

Hon. William C. Conner Inn of Court

Reception and Dinner

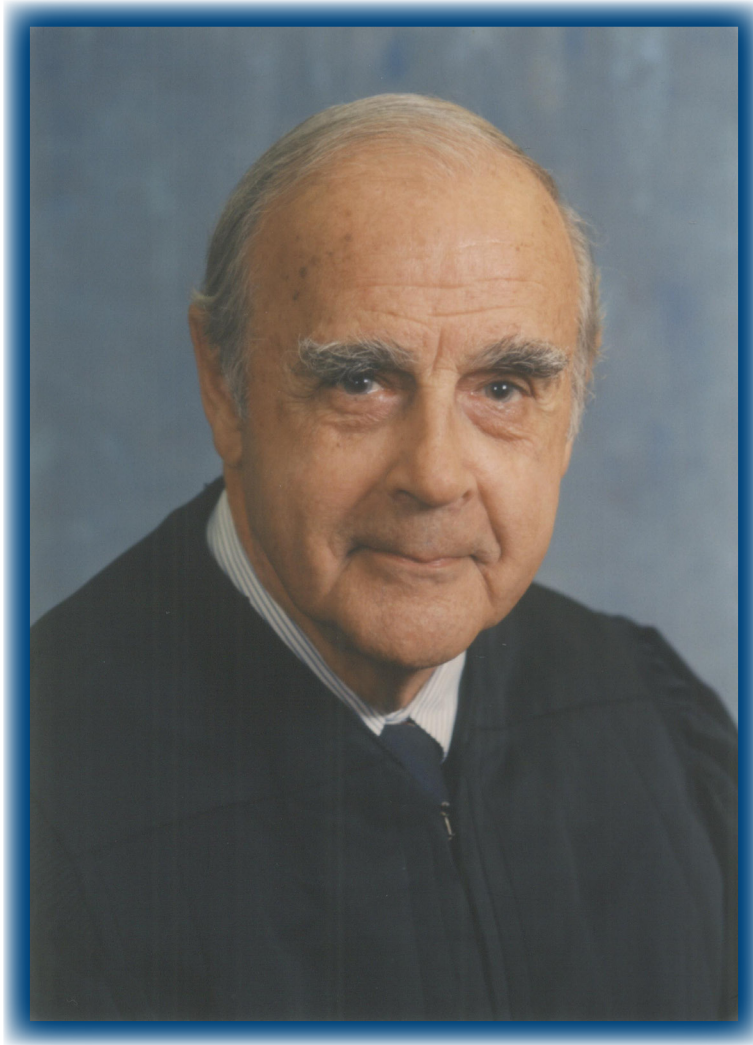


January 14, 2014

The Union League Club of New York



Judge William C. Conner



Mission of the Hon. William C. Conner Inn of Court

The mission of the Hon. William C. Conner Inn of Court is to promote excellence in professionalism, ethics, civility, and legal skills for judges, lawyers, academicians, and students of law and to advance the education of the members of the Inn, the members of the bench and bar, and the public in the fields of intellectual property law.





Program

... *Cocktail Reception* · 6:00 pm ...

... *Dinner* · 7:00 pm ...

... *Opening Remarks* ...

Anthony Giaccio

Presentation of 2014 Conner Inn Excellence Award

to

Hon. Robert A. Katzmann

Chief Judge, United States Court of Appeals for the Second Circuit

by

Hon. Dennis Jacobs, United States Court of Appeals for the Second Circuit

Presentation of 2014 Conner Inn Excellence Award

to

Hon. Richard Linn

Senior Circuit Judge, United States Court of Appeals for the Federal Circuit

by

Hon. Jimmie V. Reyna, United States Court of Appeals for the Federal Circuit

...

Conner Inn Officers

President, Hon. Roslynn R. Mauskopf, *Eastern District of New York*

Counselor, Hon. J. Paul Oetken, *Southern District of New York*

...

Dinner Committee Co-Chairs

Melvin C. Garner and Jeffrey M. Butler



Message from Conner Inn Executive Committee Chair 2014

It is an honor to welcome everyone to the 6th Annual Reception and Dinner of the Hon. William C. Conner Inn of Court. It feels like only yesterday when Judge Conner participated in our Inaugural Year and received the first Conner Inn Excellence Award at our Inaugural Dinner here at the Union League Club with Mrs. Conner at his side. Tonight we are accompanied by many honored guests, including members of the bench and bar, to celebrate two new Excellence Award recipients – Chief Judge Robert A. Katzmann and Senior Circuit Judge Richard Linn – for their dedication to the promotion of excellence in our profession.

We hope you enjoy reviewing the contents of this commemorative journal, including biographies of our award recipients and an article written by Melvin Garner that highlights the many excellent programs that were presented by judges, senior lawyers, junior lawyers and law student members of the Conner Inn during its fifth year of substantive IP programs. We had a great year last year and are looking forward to another great year this year due to the enthusiasm of our membership to continue to build on Judge Conner's legacy of excellence and professionalism.

As chair of the Executive Committee, I would like to thank Judge Mauskopf and Judge Oetken for their leadership as President and Counselor, respectively, of the Conner Inn; the other members of the Executive Committee (Melvin Garner, John Lane and Thomas Meloro) for their commitment; Jeffrey Butler and Melvin Garner for coordinating this event and putting together this commemorative journal; Judge Richard Linn and the Linn Inn Alliance of now 21 intellectual-property-focused Inns of Court around the country and in Tokyo for their vision and initiative; and each of you for your enthusiastic support of the Conner Inn and its mission to promote professionalism, legal skills, ethics and civility in the practice of intellectual property law which Judge Conner exemplified. I am confident that Judge Conner would have been proud of the past accomplishments and future direction of the Conner Inn.

Anthony Giaccio
Executive Committee Chair



The Conner Inn Leadership

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President	Hon. Roslynn R. Mauskopf <i>Eastern District of New York</i>
Counselor	Hon. J. Paul Oetken <i>Southern District of New York</i>
Secretary/Treasurer	Anthony Giaccio

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Hon. Roslynn R. Mauskopf, *Eastern District of New York*
Hon. Colleen McMahon, *Southern District of New York*
Hon. J. Paul Oetken, *Southern District of New York*
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Hon. John C. Lifland (Ret.), *District of New Jersey*
Hon. Joan M. Azrack, Magistrate Judge, *Eastern District of New York*
Hon. Mark Fox, Magistrate Judge (Ret.), *Southern District of New York*

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Hon. Timothy B. Dyk, *Court of Appeals for the Federal Circuit*
Hon. Richard Linn, *Court of Appeals for the Federal Circuit*
Hon. Pauline Newman, *Court of Appeals for the Federal Circuit*
Hon. Jimmie V. Reyna, *Court of Appeals for the Federal Circuit*
Hon. Paul R. Michel, Chief Judge (Ret.), *Court of Appeals for the Federal Circuit*



Hon. William C. Conner Inn Activities for the Year 2012-2013

by Melvin C. Garner

The Conner Inn planned to start its fifth year with a cocktail reception at the club Beauty & Essex, on November 1, 2012. The purpose of the meeting was to introduce Judge Roslynn R. Mauskopf and Judge J. Paul Oetken as the incoming President and Counselor of the Inn. However, Hurricane Sandy hit New York City on October 29th causing extensive flooding of streets, tunnels and subway lines. It also caused a loss of power in and around the city. As a result, the event had to be cancelled.

Recovery from Hurricane Sandy also caused a cancellation of the Inn's joint holiday party with the McNerney Inn.

The first event the Inn was able to put on was its Annual Reception and Dinner. It took place at the Union League Club on January 15, 2013. This event was an opportunity for the Inn to honor its outgoing President, Judge Barbara S. Jones and outgoing Counselor, Judge Colleen McMahon by presenting them with Conner Inn Excellence Awards for their service to the Inn. In presenting the awards to them, Judges Mauskopf and Oetken gave some humorous remarks accompanied by a PowerPoint presentation of their "Top 10 List." Mr. Kelvin Gentles of the Inner-City Scholarship Fund presented Judge Jones with a mockup of a Louboutin shoe signed by the high school students who took part as mock jurors in a spring program of the Inn centered on the case *Christian Louboutin v. Yves Saint Laurent America*, which involved trademark rights in the red sole of the shoe.

The February 27, 2013 meeting of the Inn was a mock argument on a motion to stay a patent litigation pending a Covered Business Method proceeding in the US Patent & Trademark Office. Judge Mauskopf acted as the judge hearing the argument, Melvin Garner acted as moderator of the program and Eugene Chang presented some background for the argument. The argument was conducted by two teams that included Mark Abate, Jack Minnear, Jason O'Leary and Alicia Russo. At the conclusion of the argument the members of the Inn discussed the issue.

A mock oral argument of the case *Monsanto v. Bowman* was conducted at the March 21, 2013 meeting. Anthony Giaccio acted as moderator and Judge Mauskopf heard the arguments. The issue in dispute was whether the sale of patented self-replicating seeds exhausted all patent rights so that a purchaser could plant future crops using the seeds from the plants grown with the purchased seeds. Following the argument there was a panel discussion of the issues, ad-





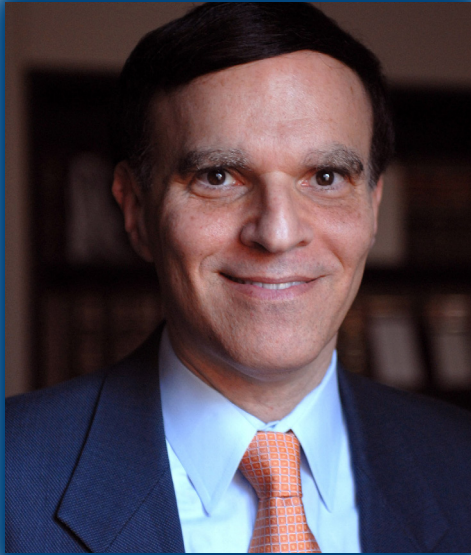
addressing the strengths and weaknesses of the various arguments and the underlying public policy issues concerning other self-replicating inventions like bacteria. Participating in the argument and panel were Hank Gutman, Dorothy Auth, Patrice Jean, Serge Krimnus, Frank Porcelli and Linnea Cipriano.

The April 24, 2013 meeting involved high school students from the Inner-City Scholarship Fund acting as jurors hearing closing arguments in the case *Crocs, Inc. v. Holey Soles Holdings, Ltd et al.*, which had recently been tried before the International Trade Commission. The case concerned a design patent dispute over shoes and was presented by teams that included Joseph Sheringsky, Grace Yang, Rachel Lin, William McCabe, Annemarie Hassett and Steven Gustavson. After hearing the closing arguments and receiving a jury charge from Judge Oetken, the students retired to the jury room to consider a verdict. Their deliberations were watched on closed circuit TV by the Inn members. After the verdict the participating counsel were allowed to question the jury about the points they found most convincing. Then a panel discussion was held in which all of the Inn members joined.

Another mock argument was held at the Inn meeting on May 22, 2013. This time it was based on the case *FTC v. Actavis*, which was on appeal to the U.S. Supreme Court. The issue was: Under what circumstances, if any, does the existence of a patent preclude an inquiry by the FTC into whether a patentee's payment of money to end a putative rival's pending validity challenge violates the antitrust laws? This is the so called "Reverse Payment" to end a validity challenge brought under the Hatch-Waxman act. The argument was heard by Judge Vincent L. Briccetti and the Hon. Mark Fox. Presenting the arguments were James Dabney, Michael Sander, Frank Porcelli, Jordan Garner and Jeffrey Mok. As usual, at the conclusion of the argument there was a panel discussion in which all of the Inn members could participate.

The last meeting of the Inn year was held on June 19, 2013. It was a reprieve of "IP Jeopardy," but with all new questions. The categories were the America Invents Act, Trademarks, Copyrights, Supreme Court patent cases, Federal Circuit cases and an all new Hodge Podge category. Judge Oetken presided and the questions were put together by members of Pupilage Group 5, i.e., Bob Curcio, Tony Harwood, Mee Hoe, John Lane, Rob Rando and Leslie Spencer. The Inn members were divided into several teams and the questioning began. There were periodic pauses to total the scores. Throughout the night the teams' fortunes rose and fell, until an eventual winning team was declared.





Honoree

Hon. Robert A. Katzmann

*Chief Judge
United States Court of Appeals
for the Second Circuit*

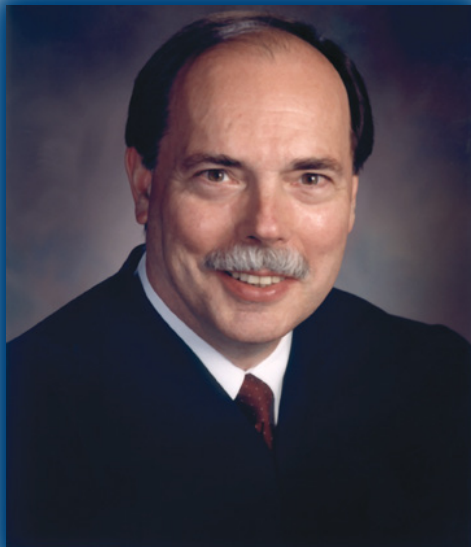
Robert A. Katzmann is the Chief Judge for the U.S. Court of Appeals for the Second Circuit. He became Chief Judge on September 1, 2013. At his appointment in 1999, he was Walsh Professor of Government, Professor of Law and Professor of Public Policy at Georgetown University; a Fellow of the Governmental Studies Program of the Brookings Institution; and president of the Governance Institute.

A lawyer and political scientist by training, Judge Katzmann received his A.B. (summa cum laude) from Columbia College, A.M. and Ph.D. in government from Harvard University, and a J.D. from the Yale Law School, where he was an Article and Book Review Editor of the Yale Law Journal. After clerking on the U.S. Court of Appeals for the First Circuit, he joined the Brookings Institution, where he was a research associate, senior fellow, visiting fellow, and acting program director. His books include: *Regulatory Bureaucracy: The Federal Trade Commission and Antitrust Policy*; *Institutional Disability*; *Courts and Congress*; editor and project director of *The Law Firm and the Public Good*; co-editor of *Managing Appeals in Federal Court*; editor and contributing author of *Daniel Patrick Moynihan: The Intellectual in Public Life*; and editor and contributing author of *Judges and Legislators*.

He currently chairs the U.S. Judicial Conference Committee on the Judicial Branch.

Judge Katzmann received the American Political Science Association's Charles E. Merriam Award. He is also the recipient of: the Learned Hand Medal for Excellence in Federal Jurisprudence of the Federal Bar Council; the Chesterfield Smith Award of the Pro Bono Institute; the Stanley H. Fuld Award of the New York State Bar Association; the Michael Maggio Memorial Pro Bono Award of the American Immigration Lawyers Association; the Public Interest Scholarship Organization Lifetime Achievement Award; and the Green Bag's "Exemplary Legal Writing" honoree recognition. His lectures include: the James Madison Lecture of New York University School of Law; the Orison Marden Lecture of the NYC Bar Association; and the Robert L. Levine Distinguished Lecture of Fordham University School of Law. He is a Fellow of the American Academy of Arts and Sciences.





Honoree

Hon. Richard Linn

*Senior Circuit Judge
United States Court of Appeals
for the Federal Circuit*

Richard Linn was appointed by President William J. Clinton in 1999 and assumed the duties of the office at the stroke of midnight, January 1, 2000. Prior to his appointment, Judge Linn was a Partner and Practice Group Leader at the Washington, DC law firm of Foley and Lardner from 1997 to 1999. He was a Partner and head of the intellectual property department at Marks and Murase, L.L.P. from 1977 to 1997, acting as first chair in over 30 litigations in intellectual property and entertainment law matters. Prior to that, Judge Linn served as Patent Advisor, United States Naval Air Systems Command from 1971 to 1972, was a Patent

Agent at the United States Naval Research Laboratory from 1968 to 1969, and served as a Patent Examiner at the United States Patent Office from 1965 to 1968. He was a member of the founding Board of Governors of the Virginia Bar Section on Patent, Trademark, and Copyright Law and served as Chairman in 1975.

In 2000, Judge Linn received the Rensselaer Alumni Association Fellows Award. He was honored in 2006 for dedication, service, and devotion to justice by the Austin Intellectual Property Law Association. Judge Linn was awarded the 2009 New York Intellectual Property Law Association Leadership Award. He also received the 2009 Jefferson Medal from the New Jersey Intellectual Property Law Association “in recognition of meritorious and outstanding contributions in support of the Constitution of the United States of America and furtherance of a fundamental principle thereof—‘to promote the progress of Science and useful Arts.’” In 2010, Judge Linn received the Outstanding Public Service Award from the New York Intellectual Property Law Association. In 2011, he was awarded the inaugural Mark Banner Award by the American Bar Association for his contributions to intellectual property law and the A. Sherman Christensen Award by the American Inns of Court Foundation for distinguished, exceptional and significant leadership to the American Inns of Court movement. He was also recognized by the Howard University Law School Institute of Intellectual Property and Social Justice for his leadership, guidance, and inspiring example in promoting progressive development, professional diversity, and social justice in intellectual property law and practice. In 2012, Judge Linn was awarded the Outstanding IP Achievement Award from the Philadelphia Intellectual Property Law Association, and in 2013, he received the Distinguished Judicial Service Award from the Intellectual Property Law Association of Chicago. He served as an Adjunct Professor and Professorial Lecturer in Law at George Washington University Law School from 2001 to 2003, and served on the Law School’s Intellectual Property Advisory Board from 2001 to 2012. Judge Linn is a past president of the Giles Sutherland Rich American Inn of Court, a member of the Richard Linn American Inn of Court, a visiting member of the Hon. William C. Conner American Inn of Court, and an honorary lifetime member of the Benjamin Franklin American Inn of Court. He received a B.E.E. from Rensselaer Polytechnic Institute in 1965, and a J.D. from Georgetown University Law Center in 1969.



Honored Guests

SPECIAL GUESTS OF HONOR

Hon. Robert A. Katzmann, Chief Judge
United States Court of Appeals, Second Circuit

Hon. Richard Linn, Senior Circuit Judge
United States Court of Appeals, Federal Circuit

UNITED STATES COURTS OF APPEALS

Hon. Dennis Jacobs, Circuit Judge, *Second Circuit*

Hon. Pierre N. Leval, Circuit Judge, *Second Circuit*

Hon. Richard G. Wesley, Circuit Judge, *Second Circuit*

Hon. Raymond J. Lohier, Jr., Circuit Judge, *Second Circuit*

Hon. Peter Hall, Circuit Judge, *Second Circuit*

Hon. Kathleen M. O'Malley, Circuit Judge, *Federal Circuit*

Hon. Jimmie V. Reyna, Circuit Judge, *Federal Circuit*

Hon. Richard G. Taranto, Circuit Judge, *Federal Circuit*

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Hon. Deborah A. Batts, District Judge

Hon. Miriam Goldman Cedarbaum, District Judge

Hon. J. Paul Oetken, District Judge

Hon. John F. Keenan, District Judge

Hon. John G. Koeltl, District Judge

Hon. Laura Taylor Swain, District Judge

Hon. Barbara S. Jones, District Judge (Ret.)



Eastern District of New York

Hon. Carol Bagley Amon, Chief Judge

Hon. Nicholas G. Garaufis, District Judge

Hon. Dora L. Irizarry, District Judge

Hon. Roslynn R. Mauskopf, District Judge

Hon. Joan M. Azrack, Magistrate Judge

UNITED STATES COURT EXECUTIVES AND CLERKS

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Court of Appeals, Federal Circuit

Daniel O'Toole, Circuit Executive and Clerk of Court

United States District Court, Southern District of New York

Edward Friedland, District Executive

Ruby J. Krajick, Clerk of Court

United States District Court, Eastern District of New York

Douglas C. Palmer, Clerk of Court

Eugene J. Corcoran, District Executive

Conner Inn Participating Law School

Prof. Hugh Hansen, Fordham University School of Law



Conner Inn Annual Reception and Dinner 2013



Judge Joan Azrack, John Lane, Melvin Garner, Judge Roslynn Mauskopf, Judge Barbara Jones, Judge Loretta Preska, Judge J. Paul Oetken, Judge Colleen McMahon, Martin Nagel, Thomas Meloro



Judge McMahon receives Excellence Award from Judge Oetken



Judge Jones receives Excellence Award from Judge Mauskopf



Judge Carol Bagley Amon, Judge Joan Azrack



Melvin Garner



Karen Greve Milton, Judge Dennis Jacobs





*Previous Recipients of the
Hon. William C. Conner Inn
Excellence Award*

- 2013 Hon. Barbara Jones**
U.S. District Court, Southern District of New York
- 2013 Hon. Colleen McMahon**
U.S. District Court, Southern District of New York
- 2012 Hon. Pauline Newman**
U.S. Court of Appeals for the Federal Circuit
- 2012 Hon. Carol Bagley Amon**
U.S. District Court, Eastern District of New York
- 2012 Hon. Kimba M. Woods**
U.S. District Court, Southern District of New York
- 2011 Hon. Dennis Jacobs**
U.S. Court of Appeals for the Second Circuit
- 2010 Hon. Loretta A. Preska**
U.S. District Court, Southern District of New York
- 2010 Hon. Raymond J. Dearie**
U.S. District Court, Eastern District of New York
- 2010 Hon. Paul R. Michel**
U.S. Court of Appeals for the Federal Circuit
- 2009 Hon. William C. Conner**
U.S. District Court, Southern District of New York



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Reception Sponsored by The Conner Inn



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Founder of the Tokyo IP Inn



Timothy R. Holbrook
Member of the Organizing Committee of the Linn Inn
Founding member of the Atlanta IP Inn



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Brooke A.M. Taylor
Founding member of the Seattle IP Inn
Strong supporter of the Linn Inn Alliance



David G. Conlin
Founding member and past president of the Boston IP Inn
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Hon. Robert A. Katzmann & Hon. Richard Linn



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Richard Linn American Inn of Court, *Chicago, IL*

Judge Paul R. Michel Intellectual Property American Inn of Court, *Los Angeles, CA*

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Atlanta Intellectual Property American Inn of Court, *Atlanta, GA*

Austin Intellectual Property American Inn of Court, *Austin, TX*

Intellectual Property and Innovation American Inn of Court, *Albany, NY*

Colorado Intellectual Property American Inn of Court, *Denver, CO*

Honorable Barbara M. G. Lynn American Inn of Court, *Dallas, TX*

Pauline Newman Intellectual Property American Inn of Court, *Alexandria, VA*

Thomas Jefferson Intellectual Property American Inn of Court, *Richmond, VA*

Boston Intellectual Property American Inn of Court, *Boston, MA*

Michigan Intellectual Property American Inn of Court, *Detroit, MI*

Q. Todd Dickinson American Inn of Court, *Pittsburgh, PA*

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and

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for the Federal Circuit**

on the occasion of the annual dinner of

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January 14, 2014

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&

the Honorable Richard Linn
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Kaye Scholer Congratulates

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&

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Hon. Richard Linn



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and

Honorable Richard Linn

Senior Circuit Judge

U.S. Court of Appeals for the Federal Circuit

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Hon. Richard Linn,
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Honorable Robert A. Katzmann

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AND

HON. RICHARD LINN

SENIOR CIRCUIT JUDGE

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CONNER INN OF COURT

JANUARY 14, 2014



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