions to the IPO Daily News, 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 2021 Annual Meeting. The Committee will continue tracking case law developments via the licensing case law sub-committee. Additionally, the IP Licensing Committee now includes open source as a related issue in 2021. The development and distribution of software and other technologies under open source licenses has become a multibillion dollar industry. There are a wide variety of open source licenses which raise complex legal, business, and policy issues. Many of the ramifications of these various licenses are yet to be fully interpreted by courts or administrative bodies, and there are a variety of opinions on how these licenses would be enforced. This committee will host presentations and discussions on open source license issues involving IP ownership, licensing, integration, business models, divestiture, merger/acquisition, and more.

LATIN AMERICAN PRACTICE COMMITTEE

Chair: Sharon E. Hayner, Johnson & Johnson

Chair: Eila Mota, Cargill

Vice Chair: Ricardo Dutra Nunes, Daniel Law

Secretary: Rafael Salomão Romano, Daniel Law

Board Liaison: Kelsey L. Milman, Caterpillar Inc.

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 2021

(a) Host **IPO Chat Channels** covering relevant topics for the region, such as partnerships between patent offices to expedite patent prosecution, the Brazilian discussion on patent validity terms (Section 40 constitutional challenge), and compulsory licensing initiatives in the region; (b) implement initiatives to **increase the number of committee members** from corporations owning IP rights and outside counsel from countries where we currently do not have any members; (c) update and enlarge the publication **Guideline for Patents and Trademarks** in Latin America to encompass additional countries; (d) **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 (e) continue to hold monthly conference calls with our members, preferably with experts or authorities as guest speakers.

PATENT LITIGATION COMMITTEE

Chair: Kirby W. Lee, Ecolab, Inc.

Chair: Eva Mendelsohn, 3M Company

Vice Chair: Brian Horne, Knobbe Martens

Vice Chair: Michael Kahn, Akin Gump Strauss Hauer & Feld

Vice Chair: Eley O. Thompson, Foley & Lardner

Secretary: Ronald E. Cahill, Nutter McClennen & Fish

Board Liaison: Steve Caltrider, Eli Lilly and Company

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 2021

1. **Committee Meetings:** The full Committee will conduct telephonic meetings, generally at 3:00 pm Eastern on the third Thursday of the month. The Committee will also conduct meetings among Committee or subcommittee members as necessary.
2. **Education Sessions:** The Committee's Education subcommittee will conduct telephonic meeting, generally at 3:00 pm Eastern on the fourth Thursday of the month. The Education Committee will develop presentations to be delivered at regular committee meetings, IPO Chat Channel webinars, or the IPO annual meeting.
3. **Interplay Between IPR and District Court Litigation:** The Committee expects to develop an interactive discussion or group presentation on considerations for crafting a litigation strategy between the Patent Trial and Appeal Board at the U.S. Patent and Trademark Office and federal district courts. This would include commentary based on recent developments regarding USPTO rules governing the PTAB's discretionary denials of IPR and PGR petitions. The effort may take the format of a committee meeting or even a formal presentation such as an IP Chat Channel program. This project may be conducted in partnership with the U.S. Post-Grant Patent Office Practice Committee.

4. **District Court Venue:** The Committee will track and summarize how venue issues play out in federal district courts in the time since the *TC Heartland* decision. Specific issues of new and ongoing interest include specific rules developed in Hatch-Waxman cases; ambiguity regarding basing venue on computer servers and other human and non-human agents acting within a district; bringing suits against ex-U.S. parent companies without joining U.S. subsidiaries in order to avoid the strictures of *TC Heartland*; and examples of patent infringement law and practice that are not venue neutral and lead to continued forum shopping even after *TC Heartland*. The output of this effort will be to educate members on these issues, including through the IPO Chat Channel, and to provide the Board with informative information to act as a background for decision-making.
5. **Injunctive Relief:** A joint project between the Litigation Committee and the Damages Committee concerning the state of injunctions and the standard for permanent injunctions in patent infringement cases. The output of this joint effort may take the form of an educational program or a webinar, possibly suitable for presentation at an IPO meeting.
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.
7. **Discovery and Data Security:** The subcommittee by that name will explore the establishment of a set of standards useful 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.
8. **Use of Rule 36 Summary Affirmances at the Federal Circuit:** The Committee will explore ways to measure, examine, and track the use of Rule 36 by the U.S. Court of Appeals for the Federal Circuit to adjudicate cases. This may take the form of an empirical study and may lead to recommendations for further external-facing action by IPO.

PATENT SEARCH COMMITTEE

Chair: Martha Yates, Bayer Crop Sciences.

Vice Chair: Ford Khorsandian, Technology & Patent Research International, Inc

Secretary: Mark A. Harper, Burriss Law, PLLC

Board Liaison: Gary Ganzi, Evoqua Water Technologies

Committee Charter

This Committee will examine patent searching topics and be a resource for information related to patent searching. It will define and publish different category guidelines related to patent searching (e.g., patentability, validity, infringement, right to practice), analyze techniques and sources for doing such searches, and outline best practices related to patent searching. The Committee will provide feedback on USPTO, as well as other major patent offices', initiatives related to public availability of patent data as well as new patent examination search methodologies. It will examine search related matters, in cooperation with other IPO committees and/or international patent authorities, where appropriate. In addition, the Committee will review the availability of search-related information from patent information suppliers and foreign countries to foster dialog about subjects related to patent searching. The Committee will propose ways, through published documents, to educate IPO members about subjects related to patent searching.

Committee Agenda for 2021

AI and prior art searching

The IPO Patent Search Committee will investigate the topic of artificial intelligence (AI) with respect to patent searching. The AI and Prior Art Searching subcommittee will examine the way AI is currently applied to patent information in general, including the problem of identifying relevant prior art and determining appropriate patent classifications. We will focus on producing a framework with which to evaluate these tools.

Patent ownership

The IPO Patent Search Committee will investigate the topic of patent ownership with respect to patent searching and reporting of patent search results. The Patent Ownership subcommittee will identify sources of patent ownership information and techniques for evaluating a published patent application's chain of title. This investigation will consider patent searching and reporting challenges associated with patent assignment records that may not correlate with merger, acquisition, divestiture, or joint venture public announcements on a worldwide patent asset basis. The chair for this subcommittee is Joseph Polimeni, of IBM.

Support for the Chat Channel

The IPO Patent Search Committee will support the Chat Channel by 2-3 Chat Channel topics in 2021. Some possible suggestions are a session discussing our 2020 whitepaper on commissioning a landscape search, the new WIPO Inspire platform, or legal status code harmonization efforts.

PHARMACEUTICAL & BIOTECHNOLOGY ISSUES COMMITTEE
Chairs: Tonya Combs, Eli Lilly and Paul Golian, Bristol Myers Squibb
Vice Chair: Beverley Moore, Borden Ladner Gervais and
Vice Chair: Kathryn Wade, Kilpatrick Townsend & Stockton
Secretary: Garreth Duncan, D Young & Co
Board Liaison: Johanna Corbin, AbbVie

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 2021

The committee has planned the following agenda in 2021. 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 relating to drug pricing bills, and other bills/proposals that may (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 Practice Committee, the U.S. Patent Law Committee and the 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 draft 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 patent and regulatory legislation that negatively impacts the pharmaceutical and biotechnology industries. Ensure IPO fact finding 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: Scott Pojunas, Google LLC

Chair: Deepika Bhayana, Dell Technologies

Vice Chair: X. Christina Huang, Faegre Drinker

Vice Chair: Eli Mazour, Harrity & Harrity, LLP

Secretary: B. Delano Jordan, Jordan IP Law, LLC

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 2021

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 2020, the Committee completed two white papers/tools:

- The Patent Eligibility Subcommittee (chaired by Tom Burton, *Siemens Corporation*) delivered a tool and white paper entitled "Update to the IPO Patent Eligibility Tool and White Paper." The white paper expands on a 2018 tool white paper from this Committee with additional analysis of PTAB decisions and recent court cases involving patent subject matter eligibility of software.
- Additionally, the Software and Medical Device Subcommittee (chaired by Chris George, *Hanley, Flight & Zimmerman, LLC*), with participation from both the Software Related Inventions Committee and the AI & Emerging Technologies Committee, generated a white paper that analyzed Federal Circuit, District Court, and PTAB decisions involving i) software used as a medical device or ii) software used with a medical device to generate summaries and practice tips for practitioners in these areas. Progress was also made on an IPO Chat Channel CLE presentation based on those summaries.

Having completed work on the above Patent Eligibility and Medical Device projects, the Committee is focusing on four other projects in 2021. Each project will be conducted by a subcommittee or cross-committee working group.

First, the Patent Eligibility Subcommittee (still led by Tom Burton) will continue work on another update to the Patent Eligibility White Paper/Tool for publication by end of the year to keep pace with relevant PTAB cases, Federal Circuit cases, and any Supreme Court cases (including *American Axle* if cert is granted). This subcommittee may also

advise on patent eligibility issues on the cross-collaboration project with the IPO AI and Emerging Tech Committee (described below).

Second, the Software and Medical Device Subcommittee (still led by Chris George) will focus on new FDA guidelines for processing submission of AI/ML software as a medical device for product clearance and examine how the requirements of that process impact strategies for protection of such intellectual property. We will also prepare and present an IPO Chat Channel presentation based on our committee's work from 2020 and will continue that work to review Federal Circuit decisions stemming from district court decisions covered in our 2020 paper and other developments in the area of software as a medical device/software in a medical device that occur in 2021.

Third, the Education Subcommittee (chaired by Sameer Vadera, *Kilpatrick Townsend & Stockton LLP*) will expand opportunities for Committee members to participate in educational activities. For example, we will alternate monthly meetings between speaker presentations and discussions lead by a Committee member. We will also encourage Committee members to present at IPO Chat Channels and to submit content for the IPO News Daily.

Finally, we will be collaborating on a joint deliverable with the AI & Other Emerging Technologies Committee and have formed a cross-committee working group that already includes around 10 members. Leadership from both committees will be meeting during the week of February 15 to align on next steps.

STANDARDS SETTING COMMITTEE
Chair: Matteo Sabattini, Ericsson, Inc.
Chair: Eman Sojoodi, Dell Inc.
Vice Chair: Valentina Boyet, SAP SE;
Vice Chair: Paul Ragusa, Baker Botts
Secretary: TBD
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 2021

In accordance with its charter, the Standard Setting Committee also 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 is 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 Standard Setting Committee also will continue to make efforts to coordinate with other Committees on the SEPs-related and other issues as appropriate. For example, the Standard Setting Committee has been tracking a number of standards-related policy issues in China and Japan and has been able to synch 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

Vice Chair: John Thomas, Medtronic, Inc.

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 2021

1. Support the IPO Board and staff's consideration of the "Protect American IP Act," a bill that would require the U.S. President to sanction foreign persons who committed significant theft of trade secrets owned by a U.S. person if the activity was likely to cause a significant threat to U.S. national security, foreign policy, or economic health or financial stability
2. Continue monitoring implementation of trade secret aspects in the 2020 "Economic and Trade Agreement Between the United States of America and the People's Republic of China," as well as the U.S. Department of Justice's "China Initiative," which focuses on identifying and prosecuting those engaged in trade secret theft
3. Actively promote education of (1) Committee members, by inviting Committee members and guest presenters to lead monthly discussions concerning issues related to trade secret misappropriation and protection, and (2) IPO members, by proposing topics for the IPO annual meeting and for the IP Chat Channel.
 - a. Draft a white paper on case law developments during the first five years of the Defend Trade Secret Act

U.S. INTERNATIONAL TRADE COMMISSION COMMITTEE

Chair: Brett Bachtell, Qualcomm Incorporated

Vice Chair(s): Daniel Valencia, Covington & Burling LLP

Matt Rizzolo, Ropes & Gray, LLP

Secretary: Lauren Peterson, Adduci, Mastriani, Schaumberg LLP

Board Liaison: Scott Barker, Micron Technology, Inc.

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 actual and proposed 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 the types of claims that may be brought before the Commission, 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 2021

1. 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.
2. 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.
3. 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.
4. In an effort to increase the depth and breadth of Section 337 practice, the ITC Committee will continue to identify potential topics for white papers and informal seminars, including, but not limited to:
 - 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;

- changes at the CBP concerning the rules for when and how the CBP will issue ruling requests concerning the scope of exclusion order, including the creation of a dedicated Exclusion Order Enforcement Branch;
 - 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;
 - the potential impact of various proceedings on Section 337 investigations, including hearings and oral arguments before the Commission;
5. 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.
 6. 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.
 7. In order to accomplish its goals for the year, the ITC Committee will continue to hold regular videoconference calls and will encourage participation from its corporate members to ensure the committee advocates positions desirable to IP owners.
 8. 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.

U.S. PATENT LAW COMMITTEE

Chair: John E. Mauk, Thermo Fisher Scientific

Chair: Kyle Trout, Koninklijke Philips N.V.

Vice Chair: Ian Washburn, Irell & Manella LLP

Vice Chair: Larry Williams, Dinsmore & Shohl LLP

Vice Chair: Shaun Zhang, Goldman Ismail Tomaselli Brennan & Baum LLP

Secretary: Tammy Rhodes, Wenderoth Lind & Ponack LLP

Board Liaison: Brian Bolam, The Procter & Gamble Company

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 2021:

In January, the leadership team developed our strategy for 2021 and decided to maintain the three 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. **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 session of Congress.
 - b. **Duty of Disclosure, Inequitable Conduct:** The subcommittee will continue investigation of the current state of law surrounding both the duty of disclosure and inequitable conduct including:
 - i. Whether the duty of disclosure should be modified or abolished
 - ii. If the duty of disclosure should remain in some form, whether inconsistent duties of candor at USPTO, PTAB, and in court for both enforceability and disciplinary purposes can and should be harmonized.The subcommittee will conclude the investigation with a proposal for lawmaking or rulemaking (in consultation or cooperation with the U.S. Patent Office Practice Committee) to be voted on by the full committee.
 - c. **Items the subcommittee is monitoring and for which it may propose legislative changes based on the outcome:**
 - i. IPR joinder under 35 USC § 315(c) – *Facebook v. Windy City*

ii. Assignor estoppel – *Minerva v. Hologic*

d. **Long-term items the subcommittee is evaluating:** damages/apportionment; the “reasonable certainty” indefiniteness standard; secret sales and 3rd party sales under 35 USC § 102.

2. **Pending Patent Legislation Subcommittee:** This subcommittee, led by Laura Donnelly, Johnson & Johnson, will monitor pending legislation, educate the committee on such legislation, coordinate outreach via IPO Liaison to Congress with questions for clarification on specific 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 117th Congress and the presidential administration to identify potential impacts on patent law. We will monitor and evaluate the actions and positions of the Director who replaces Director Iancu. The outgoing Director showed a willingness to interface with IP stakeholders to engage in meaningful reform, and how these actions and positions affect IP owners, and this Subcommittee will monitor and recommend engagement, as appropriate, with the initiatives of the new Director.
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 with a primary focus on introducing and exploring actionable issues in US patent law for this committee to consider for further investigation in the other two subcommittees. The subcommittee will also be responsible for suggesting topics and organizing panels for IPO conferences.

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. To keep the committee apprised of initiatives in these other committees, the leadership team will seek to appoint liaisons to each of these committees to facilitate information sharing.

U.S. PATENT OFFICE PRACTICE COMMITTEE

Chair: Lesley Leonessa, Dell

Chair: Aamir Haq, Hewlett Packard Enterprise

Vice Chair: Courtenay Brinkerhoff, Foley & Lardner LLP

Vice Chair: Roland McAndrews, Bookoff McAndrews PLLC

Vice Chair: David Easwaran, Womble Bond Dickinson (US) LLP

Secretary: Manav Das, McDonnell Boehnen Hulbert & Berghoff LLP

Board Liaison: Manny Schecter, IBM Corp.

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 2021

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 or virtual 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.

U.S. POST-GRANT PATENT OFFICE PRACTICE COMMITTEE

Chair: Christopher Comiskey, Collins Aerospace

Chair: Emily Johnson, Amgen, Inc.

Vice Chair: Eric C. Cohen, Rimon PC

Vice Chair: Jeff Totten, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Vice Chair: Todd R. Walters, Buchanan Ingersoll & Rooney PC

Secretary: Erik Drange, 3M Innovative Properties Co.

Board Liaison: Buckmaster De Wolf, General Electric Co.

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, ex parte reexamination, supplemental examination, interferences, derivation proceedings, 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 2021

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

U.S. TRADEMARK LAW COMMITTEE

Chair: Jake Feldman, Johnson & Johnson

Chair: Valerie Verret, Exxon Mobil Corporation

Vice Chair: Joshua S. Jarvis, Foley Hoag LLP

Vice Chair: Wendy C. Larson, Pirkey Barber PLLC

Secretary: Anne E. Naffziger, Leydig, Voit & Mayer, Ltd.

Board Liaison: William D. Miller, General Mills, Inc.

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 2021

The Committee:

- Has scheduled monthly conference calls for the third Thursday of the month at 2:00 pm ET.
- Anticipates submitting a resolution for the Board to consider at its March meeting recommending that the Board support federal legislation to restore public access to domain name registration information to improve the transparency, accountability, stability, safety, and security of the internet.
- Has formed three working groups to facilitate discussion and address issues in the following subject areas:
 - Domain Names/UDRP Reform/Social Media
 - Court Actions/TTAB Monitoring
 - Legislation Monitoring
- In addition, the Committee anticipates working on the following projects:
 - Collaborating with the U.S. Trademark Office Practice Committee on a potential resolution regarding TTAB procedures;
 - Monitoring ICANN's review of the UDRP and other rights protection mechanisms and considering whether the committee should prepare a position statement;

- Collaborating with the Anti-Counterfeiting Committee on the Shop Safe Act;
- Monitoring ICANN policy development and U.S. legislation related to post-GDPR Whois access and advocating for convenient brand owner access;
- Monitoring the implementation of the Trademark Modernization Act; and
- Suggesting topics for one or more presentations or panels for the 2021 IPO Annual Meeting.

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.

U.S. TRADEMARK OFFICE PRACTICE COMMITTEE

Chair: Jenny Greisman, IBM Corporation

Chair: Gretchen Stroud, Gilead Sciences, Inc.

Vice Chair: Danny Awdeh, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Secretary: Katie McKnight, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Board Liaison: Cindy Rosser, DocuSign, Inc.

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 effect 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 2021

The Committee will send representatives to participate in a virtual meeting with the Commissioner of Trademarks and Chief TTAB Judge.

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 and Requests for comment when appropriate.

In particular, the Committee plans to keep participating in ongoing discussions with senior USPTO officials regarding the implementation of Trademark Modernization Act (TMA), draft and submit IPO comments to the upcoming TMA-related Notice of Proposed Rulemaking (NPRM) and prepare and submit a board resolution on TMA implementation.

The Committee plans to develop educational programs related to practice before the U.S. Trademark Office, including a CLE program for IPO's IP CHAT CHANNEL webinars and/or a Committee breakout session for the IPO Annual Meeting regarding TMA.

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.

January 2021



**Intellectual[®]
Property
Owners
Association**

IPO Standing IP Committee Policy Manual

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Table of Contents

This manual is a blueprint for IPO committee operations. It explains how committees are organized and how appointments are made, defines the primary responsibilities of committee leaders, and outlines expectations including the schedule of committee activities and deadlines for the year. For questions about IPO committees, contact the IPO office at committees@ipo.org.

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I. Introduction

IPO Governance

Directors

The IPO Board of Directors is the governing and policy-setting body of the association. It operates in accordance with IPO's mission and vision statements and strategic framework.

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 can be renewed consecutively. Five board members are regular corporate members who are elected for two-year terms that may not be renewed consecutively. One inventor member is elected to the board for a two-year term that can be renewed. Board members are nominated by the nominations committee and elected by the IPO membership during the Annual Meeting.

Executive Committee

The nine-member IPO Executive Committee (<http://www.ipo.org/index.php/about-ipo/committees/executive-committee/>) is vested with the authority to act on behalf of the board between meetings. Its nine members include the president, vice-president, treasurer, immediate past-president, IPO Education Foundation president, and four at-large members elected from the board members for staggered two-year terms.

Officers

IPO officers include the 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. The IPO Board delegates authority to the officers to serve as advisors for management and to approve recommendations as needed concerning issues related to operations, non-controversial policy matters, and ad hoc issues requiring a rapid response.

Strategic Plan

The board engages in strategic planning every three years. Strategic planning activities took place virtually during 2020. The strategic plan guides all association activities, including governance, U.S. and international advocacy, committee activities, and association business activities such as membership recruiting and conferences. The mission, vision, and strategic framework adopted by the IPO Board in 2020 are below.

Mission

Promote high quality and enforceable intellectual property rights and predictable legal systems for all industries and technologies.

Vision

The global acceleration of innovation, creativity, and investment necessary to improve lives.

2021-2023 Strategic Framework



Policy on Achieving Board Consensus

A unique value of IPO is that it represents IP owners in all industries and fields of technology. IPO is most effective when it speaks with one voice as a representative of this diverse membership. In order to achieve diverse representation, IPO will recruit members from all industries and fields of technology. The board charges its nominations committee to strike a desirable balance as it nominates new members to the IPO Board of Directors. While the by-laws permit taking positions based on a majority vote (two-thirds for amicus briefs), the goal is to achieve consensus whenever practical. The board charges its leadership with facilitating robust discussion of IP policy, IP legislation, and other matters of IP law, with the objective of achieving consensus on resolutions and other actions. When consensus is not easily achieved, the leadership will seek to identify and understand each position and explore appropriate steps for further consideration.

Policy on the Value of IPO's Diverse Membership

The IPO Board recognizes, values, and seeks to engage the participation, thought leadership, and collaboration of our non-board members. Therefore, we recognize the importance of addressing interests and needs of the broad range of IPO members. This includes:

- Creating professional, networking, and business development opportunities,
- Providing continuing legal education opportunities,
- Guiding the Standing IP Committees via regular and timely feedback,
- Publicizing committee activities,
- Seeking input of non-Board members on IPO positions to be advocated to Congress, the USPTO, and the courts,
- Communicating with members about Board initiatives, and
- Updating members on the developments in IP law via the *IPO Daily News*TM.

IPO Board Meetings

Traditionally, the board has held five in-person meetings during a calendar 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. In 2020, the board shifted to holding meetings virtually and more frequently. Staff liaisons will share notices and deadlines for upcoming meetings as appropriate.

Standing IP Committees

Standing IP Committees report to the IPO Board of Directors. Currently IPO has 28 Standing IP Committees that fall into the categories of Business and Professional and IP Law & Practice Committees. (See <https://ipo.org/index.php/find-a-committee/> for the current committees and their leadership.)

The number of committees is subject to change annually. Each committee is devoted to a particular aspect of IP law or business that is 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. Appointments to committees are approved by IPO staff.

Committees are made up of chairs, vice chairs, a secretary, a board liaison, a staff liaison, and voting and non-voting members. The IPO President appoints chair(s), vice chair(s), and board liaisons. Committee chairs are typically selected from IPO's corporate members. Vice chairs are typically selected from law firm members but may include corporate members. A committee secretary is selected by the committee's chair(s) and vice chair(s).

To be appointed to a Standing IP Committee, an IPO member must submit an application on the IPO website (www.ipo.org/joinacommittee). Only IPO members are permitted to join IPO committees. Nonmember participation 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 sometimes 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 may also 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 to 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 March Committee Leadership Meeting, the IPO Owners Spring Summit™, and the IPO Annual Meeting in September.

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

Committee chairs and vice chairs are encouraged to recruit IPO members to their committees, particularly any members who contribute to committee projects but are not members of the committee. Benefits available to those responsible for recruiting IPO members can be found here (<https://ipo.org/index.php/membership-recruiting-challenge/>). Chairs and vice chairs are also asked 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 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 their 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 committee 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 the same 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. The chair(s), vice chair(s), and staff liaison have the discretion to assess whether voting members have been actively participating 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 do not vote on proposed resolutions.

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 employees of an IPO member company or firm can serve as voting members on the same committee. In making committee appointments, consideration is balancing the number of corporate, law firm, and other member classes on a given committee, as well as achieving industry diversity.

The exception to these policies is that any IPO member can serve as a voting member on any Business and Professional Committee, in addition to any IP Law & Practice Committees memberships.

Board Liaisons

A member of the IPO Board of Directors is assigned annually 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, and as a sponsor and advocate for the committee. Board liaisons should participate in committee calls and stay in 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 policies and positions the board has adopted and encouraging committees to explore changing positions based on a change in circumstance that merits revisiting a position. Board liaisons also help committees avoid spending time on projects with respect to which the board is not likely to be receptive. Board liaisons are encouraged to highlight significant committee milestones or activities during board meetings and to occasionally brief and seek direction from the IPO Executive Committee on committee projects as needed.

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 regarding resolutions adopted and rejections of previous recommendations; contributes substantively on legal, legislative, and management issues; answers questions regarding IPO policy and procedure, the 3-year strategic plan, and the organization's mission, vision, and existing policies and positions; and provides assistance to committee leadership as needed. Staff liaisons work with board liaisons to guide committees 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 that the staff liaison may ask the committee to vote on the resolution.

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 will continue to lead their committees 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 recurring conference calls with their members to facilitate sharing information about issues within the committee's jurisdiction and collaborate on committee projects. Committees typically meet at least monthly. IPO Connect is the tool for communicating with committee members and contains the up-to-date membership roster. Instructions for using IPO Connect are included in Section VI.

Identifying Committee Projects

Committee projects can be initiated in various ways. The IPO Board of Directors might ask a committee to investigate an issue or develop a recommendation for board action. (Refer to Section V for instructions on developing board resolutions and supporting reports and the [template](#).)

The chair(s) and vice chair(s) of a committee are also encouraged to propose projects to their members that are within the committee charter and are consistent with IPO's mission and vision. 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 relevant to the committee's charter. The *IPO Daily News* reports on many 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.

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 this meeting, committees will be asked to develop an annual action plan. This document should identify 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 government officials

such as the USPTO. 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 potential 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, which occurs during an opening night reception when the meeting is held in person.

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 must be approved by IPO leadership before they are invited to speak.

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, recommended speakers, and potential sponsors (if known). Upon approval, the committee will be asked to assist in producing marketing materials and other help in planning the webinar. These webinars may include proposed speakers from outside of the committee membership.

Annual Reports

In November, chair(s) and vice chair(s) are responsible for preparing a one-page annual report that summarizes committee activities, suggests future activities to aid incoming committee members/leadership, and provides general information about developments on IP issues relevant to the committee's charter. 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 during the annual meeting;
- Plaques for committee chair(s), vice chair(s), secretary, and board liaison;
- Recognition on the IPO website and mention in the *IPO Daily News*.

IV. Guide to Proposing Resolutions for Adoption by the Board

Typically, the IPO Board of Directors meets in person five times per year, but might choose to meet more frequently in a virtual environment (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 (unless a different manner of proceeding has been approved by IPO). 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.

Votes on proposed resolutions require a quorum, meaning votes (for, abstain, or against) by a majority of the committee members **who have voting member status**. Given the importance of achieving a quorum, chairs and vice chairs are responsible for encouraging eligible committee members to vote.

The memo supporting a 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 have one or two of its members discuss the recommendation with the Executive Committee virtually. 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 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. ([Click here for a template.](#))

Tips on Presenting Resolutions to the IPO Board

- The IPO staff will notify you when, where, and how 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.
- Know your audience: The board is made up of leaders from large companies that likely have views on the topics you will address. Some may have advocated to Congress or other governmental bodies 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 is useful to provide a point/counterpoint to present the different 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 be public.
 - Timing considerations such as expected Congressional action on legislation or agency action on rulemaking and any 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 be 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 proposed rules 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 during a committee meeting 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. The committee leaders should provide the staff liaison with a copy of (or link to) any regulations being commented on or, if applicable, an English translation of the regulations.

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 "Sign-in"
3. Login using the same username and password you use for IPO.org
4. If you cannot remember your password, request a new one at <http://www.ipo.org/password> (If you are still experiencing problems logging in, please email committees@ipo.org to have 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 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

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 or 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 all current committee members receive the invite.

Create a Subcommittee

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 created.

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 who inquire about signing up for your committee to www.ipo.org/joinacommittee.
- Publish a schedule and attach a calendar invitation to your message. This helps to increase participation.
- Send out messages with items of interest to committee members somewhat regularly 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's professional networking site, IPO Connect, includes a discussion group for every committee. Encourage new committee members to login to IPO Connect to view previous messages and get up to speed on the committee's projects. Refer to the "Using IPO Connect for Committee Business" section in this manual for more information about using IPO Connect.

Be Aware of IPO Deadlines

As explained above, committees are asked to submit reports two times during the year (one for the Committee Leadership Meeting and an Annual Report). Please make sure you are aware of these deadlines so that you can meet them in a timely fashion. Reports to 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).

Organize Subcommittees

Organize subcommittees to work on specific projects and report back to the full committee. This is particularly useful for very large committees because it allows the committee to pursue multiple projects and provides active committee members a greater opportunity to get involved. Chairs should check in regularly with each subcommittee to ensure that they are on track and working toward the committee's

goals. Contact your staff liaison to request that IPO Connect groups be created for your subcommittees.

2021 IPO Standing IP Committee Leaders

Legend: BDL= Board Liaison CH= Chair SEC= Secretary VC= Vice Chair

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