

# Hon. William C. Conner Inn of Court

## Reception and Dinner

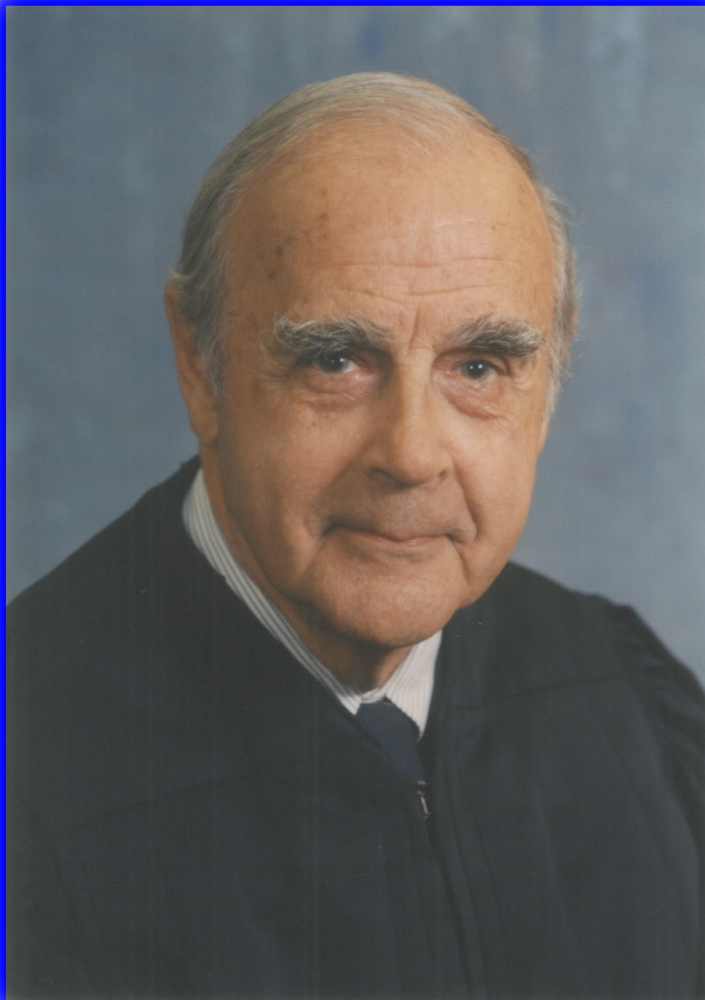


*January 14, 2015*

*The Union League Club of New York*



## *Judge William C. Conner*



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### *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.





*At our Inaugural Dinner in 2009, we presented Mrs. Conner with a bouquet of her favorite flowers - yellow roses. Janice Files Conner passed away on September 12, 2011. We continue to commemorate Mrs. Conner every year with yellow roses at our Annual Dinner.*



# *Program*

*Cocktail Reception* • 6:00 pm

*Dinner* • 7:00 pm

## *Welcome Opening Remarks*

Anthony Giaccio

*Presentation of 2015 Conner Inn Excellence Award  
to*

**Hon. Denny Chin**

*Circuit Judge, United States Court of Appeals for the Second Circuit  
by*

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

*Presentation of 2015 Conner Inn Excellence Award  
to*

**Hon. Sharon Prost**

*Chief Judge, United States Court of Appeals for the Federal Circuit  
by*

**Hon. Richard Linn**, *Senior Circuit Judge, United States Court for the Federal Circuit*

## *Closing Remarks*

♦♦♦

## *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*

Jeffrey M. Butler and Melvin C. Garner



## *Message from Conner Inn Executive Committee Chair 2015*

Welcome to the 7th Annual Reception and Dinner of the Hon. William C. Conner Inn of Court. Tonight we are accompanied by many honored guests, including members of the bench and bar, to celebrate two new Conner Inn Excellence Award recipients, Chief Judge Sharon Prost of the United States Court of Appeals for the Federal Circuit and Judge Denny Chin of the United States Court of Appeals for the Second Circuit, for their dedication to the promotion of excellence in our profession.

Please enjoy 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 sixth 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. In particular, we are honored to have a role in the celebration of the 225<sup>th</sup> Anniversary of the United States District Court for the Southern District of New York with a special program on February 26, 2015.

As chair of the Executive Committee, I would like to thank Judge Roslynn Mauskopf and Judge J. Paul 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 Patrice Jean) 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 twenty-three other 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*

## **Officers and Executive Committee**

### **Officers**

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

### **Executive Committee**

Chair	Anthony Giaccio
Members	Melvin Garner Patrice Jean John Lane

## **Judicial Members of the Inn**

Hon. Loretta A. Preska, Chief Judge, *Southern District of New York*  
Hon. Joan M. Azrack, *Eastern District of New York*  
Hon. Richard M. Berman, *Southern District of New York*  
Hon. Vincent L. Briccetti, *Southern District of New York*  
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*  
Hon. Barbara S. Jones (Ret.), *Southern District of New York*  
Hon. John C. Lifland (Ret.), *District of New Jersey*  
Hon. Paul R. Michel, Chief Judge (Ret.), *Court of Appeals for the Federal Circuit*

## **Visiting Judicial Members of the Inn**

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. William C. Conner Inn Activities for the Year 2013-2014

by Melvin C. Garner

Unlike the prior year when Hurricane Sandy intervened, the Conner Inn was able to start its sixth year with a cocktail reception at the club Beauty & Essex, on November 13, 2013. In order to get to the reception you have to enter a pawn shop and exit through a back door into a two story bar and restaurant. The Inn had a lounge area on the second floor set aside for the membership to mix and mingle, and to meet with Judge Roslynn R. Mauskopf, President of the Inn, and Judge J. Paul Oetken, its Counselor. At one point in the evening the members broke up into their Pupilage Groups and discussed the programs they would put on for the rest of the Inn's 2013-2014 season.

Again, in the absence of another hurricane, the Inn was able to have a holiday party on December 17, 2013, jointly with the McInerney Inn at the India House Club. It was an opportunity for members of both Inns to get to know each other.

On January 14, 2014 the Inn held its Annual Reception and Dinner at the Union League Club. At the event the Inn presented a 2014 Conner Inn Excellence Award to Hon. Robert A. Katzmann, Chief Judge, United States Court of Appeals for the Second Circuit. The award was presented by the Hon. Dennis Jacobs of the Second Circuit. Judge Katzmann made some humorous and insightful comments. In addition, a second 2014 Conner Inn Excellence Award was presented to Hon. Richard Linn, Senior Circuit Judge of the Court of Appeals for the Federal Circuit by the Hon. Jimmie Reyna of that court. In his remarks Judge Linn praised the growth of intellectual property focused Inns around the country and the world.

The first substantive meeting was held on February 26, 2014, at the Southern District of New York Court-house in Manhattan. The program was a mock argument to the U.S. Supreme Court based on a modification of the facts in the case *CLS Bank v. Alice Corporation*, in which at the time the Court had granted cert. The argument centered on whether claims to computer-implemented inventions – including claims to systems

and machines, processes, and items of manufacture – are directed to patent-eligible subject matter within the meaning of 35 U.S.C. §101 as interpreted by the Court. The entire Supreme Court, all 9 justices, was represented by Judge Oetken. Bruce Abramson, Nika Aldrich, Mel Garner and Frank Porcelli presented the arguments. Following the argument there was a panel discussion of the issues and a reception.

A meeting held on March 18, 2014, was another mock argument to the U.S. Supreme Court over a method claim from the case *Limelight v. Akamai*, in which the Court had granted cert. Again, Judge Oetken represented the Court. The other participants were Tom Meloro, Anne Elise Herold Li, Stephen Elkind and Michael

Sander. The issue was whether a defendant may be held liable for inducing patent infringement under 35 U.S.C. § 271(b) even though no one has committed direct infringement under § 271(a). As is typical, the



membership participated in a discussion of the issues after the presentation. Those in attendance then retired to the eighth floor for light refreshments.

As a change of pace, the April 10, 2014, meeting was a demonstration of closing arguments before a jury of guest students. The arguments were based on a recent copyright case involving music recordings in the Central District of California, i.e., *Estate of Marvin Gaye v. Robin Thicke, et al.* Judge Mauskopf presided over the case. The arguments, which featured Patrice Jean, Karen Leyva and Wesley Horner, included the playing of the competing songs so the jury could determine if there was copyright infringement. Video of the jury deliberations was broadcast into the courtroom to provide a glimpse into the jury dynamic. After the verdict, the attorneys and audience questioned the jurors about the basis for their decision. Then a panel discussion about the issues and techniques for making jury closing arguments was held.

The May 7, 2014, program returned to the usual theme of a mock argument before the U.S. Supreme Court based on the facts in *American Broadcasting Companies v. Aereo*. The issue was whether a company “publicly performs” a copyrighted television program when it retransmits a broadcast of that program to thousands of paid subscribers over the Internet. Judge Oetken again assumed the role of the entire U.S. Supreme Court and Mel Garner acted as moderator. The arguments were made by Henry Cittone, Steve Gustavson, Tony Harwood, Mee Hoe and Jeffrey Lewis. Following the argument, the participants took part in a mock mediation of the dispute. The usual refreshments were provided in the eighth floor conference center.

A mock oral argument was presented at the June 25, 2014, meeting on the issue of attorneys’ fees under 35 U.S.C. 285. The argument was based on two recent Supreme Court cases, *Octane Fitness v. Icon Health & Fitness* and *Highmark Inc. v. Allcare Health Management Systems Inc.* The context was a motion to the District Court Judge by a defendant who prevailed in a patent infringement case. Deciding the motion was quite a letdown for Judge Oetken, who had gotten used to representing nine Supreme Court judges. The arguments were made by Victor Cole, Anne Hassett, Robert Perry and Leslie Spencer. After the presentation a panel discussion was held on whether the Supreme Court cases would significantly changes the frequency with which attorneys’ fees are awarded.

The final meeting of the year was held on July 15 in the Second Circuit Courtroom of the Thurgood Marshall Courthouse. The program involved a brief appellate argument in the context of a petition for rehearing en banc based on *Car- et et al. v. The University of Utah*, involving disputes over patent inventorship and ownership between State entities (in this case State universities) and whether the jurisdiction of the U.S. Supreme Court in such cases is both original under U.S. Const. art. III, sec. 2 and exclusive under 28 U.S.C. § 1251 (a). The panel hearing the argument included Hon. J.

Paul Oetken (SDNY), Hon. Raymond Lohier (Second Circuit), Hon. Denise Cote (SDNY), Hon. Paul Engelmayer (SDNY) and Hon. Gregory Woods (SDNY). The arguments were made by James Dabney, Charles Miller and John Lane.







Honoree

*Hon. Denny Chin*

*Circuit Judge*

*United States Court of Appeals  
for the Second Circuit*

**D**enny Chin is a United States Circuit Judge for the United States Court of Appeals for the Second Circuit. He was sworn in on April 26, 2010.

Judge Chin graduated from Princeton University magna cum laude in 1975 and received his law degree from Fordham Law School in 1978. After clerking for the Honorable Henry F. Werker, United States District Judge for the Southern District of New York, he was associated with the law firm Davis Polk & Wardwell from 1980 to 1982.

He served as an Assistant United States Attorney in the Southern District of New York from 1982 until 1986, when he and two of his colleagues from the U.S. Attorney's Office started a law firm, Campbell, Patrick & Chin. In 1990, he joined Vladeck, Waldman, Elias & Engelhard, P.C., where he specialized in labor and employment law.

From September 13, 1994, through April 23, 2010, Judge Chin served as a United States District Judge for the Southern District of New York. He presided over both civil and criminal cases, including cases involving Megan's Law, the Million Youth March, Al Franken's use of the phrase "Fair and Balanced" in the title of a book, the Naked Cowboy, the Google Books settlement, and the United Nations Oil for Food Program. He also presided over the trial of an Afghan warlord charged with conspiring to import heroin and the guilty plea and sentencing of financier Bernard L. Madoff.

Judge Chin has taught legal writing at Fordham Law School since 1986. While in private practice, he provided extensive *pro bono* representation to the Asian American Legal Defense and Education Fund. He served as President of the Asian American Bar Association of New York from January 1992 through January 1994. He has served on the boards of numerous non-profit organizations, including Hartley House, Care for the Homeless, the Clinton Housing Association, the Prospect Park Environmental Center, and the Fordham Law School Alumni Association.

Judge Chin was born in Hong Kong. He was the first Asian American appointed a United States District Judge outside the Ninth Circuit. He is presently one of only three federal appellate judges of Asian American descent on active status in the country.





Honoree  
*Hon. Sharon Prost*

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

Sharon Prost was born in Newburyport, Massachusetts and grew up in Hartford, Connecticut. She attended Cornell University where she earned her B.S. degree in 1973. Thereafter, in Washington, D.C., she began fifteen years of service in five different agencies of the executive branch, including as Acting Solicitor of the National Labor Relations Board.

While working in the executive branch she earned three advanced degrees as a night student. In 1975, she received her M.B.A. in finance from George Washington University's Graduate School of Business. She then attended Washington College of Law at American University and received her law degree in 1979. In 1983, she earned an L.L.M. in tax law from George Washington University's Law School.

In 1989, Chief Judge Prost took her first position in the legislative branch as Chief Labor Counsel for the Minority on the Senate Committee on Labor and Human Resources. In 1992, she moved to the Senate Judiciary Committee where she held a number of positions, including Majority and Minority Chief Counsel. On May 22, 2001, Chief Judge Prost was nominated by President George W. Bush for the position of circuit judge for the U.S. Court of Appeals for the Federal Circuit and began her service in October 2001. She became chief judge on May 31, 2014.



## *Honored Guests*

Chief Circuit Judge Robert A. Katzmann  
Chief Circuit Judge Sharon Prost  
Chief District Judge Carol Bagley Amon  
Chief District Judge Loretta A. Preska  
Circuit Judge Denny Chin  
Circuit Judge Raymond C. Clevenger  
Circuit Judge Christopher F. Droney  
Circuit Judge Richard Linn  
Circuit Judge Debra A. Livingston  
Circuit Judge Kathleen M. O'Malley  
Circuit Judge Richard G. Taranto  
District Judge Vernon S. Broderick  
District Judge Margo K. Brodie  
District Judge Andrew L. Carter, Jr.  
District Judge Raymond J. Dearie  
District Judge Katherine Polk Failla  
District Judge Nicholas G. Garaufis  
District Judge Kiyo A. Matsumoto  
District Judge Roslynn R. Mauskopf  
District Judge J. Paul Oetken  
District Judge Edgardo Ramos  
District Judge Louis L. Stanton  
Circuit Judge Paul R. Michel (retired)  
District Judge Barbara S. Jones (retired)

## UNITED STATES COURT EXECUTIVES AND CLERKS

Circuit Executive Karen Greve Milton  
District Executive Eugene J. Corcoran  
District Executive Edward Friedland  
Clerk of Court Ruby J. Krajick  
Clerk of Court Douglas C. Palmer



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

- 2014      Hon. Robert A. Katzmann**  
*U.S. Court of Appeals for the Second Circuit*
- 2014      Hon. Richard Linn**  
*U.S. Court of Appeals, Federal Circuit*
- 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*



## Conner Inn Annual Reception and Dinner 2014



Melvin Garner, Hon. J. Paul Oetken, Hon. Jimmie Reyna, Hon. Richard Linn, Hon. Loretta Preska, Hon. Robert Katzmann, Hon. Dennis Jacobs, Hon. Roslynn Mauskopf, Hon. Carol Bagley Amon, Anthony Giaccio



Hon. Richard Linn, Hon. Jimmie Reyna



Anthony Giaccio



Hon. Robert Katzmann, Hon. Dennis Jacobs







# *Linn Inn Alliance*

## *2014 Distinguished Service Medal Winners*

*Presentations by Judge Richard Linn  
Reception Sponsored by The Conner Inn*



**Elisabeth A. Evert**  
Founding member and past president of the Barbara Lynn Inn  
Unbridled energy in supporting the Inn

*Not photographed*  
**Brian C. Nash**

Founding member of the Austin IP Inn  
Strong supporter of the Linn Inn Alliance



**Hon. Teresa S. Rea**  
Member of the Giles Rich Inn and Pauline Newman Inn  
Participant at meetings of several Inns in the Alliance  
Confidant, friend, and supporter in everything I have tried to do



**Stewart M. Wiener**  
Ben Franklin Inn – reinvigorated and refreshed Inn



**Charles A. Pannell**  
Founding member and Program Chair Atlanta IP Inn  
Steady support for all aspects of the Inn



**William L. LaFuze**  
Founder of the Houston IP Inn  
Strong supporter of the Inns of Court movement



***Congratulations to***  
**The Conner Inn of Court**  
***and Honorees***  
**Hon. Denny Chin & Hon. Sharon Prost**



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John C. Lifland American Inn of Court, *New Brunswick, NJ*  
San Francisco Bay Area Intellectual Property American Inn of Court, *Silicon Valley, CA*  
Benjamin Franklin American Inn of Court, *Philadelphia, PA*  
Richard Linn American Inn of Court, *Chicago, IL*  
Judge Paul R. Michel Intellectual Property American Inn of Court, *Los Angeles, CA*  
Hon. William C. Conner Inn of Court, *New York, NY*  
Seattle Intellectual Property American Inn of Court, *Seattle, WA*  
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*  
Tokyo Intellectual Property American Inn of Court, *Tokyo, Japan*  
The Honorable Arthur J. Gajarsa American Inn of Court, *Concord, NH*  
Houston Intellectual Property American Inn of Court, *Houston, TX*  
Minneapolis IP American Inn of Court, *Minneapolis, MN*  
Clifford Wallace American Inn of Court, *San Diego, CA*  
The Judge Janet Bond Arterton American Inn of Court, *New Haven, CT*



# CADWALADER



We are proud to support the  
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Congratulations to the Hon. Denny Chin,  
Circuit Judge, United States Court of  
Appeals, Second Circuit, and the Hon.  
Sharon Prost, Chief Judge, United States  
Court of Appeals, Federal Circuit. Their  
passion for professional excellence is an  
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Judge of the U.S. Court of Appeals for the 2<sup>nd</sup> Circuit

and

**HONORABLE SHARON PROST**

Chief Judge of the U.S. Court of Appeals for the Federal Circuit

on the occasion of the annual dinner of

**THE HONORABLE WILLIAM C. CONNER INN OF COURT**

January 14, 2015

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# DESMARAIS<sup>LLP</sup>

Desmarais LLP joins the  
Hon. William C. Conner Inn of Court  
in applauding

***The Honorable Denny Chin***  
*Circuit Judge, United States Court of Appeals, Second Circuit*

***The Honorable Sharon Prost***  
*Chief Judge, United States Court of Appeals, Federal Circuit*

January 14, 2015

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# PROUD SUPPORT.

DLA Piper is proud to support the Hon. William C. Conner Inn of Court.  
We join you in saluting tonight's honorees:

**Honorable Denny Chin**

Circuit Judge, United States Court of Appeals, Second Circuit

**Honorable Sharon Prost**

Chief Judge, United States Court of Appeals, Federal Circuit



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Congratulations!

Fish & Richardson is proud to celebrate

**The Honorable Denny Chin**

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

**The Honorable Sharon Prost**

*Chief Judge, United States Court of Appeals for the Federal Circuit*

Recipients of the 2015 Conner Inn Excellence Awards

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Fitzpatrick, Cella, Harper & Scinto  
joins the Conner Inn of Court  
in saluting

**The Honorable Denny Chin**  
Circuit Judge, United States Court of Appeals,  
Second Circuit

And

**The Honorable Sharon Prost**  
Chief Judge, United States Court of Appeals,  
Federal Circuit

January 14, 2015

**Fitzpatrick**

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Hogan Lovells proudly joins The Honorable William C. Conner Inn of Court in celebrating The Honorable Denny Chin, Circuit Judge of the U.S. Court of Appeals for the Second Circuit and The Honorable Sharon Prost, Chief Judge of the U.S. Court of Appeals for the Federal Circuit.

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Hughes Hubbard is proud to join  
the Honorable William C. Conner Inn of Court  
in congratulating this year's honorees:

Honorable Denny Chin

Circuit Judge, United States Court of Appeals, Second Circuit;

and

Honorable Sharon Prost

Chief Judge, United States Court of Appeals, Federal Circuit.

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**Hon. William C. Conner**  
.....  
**Inn of Court** .....

**and Congratulates**  
**Hon. Denny Chin**  
.....  
**&** .....

**Hon. Sharon Prost**  
**for Their Tireless Work**

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# Kenyon

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Kenyon is proud to support the  
Hon. William C. Conner Inn of Court

We congratulate tonight's honorees

Hon. Sharon Prost  
and  
Hon. Denny Chin

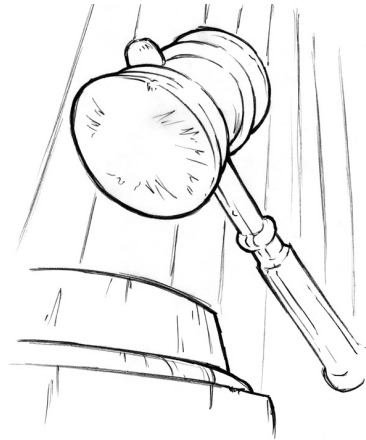
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King & Spalding joins in  
congratulating tonight's honorees,  
the **Honorable Denny Chin** and  
the **Honorable Sharon Prost**.

We salute your dedication to ethics, civility, and  
legal professionalism.



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Kirkland & Ellis is proud to support the

**Honorable William C. Conner Inn of Court**

and joins in honoring

**Honorable Denny Chin**

Circuit Judge

U.S. Court of Appeals for the 2nd Circuit

and

**Honorable Sharon Prost**

Chief Judge

U.S. Court of Appeals for the Federal Circuit

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**Inn of Court**

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this year's Honorees

**Hon. Sharon Prost,**  
Chief Judge,  
United States Court of Appeals,  
Federal Circuit  
and

**Hon. Denny Chin,**  
Circuit Judge,  
United States Court of Appeals,  
Second Circuit





Paul | Weiss

*We are proud to support*

**The Honorable William C. Conner**

**American Inn of Court Annual Reception Dinner**

*and congratulate honorees*

**Honorable Sharon Prost**

*and*

**Honorable Denny Chin**

**January 14, 2015**

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**HONORABLE DENNY CHIN**

CIRCUIT JUDGE

U.S. COURT OF APPEALS, SECOND CIRCUIT

AND

**HONORABLE SHARON PROST**

CHIEF JUDGE

U.S. COURT OF APPEALS, FEDERAL CIRCUIT

CONNER INN OF COURT

JANUARY 14, 2015



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congratulates

The Hon. Sharon Prost

*Chief Judge of the United States Court of Appeals, Federal Circuit*

The Hon. Denny Chin

*Circuit Judge of the United States Court of Appeals, Second Circuit*

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# WILLKIE FARR & GALLAGHER<sub>LLP</sub>

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is pleased to join the

CONNER INN OF COURT

in honoring

THE HONORABLE SHARON PROST

Chief Judge

United States Court of Appeals

Federal Circuit

THE HONORABLE DENNY CHIN

Circuit Judge

United States Court of Appeals

Second Circuit

*HON. WILLIAM C. CONNER INN OF COURT ANNUAL RECEPTION AND DINNER  
January 14, 2015*

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