

SPECIAL EDITION 2017

# The Bench<sup>®</sup>

THE MAGAZINE OF THE AMERICAN INNS OF COURT<sup>®</sup>



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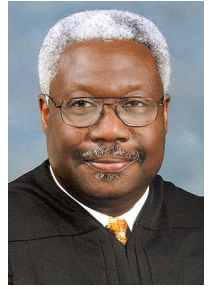
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## FROM THE PRESIDENT

### Chief Judge Carl E. Stewart



The American Inns of Court enjoys a storied history of growth and expansion, having, since its inception in 1980, become one of the largest organizations of legal professionals in the country. Our organization's notable history is enriched by the creation and expansion of intellectual property (IP) focused Inns, which have dedicated themselves to bringing the Inns of Court experience to the entire intellectual property community. The growth, development, and increasing focus on intellectual property law has a historical genesis. To encourage innovation and investment in valuable creations, the founding fathers enshrined protections for intellectual property in Article I, Section 8 of the U.S. Constitution, therein empowering Congress to grant exclusive rights of ownership to originators. Since that time, America's patent laws have become more deeply engrained in our legal fabric, resulting in the expansion of the ranks of lawyers and judges called on to interpret and defend intellectual property rights. This edition of *The Bench* celebrates the 25th anniversary of the creation of the first IP-focused Inn by recognizing the contributions that these Inns have made to the American Inns of Court movement and, specifically, to the close-knit group of lawyers and judges who make up the intellectual property legal community.

The story of intellectual property focused Inns begins with the Giles Sutherland Rich American Inn of Court. Formed in 1991, the Rich Inn extended the American Inns of Court's core values of professionalism, civility, ethics, and legal skills to the small group of intellectual property law practitioners that constituted its membership. Its namesake, Judge Giles S. Rich, was widely known as a master of patent law, having dedicated himself to becoming an expert of its constitutional and statutory underpinnings during his more than 40 years on the bench. Judge Rich enjoyed broad respect for embodying the values central to the mission of the American Inns of Court. Now entering its 26th year, the Rich Inn continues to promote the ideals of Judge Rich through innovative programming aimed at improving the legal skills of intellectual property lawyers and judges throughout the country.

Since the founding of the Rich Inn, the number of intellectual property focused Inns has steadily increased. The rapid expansion of IP-focused Inns across the country—and even to Tokyo, Japan—began in 2008 with the alliance between the six then-existing intellectual property focused Inns,

a collaboration that later came to be known as the Linn Inn Alliance. Indeed, during our 2011 Celebration of Excellence, Senior U.S. District Judge Richard Linn was recognized with the A. Sherman Christensen Award for serving as the primary catalyst for intellectual property Inn growth through the United States and elsewhere. The creation of this specialty Inn alliance—the first of its kind—helped foster the largely collegial nature of the ever-growing patent bar and localize an inherently national practice. Today, almost ten years since the inception of the Linn Inn Alliance, there are more than 25 IP-focused Inns dedicated to improving the American Inns of Court experience of their ever-increasing membership.

This special edition of *The Bench* chronicles the expansion of intellectual property focused Inns across the country and recognizes the impact these specialty Inns and their distinguished membership have had on the intellectual property community over the last 25 years. The entire American Inns of Court movement has been enhanced by the addition of the intellectual property focused Inns.

**Congratulations!**

*Carl E. Stewart*

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# The Story Behind the Formation of the Linn Inn Alliance

**BY JUDGE RICHARD LINN**

**T**he year was 2008. The event that started it all was a cocktail reception for an expected group of about a dozen people, which instead was attended by more than 100. But first, a little history of what led to that milestone.

Following a gap after the formation of the first four intellectual property-focused American Inns of Court—the Giles S. Rich Inn in 1991, the John C. Lifland Inn in 1992, the San Francisco Bay Area Intellectual Property Inn in 1994, and the Benjamin Franklin Inn in 1995—renewed efforts beginning in 2006 resulted in the formation of two additional IP-focused Inns. First in Chicago in 2006 with the Richard Linn Inn and then in Los Angeles in 2008 with the Judge Paul R. Michel Intellectual Property Inn. The formation of those two Inns sparked a fire of activity within the intellectual property community that was fueled by an enthusiastic embrace among IP lawyers across the country of the goals of and the opportunities offered by the American Inns of Court.

In early 2008, momentum continued to build for growth of the American Inns of Court within the intellectual property community. To take advantage of that momentum, my friend and Georgetown law classmate, Harold “Hal” C. Wegner, and I began to look in earnest for opportunities to continue to form new Inns in cities historically recognized for generating intellectual property legal work. Olivia Luk Bedi, who was the founder of the Richard Linn Inn in Chicago and someone with a track record of having started several student

and community groups in addition to the Linn Inn, joined us in these efforts.

It was at that time that the federal circuit began planning for its bi-annual judicial conference, scheduled for Thursday, May 15, 2008 in Washington, DC. Hal, Olivia, and I recognized that leading members of the federal circuit bar, including members of the six intellectual property-focused American Inns of Court then in existence, would be attending the conference. With the conference scheduled for the entire day on Thursday, we knew several participants would be arriving the night before. We thought it might be appropriate to host a small cocktail party for a dozen or so members of the existing Inns and a few other leaders from cities that might support future IP-focused Inns. To that end, we reserved the parlor of the historic Dolley Madison House, which is part of the courthouse complex occupied by the Federal Circuit.

In late April, invitations went out by email to the folks signed up for the conference who were also listed as members of the six existing IP-focused Inns. Other invitees included friends and leaders of the IP bar from New York City and Boston. Our plan was for an intimate reception to provide an



opportunity for existing and possible future Inn leaders to meet, exchange ideas, and enjoy each other's company. To give this cocktail reception the imprimatur of an "official" event, we did two things. First, we invited David Carey, then executive director of the American Inns of Court, to join us. Second, because the event that triggered the new wave of IP American Inns of Court activity was the formation of the Linn Inn, we named the host organization "The Ad Hoc Linn Inn Alliance."

What happened next took us completely by surprise. Shortly after our handful of email invitations went out, news of the cocktail reception began to spread. Hal, Olivia, and I began to get phone calls and emails wanting to know about the American Inns of Court, the reception, and whether invitations were available. Because the event was not publically announced anywhere, an invitation to the "secret" event became a highly valued prize to be acquired only by those truly "in the know." The planned intimate group of a dozen or so ultimately became more than 100, and would have been more but for the limited capacity of the room.

The reception not only gave the attending leaders of the six Inns a chance to meet, it also introduced the American Inns of Court idea to prominent members of the intellectual property bar from across the country. Most importantly, it opened serious discussions with leaders of the IP bars in New York and Boston, resulting in the formation of new Inns in both of those cities in 2008 and 2009, respectively. It also strengthened the momentum for continued growth within the intellectual property community. With the success of the inaugural reception, the "ad hoc" designation was dropped and the Linn Inn Alliance was born.

What began as an ad hoc effort in 2008 to unite the then six existing intellectual property-focused American Inns of Court quickly became a central catalyst in the formation of new IP-focused Inns. It also became a vehicle for the sharing of meeting and program information, a resource for the sharing of best practices in Inn management among member Inns, and a vehicle for the enhancement of the Inns of Court experience among all of the members of the now 25 intellectual property law American Inns of Court around the country and in Tokyo.

At the inaugural reception, the Alliance announced the goal of having ten IP Inns as members of the Linn Inn Alliance by the year 2010. The Linn Inn Alliance exceeded its "10 by 2010" goal with the establishment of five new Inns in the 2008–2010 period: the Hon. William C. Conner Inn in New York, New York; the Boston IP Inn in Boston, Massachusetts; the Seattle IP

Inn in Seattle, Washington; the Atlanta IP Inn in Atlanta, Georgia; and the Hon. Lee Yeakel IP Inn in Austin, Texas. Not content to sit at 11, the Linn Inn Alliance continued its outreach efforts in the 2010–2011 year, resulting in the formation of five new Inns: the IP and Innovation Inn in Albany and Schenectady, New York; the Colorado IP Inn in Denver, Colorado; the Honorable Barbara M.G. Lynn Inn in Dallas, Texas; the Pauline Newman IP Inn in Alexandria, Virginia; and the Thomas Jefferson IP Inn in Richmond, Virginia. In 2012, five more Inns were established: the Q. Todd Dickinson Inn in Pittsburgh, Pennsylvania; the Michigan IP Inn in Detroit, Michigan; the Arthur J. Gajarsa Inn in Concord, Massachusetts; the Honorable Nancy F. Atlas IP Inn in Houston, Texas; and the Tokyo IP Inn in Tokyo, Japan. From 2013–2015, four more Inns were formed: the Howard T. Markey IP Inn in Irvine, California; the Honorable Jimmie V. Reyna IP Inn in Minneapolis/St. Paul, Minnesota; the Judge Janet Bond Arterton Inn in New Haven, Connecticut; and the David K. Winder IP Inn in Salt Lake City, Utah.

The Linn Inn Alliance currently operates under a charter as part of the national organization. The Alliance has developed a model for the formation of new Inns based on the steps taken by Olivia Luk Bedi and the other founding members of the Richard Linn Inn. Using the resources of the American Inns of Court national office, Alliance members are kept informed of news of member Inns and are given information on meeting dates, program topics, and other items of interest. The Alliance also is actively involved in facilitating the sharing of creative program materials among member Inns. In addition, and with the realization that members regularly travel to different cities, Alliance member Inns have agreed to open meetings to all members of sister Inns. This provides members with opportunities to meet colleagues who have a shared interest in civility, ethics, and professionalism. To facilitate such visits, the American Inns of Court national office maintains on its website an interactive map displaying the cities in which member Inns are located for members to use if they would like to coordinate a planned trip with attendance at an Alliance Inn meeting. The map also provides links to meeting dates, places, times, and program topics.

The Alliance is playing an ever expanding role in bringing the American Inns of Court experience to the intellectual property community, with 25 IP-focused Inns now in existence and several more in the planning stages. The fire ignited in 2006 continues to burn brightly to the great advantage of those who practice intellectual property law and judge intellectual property cases. ♦



# Masters of the Intellectual Property Bench: Judicial Involvement in IP Inns

**CHIEF JUDGE BARBARA M.G. LYNN AND KATE MARCOM**

When joining an American Inn of Court that is part of the Linn Inn Alliance, a lawyer not only joins a nationwide network of lawyers, practitioners, and students dedicated to intellectual property law and practice, but also an organization that boasts a significant and ever-growing number of trial and appellate court judges. Judges have always played a role in the American Inns of Court movement; as Masters, trial and appellate judges share a unique perspective from their side of the bench to mentor Inn members as they develop their legal practices. Within the realm of IP law—with its high degree of specialization and technical subject matter—judges who embrace the intricacies of patent, copyright, and trademark law and are willing to share their views and experiences are very valuable to other IP Inn members.

Upon the 25th anniversary of the formation of the first IP Inn, it is time to reflect on the role that judges have played in the creation and growth of IP-focused Inns. More than 100 administrative law, magistrate, district, circuit, and former judges are active members of the 25 Inns that make up the Linn Alliance and they contribute countless hours of service to their Inns through program development, panel discussions, dinner talks, conferences, mock arguments and trials, and more. The active

participation of judges contributes significantly to the success of IP-focused Inns nationwide.

Any discussion of judges' roles in the development of IP-focused Inns would be incomplete without specifically recognizing the invaluable contributions of Judge Richard Linn of the U.S. Court of Appeals for the Federal Circuit. In addition to his contributions to his own namesake Inn and to the Linn Inn Alliance, Linn has been a Master of the Bench in six other IP-focused Inns. Linn not only saw the potential for

a nationwide alliance of Inns devoted to intellectual property, but he also had the vision and perseverance to make the Alliance a reality. Through frequent travel to Alliance Inns across the country and participation in panels, speeches, and events, Linn continues to play a prominent role in supporting and developing the Alliance, by fostering the creation of additional IP Inns including the Tokyo IP American Inn of Court in Japan.

Judge Pauline Newman of the U.S. Court of Appeals for the Federal Circuit, has similarly dedicated herself to the IP-focused Inn movement. Newman served as the first president of the very first IP Inn, the Giles S. Rich American Inn of Court in Washington, DC. She continues to play a prominent role in both the Rich Inn and her own namesake Inn, the Pauline Newman Intellectual Property American Inn of Court in Alexandria, Virginia, which enjoys close relationships with administrative law judges from the U.S. Patent and Trademark Office. Other past presidents of the Rich Inn include Judges Timothy B. Dyk, Richard G. Taranto, and Linn of the U.S. Court of Appeals for the Federal Circuit, as well as Judge Susan G. Braden of the U.S. Court of Federal Claims and Judge Theodore Essex, of the U.S. International Trade Commission.

Also of tremendous significance to the development of IP Inns are the contributions of administrative law, district court, and magistrate judges. From judging arguments and giving feedback on trial strategies, to serving as Inn presidents and board members, trial judges provide advice that is invaluable for developing and experienced lawyers. Furthermore, because proceedings before the Patent and Trademark Office are a core part of IP law practice, administrative law judges are an important resource for IP practitioners and they too have held key leadership positions in IP Inns. A few of the many examples of judicial involvement follow.

In the Northern District of Illinois, former U.S. District Judge James F. Holderman has been involved in the Linn Inn since the very beginning and was the first judge to serve as Inn president. His participation raised the profile of IP-focused Inns among practitioners and his dynamic approach and mastery of public speaking made him an accessible advocate for the IP bar. Judge Matthew F. Kennelly was similarly committed to the success of the Linn Inn from the beginning. From volunteering to serve as the first judicial counselor to serving as president and recruiting his friend Judge Rebecca R. Pallmeyer to serve, Kennelly has demonstrated his clear commitment to the IP Inn movement.

There are countless similar examples of judicial involvement across the country. On the West Coast, the Los Angeles IP Inn was another early IP-focused Inn, and was renamed in 2009 to honor former Judge Paul R. Michel of the U.S. Court of Appeals for the Federal Circuit. The Michel Inn boasts a high number of involved judges, from founder and co-counselor Judge S. James Otero, to past president Judge Suzanne H. Segal. All six patent pilot judges in the Central District of California are members and judges take turns hosting monthly meetings of the Inn. Numerous other members of the judiciary, including magistrate judges and retired district and appellate judges, are members and serve on the Inn's executive committee.

Judge William C. Conner of New York was one of the first judges with patent expertise to be appointed to a federal bench. When Conner agreed in the summer of 2008 to allow the Honorable William C. Conner American Inn of Court use his name, he stated that he might not be able to attend the programs. However, starting with the first meeting that fall, Conner participated in every single program and event that entire Inn year. Conner also encouraged his colleagues to get involved; he spoke with now-retired Judge Barbara S. Jones, who agreed to become the first Inn president, and with Judge Colleen McMahon, who agreed to become the first Inn counselor. And although Conner is no longer with us, his legacy of judicial involvement in his namesake Inn continues, with Judge J. Paul Oetken serving as Conner Inn president, and Judge Roslynn R. Mauskopf as its counselor. The Conner Inn helped found the Intellectual Property and Innovation American Inn of Court in Albany, New York, and its president, Judge Lawrence E. Khan, received the 2016 Distinguished Service Medal from the Linn Inn Alliance.

In Atlanta, Judge Charles A. Pannell, Jr. of the U.S. District Court for the Northern District of Georgia, was heavily involved in the foundation of the Atlanta IP Inn of Court, and served as counselor on the executive committee for many years. Former Judge Stanley F. Birch of the Eleventh Circuit was another founder of the Inn and attended many meetings. Judges Steve C. Jones and Amy M. Totenberg, both of the Northern District of Georgia, frequently attend Inn meetings.

In Detroit, Judge Gerald E. Rosen of the U.S. District Court for the Eastern District of Michigan, played a significant part in the formation of the Michigan IP

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Inn, and served as its judicial liaison for four years. Judge David M. Lawson of the U.S. District Court for the Eastern District of Michigan recently assumed the role of judicial liaison to the Michigan IP Inn; part of his role will be to identify ways that the Inn may be of greater service to the judiciary and practitioners. In Denver, the Colorado Intellectual Property American Inn of Court has grown to become one of the larger IP-focused inns, due in large part to contributions from Magistrate Judge Kristen L. Mix and District Judge Phillip A. Brimmer. Judges Mix and Brimmer provided instrumental leadership and enthusiasm that spurred great interest among the local bar, resulting in the Inn reaching almost 200 members within its first years.

Texas judges have also had a great impact on the growing IP Inn movement. Judge Lee Yeakel, of the U.S. District Court for the Western District of Texas, who serves on the American Inns of Court Board of Trustees, recognized the need for an additional IP Inn in the Austin area. With the help of Judge Robert L. Pitman of the U.S. District Court for the Western District of Texas and local practitioners and professors, Yeakel was able to obtain a charter for a new Inn in Austin a mere year after the first meeting of its organizing committee. It has since been renamed in honor of its founder. Before the Houston American IP Inn of Court received its

charter in 2012, Houston was the largest city in the nation without a dedicated American Inn of Court focused on IP. With the encouragement of Linn and prominent members of the local IP bar, Judge Nancy F. Atlas of the U.S. District Court for the Southern District of Texas, worked to establish the Inn, which was renamed in April 2015 in her honor. Chief Judge Lee H. Rosenthal and Judge Keith P. Ellison promptly joined the Inn, and thus the Atlas IP Inn has enjoyed the enthusiastic participation of three judicial counselors since its first days.

There are many more equally impressive examples of judicial involvement in IP Inns. Unfortunately, we don't have the space to honor and recognize all the countless hours of dedicated service that members of the judiciary have given to IP-focused inns across the nation. We hope, however, that with these few examples we have conveyed a sense of the deep involvement of judges in the development of the Linn Inn Alliance, in spearheading the creation of new Inns, in serving as presidents and counselors, in attending events and creating programs, and most importantly, in providing the crucial support necessary for sustaining an American Inn of Court. With their continued dedication, Linn's vision of a nationwide network of Inns focused on the development of intellectual property law will continue to grow and thrive. ♦

## Congratulations to the Giles S. Rich American Inn of Court on its 25<sup>th</sup> Anniversary!



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# The Giles Sutherland Rich American Inn of Court

**BY JENNIFER A. TEGFELDT AND JUDGE PAULINE NEWMAN**

In celebration of the 25th anniversary of the Giles Sutherland Rich American Inn of Court, we pay tribute to Judge Giles S. Rich. Rich was an exemplar of the American Inns of Court ideals and traditions and an enthusiastic supporter.

In 1991, when we decided to form an American Inn of Court focused on intellectual property law, the practice was relatively small, with far fewer practitioners than today. The Inn meets in the courthouse shared by the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Federal Claims and concentrates on patent, copyright, trademark, and trade secret law.

The Rich Inn's officers for the inaugural year were Judge Pauline Newman as president, Donald Banner as counselor, Benjamin Dennis as secretary-treasurer, Donald Dunner as program chair, and Jennifer Tegfeldt as historian. The executive committee added William Bullinger, Donald Duvall, Ford Farabow, Ray Lupo, Scott Partridge, and Joseph Potenza. Initial membership included judges of the federal circuit, Register of Copyrights Ralph Oman,

Commissioner of Patents and Trademarks Harry Manbeck, Deputy Commissioner Jeffrey Samuels, practitioners at all levels of experience, and professors and students from all of the area law schools. Justice Sandra Day O'Connor, Dean Howard T. Markey, and Rich were honorary members.

The Inn's inaugural meeting was held on October 1, 1991. We were welcomed by Professor Sherman Cohn, president of the American Inns of Court. The Inn's charter was presented to Newman and Banner by Judge Norma Holloway Johnson, a member of the American Inns of Court Board of Trustees.

The Rich Inn opened to a full and enthusiastic house. Newman introduced the inaugural meeting, stating:

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*"The American Inns of Court were a response to changing standards of behavior in the bar, a step in restoring to the practice of law the highest standards of civility and ethics, through education, example, and fellowship. The name of the Giles Sutherland Rich Inn is a reflection of our aspirations, for our namesake personifies these standards."*

*The American Inns of Court were a response to changing standards of behavior in the bar, a step in restoring to the practice of law the highest standards of civility and ethics, through education, example, and fellowship. The name of the Giles Sutherland Rich Inn is a reflection of our aspirations, for our namesake personifies these standards."*

Rich agreed to address the Inn at its first meeting, and Newman said in introduction:

*"Judge Rich has been on the federal bench longer than any active judge. He is the father of patent law. He is a Master of Masters of the Bench."*

Rich then told a rapt audience of his childhood, his evolution as a lawyer, his chance move into teaching, his activities leading to the 1952 Patent Act, and his appointment to the U.S. Court of Customs and Patent Appeals:

### **Selections from Judge Rich's opening talk<sup>1</sup>, October 1, 1991:**

*Giving permission to establish the Giles S. Rich Inn of Court was something that I could hardly refuse. What I decided to tell you about tonight was myself so that you would know who is this Giles S. Rich for whom this Inn is named, and*

<sup>1</sup> Judge Rich's complete opening and closing talks are published at 76 J. Pat. & Trademark Off. Soc'y 309 (1994) and 3 J. Fed. Cir. Hist. Soc'y 120 (2009).

*how he got this way. It is the story of the making of a patent lawyer who became a judge, by accident, perhaps. ...*

*Rochester was my birthplace. I lived there until I was 15 years-old. I used to go to the dentist's office to get my teeth straightened, when I was nine years-old. I thoroughly enjoyed going to that dentist's office because he let me play in his small laboratory where he made inlays, and such. Believe it or not, he had an x-ray machine where the x-ray tube was out in the middle of the room and it was connected by green silk-covered wires to various parts of the equipment. I used to be allowed to push the switch, wheels would make the tube arc, turn on the buzz, and take somebody's x-ray. ...*

*And right on the other corner from the dentist was the Wilder Building where my father had his office as a patent lawyer, the firm of Church and Rich. He used to do work for people like George Eastman when he was just starting his camera company. I would stay in the office until Dad was ready to go home; I would go out and talk to the draftsman and learn how to make patent drawings, and play with the models that were in the bottom section of my father's bookcase. ...*

*Another part of my family, which is just as important as my father's, was my Sutherland mother. Her father was the sheriff of Monroe County and that's the first connection that my ancestors had with the law, as far as I know. ...*

*My mother was a very strong influence on me. She was a very calm, collected person who subtly influenced her little boy to be a thoughtful person. I remember one of the things that she taught me early in the game was this little verse:*

*The wise old owl, lived in an oak  
The more he saw, the less he spoke;  
The less he spoke, the more he heard.  
Why can't we be like that old bird? ...*

*I didn't do too well at Harvard the first couple of years because I was too busy exercising my interest in fixing things and taking things apart. I had a Model T Ford and I was building radio sets for friends and things like that. I even had a business at one time rejuvenating radio tubes that one of the Western Electric engineers taught me how to do. They go dead when their filaments push off too many molecules of thorium, I think it was. He had a way of giving them a hot shot and they'd come back to life for a while. I actually did that for people for a dollar or two. ...*

*Well, I was also in the ROTC. So I went off, after my freshman year, to Langley Field, Virginia, and learned all about airplanes and wind tunnels and fooled around with “Jennies”, which you can see in the Air and Space Museum—astonishing to look at—and I flew around in them. You could see the fabric on the bottom fluttering under your feet. Also, we learned how to take them apart, how to put the fabric on the wings, tie them with string, coat them with dope, take 12-cylinder Liberty engines apart, and put them back together again, and fit the crankshaft bearings and so forth.*

*I went to Columbia Law School, and worked for about six years before I discovered that somebody was giving a course in patent law at night in the School of General Studies at Columbia. ... Before we got to the end of the course, the lecturer called me down one night and said, “Listen, I know you’ve been involved in litigation; frankly, I don’t know much about litigation. Would you be willing to give the class a couple of lectures on litigation?” I said, “Why, sure.” ... When the war came, and he left, I took over his course. That’s how I got into teaching patent law. ... I taught patent law for 14 years. ...*

*... Back in 1931, the Supreme Court decided the Carbice case, which involved contributory infringement and started the misuse doctrine. I got very fascinated with it. In fact, I had a case in Rochester involving contributory infringement and the Carbice case. I sort of pursued it as a hobby. ... In 1944 came the Mercoide case in which Justice Douglas wiped out contributory infringement, in the opinion of the Patent Bar. The Antitrust Division would never believe it, but it did. It wiped it out and the New York Patent Law Association decided that it would draft some legislation to revive it. The idea went to a Committee of the Association on which I was a member and the bill was drafted and I studied it and said it wouldn’t work if you just try to revive contributory infringement. If you don’t at the same time modify the misuse doctrine to allow contributory infringement to operate, nothing will happen. So this became a bill. Somebody else had hatched up a bill to define the term, “invention”, in what was the “requirement for invention” in those days. ...*

*These bills were pending, and I was down testifying about them and trying to educate the congressmen and tell them how it was different, somehow or other, from contributory negligence, which they could understand. At the end of one of these*

*meetings, when Pat Federico and I and some other people were around, the Congressional Committee called up people who were there and said, “Listen, we’ve got all these bills about patents so why don’t we take up Title 35 as our next codification project?” Without any warning to me, suddenly, I found that the chairman of the committee was appointing me to be one member of the two-man drafting committee, which involved going to work for the next two years. ...*

*So, I didn’t write the 1952 Patent Act, as somebody says every once in a while. I was one of a large group of people who worked very hard. This coordinating committee contained some of the best patent brains in the United States—25 or 30 people from all over the country. Working as their voice, so to speak, and writing the bill the way they thought it ought to be and sitting in meetings where everybody poked his finger into it over the course of two years was the best education in patent law that I ever had.*

*So later on, somebody decided that the Court of Customs and Patent Appeals, which had been in existence since 1929—and this is now about ‘54 or ‘55—ought to have a patent lawyer on it. They said to me, “If we can get you the job, will you take it?” I said, “Yes.” Well, that’s the whole story on that.*

## **The First Year: 1991–1992**

Inn programs were directed to proper practice and correct law for all aspects of intellectual property. Led by Program Chair Don Dunner, the pupillage groups devised programs that showed the thespian talents as well as the scholarship and experience of the participants.

**Pupillage Group 1** focused on appellate advocacy, on the premises of a recent trademark/trade dress case on whether the color, size, and shape of a drug product can be protected from copying. The techniques of appellate argument, responsiveness, and thoroughness, along with ethical challenges, were demonstrated and discussed in lively exchanges among the presenters and the audience.

**Pupillage Group 2** illustrated various ethical considerations that can arise in patent litigation. In a series of dramatizations, the members explored issues such as the effect of non-competition and non-disclosure agreements, conflicts arising from commercial interests, the relation between the patent prosecution attorneys and the litigating attorneys, and issues relating to trade secrecy and evidentiary demands.

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**Pupillage Group 3** called its presentation “How to Hire a Lawyer,” and explored recruiting from the perspective of smaller and larger law firms, along with issues of attorney mobility and conflicts, and attendant ethical and professional concerns.

**Pupillage Group 4** took on “Rambo Lawyering.” In creative dramatizations, the members demonstrated over-zealous advocacy, badgering of witnesses, non-cooperation among counsel, dilatory tactics, personal attacks, and a few sexist remarks. Judges described their reactions to and treatment of improper or unethical litigation tactics.

**Pupillage Group 5** turned to issues relating to the increase in jury trials in patent cases, from eight percent in 1974 to 50 percent in 1988. The group discussed reasons for this increase, shared their experience in selecting jurors and trying cases, and demonstrated a mock jury trial.

At the closing meeting of the inaugural season, Rich continued his life story.

### **Selections from Judge Rich’s closing talk, May 20, 1992**

*For this meeting, coming into the next phase, I skip a lot of my personal life until I get to the time when I got involved in a lot of legislative activities. It turned out, however, to be one of my life’s most interesting and valuable experiences. First, I am going to lay a little groundwork by saying that prior to 1948 when I began this enterprise, there were two things that were bothering the Patent Bar. The first of them was called the requirement for “invention”: the way you determined when things were patentable, and whether they were “inventions” or not, which is how the courts and lawyers determined whether things were patentable before 1953. The other one was contributory infringement, which we in the Bar thought, at least in New York, had been abolished as a practical matter by the Supreme Court’s *Mercoid* decision in 1944. ...*

*The word got around that a bill to revise the patent statutes was being written in the Patent Office. The Patent Bar felt this wasn’t too good either, and thought that because it doesn’t see things just the way the Patent Office does all the time, maybe the Patent Bar had better get involved in this. ...*

*The [National Council of Patent Law Associations] represented all of the patent law associations in the country. The executive committee of the National Council had met the night before and had hatched up a two-page*

*resolution saying that the members present at this meeting would constitute themselves as a Coordinating Council to help congress draft a new Patent Act. ... The Coordinating Committee included about 25 associations altogether at the time, and each was called on to get to work and read this draft by Pat Federico and send in to the Coordinating Committee their ideas on how it ought to be changed, what was good and bad, and what they were willing to accept. ...*

*A Drafting Committee consisting of two members of the Coordinating Committee was to be appointed. The bill was to be done over by the Drafting Committee so that the codifications and revisions contained only such changes in the existing patent laws on which, in the judgment of the Drafting Committee, substantial agreement of the patent profession as a whole can be obtained. ... So I took it all back to New York, I rolled up my sleeves, I read all the sections and decided what I thought to be good and what I thought not to be good. The Drafting Committee, having assimilated all the suggestions that were received, and there were many from all the associations all over the country, came up with a printed version of Pat’s bill. ...*

*The secret of this whole project, which made it a success, and how a bill came to be enacted into law in two years from the time it was first introduced, was that Congress initiated it and the Patent Bar was kept under control by the Coordinating Committee so that no single Association could come in and say, “we don’t like this” and “we don’t like that.” They all spoke through the Coordinating Committee at the hearings. ...*

*... It was redone a second time. ... Hearings were held... which total 230 printed pages of small type. Then we got to the point where the bill was put into a final version, H.R. 7794, which was passed by the House. Lou Harris rushed it over to the senate and got it passed just before congress was about to adjourn in 1952 and it was put on a consent calendar. The bill went to the president and it was signed, I believe, on the 4th of July 1952 to be effective January 1, 1953.*

*To get personal, again, this is the best education in patent law I ever had. Some of it stuck. I still have a little of it left.*

### **The Next 24 Years**

With strong leadership and involved membership, the Rich Inn continued to present wide-ranging programs related to intellectual property law and practice, always in cognizance of the principles



of civility and ethics that motivate the American Inns of Court. For its second year, the Inn created a series of skits depicting various ethical issues that may arise in litigation practice, enacting meetings between client and attorney, settlement discussions between opponents, issues of discovery conduct, and the role of confidentiality. Witness preparation, the untruthful or reluctant witness, and other ethical dilemmas were demonstrated. Also that year, the Inn was recognized nationally with a Program Award at the American Inns of Court Annual Meeting.

Over the years, the variety and depth of the Rich Inn programs have mirrored the growth in national importance of the laws of intellectual property and the growing complexity of their administrative and judicial practice. Each Inn year expanded the range of exploration and enlightenment. For example, the 2003–2004 season brought Professor Jack Greenberg, who spoke about *Brown v. Board of Education*, and the obligation of all lawyers to handle pro bono matters—especially cases of societal significance and individual rights and civil liberties. In 2008–2009 the Inn was visited by the president of the Federal Patent Court in Munich and a judge of the District Court of The Hague, who spoke about patent litigation in their countries.

The Rich Inn continues to thrive through creative programs, collegial company, and fellowship.

Over the years, the variety and depth of the Rich Inn programs have mirrored the growth in national importance of the laws of intellectual property and the growing complexity of their administrative and judicial practice.

Most recently, under the presidency of Janet Gongola, programs have highlighted the evolving law of patentable subject matter, actions under the recent America Invents Act; a preview of the Supreme Court's patent docket by several noted Court litigators; discussion of the new federal trade secret law, issues of multinational patent actions, and James Madison and the Constitution's patent clause. Programs have drawn participation from federal circuit judges, administrative patent judges; retired jurists Paul R. Michel and John C. Lifland, and practitioners at all levels of achievement. On this our 25th anniversary, we honor Rich's enduring legacy, in reminiscence and affection. In his words, "some of it stuck."

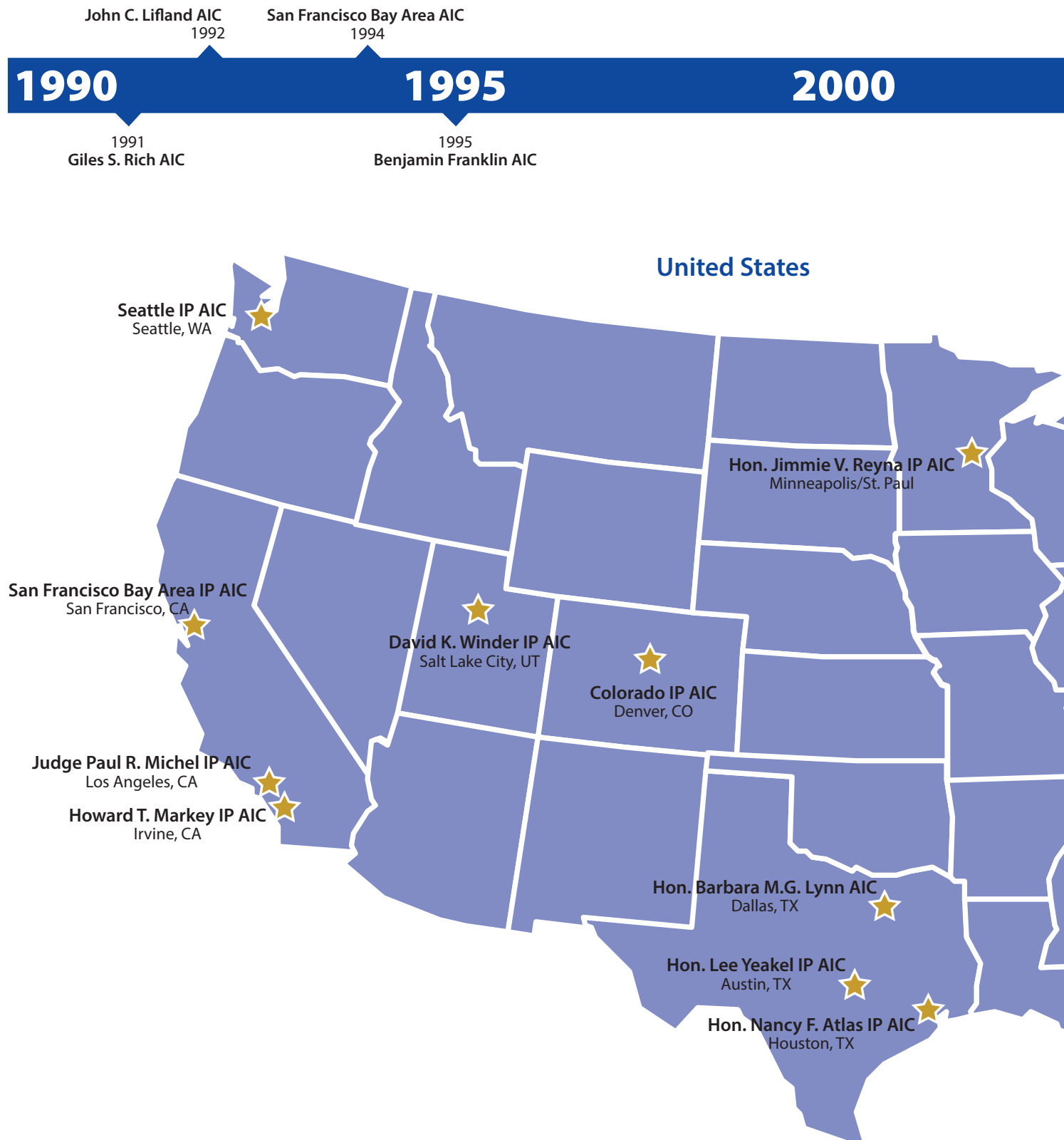
We take pride in our role as the first of the intellectual property-focused Inns, and join in celebrating our quarter century of scholarship and fellowship, in furtherance of the principles of the American Inns of Court. ♦

## 25 Years of Giles S. Rich American Inn of Court Presidents

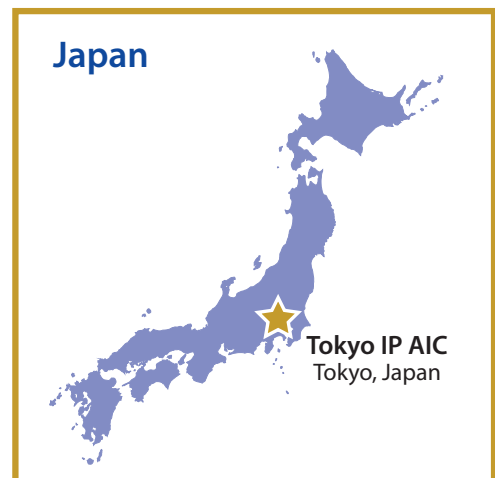
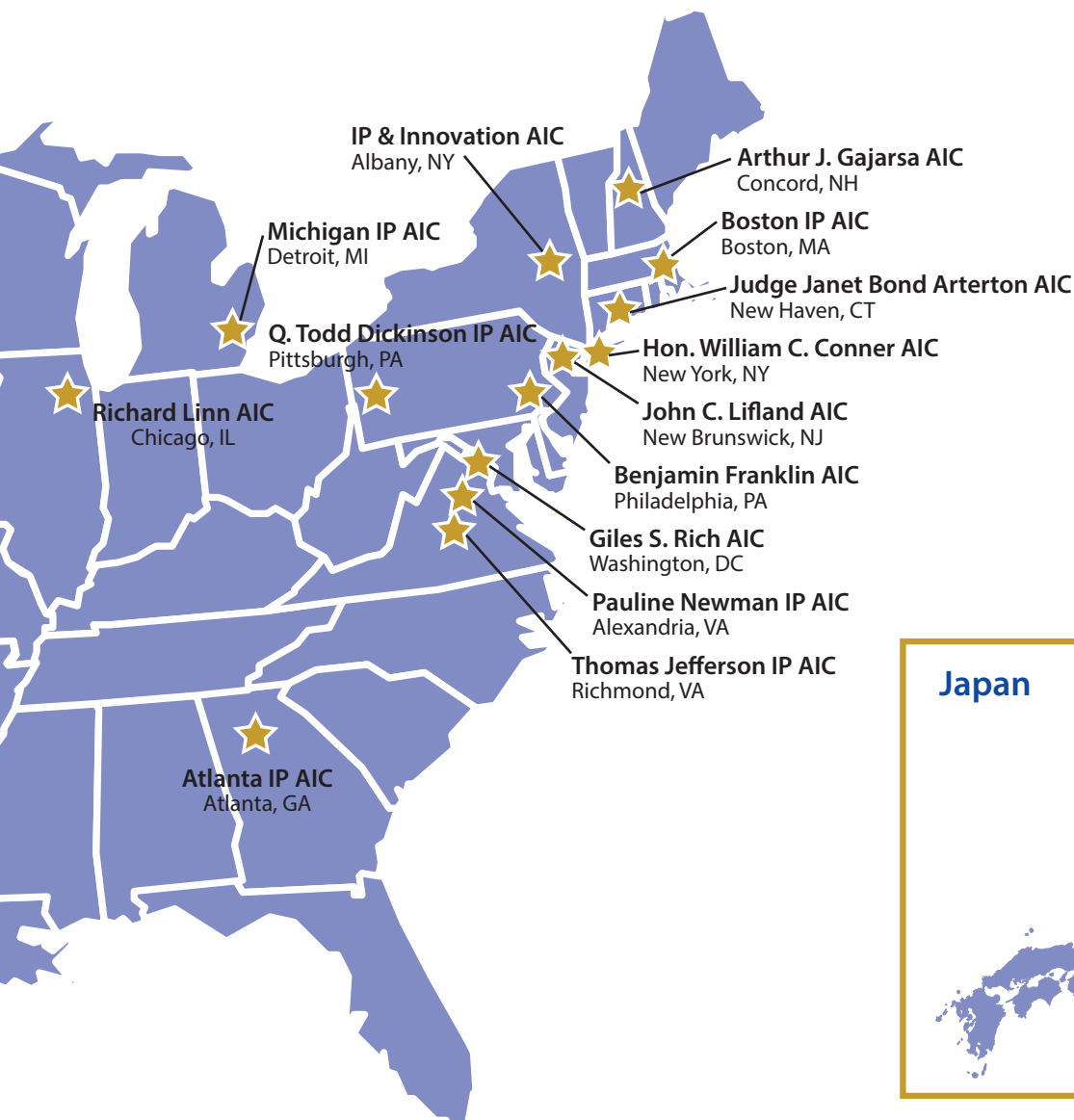
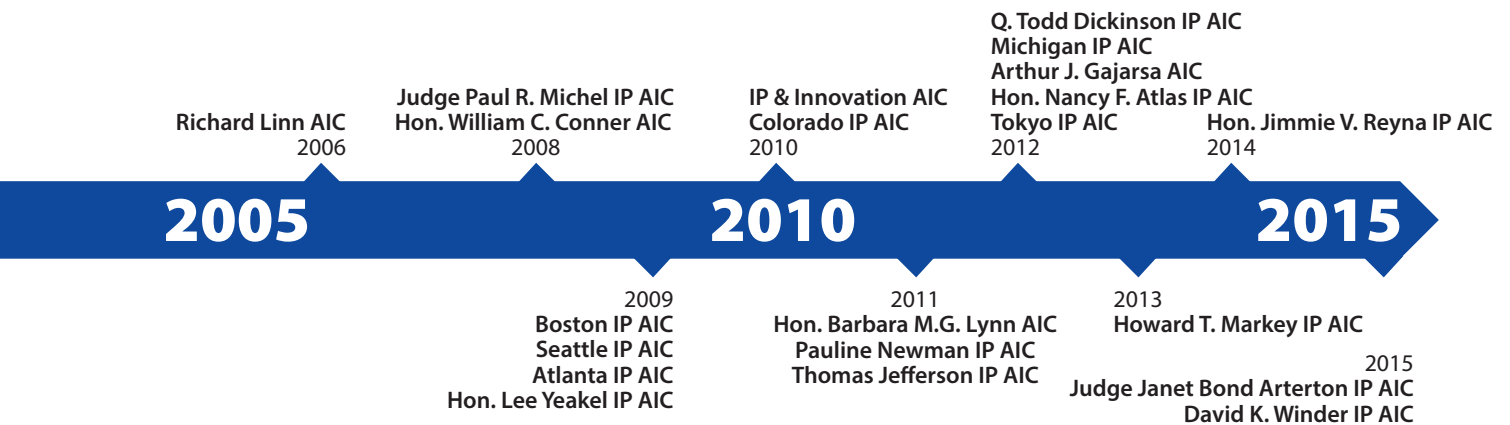
<b>1991–1992</b> Judge Pauline Newman	<b>2005–2006</b> Judge Timothy B. Dyk
<b>1992–1994</b> Donald W. Banner	<b>2006–2007</b> Judge Roderick McKelvie
<b>1994–1995</b> Donald R. Dunner	<b>2007–2008</b> Professor Robert Brauneis
<b>1995–1996</b> Raphael V. Lupo	<b>2008–2009</b> Bruce T. Wieder
<b>1996–1997</b> Barry L. Grossman	<b>2009–2010</b> Professor Lateef Mtima
<b>1997–1998</b> Ralph Oman	<b>2010–2011</b> Judge Susan G. Braden
<b>1998–1999</b> Joseph M. Potenza	<b>2011–2012</b> Richard A. Sterba
<b>1999–2000</b> Gary M. Hoffman	<b>2012–2013</b> Judge Theodore Essex
<b>2000–2001</b> John C. Lenahan	<b>2013–2014</b> Kevin W. McCabe
<b>2001–2002</b> Nancy J. Linck	<b>2014–2015</b> Rajeev Gupta
<b>2002–2003</b> William F. Herbert	<b>2015–2016</b> Judge Richard Taranto
<b>2003–2004</b> Steven M. Lieberman	<b>2016–2017</b> Janet Gongola
<b>2004–2005</b> Judge Richard Linn	



# Timeline and Map



# Timeline and Map



# Intellectual Property American Inns of Court

## List of Intellectual Property Inns by Charter Date

Inn Name	Chartered	Location	Website
Giles S. Rich AIC	5/19/1991	Washington, DC	<a href="http://www.innsofcourt.org/inns/richinn">http://www.innsofcourt.org/inns/richinn</a>
John C. Lifland AIC	12/21/1992	New Brunswick, NJ	<a href="http://www.innsofcourt.org/inns/liflandinn">http://www.innsofcourt.org/inns/liflandinn</a>
San Francisco Bay Area IP AIC	9/27/1994	San Francisco, CA	<a href="http://www.innsofcourt.org/inns/sfbaipinn">http://www.innsofcourt.org/inns/sfbaipinn</a>
Benjamin Franklin AIC	11/30/1995	Philadelphia, PA	<a href="http://www.innsofcourt.org/inns/franklininn">http://www.innsofcourt.org/inns/franklininn</a>
Richard Linn AIC	7/24/2006	Chicago, IL	<a href="http://www.linninn.org">http://www.linninn.org</a>
Judge Paul R. Michel IP AIC	3/18/2008	Los Angeles, CA	<a href="http://www.innsofcourt.org/inns/michelinn">http://www.innsofcourt.org/inns/michelinn</a>
Hon. William C. Conner AIC	9/24/2008	New York, NY	<a href="https://www.connerinn.org/">https://www.connerinn.org/</a>
Boston IP AIC	4/15/2009	Boston, MA	<a href="http://www.innsofcourt.org/Inns/bostonipinn">http://www.innsofcourt.org/Inns/bostonipinn</a>
Seattle IP AIC	10/14/2009	Seattle, WA	<a href="http://seattleipinn.org/">http://seattleipinn.org/</a>
Atlanta IP AIC	10/29/2009	Atlanta, GA	<a href="http://atlantaipinn.org">http://atlantaipinn.org</a>
Honorable Lee Yeakel IP AIC	10/14/2009	Austin, TX	<a href="http://www.innsofcourt.org/Inns/yeakelipinn">http://www.innsofcourt.org/Inns/yeakelipinn</a>
IP and Innovation AIC	5/27/2010	Albany, NY	<a href="http://www.innsofcourt.org/Inns/ipandinnovation">http://www.innsofcourt.org/Inns/ipandinnovation</a>
Colorado IP AIC	6/30/2010	Denver, CO	<a href="http://www.innsofcourt.org/Inns/coloradoipinn">http://www.innsofcourt.org/Inns/coloradoipinn</a>
Honorable Barbara M. G. Lynn AIC	6/20/2011	Dallas, TX	<a href="http://www.innsofcourt.org/Inns/barbaramglynninn">http://www.innsofcourt.org/Inns/barbaramglynninn</a>
Pauline Newman IP AIC	7/14/2011	Alexandria, VA	<a href="http://www.newmaninn.org/">http://www.newmaninn.org/</a>
Thomas Jefferson IP AIC*	7/14/2011	Richmond, VA	<a href="http://www.innsofcourt.org/Inns/jeffersonipinn">http://www.innsofcourt.org/Inns/jeffersonipinn</a>
Q. Todd Dickinson IP AIC	4/20/2012	Pittsburgh, PA	<a href="http://www.innsofcourt.org/Inns/qtodddickinsonipinn">http://www.innsofcourt.org/Inns/qtodddickinsonipinn</a>
Michigan IP AIC	5/16/2012	Detroit, MI	<a href="http://www.michipinn.org">http://www.michipinn.org</a>
Arthur J. Gajarsa AIC	6/15/2012	Concord, NH	<a href="http://www.innsofcourt.org/inns/arthurjgajarsainn">http://www.innsofcourt.org/inns/arthurjgajarsainn</a>
Honorable Nancy F. Atlas IP AIC	7/5/2012	Houston, TX	<a href="http://www.innsofcourt.org/Inns/hip">http://www.innsofcourt.org/Inns/hip</a>
Tokyo IP AIC	5/14/2012	Tokyo, Japan	<a href="http://www.innsofcourt.org/Inns/tokyoipinn">http://www.innsofcourt.org/Inns/tokyoipinn</a>
Howard T. Markey IP AIC	7/22/2013	Irvine, CA	<a href="http://www.innsofcourt.org/Inns/markeyipinn">http://www.innsofcourt.org/Inns/markeyipinn</a>
Honorable Jimmie V. Reyna IP AIC	8/15/2014	Minneapolis/St. Paul, MN	<a href="http://www.innsofcourt.org/Inns/jvripinn">http://www.innsofcourt.org/Inns/jvripinn</a>
Judge Janet Bond Arterton AIC	1/7/2015	New Haven, CT	<a href="http://www.innsofcourt.org/Inns/judgeartertoninn">http://www.innsofcourt.org/Inns/judgeartertoninn</a>
David K. Winder IP AIC	10/1/2015	Salt Lake City, UT	<a href="http://www.innsofcourt.org/inns/winderipinn">http://www.innsofcourt.org/inns/winderipinn</a>

*\*Inactive*

## Acknowledgements

### Thank you to the following individuals who served as editors for this special edition:

- BG Malinda E. Dunn, USA (Ret.)
- Judge Richard Linn
- Judge Pauline Newman
- Elizabeth Dougherty, Esquire
- Michael Drapkin, Esquire
- Anthony Giaccio, Esquire
- Frank Porcelli, Esquire
- Jacob Schroeder, Esquire
- Teresa Summers, Esquire
- Rita Zimmerman

### Thank you to our advertisers:

- Hon. Nancy F. Atlas IP AIC
- Hon. William C. Conner AIC
- John C. Lifland AIC
- Richard Linn AIC
- Barclay Damon LLP
- Fulwider Patton LLP
- Giaccio LLC
- Reising Ethington
- Ropes & Gray

### Thank you also to all those who contributed articles and helped make this special edition possible.



# Intellectual Property American Inns of Court

## Judge Janet Bond Arterton American Inn of Court

**T**he Judge Janet Bond Arterton Inn of Court is an intellectual property-focused Inn located in New Haven, Connecticut. Currently in its second year, the Inn was founded in 2015 by Amy Lydon and Jonathan Harris and bears the name of Judge Janet Bond Arterton, a leading voice in the IP community in Connecticut. Arterton was nominated by President William J. Clinton, confirmed by the U.S. Senate, and entered on duty May 15, 1995 as U.S. District Judge for the District of Connecticut. She has sat by designation with the U.S. Courts of Appeals for the Second Circuit, Federal Circuit, and the Armed Forces. Arterton frequently presides over Inn meetings and has been joined by other members of the judiciary.

The Arterton Inn was founded with the express desire to provide attorneys of all experience levels an opportunity to practice their skills and gain candid feedback from their peers and the judiciary in a low-pressure forum. Real-world experience is particularly valuable in intellectual property law, an area of practice where the cases are typically high-stakes and courtroom time can be hard to come by, especially for junior attorneys.

The Arterton Inn currently boasts more than 100 members and holds approximately six meetings per year, focusing on all aspects of intellectual property law. Meetings are typically held in the New Haven Courthouse, and include a networking

portion followed by a working session. Topics have included patent Markman hearings, inter partes review proceedings of a patent at the U.S. Patent and Trademark Office, IP trivia, outside-counsel hiring interviews, witness voir dire, and mock oral arguments in a variety of proceedings, such as trade secret theft and trademark infringement.

With a particular focus on mentorship and sharing best practices, groups frequently pair junior attorneys with more senior counterparts to help them prepare and give arguments. A typical meeting might involve two teams of attorneys giving oral arguments and then opening the floor up for discussion among the audience and any participating judges. Many members have noted that they particularly value the candid feedback from the judiciary in these settings. Feedback on any aspect of the program is welcome, but comments focused on technique, style, and argument are especially encouraged. ♦

# Intellectual Property American Inns of Court

## Atlanta Intellectual Property American Inn of Court

**T**he Atlanta Intellectual Property American Inn of Court in Atlanta, Georgia owes its success to the experiences and efforts of Emory Law Professor Tim Holbrook, along with a number of other Atlanta-based IP lawyers. Holbrook first became involved with the American Inn of Court during a judicial clerkship in Washington, DC where he participated in the Giles S. Rich Inn. Later while Holbrook was on the faculty at the Chicago-Kent College of Law, he was invited to serve as a founder of an IP-specific Inn, which became the Richard Linn American Inn of Court.

In 2009, after accepting a position at Emory University's School of Law, Holbrook set out to establish an Atlanta-based IP Inn. Holbrook contacted the leadership of Georgia IP bar associations, Georgia law school deans, former federal circuit clerks, and others. Holbrook began working with Chad Pannell, who involved his father, Judge Charles Pannell of the U.S. District Court for the Northern District of Georgia. Judge Pannell has served as judicial counselor to the Inn since its founding. Judge Stanley Birch of the U.S. Court of Appeals for the Eleventh Circuit has also provided guidance to the Inn.

In addition to Holbrook, the lead founders include Chad Pannell, Virginia Carron, Tony Askew, and John North. The founders took steps to ensure a diverse and inclusive Inn at all levels with the goal of having a representative cross-section of the

practices and people of the Atlanta IP community. Officially starting in 2010, the Atlanta IP Inn was the tenth IP Inn, thereby fulfilling Judge Richard Linn's goal of having 10 specialty IP Inns by 2010.

Chad Pannell, who now serves as the Inn's vice president, notes that while the Atlanta IP Inn has only been in existence for a few years, membership remains at or near capacity under the bylaws. The membership includes approximately 15 judges and academics, 55 masters, 60 barristers, 45 associates and 15 pupils.

In 2013, the Atlanta IP Inn became the first Inn in Georgia to achieve Platinum status in the Achieving Excellence program and the Inn has maintained that status for four back-to-back years. The Atlanta IP Inn is also the home to three recipients of the Linn Inn Alliance Distinguished Service Medal—Tim Holbrook, Chad Pannell, and Michelle Tyde.

In addition to ensuring its own strong programming, the Atlanta IP Inn has held joint meetings with the IP Sections of the State Bar of Georgia and the Atlanta Bar, and with the Lamar American Inn of Court of Emory University.

To facilitate interaction, professionalism and civility, the Atlanta IP Inn has focused heavily on mentoring. The mentoring program consists of groups of three or four individuals in different stages of their careers who can meet to discuss and share perspectives and advice with each other. The Inn also offers programs for information sharing and Q&A.

The Atlanta IP Inn is also proud of its individual and collective contributions to the community, including donations of gently-worn professional attire to organizations such as the Atlanta Center for Self Sufficiency, donations of time to programs such as AIPLA's Moot Court events, and highlighting annually an individual for his or her pro bono work on behalf of people who could not otherwise afford legal representation.

Our Inn will continue to promote mentoring, professionalism, and civility among members of the IP legal community in Atlanta and is proud to support the vision not only of the American Inns of Court but also Judge Richard Linn. ♦

"I grew up in a small town where my father and grandfather practiced law and knew every attorney in town. The IP Inn brings to my practice that same feeling of knowing and respecting all the attorneys in town, even if that town is not so small."

—Chad Pannell

*Atlanta IP American Inn of Court*

# Intellectual Property American Inns of Court

## Honorable Nancy F. Atlas Intellectual Property American Inn of Court

In 2012, the Houston IP American Inn of Court was formed to promote legal advocacy among local judges, lawyers, law professors, and law students, to provide opportunities for interaction and mentorship, and to preserve and promote ethical values. In November of that year, the Houston IP Inn held its inaugural dinner. The event was hosted by the Inn's first president, William "Bill" LaFuze, and judicial sponsors Judges Nancy F. Atlas and Lee H. Rosenthal, and featured a keynote by Judge Richard Linn. In April 2015, the Inn was renamed in honor of Atlas, who was, along with LaFuze and the Inn's second president, Scott Partridge, a driving force behind the Inn's inception and initial success.

Like other Inns, the Atlas Inn is divided into pupillage groups to allow for interaction between attorneys at various levels of experience. Each pupillage team prepares and presents a program designed to educate the Inn members about legal and ethics topics. Memorable programs have included "The Dynamics of Jury Selection: A Study of the Apple v. Samsung Jury," "IP Inferno," and "Raucous Caucus." The programs also provide an opportunity for team members to get to know each other, work together, and share advice and job opportunities. This intimate interaction among generations of legal professionals is what makes Inn participation unique compared to other bar associations.

In addition to pupillage group presentations, the Atlas IP Inn also hosts special programs. To commemorate the 800th Anniversary of Magna Carta in 2015, the Inn hosted a presentation and networking event at a local British pub about the history of the document. The Inn also hosts brown bag lunches throughout the year with our judicial sponsors at the Federal District Courthouse to discuss IP topics in an informal, dialog-style format.

Law students are an integral part of the Inn. In addition to incorporating students into the Inn membership, the Atlas Inn also provides a formal mentorship program and speed-mentoring events. This year, the Inn joined with another local IP organization, the Houston IP Law Association, to enhance the scholarships given to IP students at



*Honorable Nancy F. Atlas IP American Inn of Court 2016–2017 members.*



*Members of Pupillage Groups 5 & 6 present IP Super Bowl.*

each of the three Houston-area law schools. In addition to increasing the dollar value of scholarships to \$4,500, the co-sponsored scholarship also includes an opportunity for each recipient to be paired with an experienced attorney as a mentor. This year, the awarded scholarships totaled more than \$30,000!

The strength of the private, corporate, and academic IP practice in Houston is reflected in the membership of the Atlas Inn. If you find yourself in Houston, feel free to attend one of our pupillage meetings and engage in the lively programs and networking opportunities! ♦



# Intellectual Property American Inns of Court

## The Boston IP American Inn of Court

The Boston IP American Inn of Court started with a series of phone calls from Judge Richard Linn and Harold C. Wegner, indicating a desire to have an intellectual property American Inn of Court in Boston. David G. Conlin was involved from the start, along with Eileen M. Herlihy and Judge Patti B. Saris. In addition to Saris, Conlin, and Herlihy, Joseph J. Mueller, Lee Carl Bromberg, and Catherine J. Toppin attended a 2008 kick-off meeting during which plans were set forth to establish the Inn.

The first substantial meeting of the Inn membership was a Masters' meeting, in the fall of 2009. Linn attended, and presented the Inn with a framed copy of its charter. More importantly, Linn shared with the group his boundless enthusiasm and interest in seeing the Inn thrive. Linn also introduced the group to members of the Hon. William C. Conner Inn from New York, the Giles S. Rich Inn from Washington, DC, and the Richard Linn Inn from Chicago. In the ensuing years, these Inns have enriched our meetings and aided us in setting up and maintaining a working structure. Frank Porcelli, a founding member of the Boston IP Inn and member of the board since inception, facilitated that cross-inn enrichment by being an active member of the Conner and Giles Rich inns. We patterned much of our structure after the Conner Inn.

Conlin served for the first two years as Counselor to the Boston IP Inn. The Inn has enjoyed outstanding participation by members of the judiciary with many serving as Inn officers and enthusiastic participants in programming.

From the beginning, the Boston IP Inn of Court set a precedent of holding informative meetings covering diverse subject matter, which has included the following highlights:

During the 2011–2012 season, our first program was entitled “Press Coverage of High Profile IP Cases” and featured a Boston business reporter. We also explored the use of experts with our own Judge Marianne B. Bowler and her husband, cardiologist Dr. Marc Pfeffer. In April, the Inn presented Judge Richard Linn with its Alexander Graham Bell Award for his outstanding service to the American Inns of Court movement.

For the 2013–2014 season, the Inn focused on a series of programs exploring interdisciplinary intellectual property issues—e.g., the interplay between licensing and litigation; and the intersection of IP and antitrust.

In the 2014–2015 season, our programs included a review of Supreme Court intellectual property rulings, a focused session on the impact of Section 101 rulings on patent prosecution, and mock federal circuit arguments in the old chestnut *Selden Trust v. Ford Motor Co.*, regarding a patent purporting to cover the internal combustion engine.

The Inn's 2015–2016 season included a session assessing the dos and don'ts of advocacy in the courts and PTAB, and a panel of judges hosted by our president, Judge Bowler, and vice president, Judge George A. O'Toole, Jr., reflecting on claim construction and Section 101 challenges under evolving Supreme Court precedent.

Our eighth season is off to a great start. Meetings to date have covered current controversies in patent venue, and strategies for litigating multiple state and federal claims, an open discussion that was greatly enhanced by the participation of our judiciary. We have recently reorganized our pupillage teams and look forward to another engaging year. ♦



*Boston IP Inn current board members and past and current officers, from left to right, are Carolina Säve, Eileen Herlihy, Tom Brown, Aaron Jacobs, Steven Bauer, Judge Richard G. Stearns, Sarah Cooleybeck, Judge Patti B. Saris, Safraz Ishmael, Judge George A. O'Toole, Jr., William DeVaul, Magistrate Judge Marianne B. Bowler, Ilan Barzilay, Eric Marandett, Barbara Fiacco. (Missing are Eric Belt, Kathleen Carr, David Conlin, Mary Ferguson, Joseph Mueller, Frank Porcelli.)*



# Intellectual Property American Inns of Court

## The Colorado Intellectual Property American Inn of Court

As you will note from the quotations below, the Colorado Intellectual Property American Inn of Court in Denver has been an integral factor in the growth of the intellectual property community of Colorado. The Inn has had a tremendous impact on so many young attorneys starting their careers by providing mentoring, networking, and “on the ground” experience in front of judges and other senior leaders in our IP community. In addition to career development, the Colorado IP Inn has also formed relationships amongst experienced IP practitioners that has not only made adversarial proceedings more cordial, but has created networks in our IP community that have resulted in benefits in areas outside of the courtroom. The Colorado IP Inn greatly appreciates and is honored to be a part of the Inn Alliance.

### What members and leaders have to say about the Colorado IP American Inn of Court:

*“The Colorado IP Inn of Court has enriched hundreds of young Colorado attorneys and veterans alike through its mentorship program and guidance in practicing IP law. Over the years, young attorneys have been assisted in reaching their career goals and potential through the court’s networking, mentorship, educational programs, creating an invaluable group of IP attorneys in the Denver Metro area of Colorado.”—Daniel S. Young*

*“Subjectively, the Inn has been personally enriching and rewarding at several levels. However, objective evidence of its efficacy [is] perhaps more telling. The Inn was instrumental in promoting the adoption of local patent rules—something the IP bar had pushed for years, with no success. Because of the Inn, at least two litigations were resolved over lunch or through phone calls with a fellow Inn member representing the other side.”—Jon R. Trembath*

*“The Colorado Inn is integral in bringing the Denver IP community together. Our meetings are consistently attended by IP lawyers, judges, and students, which give the members valuable insight into to all aspects of law.”—Douglas L. Sawyer*

*“The Colorado Intellectual Property Inn of Court provides a unique stage for intellectual property attorneys and law students to interact, to educate, and to build lasting mentoring relationships. Unlike many professional organizations, where networking to find new business is a primary focus, I find our members far more interested in how they can help others in the Inn and in our community. Our educational programs, mentoring events, and outreach efforts enhance lives and careers with creative energy and substantive content that continue to surprise me, and excite me, year after year.”—Richard J. Holzer*

*“While IP practices are often national (or even international) in scope, practitioners can often feel isolated within their fields. Being part of a local IP Inn reminds us of the incredible, and unfailingly supportive, IP community that exists in our own backyards.”—Shelley B. Mixon*



Colorado IP Inn members enjoy a game of Bingo encouraging members to get to know each other during the opening meeting.

# Intellectual Property American Inns of Court

## The Hon. William C. Conner American Inn of Court

The Hon. William C. Conner American Inn of Court, based in New York City, was formed in 2008 and became the seventh intellectual property focused American Inn of Court.

The easiest task in setting up the Inn was choosing a name. Judge William C. Conner was a friend and mentor to the IP community who generously shared his talents and passion for IP law as a practicing patent attorney and a judge on the U.S. District Court for the Southern District of New York. He was the first practicing patent lawyer in history to be appointed as a district court judge and the Inn was fortunate to have him as an active participant during our inaugural year before he passed away in 2009.

Most Inn programs are mock oral arguments while others are presented in game show format.

The Inn hosts an annual "Fireside Chat" mentoring program for Pupil and Associate members, which is a Q&A session with judicial members in an informative and fun format.

The Conner Inn has had a number of very special guest participants, including genetic engineer Dr. Ananda Chakrabarty of *Diamond v. Chakrabarty* fame; *New York Times* columnist Andrew Ross Sorkin, author of *Too Big to Fail*; president and editor-in-chief of *American Heritage* magazine Edwin S. Grosvenor, the great-grandson of Alexander Graham Bell; and Janette Davis, great grand-niece of Orville and Wilbur Wright.

Another annual program is a

"Closing Argument with Jury Deliberation." The Inn invites 12 underprivileged, academically-excelling high school students who participate in the New York City Inner-City Scholarship Fund program to serve as

jurors. After hearing closing arguments, the students deliberate as if they were jurors in an actual case.

The Inn has also developed and presented a series of programs using the Wright brothers' patent litigations as teaching tools about the development of patent law and practice. In commemoration of the 125th Anniversary of the Second Circuit, the Inn created an historical reenactment of *The Wright Company v. The Herring-Curtiss Company and Glenn H. Curtiss* by researching the original appellate briefs as well as original documents and correspondence associated with the case. The Conner Inn presentation of "Wright v. Curtiss 'Aeroplane' Patent Litigations" was performed on November 16, 2016 by a cast of judges and attorneys in costumes of the period before more than 200 guests including two descendants of the Wright Brothers' family.

Since its inception, the Conner Inn has presented Conner Inn Excellence Awards at our annual dinner to outstanding jurists for their dedication to the promotion of excellence in our profession.

In 2016, the Inn created the Conner Inn Justice Awards, which were presented to 33 distinguished senior judges serving on the U.S. Court of Appeals for the Second Circuit, the U.S. District Court for the Eastern District of New York, and the U.S. District Court for the Southern District of New York for their continued commitment to the administration of justice and advancement of the rule of law.

The Conner Inn also hosts the annual Linn Inn Alliance Reception and co-sponsors an annual Joint Patent Practice Seminar, which is a full-day CLE-accredited patent practice update.

Information about Conner Inn programs and events can be found at <http://www.connerinn.org>. All members of Linn Inn Alliance Inns are welcome. ♦



Among the many who attended the inaugural dinner of the Conner Inn in January 2009 are, from left to right, then-Chief Judge Paul R. Michel (Fed. Cir., Ret.), Judge Richard Linn (Fed. Cir.), then-Conner Inn President Judge Barbara S. Jones (SDNY, Ret.), Judge Timothy B. Dyk (Fed. Cir.), Judge William C. Conner (SDNY), Judge Loretta A. Preska (SDNY), Judge Pauline Newman (Fed. Cir.), Judge P. Kevin Castel (SDNY), Anthony Giaccio, and Judge Wilfred Feinberg (2nd Cir.).



# Intellectual Property American Inns of Court

## The Q. Todd Dickinson Intellectual Property American Inn of Court

Since its formation in 2012, the Q. Todd Dickinson American Inn of Court has not only become a thriving organization within the broader intellectual property community in Pittsburgh, Pennsylvania and beyond, but also a steadfast collaborator with Inns focused on other substantive disciplines, as well as non-legal community organizations. Named for a former director of the U.S. Patent and Trademark Office who hails from Pittsburgh, the Inn has hosted judges from district and appellate courts around the country, as well as from our local patent bench and the Patent Trial and Appeal Board.

The Inn has tackled substantive training in all areas of intellectual property, all the while requiring members to hone their civil litigation skill sets. Memorable sessions include voir dire demonstrations where our colorful venire were members of the Inn who put counsel through their paces, openings and closings presented by the Inn's youngest members to the entire Inn so that feedback could be provided from more experienced practitioners, an appellate argument on an IP/bankruptcy topic that was jointly held with the Judith K. Fitzgerald Western Pennsylvania Bankruptcy American Inn of Court, and a roundtable session with in-house counsel. The Inn also sponsors an annual game night, which recently involved a Masters versus Barristers and Associates death-match of *Win, Lose or Draw* using courtroom technology.

The Dickinson Inn is proud of its short, but eventful, history. The Inn is fully engaged with the American Inns of Court and its activities resulted in the Inn earning Platinum Status in the Achieving Excellence program for 2016 under the leadership of Kirsten R. Rydstrom, Inn president. In 2017, Judge Cathy Bissoon, our inaugural president, was awarded a Distinguished Service Medal by the Linn Inn Alliance, in recognition of all of the hard work that went into forming and guiding the Inn over its first five years. Following in the footsteps of Bissoon and Rydstrom, Cecilia R. Dickson became the third president of the Inn in 2016.

The Dickinson Inn works to provide a robust experience to members by offering quality educational opportunities, as well as comradery among members and opportunities to develop relationships within the Inn and beyond. For example, the Inn has implemented a formal community outreach program whereby Inn members look for opportunities to work with the greater Pittsburgh community. This past year, members provided an educational program to students at the Art Institute of Pittsburgh. The Inn also formalized its mentoring program and matched younger members with masters to more fully integrate the newest members with those that are more seasoned.

The Inn holds its meetings at the federal courthouse in the Western District of Pennsylvania, and proudly welcomes any Inn member to attend. Meetings are followed by a social hour and every guest speaker who attends leaves with a Steelers hard hat as a reminder of their time with the Inn. ♦



Speakers for the Dickinson Inn's in-house counsel roundtable included, from left to right, Tom McGough of UPMC; Jack Elliot of Giant Eagle; and Greg Jordan of PNC Bank.

# Intellectual Property American Inns of Court

## The Benjamin Franklin American Inn of Court

**T**he Benjamin Franklin American Inn of Court in Philadelphia, Pennsylvania, pays homage to its namesake's heritage of innovation by focusing on intellectual property. Founded in 1996, the Franklin Inn was one of the first Inns focusing on all areas of intellectual property, including patents, trademarks, IP litigation, copyright, trade secrets, and licensing. The Inn is also a member of the Linn Inn Alliance. The Inn celebrated its 20th anniversary in 2016, with guests who included most of the Inn's 20 past presidents and several judges who have supported the Inn over the years by donating their time to the Inn and judging the Inn's annual IP moot court.

In more recent years, the Franklin Inn has appealed to its members' more creative impulses by designing programs with educational vignettes that draw heavily from the theatre and large and small screen hits for their characters and themes. These programs are fun to produce and perform and whether professional or campy, they have

engaged members at many levels and facilitated learning. This style of programs has also provided opportunities for larger pupillage groups through a variety of distinct roles for performers, narrators, researchers, and authors.

The Inn began this tradition in the 2011–2012 year by creating each program around different works of Shakespeare and weaving intellectual property issues into the themes and characters of their law vignettes, and drafting scripts in Shakespearean English. The season culminated in the Ethics of Hamlet, featuring the title character working as a law firm associate tortured by the knowledge that his uncle, the firm chairman, has committed fraud by concealing the theft of intellectual property from the patent and trademark office.

Over the years, the Inn has adapted "Charlie and the Chocolate Factory" into an intellectual property musical complete with members singing IP related lyrics to karaoke tracks and disciplinary counsel represented by Oompa Loompas; performed an ethics program consisting of IP lyrics sung to music from the shows "Wicked" and "The Wizard of Oz"; and created a full year of programs based on characters from the TV series, "Breaking Bad", including patent issues related to methods of manufacturing methamphetamine, trademark issues related to registration of the color blue as an indicator of source for meth, and client intake ethical red flags.

This year's ethics program, one of the Inn's most ambitious, will be based on karaoke performances of the Inn's lyrics to music from the Broadway musical Hamilton (with a cameo appearance from the Inn's namesake), and promises to delve into issues such as advertising, unmeritorious filings, substance abuse, and competence. ♦



*Members enact a scene from "The Ethics of Hamlet"*



# Intellectual Property American Inns of Court

## The Arthur J. Gajarsa American Inn of Court

Benefitting from the immense wisdom and guidance of its eponymous retired judge of the U.S. Court of Appeals for the Federal Circuit, the Arthur J. Gajarsa American Inn of Court celebrates fellowship among judges, practitioners, academicians, and students specializing in the field of intellectual property law in New Hampshire and neighboring states. Beginning with its inaugural program and dinner in 2012, the Gajarsa Inn has operated out of the University of New Hampshire School of Law. The Gajarsa Inn is proud that it fosters a strong community of learning and intellectual curiosity paired with mutual support, mentoring, and entertaining engagement.

With Mary Wong at the helm of UNH Law's Franklin Pierce Center for Intellectual Property and Gajarsa, a jurist-in-residence at UNH Law, the idea of founding an IP specialty Inn was born. Judge Paul J. Barbadoro of the U.S. District Court for the District of New Hampshire, presided over the Inn for many of its first years and provided the Inn with a strong level of enthusiasm and perspective for IP cases. In fact, the inaugural program, held at the Warren B. Rudman U.S. Courthouse in Concord, New Hampshire, educated the Inn with colorful prospective jurors for a mock voir dire in a patent case. The courtroom was also a great setting for demonstrations on use of technology in IP cases.

During the Inn's five-year span, meetings have reached into museums, trial courts, appellate moot courtroom settings, restaurants, law school classrooms, and—most rewardingly—at Gajarsa's Squam Lake home. Members enjoy opportunities to mingle with each other and share perspectives on a wide range of topics. Inn programs have addressed many topics including deep dives into historical and current front-page cases in design patents, court patent venue discussions with state and federal judges, mock depositions, re-enacted IPRs with Judge Scott Daniels of the Patent Trial and Appeal Board, re-enacted U.S. Court of Appeals for the Federal Circuit oral arguments, IP Jeopardy, fair use, deposition foibles, and Supreme Court of the United States reviews.

With the law school as the base of operations, the Gajarsa Inn is able to encourage law school faculty and student involvement, including students who have interests in patent, trademark, and copyright, many in the field of sports and entertainment law. Student involvement has been a great way to establish mentoring relationships with practitioners and jurists.

The Inn enjoys working with the many other groups crossing over our geographic and professional lines. Speed mentoring programs with law school students and joint programming for legal writing and professionalism have proven to be enjoyable and collegial events for Gajarsa Inn members.

In that vein, the Gajarsa Inn welcomes members of other Inns to join them for colorful and entertaining fellowship and learning! ♦



*Gajarsa Inn co-founders Judge Arthur J. Gajarsa (Fed. Cir., retired), Mary Wong (former Director of the University of New Hampshire School of Law Franklin Pierce Center for Intellectual Property and now Senior Policy Director at ICANN), and former UNH Law Dean John Broderick.*

# Intellectual Property American Inns of Court

## Intellectual Property and Innovation American Inn of Court

Located in the heart of New York's Tech Valley, the Intellectual Property and Innovation American Inn of Court established in 2010 in Albany, New York is the 13th IP Inn of the Linn Inn Alliance.

Thirteen is a lucky number for the IP and Innovation Inn. Surrounded by a vibrant technology community including leading-edge universities, such as Rensselaer Polytechnic Institute, the State University of New York with its nanotechnology center at SUNY Polytechnic Institute, Union College, and many large and small technology companies, Tech Valley is an ideal location for the IP & Innovation Inn. Over time, the Inn has expanded its reach to Syracuse, New York and offered joint events to IP practitioners from the IBM Kingston and Poughkeepsie region. This upstate New York region, known as the "Brain Belt," encompasses the areas served by the U.S. District Courts for the Northern District of New York and the eastern edge of the Western District of New York. Its formidable size presents challenges as well as opportunities for the use of new communication technologies.

"Participating in and leading the IP and Innovation American Inn of Court has been one of the most valuable and rewarding experiences in three decades of practice. I cannot underscore sufficiently the benefits of being an active Inn member; namely access to highly relevant CLE programs and enjoyment of the comradery engendered with our colleagues and the bench. If only we could include more members among our ranks, I firmly believe that our courts, our bar, and our clients would have a better experience during litigation."

—Susan E. Farley

*IP and Innovation American Inn of Court*

The Inn was founded with the help of the Honorable William C. Conner American Inn Court, and Judge Lawrence E. Kahn, has served as Inn president since its inception. Kahn was honored at the Inn's 2015 Gala Dinner with the Excellence in Service Award.



Kahn is joined by other esteemed members of the judiciary who actively participate in and support the Inn, including Judge Mae D'Agostino, Judge Frederick J. Scullin, and Judge Arthur J. Gajarsa (retired). In particular, the Inn owes a special debt of gratitude to Judge David E. Peebles for his tireless support of the educational programs, member recruitment, and vitality of the Inn.

In 2016, the Inn became a certified New York State CLE provider and attained the distinction of Platinum status in the American Inns of Court Achieving Excellence program.

The Inn's affiliation with Albany Law School and Syracuse University College of Law enables mentoring of the next generation of innovation attorneys and informative programming. The Inn was honored to host renowned copyright expert Professor David Nimmer for a program that paired together a Master member and law student to argue a summary judgment motion before a panel comprised of two judges and Nimmer.

A key focus of the Inn is presenting meticulous programming that is both fun and informative. One district judge commented that the quality and content of our Inn's CLE materials are without equal. Always laced with a trace of humor, programs have included IP Jeopardy, oral arguments on motions for current or well-known cases, copyright cases, patent cases, trademark cases, and mock depositions that went awry. The Inn also holds luncheon roundtables where IP related "hot topics" are discussed. Materials are provided in advance so as to encourage lively discussion and camaradery. ♦

# Intellectual Property American Inns of Court

## The Thomas Jefferson Intellectual Property American Inn of Court

Following closely on the heels of the formation of the Pauline Newman Intellectual Property American Inn of Court in Alexandria, Virginia, the Thomas Jefferson Intellectual Property American Inn of Court was formed in Richmond, Virginia and is the second IP-focused Inn in the state and the sixteenth in the Linn Inn Alliance. It is appropriate that Virginia has two IP-focused Inns, given the half century presence of the U.S. Patent and Trademark Office, first in Crystal City and now in Alexandria, Virginia. The Thomas Jefferson Intellectual Property American Inn of Court was founded by a Southern gentleman by the name of Auzville “Auzzie” Jackson, Jr., who was in many ways the grandfather of the Virginia intellectual property community. He was born and educated in Virginia, practiced and taught law in Virginia, and founded the Intellectual Property Law Section of the Virginia State Bar.

Judge Richard Linn reached out to Jackson with the idea of forming a new IP-focused Inn in Richmond. Recognizing that the IP community in Richmond was relatively small, they also saw that intellectual property was becoming an active area of legal practice throughout the southern part of Virginia, particularly in Charlottesville and Norfolk. The positive experience of the IP and Innovation Inn, which has members in upstate and central New York, suggested that an Inn in Richmond, with members in other cities in the southern part of the state might work. Linn also reached out to Judge James R. Spencer of the U.S. District Court for the

Eastern District of Virginia in Richmond to garner interest among the judiciary in Richmond, Norfolk, and Charlottesville. Spencer worked closely with Jackson to form an organizing committee and before long, the new Inn was born. The Inn was named after Thomas Jefferson, who was not only a U.S. president, but also a lawyer, a legislator, an inventor, and a distinguished resident of Virginia.

During its short history, the Thomas Jefferson Intellectual Property Inn has attracted many distinguished members of the Richmond IP community. Inn members are primarily involved in filing and prosecuting patent applications before the U.S. Patent and Trademark Office. The untimely death of Jackson in 2012 left a void that the Inn has had to work to overcome. Through the dedicated efforts of its officers and the support of the other Inns in the Alliance, the Jefferson Inn continues to provide the members of the intellectual property community in southern Virginia with the opportunity to enjoy the American Inns of Court experience and to foster ethics, civility, professionalism and legal excellence. ♦



# Intellectual Property American Inns of Court

## The John C. Lifland American Inn of Court

In its 24th year as the second American Inn of Court dedicated to intellectual property and federal practice, the John C. Lifland American Inn of Court is proud of the rich history and traditions it has cultivated in the pursuit of professional excellence, mentoring of younger lawyers, strengthening of professional relationships, ethics and civility in the practice of law.

In 1993, Lawrence I. Lerner, a founder of the largest intellectual property firm in New Jersey, was approached by Harold I. Braff, an experienced New Jersey trial attorney who was then vice president of the American Inns of Court, to establish an intellectual property-focused Inn of Court in New Jersey. Following a visit to the Giles Rich Inn of

Court in Washington D.C., Lerner invited several prominent patent attorneys to dinner to discuss how to set up the Inn. He also invited Judge John C. Lifland, who invited Judge Stanley R. Chesler.

Lifland and Chesler emphasized that to be successful and attract broader participation by the Bar, the Inn needed to focus not only on intellectual property, but also federal practice. They stressed that young lawyers in the real world must be able to practice effectively in the federal court system, which is the predominant forum for intellectual property disputes. The goal of merging specialization with practical knowledge remains a focus of the Inn to this day.

Lifland and Chesler actively encouraged other federal judges to participate; subsequently, the Inn has one of the largest complements of federal judges engaged in Inn meetings and activities; this level of judicial support has had a direct influence on the success of the Lifland Inn. The senior lawyers who are committed to the Inn have grown in number over the years and many former pupil members have become Barristers in the Inn. This continuity of participation and leadership has resulted in enormous stability in our Inn, directly contributing to its sustaining popularity and growth. Many of the original founding Masters of the Inn remain active in Inn leadership and programs.

For its programs, the Inn develops a hypothetical fact pattern around intellectual property issues which is then presented in monthly segments over a two-year period. The first year is devoted to pre-trial issues with trial issues and preparation being covered during the second year. Ethics, civility, and professionalism are overarching themes throughout the program.

At the end of each two-year cycle, pupils have a chance to make a formal presentation before one of our federal judges in one of the courtrooms in the federal courthouse, an incomparable teaching and learning experience.

Through continuity and a culture of mentoring, the Inn continues to move its mission of motivating lawyers interested in intellectual property and federal practice to the highest levels of professionalism, ethics, integrity, and civility forward, all with powerful support from dedicated federal judges. ♦



*Judge Stanley R. Chesler, Lawrence I. Lerner, Esq. and Judge John C. Lifland, founders of the Lifland American Inn of Court.*



*Judges at the Lifland Inn's 20th anniversary celebration are, from left to right, Judge Douglas E. Arpert; Judge Rosemary Gambardella; Judge Lois Goodman; Judge Stanley R. Chesler; Judge Tonianne J. Bongiovanni; Judge John C. Lifland; Judge William G. Bassler; Judge Patty Shwartz; Judge James B. Clark III; and Judge Mary L. Cooper.*



# Intellectual Property American Inns of Court

## The Richard Linn American Inn of Court

**T**he Richard Linn American Inn of Court located in Chicago was founded on the premise of being different from other legal organizations in the area. Modeled after the Giles S. Rich American Inn of Court in Washington, DC, the Linn Inn is dedicated to instilling a firm understanding of the importance of civility, ethics, professionalism and excellence in the practice of law in future generations of leaders of the Chicago intellectual property community.

During the summer of 2006, Chief Judge James F. Holderman and Judge Amy J. St. Eve, both of the U.S. District Court for the Northern District of Illinois, Meredith Martin Addy, Timothy Holbrook, Roberta Kwall, Olivia Luk Bedi, Sasha Mayergoz, Charles W. Shifley, Jonathan Spivey, and Judge Richard Linn of the U.S. Court of Appeals for the Federal Circuit, signed an application for charter to form a new Inn in Chicago. The organizing meeting of Masters was held in October 2006 attracting 54 leading IP attorneys, judges and professors. A mere three months later, the Richard Linn American Inn of Court held its inaugural meeting in the Everett McKinley Dirksen Courthouse Ceremonial Courtroom with over 100 new members.

For its monthly program meetings, the Linn Inn has opted for cocktail receptions rather than sit down dinners in order to facilitate personal interactions between members. The Linn Inn works hard to develop program topics dealing with the most critical issues in intellectual property law and places great emphasis on including the younger members of each pupillage group in program presentations under the tutelage of the more senior members of the group. Each year, the Inn conducts an Advocacy Challenge in which two teams of younger attorneys or law students present an appellate argument before a panel of three to five federal judges. After the argument, the judges provide constructive feedback for the benefit of the advocates and the members in attendance.

In addition to the Advocacy Challenge, some notable programs include IP Jeopardy!, a Project Runway spoof on copyright laws, speed mentoring, Claim Construction Battles, an Industrial Design Museum tour, musical jury selection that included A Chorus Line finale, and joint meetings with the Detroit IP Inn, the Chicago Inn, the Chicago Lincoln

Inn, and the Intellectual Property Law Association of Chicago.

The Linn Inn is proud to award a \$5,000 scholarship each year to a law student committed to pursuing a career in IP law, at an American Bar Association accredited law school anywhere in the United States. The scholarship is named in honor of Mark T. Banner, a founding Master of the Inn, who passed away at an early age in the Inn's formative first year. To date, the Linn Inn has awarded seven scholarships.

The Linn Inn holds an annual black tie dinner, which is the social highlight of the year and is regularly attended by more than 200 members, spouses and guests. The dinner features a keynote speaker in addition to the presentation of the Mark T. Banner scholarship, and, periodically a Lifetime Achievement Award to a distinguished member of the bar.

In addition to program meetings and the annual dinner, the Linn Inn regularly conducts holiday parties, golf outings, and community service projects. Proceeds from the golf outing benefit the Mark T. Banner Scholarship.

The Linn Inn is pleased to be a part of the Linn Inn Alliance and to have the chance to interact with members of other IP-focused Inns throughout the country and in Japan. The Inn also congratulates the Giles S. Rich Inn on 25 wonderful years and hopes to continue being a good sister to the first IP-focused American Inn of Court for at least another 25 years! ♦



*Founders Charles Shifley, Dave Fleming, Olivia Luk Bedi, Hon. Richard Linn, Jonathan Spivey, Meredith Martin Addy, Timothy Holbrook, Hon. James Holderman at the Inaugural meeting Jan. 2007.*

# Intellectual Property American Inns of Court

## The Honorable Barbara M.G. Lynn American Inn of Court

**T**he Honorable Barbara M.G. Lynn American Inn of Court is part of the grand tradition of American Inns of Court in Dallas-Fort Worth, Texas. In 2011, Judge Barbara M.G. Lynn brought together a distinguished group of judges, professors, and lawyers to create the intellectual property-focused Inn of Court. The Inn received its charter from Judge Richard Linn on September 27, 2011.

The Inn seeks to encourage civility and mentoring in the profession through fun and interesting programs that build a sense of community while educating members on intellectual property issues. For example, one year the Inn leadership chose a series of industries in which intellectual property law plays a key role and the pupillage groups were assigned one of the following: Music, Film, Technology, Social Media, and Fashion. There is a tradition of ending the Inn year with a special “interactive” meeting. This past year, the interactive meeting was a Bridge Building Design Competition, during which pupillage groups competed against each other to craft the strongest bridge that met all of the required criteria.

Each pupillage group is named for a native Texas innovator; this year, pupillage groups were to name themselves after a famous Texan who had a significant impact on their assigned industry, and each eponym was incorporated into the pupillage group’s overall program in some way. For example, the Fashion pupillage group named itself the Stanley Marcus pupillage group after the founder of the Neiman Marcus stores.

“Being a Master in the Lynn Inn has been one of the highlights of my career. I have had the opportunity to meet and work with some incredible young talent in the IP community and make new friends that will last a lifetime. I look forward to our monthly meetings which are always full of lively conversation and interesting dialogue about developments in all aspects of intellectual property law.”

—Molly Buck Richard

*Honorable Barbara M.G. Lynn American Inn of Court*

The Inn continues its traditional “Toast to the Constitution” as part of the monthly program, a way to involve law students and junior members by asking them to prepare and present a toast for their pupillage group’s assigned

meeting. The more senior pupillage group members assist in adopting a topic for the toast, framing the toast, and rehearsing the toast prior to the meeting.

In addition to monthly meetings, the Inn has organized several special events and programs, which allow Inn members at all levels to contribute their skills and talents to the local community. In 2014, the Lynn Inn held a series of four workshops on IP matters for the research staff of the Texas Scottish Rite Hospital for Children. In 2016, the Inn held an Entrepreneur’s Patent and Trademark Workshop at the North Texas Enterprise Center in Frisco, Texas. Inn members provided pro bono legal assistance and advice to inventors and entrepreneurs in a series of meetings, assisted with patent searches, and advised on the preparation and filing of patent and trademark applications.

Many members of the Lynn Inn were instrumental in planning the USPTO Opening, a gala that celebrated the opening of the U.S. Patent and Trademark Office’s Texas Regional Office. The Inn organized a luncheon that featured an educational presentation by the North Texas Food Bank about the issues of hunger and food insecurity. The Inn also collected donations for the North Texas Food Bank as part of competition in which pupillage groups designed and created games to teach children and young adults the basics of intellectual property law.

The Lynn Inn has achieved Platinum level in the American Inns of Court Achieving Excellence program for five consecutive years, is proud of the work they have accomplished over the last few years, and is excited to see what the future holds. ♦



*Judge Barbara M.G. Lynn*

# Intellectual Property American Inns of Court

## The Howard T. Markey Intellectual Property American Inn of Court

**T**he Howard T. Markey Intellectual Property American Inn of Court traces its roots to June 20, 2013. On that day, Judge Richard Linn of the U.S. Court of Appeals for the Federal Circuit spoke at the Federal Circuit Historical Society luncheon at the Broadmoor in Colorado Springs, Colorado. He gave a wonderful presentation entitled “The American Inns of Court: A Brief History.”

Linn spoke about how the Inn movement began in the United States under the leadership of Chief Justice of the United States Warren E. Burger and Chief Judge Howard T. Markey, the first chief judge of the U.S. Court of Appeals for the Federal Circuit. Linn spoke about why the American Inns of Court are so important to the legal community in fostering civility and professionalism, how the Inn movement has grown, and how to go about starting a new Inn. He also spoke about Inns devoted to intellectual property law. It was this inspiration that led to the creation of an intellectual property-focused Inn for Orange County, California named after Judge Howard T. Markey. In attendance were attorneys Joseph Re and Sheila Swaroop who were inspired and determined to start the Markey IP Inn.

One important point for successful Inn creation is the need to have the involvement of local judges, so they invited Judge Andrew J. Guilford of the U.S. District Court for the Central District of California, who brought along a former law clerk of his, Christina Von der Ahe. They contacted other Inns to ensure there would be no competition for members and Guilford asked that Vern Schooley, counselor at the Judge Paul R. Michel IP Inn, be included to work together and ensure the Inns would not be competing for members.

A few weeks later, the founders submitted an application to become The Howard T. Markey Intellectual Property American Inn of Court, and on July 26, 2013, the Inn was chartered. The group immediately started recruiting senior lawyers to



*Judge Richard Linn presents the charter for the Howard T. Markey IP American Inn of Court*

be the Inn’s Masters, and on October 16, 2013, held the first official meeting of the Masters in Guilford’s courtroom, where he was elected the first president of the Markey IP Inn.

On February 26, 2014, with the new officers and members of the Inn firmly in place, the Inn held a special dinner meeting at the Pacific Club in Newport Beach with almost 100 enthusiastic people in attendance. Markey was discussed as the namesake of the Inn, and every attendee received the first volume of the *Journal of the Federal Circuit Historical Society*, which was devoted exclusively to Markey and his lifetime contributions to intellectual property law and the administration of justice. The Inn received charter number 456, which was presented to the Inn by Judge Richard Linn who inspired the creation of the Inn. ♦



# Intellectual Property American Inns of Court

## Judge Paul R. Michel Intellectual Property American Inn of Court

It was Vern Schooley, who saw the need for a Los Angeles-based Inn dedicated to the highly specialized field of intellectual property. His brainchild was brought to fruition in 2008 as the Los Angeles Intellectual Property American Inn of Court. The Inn was an immediate success, regularly drawing federal trial and appellate judges and magistrates.

On December 1, 2009, approximately 240 attorneys and members of the judiciary gathered to celebrate the renaming of the L.A. IP Inn of Court in honor of Judge Paul R. Michel. Michel, 2009's Intellectual Property Person of the Year, had retired recently after 22 years on the U.S. Court of Appeals for the Federal Circuit. Michel gave the keynote speech and Judge Richard Linn presented the charter to Vern Schooley, who served as Inn president from 2008 to 2012.



Vern D. Schooley, Esq., left, and Judge Paul R. Michel, center, receive the ceremonial charter for the Judge Paul R. Michel American Inn of Court from Judge Richard Linn

The Inn is proud to have in its membership two past presidents of the California Bar Association and enjoys an annual social meeting held in June, typically with a guest of honor to make a presentation. Guests have included the 35th Governor of California George Deukmejian, Pepperdine Dean Deanell Tacha, and NFL defensive back Kermit Alexander. Deukmejian recognized the good work of the American Inns of Court and Tacha was highly complimentary of the work of the Inn. Alexander presented an interesting video and background of his experiences in the NFL, and his investigative work after his family was murdered in South Central Los Angeles. He also shared that he and his wife intended to adopt a child from Haiti and ended up adopting five siblings.

Pupillage meetings have always presented a challenge in Los Angeles given the heavy evening traffic and widespread job centers. The Inn holds its pupillage meetings at noon in the courtrooms of local federal judges. Box lunches are served at noon and the pupillage programs are held from 12:30 to 1:30. This scheduling has made it convenient for the judicial Inn members to attend, and many local judges drop in to benefit from the presentations.

Over the years, the Inn has had considerable success in reaching out to the California legal newspaper, *The Daily Journal*, to promote its meetings. The Inn also works closely with a number of local law schools and offers a limited scholarship for 3L students through a brief-writing contest. The Central District of California was selected to participate in the Patent Pilot Program, and the six leading judges volunteering to receive patent cases under that program have been active and supportive of the Michel Inn. ♦

"Having had the good fortune of serving for 10 years as president of the Joseph A. Ball/Clarence S. Hunt Inn and founding president of the Judge Paul R. Michel IP Inn, I can say that the greatest benefit of the Inn experience flows from the involvement of the judiciary—participating on panels, in skits, and making their courtrooms available for pupillage programs—which encourages cooperation, civility, and efficiency in IP litigation."

—Vern D. Schooley

Judge Paul R. Michel American Inn of Court



# Intellectual Property American Inns of Court

## The Michigan Intellectual Property American Inn of Court

**T**he idea for the Michigan Intellectual Property American Inn of Court was in 2011, and was initiated by then Chief Judge of the U.S.

District Court for the Eastern District of Michigan, Gerald Rosen. Rosen had a longstanding relationship with Judge James F. Holderman, of the U.S. District Court for the Northern District of Illinois, and Judge Richard Linn, of the U.S. Court of Appeals for the Federal Circuit, who encouraged Rosen to form the Michigan IP Inn within the Linn Alliance.

The founding members were pleased to attract nearly 80 members during the inaugural year. In Ann Arbor, the inaugural event for the Inn was held in connection with the visit of the U.S. Court of Appeals for the Federal Circuit to the University of Michigan Law School.

The Michigan IP Inn is as inclusive as possible, with membership from all areas of intellectual property, including members focused on patent prosecution, trademark prosecution, IP litigation, as well as in-house IP counsel, academic counsel from various law schools in the Detroit area (and Ontario, Canada), and government employees from the Detroit Elijah McCoy Patent Office.

Since its inception in 2012, the Inn has offered six programs annually. Programs have highlighted a variety of topic areas and used different formats, including game shows involving patent, trademark and copyright law trivia; text messaging answers to questions and real-time results sharing; summaries of Supreme Court of the United States or other decisions; trial issues such as expert witnesses, ethics, civility, trade dress considerations, settlement/ADR, IPR considerations; and many more. Venues have ranged from law schools to significant historical venues, including an event at the Detroit Historical Museum. Each year begins with a festive gathering and is capped off with a formal social gala for members and guests.

The Michigan Inn is proud of its growth to more than 80 active members in a short period of time,

and the Inn has become one of the pre-eminent IP-focused organizations in Michigan. The Michigan IP Inn has intragroup and external public communications channels via its website at [www.MichIPInn.org](http://www.MichIPInn.org), including a photo and video archive. Of special interest is the release of a pro bono video to help individual entrepreneurs answer patent questions. The Michigan IP American Inn of Court is thriving and has a future for many years to come, offering mentoring and networking opportunities as is consistent with the goals of the Linn Alliance and the American Inns of Court. ♦

“Five years ago, Julie Katz from the Linn Inn in Chicago approached me to gauge my interest in helping to establish an IP-focused Inn of Court in Michigan. I initially declined due to time commitments, but Julie persisted and I agreed to become involved. After five years serving on the executive committee, I became the president of the Michigan IP American Inn of Court, a thriving organization with over 100 active members. And as Julie promised, my involvement has indeed been one of the most rewarding of my professional career. I have enjoyed getting to know the local and national IP community.”

—Anessa Kramer

*Michigan IP American Inn of Court*

# Intellectual Property American Inns of Court

## Pauline Newman Intellectual Property American Inn of Court

On July 14, 2011, the Pauline Newman Intellectual Property American Inn of Court received its charter in Alexandria, Virginia. The Inn's first president was Al Trampusch.

The Inn honors the life and work of Judge Pauline Newman, U.S. Court of Appeals for the Federal Circuit. To that end, the Newman Inn aims to deepen and broaden member and community appreciation for all aspects of intellectual property.

The Inn is an active member of the Linn Inn Alliance and closely associated with the Giles S. Rich American Inn of Court; Newman served as the Rich Inn's first president. The Inns hold an annual joint holiday party to celebrate their strong bond. The Newman Inn is also connected to the Benjamin Franklin American Inn of Court in Philadelphia, Pennsylvania and the William C. Conner American

Inn of Court in New York City. Two of the Inn's past presidents, Teresa Stanek Rea and Judge Hubert C. Lorin, have been privileged to receive the Linn Inn Alliance Distinguished Service Medal Award.

With nearly 120 members, the Inn's programs provide insight into matters pertaining to patents, trademarks, copyrights, and trade secrets, nationally and globally. Monthly meetings are generally held at the U.S. Patent and Trademark Office in Alexandria, Virginia. The April meeting is held at the U.S. District Court for the Eastern District of Virginia and an annual dinner is held each May.

Community outreach is critically important to the Inn as is encouraging interest in science and technology among our school children, especially as it relates to raising awareness of intellectual property benefits.

This outreach initiative involves Inn members working with approximately 30 children in the 3rd through 5th grades to guide them through the principles of the scientific method in the construction of bridges made with marshmallows and toothpicks to be capable of withstanding weight. The children are well-behaved and attentive and Inn members enjoy working with them. The Inn plans to expand its program to other schools to raise awareness of intellectual property in the community.

The Newman Inn, an Achieving Excellence platinum level Inn, continues to serve the intellectual property community in cooperation with the Linn Inn Alliance, always remaining dedicated to professionalism, ethics, civility, and excellence as exemplified by its namesake. ♦



James Wilcox, Esq. shares the results of the marshmallow bridge strength tests.

"The American Inns of Court and most especially participating in two intellectual property Inns of Court, has had a tremendous impact upon my development as an IP attorney. Having joined the Inns of Court in 1994 as a student member and still participating today, the Inns have been a constant grounding force providing education, mentoring, and fellowship in ways not otherwise provided in a sea of continuing legal education programs and on-the-job training. The Inns have created a place in which strangers became colleagues and colleagues became friends for a lifelong learning and growth opportunity."

—Elizabeth Dougherty

Pauline Newman IP and Giles S. Rich American Inns of Court

# Intellectual Property American Inns of Court

## Honorable Jimmie V. Reyna Intellectual Property American Inn of Court

**T**he Honorable Jimmie V. Reyna Intellectual Property American Inn of Court celebrated its first anniversary in 2016. Established in 2015 as the first intellectual property law Inn of Court in Minnesota and in the Eighth Circuit, the Inn has grown quickly to 80 members.

Judge Peter M. Reyes, Jr., a Master and pupillage team leader, recommended that the Inn be named for the Honorable Jimmie V. Reyna, of the U.S. Court of Appeals for the Federal Circuit, who has strong connections to Minnesota. Reyna, formerly a highly-accomplished international trade attorney, is a past president of the Hispanic National Bar Association, and a recipient of the Ohtli Award, which is presented by the Government of Mexico to individuals who have distinguished themselves in advancing the prosperity of the Mexican and Hispanic communities internationally. The Masters of the Inn agreed and Reyna kindly accepted the honor at a naming and charter presentation ceremony. Judge Richard Linn, of the U.S. Court of Appeals for the Federal Circuit, presented the charter to the Honorable Jimmie V. Reyna Intellectual Property American Inn of Court in Minneapolis, Minnesota on November 10, 2015.

The Inn has hosted a number of successful and well attended programs in the past year. Reyna, along with colleagues Judges Kathleen M. O'Malley and Raymond T. Chen, of the U.S. Court of Appeals for the Federal Circuit, presented a CLE panel that provided advice and tips for attorneys who appear before the Court of Appeals for the Federal Circuit. James H. Patterson, Inn counselor, and William R. Covey, Deputy General Counsel and Director for the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office, presented on the USPTO's pro bono program. An inventor who benefited from the program also spoke to the Inn members about the program and its impact. The Reyna Inn and the local federal district court co-sponsored a panel on IP law for a group of judges from Pakistan in conjunction with the Commercial Law Development Program, Office of General Counsel, U.S. Department of Commerce. The judges were participating in a tour of the United States, which included the USPTO and the Federal District Court of Minnesota. ♦



*Judge Richard Linn presents a charter to the Honorable Jimmie V. Reyna Intellectual Property American Inn of Court. In the photo, from left to right, are Rachel C. Hughey, Esq., secretary; Anthony R. Zeuli, Esq., membership chair; Hon. Richard Linn; Jeffery C. Brown, program chair; Hon. Joan N. Ericksen, president; Chaz H. De La Garza, Esq., president-elect; Hon. Jimmie V. Reyna; David B. Kagan, Esq., treasurer; and James H. Patterson, Esq., counselor.*

"I am involved with the Honorable Jimmie V. Reyna IP American Inn of Court for my professional growth, via the engaging programming, and for my personal growth, via the enjoyable pre- and post-event socializing."

**—Rachel C. Hughey**

*Honorable Jimmie V. Reyna IP American Inn of Court*

# Intellectual Property American Inns of Court

## San Francisco Bay Area Intellectual Property American Inn of Court

In the 1970s, Neil A. Smith served as a law clerk to Judge Giles S. Rich of the U.S. Court of Customs and Patent Appeals, the predecessor to the U.S. Court of Appeals for the Federal Circuit. After relocating to Silicon Valley, he would routinely visit Rich in Washington, DC and sometimes attended the meetings of the then newly-formed Giles S. Rich American Inn of Court.

When San Francisco area attorneys considered forming an intellectual property-focused Inn in early 1994, Smith shared his experiences at the Rich Inn with Richard Sangster and Robert Morrill. Sangster was an enthusiastic promoter of the American Inns of Court mission, and Morrill enlisted a number of Bay Area IP lawyers to explore the idea. A charter was soon obtained and enough members were enrolled to begin regular meetings in the fall of 1994. Intellectual property law was still largely the province of IP boutiques at that time, and to avoid any one firm from dominating the Inn, each firm was limited to six members. Regular meetings began in the fall of 1994, and Morrill served as the Inn's first president for three years.

The Inn was fortunate to enlist Judge Ron Whyte and Chief Judge Vaughn Walker, in the San Jose and San Francisco Courthouses, to anchor the Inn on the north and south ends of the Bay Area. Magistrate Judge Bernie Zimmerman has been a long-time supporter of the Inn, and has encouraged other judges to participate and lead programs throughout the years. Judge Paul Grewal, who was an active member of the Inn as a practicing litigator before joining the bench, has continued to participate in the Inn. The Inn's judicial members seem to prefer helping out with programming and guidance, without the formal title of president and the Inn is grateful for their participation.

The Inn prefers a "learn-while-you-do-it" approach, with active participation by junior members in programs, instead of a lecture format. This is a great value to young lawyers in the Inn, who might not get experience on their feet in court as often as they should. Several lawyers report that the Inn was an important part of their courtroom training and experience, in addition to having the opportunity to meet judges and senior luminaries of the IP bar over dinner.

The San Francisco Bay Area IP Inn of Court invites members of other Inns and prospective members to join us at one of our meetings and welcomes all intellectual property professionals and students to join. ♦



# Intellectual Property American Inns of Court

## Seattle Intellectual Property American Inn of Court

It was Los Angeles attorney Vern D. Schooley who first sparked interest among a few Seattle-based intellectual property litigators in 2008 to form a specialty American Inn of Court dedicated to advancing professionalism and civility among the local bench and Intellectual Property bar. Schooley called several times in late 2008 to discuss the recent founding and success of a few fledgling specialty Inns focused on IP litigation and loosely categorized into an “alliance” under the urging of Judge Richard Linn of the U.S. Court of Appeals for the Federal Circuit.

After Schooley’s fourth or fifth call and a few trips to the American Inns of Court website to research the notion of a specialty American Inn of Court, a working group was established and an application for charter was submitted. The Inn’s first season was 2009-2010 and Judge James P. Donohue agreed to serve as the Inn’s first president. In planning sessions for the first year, the Inn made careful considerations regarding the meeting location and timing, in order to avoid competition with other IP-focused associations. The Inn finally settled on meeting at the University of Washington’s Faculty Club on the third Thursday of the month during the regular Inn year, which begins in September and continues through June. Typically, the Inn does not meet in December and the June meeting is always a social event with no formal programming.

In the early days of the Inn, there was no budget reserve, and it was sometimes a question of whether or not they could pay for meals. In fact, for the first several years, each executive committee member would volunteer to pick up a sheet cake from Costco so that dessert could be served.

Since then, the Inn has grown in popularity and impact among local IP lawyers and judges. “Local” now comprises members from Oregon and Montana. Since 2014, the Inn has reached Platinum status each year in the Achieving Excellence program. The Inn’s mentorship program began in 2013 and pairs experienced practitioners with associates and students, so that the values of

professionalism and civility can be reinforced and demonstrated through a personal connection.

The Inn holds an annual joint meeting with two “sister” Inns, both of which are named for prominent local judges—the William L. Dwyer Inn, which meets at Seattle University, and the Hon. Robert J. Bryan Inn, which meets at the U.S. Courthouse in Tacoma.

Inn programming includes an array of topics from IP litigation, including a recent program entitled “Using IP to Advance Social Causes.” The program explored the various ways in which IP law is used for charitable purposes, such as those advanced by The Bill and Melinda Gates Foundation. The Inn has also explored how the American Inns of Court Professional Creed is demonstrated in the members’ practice of law. Before each meeting, members are asked to share their own experiences pertaining to the aspirational goals of the Creed, with the purpose of demonstrating how these goals can be realized. ♦



*Seattle IP Inn of Court, 2013.*

# Intellectual Property American Inns of Court

## Tokyo Intellectual Property American Inn of Court

**T**he Tokyo Intellectual Property American Inn of Court was inaugurated in 2013 by the initiative of Judge Richard Linn. This is the first American Inn of Court in Asia and one of two American Inns of Court outside the United States. Now, it has 67 members, a good mixture of U.S. attorneys, Japanese attorneys with or without qualification in the U.S., Japanese patent attorneys, corporate managers in IP divisions, and scholars.

In June 2012, Linn appeared on a large screen in the Tokyo branch of a law firm, and met with the founding members of Tokyo IP Inn. Most of the Japanese people there, except Teresa Summers and some other American attorneys, did not know the concept of American Inns of Court. Linn kindly introduced the idea and it was agreed upon to start preparation for a new American Inn of Court in Tokyo. Because the U.S. intellectual property law is important among the Japanese corporations, a

substantial number of U.S. lawyers work in Tokyo. Also, a substantial number of the Japanese lawyers have qualifications in the United States, having studied at U.S. law schools. The Japanese patent attorneys (Benrishi) are active in prosecution and litigation in Japan, and the Tokyo IP Inn felt they should be included as well as corporate IP department people. Judges of the IP High Court of Japan and scholars also joined. Thus, the Tokyo IP American Inn of Court held its inaugural meeting in April 2013.

Inn members meet five times a year to have presentations on various themes along with a reception. Program topics have included trends in intellectual property law; the Supreme Court of Japan's decisions on PBP claims; international patent exhaustion; US IPR and opposition in Japan; and even an IP quiz game. Not only are the presentations and Q&A interesting, but through the preparation of presentations and conversations during the reception, the meetings bring members closer to each other and provide a unique opportunity for the U.S. and Japanese IP lawyers to get to know each other.

When members from other American Inns of Court visit Tokyo, the Inn holds additional meetings, which provides an opportunity to become acquainted with members of other American Inns of Court. Any member of an American Inn of Court within the Linn Inn Alliance is welcome to join our meetings when visiting Tokyo.

In May 2016, with an initiative between the Tokyo IP Inn and Giles S. Rich Inn, a symposium titled "United States/Japan Patent Symposium" was held at the Federal Circuit courthouse. The distinguished speakers and commentators made speeches on the views from the appellate court, the administrative trial perspective, and discussed reforms to improve the system.

Two of the Inn's founding members, Eiji Katayama and Shoichi Okuyama, had the honor of receiving a Distinguished Service Medal from the Linn Inn Alliance in 2013.

The Tokyo IP Inn has been active for four years and is grateful to the American Inns of Court members who helped to establish the Tokyo IP Inn, especially Judge Richard Linn, Professor Harold C. Wegner, Teresa M. Summers, Professor Minoru Matsuda, Michael O. Warnecke, and William A. Streff, Jr. ♦



*Eiji Katayama, president of the Tokyo IP Inn, accepts the ceremonial charter for the new Inn from Judge Richard Linn and Steven Molo, Esq.*

"Attending Inn meetings affords a congenial setting to converse and build relationships not only with fellow practitioners who may be adverse or aligned in a case, but also with diverse members of the bench and bar who have meaningfully influenced me and inspire me to influence others."

—**Teresa Summers**  
*Tokyo IP American Inn of Court*

# Intellectual Property American Inns of Court

## David K. Winder Intellectual Property Inn of Court

**T**he American Inns of Court has a rich tradition in Utah, where the very first American Inn of Court was founded in 1980 by Judge A. Sherman Christensen with the assistance of then Chief Justice Warren Burger, Solicitor General Rex Lee, and leading members of the bar.

In late 2014, Judge Richard Linn of the U.S. Court of Appeals for the Federal Circuit, reached out to Chief Judge David Nuffer of the U.S. District Court for the District of Utah, and Rick D. Nydegger to determine if there was interest in forming an intellectual property Inn of Court in Utah. The group, together with Judge Clark Waddoups, Judge Robert J. Shelby, other prominent IP professionals, surveyed interest in the community and found great excitement about the formation of a proposed specialty Inn of Court. Linn's assistance was critical to the formation of the Inn and he continues to offer his wisdom and insights. He attended and presented the keynote remarks at the Inn's inaugural meeting in the fall of 2015.

Shortly after formation, there was a need to name the Inn. There was consideration for simply calling it the Salt Lake IP Inn of Court, but given the existence of numerous other Inns in Utah, it needed to go in another direction. The names of many prominent local judges and practitioners were suggested, as well as names of prominent national figures in the IP bar and bench, until finally David K. Winder, one of our longest serving federal judges, was proposed.

Winder was an amazing jurist and human being. He was bright, hard-working, and a gentleman. He was kind to novices and seasoned practitioners alike. A current judge recalled how, in the early days of his service on the bench, Winder would invite his clerk to sit in the back of Winder's courtroom to observe how proceedings should be conducted, and would then stop by to talk and answer questions. The Inn is proud to bear Winder's name.

The Inn has about 80 members and is purposely split evenly between prosecutors and litigators, the idea being that prosecutors and litigators can both benefit from the perspective and experience of those on the "other side" of the practice. Inn meetings include lively discussions about pitfalls and solutions in claim drafting, how decisions made early on can affect litigation outcomes, and how litigators can deal with the difficult issues raised by Alice, PTAB proceedings, and related topics. This year the Inn developed a fact pattern that has allowed members to take an invention from cradle to grave, from inventor disclosure to drafting to claim construction, and through trial and post-trial motions and appeal. It has been instructive and entertaining.

The David K. Winder IP American Inn of Court was founded to provide a forum for intellectual property lawyers in Utah to gather, build professional relationships, mentor younger lawyers, and advance the causes of excellence, ethics and civility. The Inn aspires to follow the example of its namesake, and cultivate better lawyers who are highly competent, respectful and contributors to the community. ♦



# Intellectual Property American Inns of Court

## Honorable Lee Yeakel Intellectual Property American Inn of Court

**T**he Honorable Lee Yeakel Intellectual Property American Inn of Court was formed through the efforts of Judge Richard Linn, of the U.S. Court of Appeals for the Federal Circuit, and Judge Lee Yeakel, of the U.S. District Court for the Western District of Texas. Linn was working to establish Inns across the country that focused on intellectual property law. Meanwhile, Yeakel was working to meet the growing need for an additional Inn in Austin, Texas. After discussing their separate efforts at a reception in 2008, the judges began working together on a new Inn.

In 2009, Yeakel along with Brian Nash and Doug Wilson, began the process for establishing a new Inn and formed an organizing committee. The organizing committee applied for a charter on September 29, 2009, which was approved by the American Inns of Court in October 2009. There was strong support in the Austin community for a new Inn focused on intellectual property so 25 founding Masters of the Bench held their first meeting on April 1, 2010 adopting the Inn's bylaws.

The Inn's first year began with 83 members, which included Masters, Barristers, Associates, and law students from the University of Texas. The first meeting was held on September 13, 2010 and Linn was in attendance to present the charter to the Austin Intellectual Property American Inn of Court.

In 2015, the Inn's executive committee sought a way to recognize Yeakel's efforts to found the Inn and his ongoing contributions in helping the Inn grow, thrive, and achieve excellence as recognized by the national American Inns of Court. A motion to rename the Inn was unanimously approved, and the Austin IP Inn was renamed the Honorable Lee Yeakel Intellectual Property American Inn of Court.

In addition to bringing together the Austin intellectual property community, the Inn maintains close relationships with other Inns and with the University of Texas School of Law. The Inn hosts joint meetings with the Robert W. Calvert Inn, the Lloyd Lochridge Inn, and the Barbara Jordan Inn.

The Inn also works with the University of Texas at Austin's *Texas Intellectual Property Journal* to host an annual dinner and program. The Inn also participates actively in the Linn Inn Alliance with three members, Judge Lee Yeakel, Brian Nash, and Doug Wilson having been awarded the Linn Alliance Distinguished Service Medal.

The Inn's pupillage teams are formed to achieve balance among Master, Barrister, Associate, and law student members. The Inn has hosted a number of notable guest speakers, including Judge Richard Linn, Judge Paul R. Michel, Judge Timothy B. Dyk, Judge T. John Ward, and Judge Leonard E. Davis.

The American Inns of Court Achieving Excellence program recognized the Inn in its first year with Bronze level recognition, the second year with Silver level recognition, and for the past four years, the highest level, Platinum recognition. ♦



*Members of the Honorable Lee Yeakel Intellectual Property American Inn of Court.*





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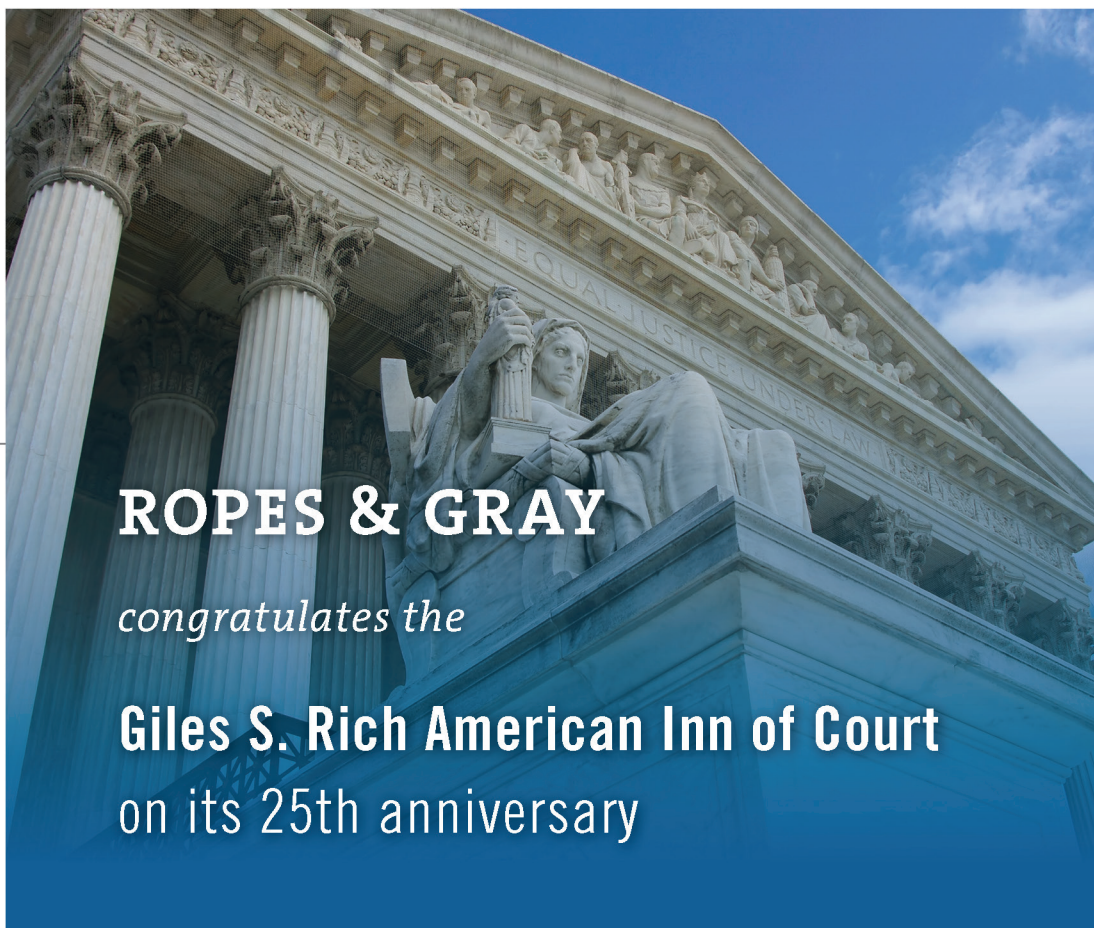
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