



**2022 Standing IP Committee
Leadership Meeting**

**Manchester Grand Hyatt
San Diego, CA
March 11, 2022**

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AGENDA

IPO COMMITTEE LEADERSHIP MEETING

Friday, March 11, 2022
7:30a.m. – 12:00p.m. PT
Manchester Grand Hyatt
San Diego, CA

- 7:30a.m. Continental Breakfast
- 8:30a.m. Welcome Remarks by Karen Cochran, IPO President
- 8:35a.m. Remarks by Samantha Aguayo, Deputy Executive Director & Chief Policy Counsel
- 8:40a.m. Remarks from Paul Berghoff, Vice Chair of IPO Amicus Brief Committee
- 8:45a.m. Presentations by the Standing IP Committees (2-3 mins. each)

I. Business & Professional Division

- 1) Corporate IP Management & Operations
- 2) Diversity & Inclusion
- 3) Leadership Development
- 4) Women in IP Law

10) IP Licensing & Related Issues

- 11) Latin American Practice
- 12) Patent Litigation & Remedies
- 13) Patent Search
- 14) Pharmaceutical & Biotechnology Issues
- 15) Software Related Inventions

II. IP Law & Practice Division

- 1) Anti-Counterfeiting & Anti-Piracy
- 2) AI & New Emerging Technologies
- 3) Asian Practice
- 4) Canadian Practice
- 5) Copyright & Related Rights
- 6) European Practice
- 7) Industrial Designs
- 8) International Patent Law & Trade
- 9) International Trademark Law & Practice

16) Standards Setting

- 17) Trade Secrets
- 18) U.S. International Trade Commission
- 19) U.S. Patent Law
- 20) U.S. Patent Office Practice
- 21) U.S. Post-Grant Patent Office Practice
- 22) U.S. Trademark Law
- 23) U.S. Trademark Office Practice

- 10:15a.m. Break
- 10:30a.m. Panel Discussion – *How to Execute Your Committee's 2022 Plan*
Samantha Aguayo (IPO), Moderator
Emily Johnson (Amgen), Chair – U.S. Post-Grant Patent Office Practice Committee
Rachael Rodman (Ulmer & Berne, LLP), Vice Chair – Women in IP Law Committee
James Signor (Leydig, Voit & Mayer, Ltd.), Vice Chair – European Practice
- 11:00a.m. Networking with Committees of Your Choice
- 12:00p.m. Adjournment

CORPORATE IP MANAGEMENT & OPERATIONS COMMITTEE

Chair: Arvie Anderson, *Eli Lilly and Co.*

Chair: Laura Caponi, *Bristol Meyers Squibb*

Vice Chair: Joseph Wrkitch, *Exxon Mobil*

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

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

Board Liaison: Gary Ganzi, *Evoqua Water Technologies LLC*

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 2022

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. In doing so the Committee will actively seek ways to engage the IPO community including via potential surveys, roundtables and shared learning. Areas of focus for 2022 include

- (1) Review of Patent Quality KPIs
- (2) Roundtable Discussions involving the IPO Community
- (3) Deep Dives on Emerging Technologies during Monthly Committee Meetings

DIVERSITY & INCLUSION COMMITTEE

Chair: Shruti S. Costales, *Dell Technologies*

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

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

Vice Chair: Natalie Alfaro Gonzales, *Baker Botts LLP*

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

Vice Chair: Claudia W. Stangle, *Leydig, Voit & Mayer, Ltd.*

Secretary: Christopher Suarez, *Steptoe & Johnson LLP*

Board Liaison: Darryl P. Frickey, *Dow Chemical Co.*

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 2022

The Committee plans to remain active on several fronts and has several initiatives and goals in 2022, including:

- **Monthly meetings:** Each month, we hold a monthly meeting with a guest speaker who provides valuable insights into diversity, equity, and inclusion issues
- **Resource groups:** In connection with our meetings, we continue to collaborate with our resource groups, including our Asian IP Professionals, Black IP Professionals, Disabled IP Professionals, Hispanic IP Professionals, and Pride & Allies IP Professionals resource groups. The committee often solicits inputs from these groups for programming for our monthly meetings, and plans to continue to host special events with these groups. These groups produce deliverables such as webinars, whitepapers, toolkits, or a seminar. Each resource group will produce a webinar.
- **Subcommittees:** Our Hiring & Retention subcommittee focuses on ways to promote improvements to hiring and retention in the IP legal space by promoting content and conversations around these issues. Our outreach subcommittee is focused on IP education in youth and future IP professionals such as through events like World IP Day, and through partnerships with outside organizations, other bar associations, and groups.

Our in-reach subcommittee explores partnerships with other IPO groups and committees to support the broader committee's work. The In-Reach Committee, in addition to the EU white paper on diversity in IP discussed below, is working with other subcommittees to collaborate with WIPO and USPTO on various projects including collecting and/or creating awareness of diversity metrics in the IP Space. This subcommittee is also working with Women In IP to talk to Emory Law students about careers in IP and diversity considerations. The event is scheduled for March 16 via Zoom.

- Policy and Advocacy: Where appropriate, the committee will engage in certain policy and advocacy initiatives. Last year, we engaged in advocacy and submitted comments pertaining to the Florida Supreme Court's decision that discouraged policies that promote diversity of speakers on CLE panels. We will continue to support the IPO in providing further education around this issue
- Practical Guide to Diversity and Inclusion: Last year, the committee released the Practical Guide to Diversity and Inclusion, Version 3.0 and hosted a webinar on the topic. We are continuing to advertise and promote the practical guide to ensure its widespread adoption and use.
- White Papers: The committee plans to continue to draft white papers on important D&I topics. The D&I committee's Hiring & Retention subcommittee is beginning work on a brand-new white paper on the topic of the Myth of the Meritocracy. The topic is about how law firms and other legal organizations believe that hiring and retention is based purely on a merit-based system but in reality biases and various other factors effectively erode merit-based hiring and advancement. The committee hopes to complete this work by midyear. The In-Reach Committee is working with Women in IP and the EU Practice Group and is finalizing its White Paper on Diversity in IP Professionals and Diversity in Innovation in Europe. It should be finished in the next month and we are exploring doing a Chat Channel in the second quarter.
- World IP Day: We support community service efforts relating to IP. In honor of World IP Day on April 26th, IPO Education Foundation and IPO's D&I committee's Outreach subcommittee are encouraging youth outreach events to introduce IP to the next generation of diverse innovators and practitioners. We are providing support and advocacy around this event and other similar events.
- Newsletter: We plan to provide content for the IPOwners Quarterly along with The Women in IP Committee broadly share and showcase the D&I focused discussions, initiatives, and activities with IPO members.

The Current Resource Groups and Subcommittee leaders are as follows:

- Resource Groups
 - IP Professionals with Disabilities and Advocates – Tom Pienkos (SmithAmundsen)
 - Pride & Allies IP Professionals – DJ Healey (Fish & Richardson) & Brian Brookey (Tucker Ellis)
 - Asian IP Professionals – Vaishali Udupa (HPE) & Ritu Singh (Dinsmore)
 - Black IP Professionals – Gaby Longworth (Sterne Kessler) & Richard Watkins (Medtronic)
 - Hispanic IP Professionals – Gloria Fuentes (Bristol Myers Squibb) & Jessie Herrera (Patterson Sheridan)

- Subcommittees
 - **Hiring & Retention** subcommittee - Co-chairs: Shruti Costales, Carlyn Burton, Rachael Rodman (Ulmer Berne), and Susi Fish (Boult Wade Tennant LLP).
 - **Outreach** subcommittee - Co-chairs: Elaine Spector, Mareesa Frederick (Finnegan), and Leanthony Edwards (Dinsmore).
 - **In-reach** subcommittee (Claudia Stangle and Carlyn Burton).

The Resource Groups and Subcommittees are planning the following events for 2022 with exact dates to be determined:

- White paper on the Myth of the Meritocracy drafted by the Hiring & Retention subcommittee will be released in April 2022
- The next section of the D&I Practical Guide on Hiring & Retention will be released in May 2022
- Black IP Professionals Resource Group honored BLACK HISTORY MONTH on February 24 by having a coffee chat with Phyllis Turner Brim (DGC and Chief IP Counsel at HP Inc.)
- WORLD IP DAY - April 26- In honor of World IP Day, IPO Education Foundation (IPOEF) and the IPO D&I Outreach Subcommittee have collaborated in creating a youth outreach program, and encouraging its members to host an individual outreach program within their organization. Hosts have an opportunity to qualify for an IPOEF Outreach Advocate Award.
- Asian IP Professionals Resource Group will celebrate Asian Pacific American Heritage Month on May 18
- Pride and Allies Resource Group will celebrate PRIDE MONTH on June 15
- Outreach subcommittee- Programming this year includes webinars on the following topics:
 - Careers in innovation & IP – TBD
 - Starting a Patent Internship Program- TBD
- Hispanic IP Professionals Resource Group will celebrate National Hispanic-Latino Heritage Month on September 21
- IP Professionals with Disabilities and Advocates Resource Group will celebrate National Disability Employment Awareness Month on- October 19

LEADERSHIP DEVELOPMENT COMMITTEE

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

Chair: Andrea Lynn Evensen, *Leica Biosystems*

Vice Chair: Tina Dorr, *Cantor Colburn LLP*

Vice Chair: Rory P. Pheiffer, *Barnes & Thornburg LLP*

Secretary: Sandra J. Wunderlich, *Tucker Ellis LLP*

Board Liaison: Matthew P. Fitzpatrick, *Procter & Gamble Co.*

Committee Charter

The Committee will seek to foster, advance, and promote leaders in IP law at all levels. This includes developing programs and initiatives on topics relevant to advancing leadership skills and collaborating with other committees on items of interest to the membership germane to leadership. The Committee will interface across the IP community, including those working in corporations, law firms, universities, and government, to achieve these goals.

Committee Agenda for 2022

The Committee understands that “leadership” provides an opportunity for constant growth, regardless of one’s position or situation. The Committee name has been changed to Leadership Development Committee to better capture the Charter of the Committee and to reach a broader membership base to include new, emerging, and established IP leaders. Feedback on the previous name, *Next Generation Leaders*, indicated that persons thought the committee would only benefit new and emerging IP leaders in the “younger generation,” but that it would not benefit established IP leaders across generations. The Committee desires to foster, advance, and promote leaders in IP law *at all levels* and not be solely focused on a particular demographic. All people at all experience levels can become better leaders by learning from each other.

The Committee will continue developing its initiatives for the year consistent with the Committee Charter for leaders in IP law at all levels. The Committee will also establish measurable goals to help focus efforts and assess the impact of those efforts.

One Committee focus will be to create a leadership video series comprising short videos from established leaders to provide advice and guidance to new, emerging, and established IP leaders who desire to improve their leadership skills. The leadership video series will provide a great opportunity for public outreach.

Another Committee focus will be to increase membership, meeting attendance, and overall engagement by the members. To that end, the Committee seeks to add at least fifteen members to its mailing list and at least ten members as regular attendees at its monthly meetings. Efforts to achieve this goal will include encouraging Committee members to invite their contacts interested in growing leadership skills to a committee meeting, encouraging Board members to participate in the meetings and/or 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 also plans to propose a leadership-based program for the IPO Annual Meeting and present one or two “Chat Channel” programs during the year. These efforts will increase the focus on leadership development outside of the Committee while also increasing awareness of the Committee itself.

The Committee will continue to update the Committee’s Leadership Resource Compendium that lists materials (*e.g.*, books, articles, podcasts, videos of interest) from which leadership lessons can be learned. The Committee will also carry on its well-received book club, which will occur quarterly during a committee meeting.

Finally, to foster increased engagement and connections among members of the Committee, the Committee will continue to host 30-minute virtual coffees amongst its members. Each month committee members will be paired with another committee member to meet informally to learn more about each other.

WOMEN IN IP LAW COMMITTEE

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.*

Vice Chair: Heather Barnes, *Tucker Ellis LLP*

Secretary: Christina Lee, *Perry + Currier Inc.*

Board Liaison: KaRan Reed, *BP America, 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 with women and men across the IP community, including those working in corporations, law firms, universities, and government, to achieve these goals.

Committee Agenda for 2022

In 2022, the committee will continue many of the initiatives from 2021, 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. 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. 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 and collecting data on past IPO speakers. Additionally, the 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 goal is for the workshop to 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 launching an updated version of the Toolkit in 2022 that is more visually consistent with the Law Firm Tool Kit and that addresses increasing inclusion innovation ecosystem 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 scoping out IPO Chat Channel programming. 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 conduct 1-2 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 periodic 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.

The committee will seek to engage new members to be active in the committee including by (1) reaching out to new members for a warm welcome and introduction, (2) having member spotlights and small group breakouts during monthly meetings, and (3) putting together a monthly content sub-committee to develop content for meetings and to develop new leaders.

Finally, the committee will continue to seek partnerships and synergies with the Diversity and Inclusion Committee on matters other than white papers, and with the IPOEF regarding the diverse inventors focus.

ANTI-COUNTERFEITING & ANTI-PIRACY COMMITTEE

Chair: Colette Durst, *3M*

Vice Chair(s): Monica Talley, *Sterne Kessler*

Secretary: Tim Golder, *Allens*

Board Liaison: Courtney Nelson Wills, *Medtronic Inc.*

Committee Charter:

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

Committee Agenda for 2022:

The Committee aims to achieve the following in 2022: Continue to meet monthly via video conference.

Submit proposals for IPO Chat Channel webinars to include one or more of the following topics:

- Sale of counterfeit goods on social media and e-commerce sites – when to disrupt and when to investigate.
- Managing an anti-counterfeiting program when budgets are tight.
- Collaboration with e-commerce platforms on a global online anti-counterfeiting program.
- Collaboration between law enforcement and other brand owners on anti- counterfeiting challenges globally (offline and online).

Create an anti-counterfeiting “toolbox” of resources to help members identify and address counterfeiting issues in various contexts.

Continue to advocate for legislation to protect consumers from the sale of counterfeit goods on e-commerce platforms and to help brand owners enforce their rights on e-commerce platforms.

Provide input to the International Patent Law and Trade Committee for the 2021 Special 301 Report.

ARTIFICIAL INTELLIGENCE & NEW EMERGING TECHNOLOGIES COMMITTEE

Chair: Caroline S. Pinkston, *Hewlett Packard Enterprise*

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

Vice Chair: Joshua Simmons, *Kirkland & Ellis LLP*

Vice Chair: Steven Hanley, *Caterpillar*

Secretary: Alex Bridge, *Hewlett Packard Enterprise*

Board Liaison: Brett Alten, *Hewlett Packard Enterprise*

Committee Charter

The Artificial Intelligence and ~~Other~~ New Emerging Technologies Committee is responsible for exploring the global landscape of technology and promoting intellectual property protection of artificial intelligence and ~~other new~~ 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 2022

The Committee will focus on identifying, monitoring, and studying intellectual property issues raised by artificial intelligence and new 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 on providing guidance on AI issues that arise today and on educating IPO members about the potential impacts of these IP issues.

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 2022

The Committee’s plans for 2022 include:

1. Develop and propose IPO policy positions relating to AI. Monitor DABUS cases and appeals, *e.g., Thaler v. Hirshfeld*. Collaborate with the Amicus Committee and consider preparing a memo on various issues and recommended IPO positions;
2. Identify new emerging technologies and educate members on these technologies. Review emerging technologies that warrant additional focus and draft deliverables as needed;

3. Increase cross-committee collaborations among various IPO Committees and timely respond to solicitations to provide legislative input. Appoint liaisons from the selected IPO Committee to serve as a bridge to the AI & ET Committee; and
4. Continue with the policy subcommittee. The subcommittee will identify IP issues relating to AI and ET that may merit policy development, perform initial review, and bring proposals to the full committee for consideration.

ASIAN PRACTICE COMMITTEE

Chair: Jimmy Cheng, *Qualcomm Inc.*

Chair: Kurtis MacFerrin, *Google LLC*

Vice Chair: Robert Siminski, *Harness IP*

Vice Chair: Michael D'Aurelio, *Thomas/Horstemeyer, LLP*

Vice Chair: Brad Chin, *Bracewell LLP*

Vice Chair: Ashwani Balayan, *ALG India Law Offices LLP*

Vice Chair: Toby Mak, *Tee & Howe Intellectual Property Attorneys*

Secretary: Eric Guo, *Shell Oil Company*

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, and India. The Committee will also disseminate and exchange information and views among IPO members 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, PPAC (Patent Protection Association of China), and QBPC (Quality Brands Protection Committee)
- Preparing and drafting comments on proposed new IPR legislation, rules, regulations, and policies in Asian jurisdictions on behalf of IPO

Committee Agenda for 2022

- A virtual or in-person IP Innovation Dialogue trip to China and potentially a second jurisdiction, including periodic meetings throughout the year.
- Submission of comments in response to request for comments regarding various IP laws, rules, regulations, guidelines and policies of Asian jurisdictions, and occasional meetings with the USPTO's China Team to exchange insights when requested.
- Propose, and if accepted, prepare 2022 IPO Annual Meeting CLEs.
- Work to formalize the concept of region-specific sub-committees.
- Monthly conference calls, with occasional guest speakers, on Asian IPR topics of interest.
- Consider and develop potential IP Chat Channel programming.

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 2022

Schedule of Canadian Practice Committee conference calls and meetings

(Conference Calls at 4:00 p.m. EST)

January 25: prior user rights and s. 56 of the Patent Act

February 22: Joan McCormick (guest speaker from IQVIA) discussing the proposed PMPRB Regulations in light of the recent Quebec Court of Appeals decision in the Merck et al v. Attorney General of Canada constitutional challenge case

March 29: whether Artificial Intelligence (AI) can be an author of a copyright

April 26: regular programming (with pet showcase – second annual)

May 31: collaboration meeting

June 28: recent developments in Canadian trademark law

July 26: regular programming

August 30: regular programming

September: Annual General Meeting programming

October 25: collaboration meeting

November 29: Executive Leadership and Board Liaison presentations

December: Holiday social virtual drop-in

Key Pillars of Interest and Focus

Pillar One: Declining protection for Pharma/Tech in Canada

- Amendments to Patent Rules (CETA implementation)
 - CSPs and the manufacturing “Export” exception
 - Data Exclusivity/Protection
 - Patent enforcement and Section 8
 - Proceedings under PMNOC Regs
 - Patent Register requirements
 - Monitoring competition issues relating to pharma patents

- PMPRB Issues/Amendments
 - Comment upon and monitor proposed Guidelines, monitor implementation and related changes
 - *Ad Hoc* review of decisions
 - changing the patentability conditions and/or creating special categories of inventions is not the way to address pharmaceutical pricing
 - partner with other committees on this
- Section 8 and claims after unsuccessful PMNOC proceedings
- Biosimilar law and policy
- CIPO Policy on refusing claims to Diagnostic Methods
- Indirect Infringement or Inducement

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

- Monitor impact of *Patent Act* and *Patent Rules* changes (including modifications from 2019 and upcoming 2022 modifications)
- Implementation of claims fees for patent applications
- Limitation on number of patent examination reports
- New border enforcement provisions
- Issues relating to any new CA Trademarks Act amendments and changes to Trademarks Regulations (in relation to new Act)
- Removal of “use” requirement for registration of marks
- Institution of Nice classification system and additional filing and renewal costs
- TPP Canada implementation
- CETA implementation
- USMCA implementation
- Canada-United Kingdom Trade Continuity Agreement
- Standard of disclosure for confidential business information (CBI)
- Test for Obviousness in Canada and Relevant Prior Art (CIBA leave application)
- CIPO policy on refusing claims relating to patenting of computer implemented inventions
- 5G and AI technology

Pillar Three: Challenges/Shortcomings/Advocacy

- Make recommendations re USTR Special 301 Watch List and related issues (e.g. PMPRB, CSP, PM(NOC), etc.)
- Recommend *amicus* briefs
- Insufficient injunction Relief
- The effect of new “standard of review” jurisprudence on administrative action.

Pillar Four: enhanced collaboration within IPO

- Creating content for IPO Chat Channel Webinar(s), bulletins and publications
- Regular coordination with other committees
- e.g., Compulsory Licensing Subcommittee, Diversity and Inclusion Committee, Pharmaceutical and Biotechnology Issues Committee, Industrial Designs Committee, Trademarks Committee, and International Patent Law & Trade Committee
- Increase presence in and adhesion to IPO programming (e.g., AGM etc.)

COPYRIGHT & RELATED RIGHTS COMMITTEE

Chair: Lesley C. Boveri, *SAP SE*

Vice Chair: Jenevieve Maerker, *Foley Hoag LLP*;

Vice Chair: Glenn Pudelka, *Locke Lord 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. 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 of 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 2022

- 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. Ongoing processes and issues that the Committee is currently monitoring include the following:
 - Potential copyright legislation in the U.S, including any follow-on proposals to the 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);

- Copyright Office modernization efforts;
 - The proposed ALI Restatement of Copyright;
 - Implementation of the board created by the Copyright Alternative in Small-Claims Enforcement (CASE) Act that was included as part of the omnibus COVID-19-Relief Bill of Dec. 2020;
 - Exemptions to the prohibition against circumvention of technological measures protecting copyrighted works;
 - Critical Medical Infrastructure Right-to-Repair Act (or subsequent iterations thereof);
 - Legislative and executive proposals to amend or study Section 230 of the Communications Decency Act, and other related rights, such as the right of publicity;
 - Any Notices of Inquiry issued by the Copyright Office;
 - Copyright-related aspects of a proposed Unified IP Office;
 - Coordination with the AI and Emerging Technology Committee on AI-related developments as they affect copyright rights (e.g., copyright authorship questions);
 - International copyright developments (e.g., ongoing implementation of the Single Digital Market directive in the EU).
- Continue to monitor relevant activities of the U.S. Executive Branch and international copyright organizations for possible IPO action.
 - Continue to monitor relevant copyright cases and advise the IPO Amicus Committee and IPO Board on potential amicus positions.
 - Plan and propose session topics on copyright law and related rights for 2022 IPO Annual Meeting and for IPO Chat Channel presentations.

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*

Vice Chair: David Black, *Schwegman Lundberg & Woessner, P.A.*

Secretary: Jim Denness, *Abel & Imray LLP*

Secretary: Tom Turner, *Abel & Imray LLP*

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 2022

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. The Committee is resuming its tradition of hosting a European conference, in Munich, in June 2022. The theme of the conference will be the UPC, and will include speakers selected from the Committee, as well as other prominent speakers.
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, *Shook, Hardy & Bacon, LLP*

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 2022

Influence Substantive Legal Policy and Doctrine

- Monitor, and be prepared to comment on, various design-rights issues, including patent-bar qualifications affecting design practitioners, the Counterfeit Goods Seizure Act (CGSA), the Save Money on Auto Repair Transportation (SMART) Act, and protection of designs independently of articles
- Advocate for updated MPEP sections related to design practice at the USPTO

Design Practice Education

- Organize a design-focused track at IPO 2022 Annual Meeting
- Provide CLE seminars via the IP Chat Channel platform on various topics, such as the interplay between design rights and NFTs and, once published, China's implementation guidelines associated with recent patent law changes
- Support USPTO's Design Day 2022 with topic ideas, speaker volunteers, and attendance

Design Community and Practice Enhancement

- Engage with USPTO design leadership through twice-yearly stakeholder meetings with the director and senior leadership of the USPTO design tech center
- Revise IPO's Model Design Patent Jury Instructions
- Spearhead efforts related to proposing a new award to be recognized by the IPO Education Foundation honoring significant achievements related to industrial designs, including proposing criteria and process for selection, as well as providing nominations for 2022

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: Ronald A. Antush, *Nokia Of Americas Corp*

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:

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

Committee Agenda for 2022

Committee activities for this year shall include: (a) IPO comments to Special 301 Report; (b) Continue developing advocacy strategy around compulsory licenses; (c) continue advocacy on Global Assignment as IP5 offices conduct their independent review; (d) complete anti-suit injunction work.

The Committee replaced the Global Assignment Subcommittee with a new “Procedural Harmonization Subcommittee” that will cover developments in Global Assignment, e-signature, and other harmonization efforts amongst national and regional patent offices.

The Committee is also planning to merge the compulsory licensing, TRIPS, and trade issues within a single subcommittee entitled the “Trade Subcommittee,” to consolidate resources and promote progress on Special 301 comments throughout the year.

INTERNATIONAL TRADEMARK LAW & PRACTICE COMMITTEE

Chair: Matthew G. Owen, *Caterpillar Inc.*

Vice Chair: Victoria Friedman, *Dennemeyer & Associates S.A.*

Vice Chair: Victoria Longshaw, *Houlihan² Patent & Trade Mark Attorneys*

Secretary: Makiko Coffland, *Christensen O'Connor Johnson Kindness PLLC*

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 2022

The Committee aims to achieve the following in 2022:

- Continue to meet monthly via video conference.
- Submit proposals for IPO Chat Channel webinars on the following:
 - Inter-corporate ownership, registration and enforcement of trademarks issues arising from trademarks within a corporate group;
 - Issues relating to trademarks used on pharmaceutical packaging in parallel importation situations
- 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

Chair: Brian Adams, *Qualcomm Incorporated*

Chair: Jennifer Carnahan, *Dow Chemical Co.*

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

Vice Chair: Daisy Darvall, *Kirkland & Ellis, LLP*

Secretary: Wesley Horner, *Shook, Hardy & Bacon 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 2022

The Committee plans to continue monthly training sessions during 2022. The Committee plans to implement suggestions and initiatives from the Committee's business meeting during the 2021 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. Since 2021, the IP Licensing and Related Issues Committee includes open source as a related issue. 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 plans to host presentations and discussions on open source licenses as well as IP Licensing issues involving artificial intelligence, government contracting, NDAs, data and data privacy, and more.

LATIN AMERICAN PRACTICE

Chair: Eila Mota, *Cargill*

Vice Chair: Ricardo Dutra Nunes, *Daniel Law*

Vice Chair: Gabriela Salerno, *Montaury Pimenta*

Vice Chair: Roberto Rodrigues, *Licks Attorneys*

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 2022

- Host IPO Innovation Dialogue 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;
- 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;
- Update and enlarge the publication Guideline for Patents and Trademarks in Latin America to encompass additional countries;
- 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
- Increase member attendance to committee's conference calls, hosting experts or authorities as guest speakers.

PATENT LITIGATION & REMEDIES COMMITTEE

Co-Chair: Thomas A. Brown, Dell Technologies Inc.

Co-Chair: Kirby W. Lee, Ecolab, Inc.

Vice Chair: Julianne Hartzell, Marshall, Gerstein & Borun LLP

Vice Chair: Brian Horne, Knobbe Martens

Vice Chair: Eley O. Thompson, Foley & Lardner

Secretary: Ronald E. Cahill, Barnes & Thornburg LLP

Board Liaison: Buckmaster De Wolf, General Electric Co.

Committee Charter

The Patent Litigation & Remedies Committee explores practices and policies that promote fair, efficient, and expeditious litigation and remedies. In developing recommendations to achieve positive practices and policies, the Committee focuses on topics such as (a) potential changes in patent litigation, remedies, and related proceedings; (b) litigation strategies, management, and best practices; (c) emerging case law; and (d) judicial practices and procedures.

Further, the Committee studies various legal and economic theories of damages and injunctions currently accepted by the courts, including availability of injunctions, reasonable royalty, lost profits, and price erosion. The Committee examines the differences between damages and injunctions theories across different venues, such as in district courts, the International Trade Commission, and foreign jurisdictions.

The Committee considers trends in intellectual property law, including ongoing and proposed changes to the law, and evaluates the effect or expected effect of those changes on litigation and remedies. Where appropriate, the Committee will prepare recommendations to the Board to suggest modifications to existing laws.

Committee Agenda for 2022

1. **Committee Meetings:** The full Committee will conduct telephonic meetings, generally at 3:00 pm Eastern on the third Thursday of each month. The Committee meetings usually will include an educational session coordinated by the Education Subcommittee. The Committee will also conduct meetings among Committee or Subcommittee members as necessary.
2. **Education Subcommittee:** The Education Subcommittee will coordinate and develop presentations to be delivered at regular committee meetings, IPO Chat Channel webinars, or the IPO Annual Meeting. In general, the Education Subcommittee plans to ask Committee members to join with others in small groups to develop and provide presentations for the Committee during the monthly meetings.
3. **Injunctive Relief Subcommittee:** The Injunctive Relief Subcommittee and the full Committee will finalize and submit to the Board a memorandum discussion on the state of the law in the area of injunctive relief in patent infringement litigation. The output of

this effort may also be used to form an educational program or a webinar, possibly suitable for presentation at the IPO Annual Meeting.

4. **Anti-suit Injunctions Subcommittee:** The Anti-suit Injunctions Subcommittee (which is jointly managed with the International Patent Law & Trade Committee) will finalize and submit to the IPO one or more proposed resolutions regarding the circumstances in which anti-suit injunctions may or may not be appropriate. .
5. **Legislative Review Subcommittee:** The Legislative Review Subcommittee will review recently proposed legislation to identify matters for consideration by the Committee towards potential recommendations for the IPO Board.
6. **Alternative Dispute Resolution (ADR) Subcommittee:** The ADR Subcommittee will develop content around efficient and expeditious alternatives to litigation in various venues.

PATENT SEARCH COMMITTEE

Chair: Martha Yates, *Bayer Crop Sciences*

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

Secretary: Mark A. Harper, *Darrow Mustafa PC*

Board Liaison: Jessica Sinnott, *DuPont*

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 2022

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 2022. Some possible suggestions are a session discussing our 2020 whitepaper on commissioning a landscape search, the new WIPO Inspire platform, legal status code harmonization efforts, or changes to the ST.26 biosequence requirements.

PHARMACEUTICAL & BIOTECHNOLOGY ISSUES COMMITTEE

Chair: Sanjay Jivraj, *Eli Lilly & Co.*

Chair: John Miller, *Pfizer Inc.*

Vice Chair: Garreth Duncan, *D Young & Co LLP*

Vice Chair: Beverley Moore, *Borden Ladner Gervais, LLP*

Secretary: Bo Han, *Bristol-Myers Squibb Company*

Board Liaison: Tonya Combs, *Eli Lilly & Co.*

Committee Charter

The committee will advise the IPO Board of Directors regarding global 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 international 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, on a global basis. A secondary goal of the committee is to monitor and comment upon global judicial decisions and proposed patent practice changes in consultation with other IPO committees for the education and benefit of IPO members.

Committee Agenda for 2022

1. Closely follow developments relating to drug pricing bills, and other bills/proposals, both in the U.S. and internationally, 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. Also consider similar subject-matter eligibility issues internationally and their effect on the pharmaceutical and biotechnology industry.
3. Propose IPO amicus briefs in cases of key interest, both in the U.S. and internationally.
4. Review and provide comments on international draft patent reform legislation, including changes in venue, patent eligibility, obviousness-type double patenting, PTA calculations, SPC/PTE considerations, patent linkage, Orange and Purple Book listings (and corresponding listings internationally), international exhaustion, pleading requirements, discovery procedures, fee-shifting, willfulness, and other issues.
5. Monitor the introduction of the Unitary Patent and the Unified Patent Court; in consultation with European Practice Committee, advise on its potential impact on the pharmaceutical and biotechnology industry and how the industry should prepare.

6. Monitor how PTAB decisions are affecting the pharmaceutical and biotechnology industry, including discretionary denials, estoppel arising from PGR, and claim construction in PGR and IPR proceedings.
7. Review and educate IPO members on 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, and artificial intelligence and other computer-implemented inventions in the pharmaceutical and biotechnology industries.
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 Biddle & Reath LLP*

Vice Chair: B. Delano Jordan, *Jordan IP Law, LLC*

Vice Chair: Chris George, *Hanley, Flight & Zimmerman, LLC*

Secretary: Tom Burton, *Siemens Corporation*

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 2022

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 explore issues for protecting new software developments and software-related products in various business areas from Big Tech to Bio/Pharma. In 2022, the Committee will focus on five primary projects, each of which will be led by a subcommittee or cross-committee working group.

First, the Patent Eligibility Subcommittee will continue to explore subject matter eligibility related to software inventions. In 2021, the subcommittee (led by Tom Burton, *Siemens*) published an update to the Patent Eligibility Tool with a focus on new CAFC cases and PTAB decisions. We will continue to monitor case law and keep an eye out for potential updates to the Tool. This year, the subcommittee (now led by Brad Forrest, *Schwegman Lundberg & Woessner*) will undertake a project to explore artificial intelligence and machine learning in the Bio/Pharma area. This work could include a survey of IPO members in the technology and bio/pharma sectors to more precisely define the objectives of such members in protecting AI/ML and determine what work product could be helpful for IPO members and the IP community as a whole (including the USPTO). Since this project may require IP professionals with skill sets that are very technically diverse, this project may be expanded to be a cross collaboration opportunity with the AI and New Emerging Technologies and Pharmaceutical and Biotechnology committees.

Second, the Software and Medical Device Subcommittee will continue exploring the emerging area of software as it relates to medical devices. In 2021, the subcommittee (led by Chris George, *Hanley, Flight, & Zimmerman*) published a paper focused on IP issues in the FDA's proposed regulatory framework for modifications to AI-based software as a medical device (SaMD). This year, the subcommittee (now led by Ryan Phelan, *Marshall IP*) will consider adding an

international perspective to its previous work by comparing the USPTO's treatment of software as a medical device-related inventions with the approach of the EPO, Japan, and China. The Subcommittee will also consider generating a potential update to the 2021 report as the FDA is expected to solidify their proposal into rules and regulations. Additionally, the Subcommittee will consider generating a potential update to its 2020 paper as district court cases analyzed in 2020 reach the Federal Circuit.

Third, our Joint Subcommittee with the AI & Other Emerging Technologies Committee will build on its 2021 paper, which explored best practices for protecting inventions related to artificial intelligence. Frank Chau (*F. Chau & Associates*) will continue to lead our committee's participation in the joint working group. Given the vast growth in all aspects of AI patenting, there should be great interest in exploring how USPTO examiners and the courts and the public at large treat AI patent applications and patents. Accordingly, the Joint Subcommittee will consider conducting panel discussions among practitioners on topics such as how AI cases are being treated by patent examiners, and experiences drawn from conversations with examiners. The Joint Subcommittee will also consider updating the prosecution and enforcement sections of the 2021 white paper as decisions and opinions are rendered from the courts.

Fourth, the Education Subcommittee (chaired by Kip Werking, *Fisher Broyles 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 continue to hold Committee discussions on software-related topics, such as AI, and prepare presentation proposals for IPO Chat Channel and the IPO Annual Meeting.

Finally, the Committee will consider initiating a new project to explore the impact of the USPTO 2019 §112 guidance related to software related patents, including conducting a survey of whether the percentage of USPTO §112 rejections has increased and a summary of PTAB decisions on §112 after January 2019.

STANDARDS SETTING COMMITTEE

Chair: Matteo Sabbatini, *Ericsson, Inc.*;

Chair: Eman Sojoodi, *Dell Inc.*

Vice Chair: Valentina Boyet, *SAP SE*;

Vice Chair: Paul Ragusa, *Baker Botts*,

Vice Chair: Lisa J. Ulrich, *IBM Corp.*

Secretary: Jonathan Velasco, *Qualcomm, Inc.*

Board Liaison: Jeff Myers, *Apple Inc.*

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 2022

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 developing international law concerning the ability of a court in a single jurisdiction to set global rates for worldwide portfolios of SEPs, and any comity provided by courts in other jurisdictions;
- 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, e.g., the Damages Committee, on the SEPs-related and other issues as appropriate. 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 SECRET COMMITTEE

Chair: Leland Gardner, *Google LLC*

Vice Chair: John Williamson, *Finnegan, Henderson, Farabow, Garrett & Dunner, LLP*

Secretary: Brent Seitz, *Harness IP*

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 2022

1. Form a subcommittee to analyze proposed state and federal legislation on restrictive employment agreements as well as the IPO's current positions regarding the same. The subcommittee would also consider drafting an IPO comment or Board resolution based on its findings.
2. 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. Potential topics include NDA management and AI protection with trade secrets.
3. Draft and publish a white paper for the IPO Law Journal on trade secret case law developments during 2021.

U.S. INTERNATIONAL TRADE COMMISSION COMMITTEE

Chair: Brett Bachtell, *Qualcomm Incorporated*

Vice Chair: Daniel Valencia, *Covington & Burling LLP*

Vice Chair: Matt Rizzolo, *Ropes & Gray, LLP*

Vice Chair: Lauren E. Peterson, *AMS Trade 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 certain causes of action, and the scope and impact of section 337 remedial orders—limited and general exclusion orders and cease-and-desist orders.

Committee Agenda for 2022

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 and more junior and diverse IPO members. 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 the roster of ALJs on current practice and caseloads;
 - the potential impact of various proceedings on Section 337 investigations, including hearings and oral arguments before the Commission;
 - the use of the interim initial determination pilot program introduced in May 2021;
 - how the ITC's return to office will affect the policies and procedures adopted by Dockets, OUII, and the ALJs during the pandemic.
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.

U.S. PATENT LAW COMMITTEE

Chairs: Kyle Trout, *Koninklijke Philips N.V.*

Vice Chair: Tammy Rhodes, *Wenderoth Lind & Ponack LLP*

Vice Chair: Ian Washburn, *Irell & Manella LLP*

Secretary: Renée Fuller, *MyoKardia, Inc.*

Board Liaison: Cara M. Coburn, *Roche, Inc.*

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 2022:

The leadership team developed our strategy for 2022 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 Gordon Arnold, Arnold & Saunders, LLP, 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 continue to monitor this area especially given the deferred subject matter eligibility pilot program and continued litigation in the biopharma technology field.
 - b. **Duty of Disclosure, Inequitable Conduct:** The subcommittee will continue to monitor this area for potential legislative changes.
 - c. **Damages/Appportionment:** The subcommittee will continue to monitor this area in the coming year.

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 once confirmed. 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: Aamir Haq, *Hewlett Packard Enterprise*

Chair: Lesley Leonessa, *Dell Technologies*

Vice Chair: Courtenay C. Brinkerhoff, *Foley & Lardner LLP*

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

Vice Chair: Roland G. McAndrews, *Bookoff McAndrews PLLC*

Secretary: Manav Das, *McDonnell Boehnen Hulbert & Berghoff LLP*

Board Liaison: Manny W. 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 2022

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.*

Chair: Erik Drange, *3M Innovative Properties Co.*

Vice Chair: *Matthew Clements, Apple 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*

Board Liaison: Gillian Thackray, *Thermo Fisher Scientific Inc.*

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 ("PTO") (via rulemaking proposals), the Patent Trial and Appeal Board ("PTAB"), and members of the Committee related to post-grant proceedings in the PTO.

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 PTO, the Trial Division, or the PTAB.

Committee Agenda for 2022

1. Advise on new PTAB precedent and PTO rule changes and PTAB-related legislation
2. Assess and advise on potential changes to the PTAB changes based on new PTO leadership
3. Develop proposed IPO resolutions related to PTAB rules
4. Develop recommendation to integrate PTO examination and PTAB decisions
5. Advise on Supreme Court decisions relating to PTAB issues
6. Prepare and submit proposal(s) for Break-Out Sessions for the 2022 IPO Annual Meeting
7. Develop content for IPO conferences, chat channel presentations, and monthly meetings
8. Encourage diverse participation of Committee members
9. Ensure that the IPO membership is aware of and takes advantage of PTO's Legal Experience and Advancement Program ("LEAP")
10. Explore hosting a live PTAB hearing featuring the PTO's LEAP
11. Continue to meet regularly with PTAB leadership

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 2022

The Committee:

- Has scheduled monthly conference calls for the third Thursday of the month at 2:00 pm ET.
- Has formed four working groups to facilitate discussion and address issues in the following subject areas:
 - Legislation/Trademark Office Monitoring
 - Case Law Tracking
 - Domain Names/UDRP Reform/Social Media
 - Cross Committee Projects
- In addition, the Committee anticipates working on the following projects:
 - Monitoring ICANN policy development and U.S. legislation related to post-GDPR Whois access and advocating for convenient brand owner access
 - Monitoring ICANN's review of the UDRP and other rights protection mechanisms and considering whether the committee should prepare a position statement; and
 - Suggesting topics for one or more presentations or panels for IP Chat Channels and the 2022 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, and to this end the Committee has established a working group to identify and coordinate those collaborations.

U.S. TRADEMARK OFFICE PRACTICE COMMITTEE

Chair: Jenny Greisman, *IBM Corporation*

Chair: Gretchen Stroud, *Gilead Sciences, Inc.*

Vice Chair: Katie McKnight, *Finnegan, Henderson, Farabow, Garrett & Dunner, LLP*

Secretary: Dan Stringer, *Finnegan, Henderson, Farabow, Garrett & Dunner, LLP*

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 registration and maintenance, as well as enforcement procedures before the USPTO, and will make recommendations for appropriate legislation, practice and rules changes to effect such improvement and enforcement. 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, guidance, rulemakings, and requests for comment. 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 as appropriate with other committees.

Committee Agenda for 2022

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), and draft and submit IPO comments to the upcoming changes in Office Action practice as well as recent USPTO efforts to police the register.

The Committee plans to develop educational programs related to practice before the USPTO, including one or more CLE programs for IPO's IP CHAT CHANNEL webinars and/or a Committee breakout session for the IPO Annual Meeting regarding TMA. The Committee also plans to prepare guidance on new practice and procedure before the USPTO in view of the implementation of the TMA and recent efforts to police the register.

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.

IPO Amicus Brief Committee

IPO Interest as Amicus:

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

Membership:

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

Purpose:

The Amicus Brief Committee will:

- (1) attempt to identify judicial and contested administrative matters where IPO should participate as amicus,
- (2) review requests from members of the public, including members of IPO, to determine whether IPO might participate as amicus,

- (3) review every IP case in which the U.S. Supreme Court grants a writ of certiorari, to determine whether IPO might participate as amicus,
- (4) review every IP case in which the U.S. Court of Appeals for the Federal Circuit grants en banc rehearing, to determine whether IPO might participate as amicus,
- (5) report to the IPO Board of Directors on judicial matters where the Amicus Brief Committee recommends that IPO should participate as amicus, proposing positions that should be taken in IPO amicus briefs,
- (6) when the IPO Board of Directors approves IPO participation as amicus, develop or approve the submissions to be made as amicus prior to final approval by the IPO Board of Directors, and
- (7) on behalf of IPO submit amicus briefs approved by the IPO Board of Directors.

Committee Procedures:

- (1) No member of the Committee may participate in any matter before the Committee if the member, or their firm, has a direct interest in the underlying matter before the Committee; this includes a law firm member whose firm represents a party in a matter in non-IP related issues. Members of the Committee who are or represent a party with a direct interest in any matter are required to affirmatively recuse themselves from Committee deliberations.
- (2) Committee discussions and positions in expected briefs should be kept confidential.
- (3) A request to the Committee to determine whether IPO might act as amicus in a controversy must be submitted to the chair via email. The submission must include, as email attachments, copies of relevant pleadings, motions, decisions, or other papers to reflect the nature of the controversy, the nature of the issue or issues of possible amicus interest, and a short paper (no more than three (3) pages) describing the underlying positions of the litigants. In matters outside the U.S. where IPO must seek leave to intervene before filing a brief, the requestor must submit a draft motion and an outline of the proposed substantive brief.
- (4) In addition, the party requesting amicus support shall provide notice to lead counsel of all parties involved in the litigation and will provide the Chair with the name and email address of such counsel. Requests for amicus support will be shared with opposing counsel who shall be free to make submissions to the Amicus Brief Committee as well, so long as such submissions are made within three (3) business days from the original request. If the requesting party does not notify opposing counsel, the Chair reserves the right to delay consideration of the request until opposing counsel is so informed of the request for amicus support. Finally, the party requesting amicus support from IPO shall inform the Chair of the names of other organizations from which amicus support has also been requested.

- (5) When a request is made that meets the requirements above, and the Chair, the Deputy Chair (if any), and Vice-Chairs believe the merits of the request might warrant further discussion, the Chair will forward the materials received from the requestor to the committee members via email and schedule a teleconference for further discussion among the members of the entire Amicus Brief Committee. IPO reserves the right to file a brief on any issue or position arising from the suit, regardless of whether that position is the one advocated by the initial requestor or the opponent.
- (6) After a full discussion of the matter, the Committee will undertake a final vote concerning a recommendation to the IPO Board of Directors of the position that IPO should undertake with respect to the amicus request. The Committee will not recommend to the IPO Board of Directors the participation of IPO as an amicus except upon a two-third's vote of the membership of the Committee who are participating in the teleconference.
- (7) If the IPO Board of Directors authorizes IPO to participate as amicus in a matter, the Chair shall appoint one or more members of the Committee to serve as a drafting committee for any submissions that IPO as amicus might make in connection with the matter. The draft submission will be circulated by the drafting committee to the IPO Board of Directors for approval. The Chair may have a non-committee member draft submissions when there is not a committee member available to do so.
- (8) In matters where IPO must seek leave to intervene before filing a brief or otherwise participating as a friend of the court, the IPO Board of Directors will vote on the motion to intervene and on an outline of the substantive brief, delegating to the IPO Executive Committee final review of a brief before filing for consistency with the approved outline.
- (9) With approval from the IPO President, the IPO Executive Committee may recommend to the IPO Board of Directors that IPO participate as amicus in a case and propose the position(s) to be taken in such a brief, without consulting the Amicus Brief Committee.

IPO Board of Director Approval Procedures:

If the Amicus Brief Committee determines that it supports filing an Amicus Brief, the Committee will provide a clear, written explanation of why filing a brief is in IPO's interest. The IPO Board of Directors shall receive recommendations from the IPO Amicus Brief Committee for participation of IPO as amicus and determine whether the recommendation properly reflects IPO's potential interest as amicus and whether the matter is of interest to a large enough segment of the membership to merit IPO's participation.

A majority of the Board of Directors or their proxies constitutes a quorum. The Board of Directors must approve filing an amicus brief by a two-thirds majority vote of those present and voting. Members of the Board of Directors or their proxies who abstain from voting shall be counted for purposes of constituting a quorum, but abstentions shall not be considered when determining whether a two-thirds majority vote of those present and voting support the filing of an amicus brief.

In matters where IPO must be granted approval to intervene before filing a substantive brief, the IPO Board of Directors will vote on the motion to intervene and on an outline of the substantive brief, delegating to the IPO Executive Committee final review of a brief before filing for consistency with the approved outline.

No member of the Amicus Committee or the Board of Directors may participate in any amicus matter before the Board if the member or a related business entity is a party in the underlying matter before the Committee or Board. Members of the Amicus Committee or the Board of Directors who are affiliated with or represent a party in any matter are required to recuse themselves from amicus deliberations and votes.

Discussions of amicus matters before the Amicus Committee and the Board of Directors shall be confidential, and positions in expected briefs should be kept confidential until filing.

Submitting Requests for an Amicus Brief to Intellectual Property Owners Association (IPO)

Materials to be Included in a Request for Amicus Support

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

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

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

Requests by an IPO committee must include the following:

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

NOTE: if IPO must be granted leave to intervene or otherwise participate in the case before filing the substantive brief, the Committee must provide the Amicus Brief Committee with a copy of the draft motion and an outline of the substantive brief.

Submitting Requests:

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

Requests are to be submitted via email to the Chair of the Amicus Brief Committee, Henry Hadad, in care of Hannah Denny at hdenny@ipo.org. For more information on procedures, contact Ms. Denny at (202) 507-4498. Also, for more information see the Amicus Brief Committee Procedures at www.ipo.org/Amicus.

Review and Notification

The Amicus Brief Committee will review completed requests. All requests will be acknowledged when received. If the committee favors the request it will be submitted to the IPO Board of Directors for a vote.

In matters where IPO must be granted leave to intervene before filing a brief, the IPO Board of Directors will vote on whether to intervene and on the outline of the substantive brief, delegating to the IPO Executive Committee final review of the brief before filing for consistency with the approved outline.

The requestor and opposing counsel will be notified of the action taken on the request.

January 2022



**Intellectual[®]
Property
Owners
Association**

IPO Standing IP Committee Policy Manual

IPO President

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Executive Director

Jessica Landacre

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Samantha Aguayo

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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 27 Standing IP Committees that fall into the categories of Business & 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.

2022 IPO Standing IP Committee Leaders

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

Anti-Counterfeiting & Anti-Piracy Committee				
BDL	Courtney Nelson Wills	Medtronic Inc.	courtney.m.nelson.wills@medtronic.com	763-526-0933
CH	Colette Durst	3M Innovative Properties Co.	cdurst@mmm.com	651-733-8904
VC	Monica Riva Talley	Sterne, Kessler, Goldstein & Fox, PLLC	mtalley@sternekessler.com	(202) 772-8688
SEC	Tim Golder	Allens	Tim.Golder@allens.com.au	61292304614
Artificial Intelligence & New Emerging Technologies Committee				
BDL	Brett Alten	Hewlett Packard Enterprise	brett.alten@hpe.com	408-916-6996
CH	Caroline S. Pinkston	Hewlett Packard Enterprise	caroline.s.pinkston@hpe.com	(404) 648-0488
VC	Jonathan P. Osha	Osha Bergman Watanabe & Burton LLP	osha@oshaliang.com	713-228-8600
VC	Steven M. Hanley	Caterpillar Inc.	hanley_steven_m@cat.com	86-10 5921-0596
VC	Joshua L. Simmons	Kirkland & Ellis, LLP	joshua.simmons@kirkland.com	(212) 446-4989
SEC	Alex Bridge	Hewlett Packard Enterprise	alexander.bridge@hpe.com	
Asian Practice Committee				
BDL	Thomas R. Beall	Corning Incorporated	bealltr@corning.com	(607) 974-3921
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CH	Jimmy Cheng	Qualcomm Incorporated	chengj@qualcomm.com	858-658-2271
VC	Toby Mak	Tee & Howe Intellectual Property Attorneys	toby.mak@teehowe.com	+86 10 85295526
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VC	Ashwani Balayan	ALG India Law Offices LLP	ashwani.balayan@algingdia.com	+91.11.26562545
VC	Brad Yee Chin	Bracewell LLP	brad.chin@bracewell.com	(713) 221-1569
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Copyright & Related Rights Committee				
BDL	Matthew Sarboraria	Oracle Corporation	matthew.sarboraria@oracle.com	(650) 506-1372
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VC	Glenn Pudelka	Locke Lord LLP	glenn.pudelka@lockelord.com	(617) 239-0371
VC	Jenevieve J. Maerker	Foley Hoag LLP	jmaerker@foleyhoag.com	617-832-3031

Corporate IP Management & Operations Committee				
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VC	Joseph Edward Wrkich	Exxon Mobil Corp.	joseph.e.wrkich@exxonmobil.com	832-624-9189
SEC	Erik Perez	Shell Oil Company	erik.e.perez@shell.com	(832) 337-3821
Diversity & Inclusion Committee				
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